



PLANNING COMMISSION AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE PLANNING COMMISSION WILL HOLD A REGULAR MEETING AT 7:00 PM ON APRIL 23, 2025 AT CENTERVILLE CITY HALL, 250 NORTH MAIN STREET, CENTERVILLE, UTAH.

Centerville City Planning Commission meetings are open to the public, unless otherwise closed for reasons allowed by law. Centerville City Planning Commission meetings may be conducted via electronic means pursuant to Utah Code § 52-4-207. In compliance with the Americans with Disabilities Act, individuals needing special accommodations due to a disability may contact the City Recorder at (801) 295-3477, at least 24 hours in advance of the meeting. The Commission reserves the right to modify the sequence of agenda items in order to facilitate special needs or provide greater efficiency.

The full agenda packet and backup materials can be found on the Centerville City website at:

<https://centervilleutah.gov/129/Agendas-Minutes>

A. CALL TO ORDER

- 1. ROLL CALL**
- 2. LEGISLATIVE PRAYER OR THOUGHT**
- 3. PLEDGE OF ALLEGIANCE**

B. BUSINESS ITEMS

Business action or discussion items to be considered by the Planning Commission.

- 1. Public Hearing - Conditional Use Permit - TB Electric - 819 South Main Street - Vehicle Rental or Sale, New, Limited - Reed Packer - Administrative Decision**
The applicant, Reed Packer, has applied for a Conditional Use Permit seeking approval for a Vehicle Rental or Sale, New, Limited business use in the Commerical High (C-H) Zone, for his business TB Electric Moto.
- 2. Zoning Code Amendments - Body Art Facilities - CZC 12.12.040, 12.36.040, new 12.55.260, 12.62.040, and 12.62.060 - Legislative Decision (Discussion Item only)**
This is a continuation of the meeting discussion from April 9, 2025. Discussion regarding a future consideration of amendments to various provisions of the Centerville Zoning Code establishing a new definition for body art facilities and establishing such use in various commercial and industrial zones of the City - Includes review and discussion of city code research of other jurisdictions.

C. COMMUNITY DEVELOPMENT DIRECTORS REPORT

- 1. Community Development Director's Report**

D. MINUTES

Minutes of prior meetings may be reviewed and accepted. Minutes review and approval shall comply with the Centerville City Minutes Approval Policy.

- 1. Minutes Review and Approval - April 9, 2025**
Minutes Review and Approval for April 9, 2025 Planning Commission meeting.

E. ADJOURNMENT

CERTIFICATE OF POSTING

I hereby certify that this notice and agenda was posted at Centerville City Hall, published on the Utah Public Notice Website, and provided to a newspaper or media correspondent in accordance with the requirements of the Utah Open and Public Meetings Act, including, but not limited to, provisions of Utah Code § 52-4-202.

Jennifer Robison
Centerville City Recorder

CENTERVILLE
PLANNING
COMMISSION

Staff Report
4/23/2025

Item No. 1.

Title: Public Hearing - Conditional Use Permit - TB Electric - 819 South Main Street - Vehicle Rental or Sale, New, Limited - Reed Packer - Administrative Decision

Initiated By: Reed Packer, Applicant

Staff Representative: Sydney DeWees, Assistant Planner, Mike Eggett, Community Development Director

SUBJECT:

The applicant, Reed Packer, has applied for a Conditional Use Permit seeking approval for a Vehicle Rental or Sale, New, Limited business use in the Commercial High (C-H) Zone, for his business TB Electric Moto.

RECOMMENDATION:

Consider Approving the Request for a Conditional Use Permit to TB Electric (Reed Packer) for a Vehicle Rental or Sale, New, Limited Business Use in the C-H Zone.

BACKGROUND:

The applicant, Mr. Reed Packer, has submitted a request for a Conditional Use Permit (CUP) to expand the operation of TB Electric in the southeast area of Centerville, situated between the Riviera Townhomes and the Courtyard Condominiums. The approved business is categorized as "Vehicle Rental or Sale, New, Limited" under the Centerville Zoning Code, with primary operations involving the transition to online sales of electric motorbikes to brick and mortar. The retail sales of motorcycles (vehicles), accessories/parts, and the use of limited repair services such as tune-ups, brake installations, and minor upgrades necessitates conditional use approval consideration. Therefore, Mr. Packer hereby seeks conditional use authorization from the Planning Commission.

Mr. Reed has provided information on his proposed business, included in the meeting packet exhibits.

A public hearing was advertised for this proposed conditional use permit for this vehicle rental or sale, new, limited business request. A public hearing notice was posted in accordance with State and City Code requirements. No commentary was provided prior to the date of completion of this packet.

ATTACHMENTS:

1. Staff Findings - TB Electric - 04.23.25 (FINAL)
2. Pub Hear Notice - TB Electric- 4.11.25
3. On Site Notice - TB Electric- 4.11.25
4. Exhibit A -4.3.25-CUP Application (Update)
5. Exhibit B -3.24.25 Comm Business License
6. Exhibit C -CUP Application- Applicant Q&A

7. Exhibit D -Property Lines and Use within 100 ft
8. Exhibit E -Photo_1- Lot measurement
9. Exhibit E -Photo_2- lot building Placement
10. Exhibit E -Photo_3- Business Front Image
11. Exhibit F - Affidavit
12. Exhibit G -Checklist CUP
13. Exhibit G -Letter of Completeness
14. Exhibit H -CZC12.21.100
15. Exhibit I -CZC 12.12.040 Definitions
16. Exhibit I -CZC 12.36.040

CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801) 292-8232

STAFF REPORT
AGENDA: ITEM 1

APPLICANT:	TB ELECTRIC MOTO REED PACKER 121 S 400 E CENTERVILLE UT 84014
APPLICANT EMAIL:	TBELECTRICMOTO@GMAIL.COM
PROPERTY LOCATION:	819 S MAIN STREET CENTERVILLE UTAH, 84014
OCCUPATION LICENSE:	CONDITIONAL USE PERMIT; GENERAL BUSINESS PERMIT
ZONING:	COMMERCIAL HIGH (C-H) .60 ACREAGE
RECOMMENDATION:	CONSIDER APPROVAL OF CONDITIONAL USE PERMIT REQUEST FOR “VEHICLE RENTAL OR SALE, NEW, LIMITED”

BACKGROUND

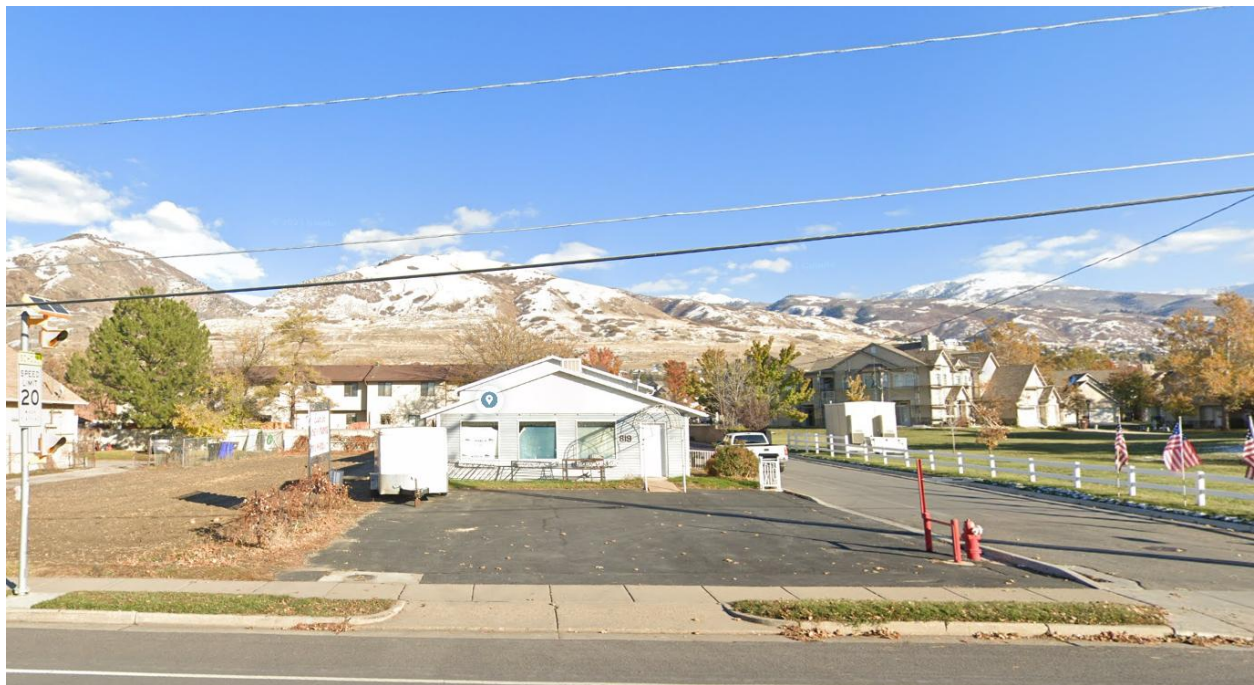
The applicant, Mr. Reed Packer, has submitted a request for a Conditional Use Permit (CUP) to expand the operation of TB Electric in the southeast area of Centerville, situated between the Riviera Townhomes and the Courtyard Condominiums. The approved business is categorized as "Vehicle Rental or Sale, New, Limited" under the Centerville Zoning Code, with primary operations involving the transition to online sales of electric motorbikes to brick and mortar. The retail sales of motorcycles (vehicles), accessories/parts, and the use of limited repair services such as tune-ups, brake installations, and minor upgrades necessitates conditional use approval consideration. Therefore, Mr. Packer hereby seeks conditional use authorization from the Planning Commission.

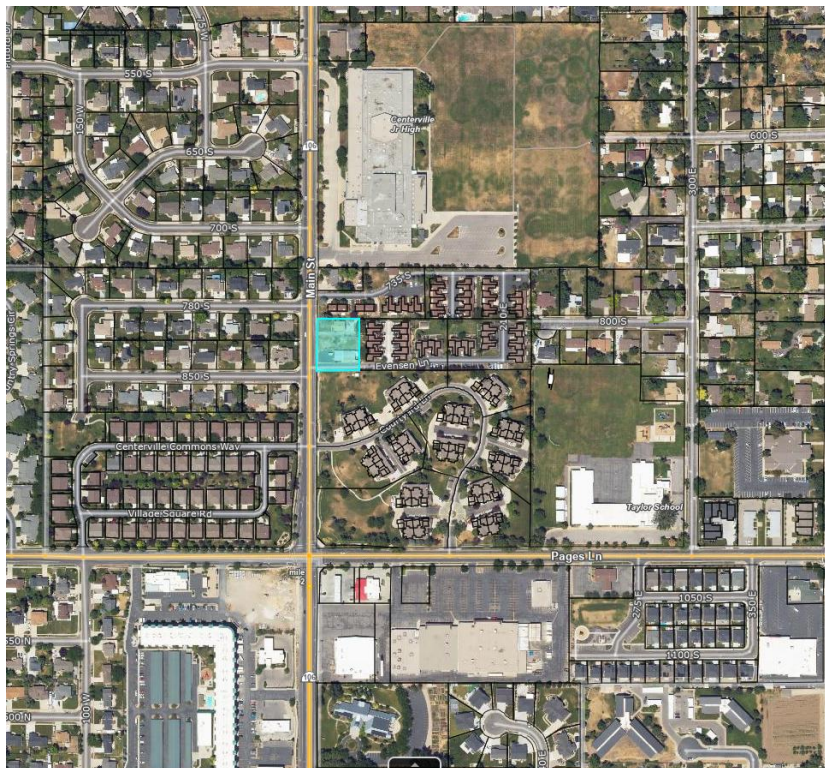
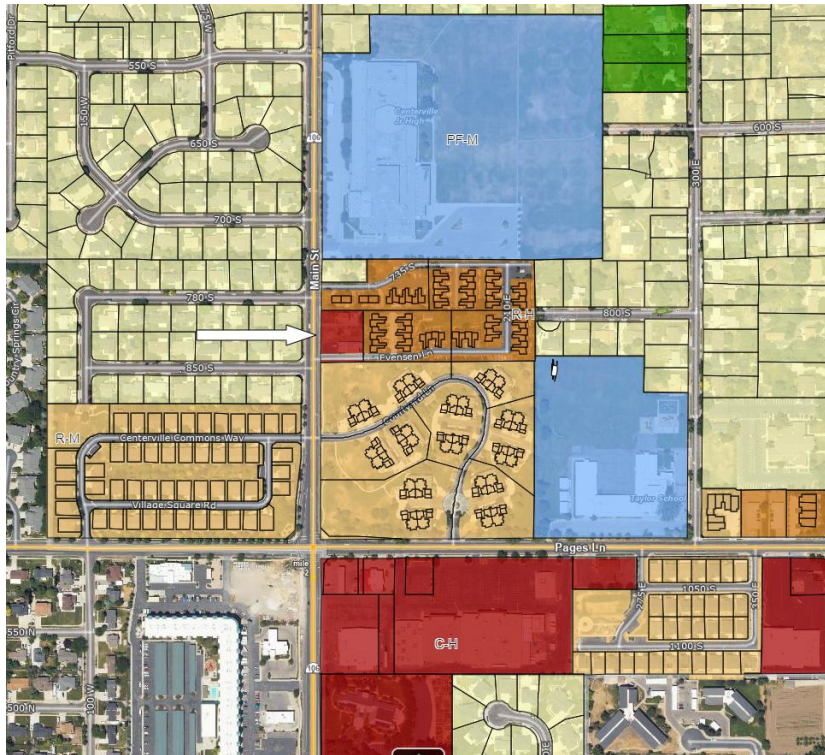
Historically, the property operated as a “custom ornamental iron and welding” shop for over two decades. Although the current zoning regulations no longer permit such use, the prior business was considered legally nonconforming and was allowed to continue under grandfathered status. With the retirement of the former property owner, the site was recently sold to Mr. Packer and his business partner.

The proposed retail and limited repair use is more compatible with the surrounding residential and commercial context than the previous industrial-style operations. Staff finds that the nature of this proposed retail business better aligns with the character and scale of adjacent land uses.

While the City's General Plan is currently undergoing a comprehensive update, preliminary zoning recommendations and draft future land use designations for this area are consistent with the proposed business type. The proposed use appears to support the City's evolving vision for the area by promoting small-scale commercial development opportunities. Further, with this area being designated as a Commercial High (C-H) zoned parcel, this use fits well within this zoning district designation. Mr. Packer has provided information on his proposed business, which is included in the meeting packet exhibits.

A public hearing was advertised for this proposed conditional use permit for this vehicle rental or sale, new, limited business request. A public hearing notice was posted in accordance with State and City Code requirements. No commentary was provided prior to the date of completion of this packet.





CODE REQUIREMENTS REVIEW & ANALYSIS

For a Conditional Use Application to be approved, there is a list of requirements that need to be met per CZC 12.21.100 (e)(3):

1. *Will the proposed use be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;*

No, the applicant explains that the proposed business use is to operate as an electric motorbike store and showroom with accessory sales. The indoor showroom will allow the electric motorbikes to be displayed in a controlled and limited manner. The applicant and city planner discussed, at the time of business license approval for TB Electric, that there will be no placement of vehicles or bikes outside of the building, which is important due to the surrounding use.

To the south, Courtyard Condominiums are located which are zoned as Residential Medium (R-M). The buffering done when the Courtyard was established provided for adequate distance from TB Electric per city standards, 225 ft. Directly north and east of the property is the Riviera Townhomes which are zoned as Residential High (R-H); the closest home is 45 ft from the closest point of TB Electric's building. West of the property is Main Street, followed by the Meadowlands subdivision which is zoned as Residential Low (R-L), 143.5 ft. No comments have been received from adjacent property owners regarding this conditional use permit.

Per CZC 12.51.070(b) Buffer Landscaping between Residential and Non-Residential Development or a Differing Residential Intensity Zoning District. Landscaped buffers shall be required alongside and rear property boundaries which abut a residential zone or are adjacent to a differing lower intensity residential zoning district.

Staff recommends that the applicant install landscaping that meets the city code to obtain the conditional use permit. The following apply to landscaping needed:

CZC 12.51.070(b)(1) Non-residential minimum buffer depth shall be as follows: (A) In medium intensity (M) zones: 15 feet; and (B) In high intensity (H) and very high intensity (VH) zones: 30 feet.

Staff measured the distance from the neighboring use, stated above. The buffering distance is met.

CZC 12.51.070(b)(3) An architectural buffer at least six feet in height shall be provided within the buffer zone. Such buffer may consist of either a block or concrete wall, fencing, or live plants sufficient to create the desired visual, noise, and aesthetic buffer in accordance with the requirements set forth herein and in accordance with the buffer screening guidelines set forth in the General Plan.

(A) If an architectural buffer consists of solid fencing or a wall, evergreen landscaping anticipated to grow to more than six feet in height shall be provided at distances sufficient to provide a visual and noise reducing barrier. Such landscaping shall consist of at least one tree for every 20 feet of fencing.

(B) If an architectural buffer does not consist of solid fencing or a wall, a sufficient quantity of evergreen trees and shrubs shall be provided which are reasonably anticipated to grow to approximately six feet in height to produce a solid landscape screen through all seasons of the year.

The city provides options and flexibility for the business owner to decide upon. While the city cannot request a certain type of buffering over the other that is listed above, the planning department sees that to meet the character of the neighborhood a concrete wall would not be necessary. The planning department would be in favor of greenery landscaping to act as the buffer between the residential and commercial use.

CZC 12.51.070(b)(4) In addition to plant and tree requirements for architectural buffers, a minimum of one tree shall be provided for every 500 square feet of landscaped area.

95 ft along the east side of the property would be needed to act as the buffer for the Riviera Townhomes. Based on the buffering choice the applicant decides from CZC 12.51.070 (b)(3), the planning department will determine the number of trees, shrubs, and landscaping needed. The planning staff could collaborate with the tree board and/or members of city staff to get suggestions and recommendations on the types of trees that would work best for this type of use.

CZC 12.51.070(b)(4) Artificial plants and landscaping shall not be permitted in the required landscaped buffer areas.

Staff will verify that non-artificial plants will be used for landscaping. Based on the site visit, there is no landscape buffering that is occurring at this time. There is a chain-link fence that would be permitted to stay so long as additional buffering can occur with it established. The previous owners did not need to do buffering and landscaping due to the continued use of the property. With this new business being established and a conditional use permit needed to be approved for this particular use, there are higher standards the city requires in order to protect the residence and mitigate and effects that might occur.

Staff believes that, so long as the landscaping buffer is established, there will be no adverse effects from TB Electric doing limited electric motorbikes repairs and work. Noise, smell, and unsightliness is not a perceived threat by staff review of this plan. Mr. Packer confirmed all work will be done inside the building, no storage will be outside, and the type of repairs will not give off smells. If there is a complaint filed about noise, city staff will refer to CZC 7.09.030 and the Planning Commission findings for thorough review. With these parameters established, staff believe that the health, safety, and welfare of the community will not be impacted by the conditional use permit granted to TB Electric to operate at the proposed location.

2. Is the proposed use of the particular location necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood and the community;

Yes, the proposed use of the location as an electric motorbike maintenance has the potential to be desirable for the community, provided specific conditions are met. From an economic perspective, the business may contribute to the City by providing new services and retail choice to the community for TB Electric's products and services. The business use of tune-ups and limited alterations would attract customers who have bought TB Electric's motorbikes, are in the area visiting and need a tune-up before hitting Centerville's bike trails, and/or potentially drawing visitors from beyond the immediate area. The potential sales of electric motorbikes further diversifies the revenue stream of the City and provides additional options for limited-service work on the electric motorbikes to help this small business owner diversify their income and may be another source of income to help keep

the business thriving in the Centerville community. This service income may also help the City by providing additional local tax revenue to the City.

Staff acknowledges the importance of balancing economic development with the character of the surrounding neighborhood, particularly given the proximity of mixed-density residential housing. Strict adherence to city ordinances and Planning Commission conditions will ensure that the quality of life for nearby residents is preserved.

3. Does the proposed use comply with regulations and conditions specified in this Title for such use?

Yes, the proposed business use complies with applicable regulations. According to CZC definitions, the proposed business falls under the category of “Vehicle Rental or Sale, New, Limited”. Per CZC 12.36, Table of Use, this type of business use is allowed through a conditional use permit approval. The City Zoning Code requires the Planning Commission to review specific factors when evaluating Conditional Use Permit (CUP) applications:

CZC 12.21.100(e)(5): The following factors must be considered when determining whether to approve, approve with conditions, or deny a CUP application:

1. The suitability of the specific property for the proposed use;
2. The development or lack of development adjacent to the proposed site and the harmony of the proposed use with existing uses in the vicinity;
3. Whether the proposed use may be injurious to potential or existing development in the vicinity;
4. The economic impact of the proposed use on the surrounding area;
5. The aesthetic impact of the proposed use on the surrounding area;
6. The present and future requirements for transportation, traffic, water, sewer, and other utilities for the site and surrounding area;
7. The safeguards proposed or provided to ensure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation;
8. The safeguards provided or proposed to prevent noxious or offensive emissions such as noise, glare, dust, pollutants, and odors;
9. The safeguards proposed or provided to minimize other adverse effects on persons or property in the area; and
10. The impact of the proposed use on the health, safety, and welfare of the City, the area, and persons owning or leasing property in the vicinity.

Staff have reviewed all these factors and addressed them in this report. Simple measures, including landscape buffering, will need to be implemented to meet the required standards.

4. The proposed use will comply with applicable provisions of the General Plan.

The businesses property is located in a commercially zoned area uniquely situated among various residential densities. This setting presents an opportunity to demonstrate the compatibility and mutual benefit of mixed-use development, provided that appropriate mitigation measures are implemented. The General Plan supports development that enhances walkability, improves access to local services, and fosters community vitality. The proposed electric motorcycles sales and repair use is consistent with these goals. Although the business operates within a niche market, it can be family-oriented and

appeal to multiple generations. The ability for nearby residents to access electronic motorcycle repair and maintenance services within walking or short driving distance enhances neighborhood convenience and promotes local self-sufficiency.

While the proposed use may slightly reduce the availability of land for future high-density housing, it supports broader General Plan objectives by fostering alternative transportation options, providing energy alternatives for transportation and leisure, and contributing to a healthier, more sustainable community. Additionally, the presence of this type of small business is expected to increase commercial activity in the area and generate sales tax revenue, which in turn supports municipal services and long-term economic health.

SUMMARY

Based on these findings, staff recommends approval of this application with the following conditions:

Buffering measures shall be designed and installed to meet the standards per CZC 12.51.070(b);

No storage of electric motorbikes, materials, or other business-related items will be outside of the building;

No outdoor space will be permitted to store, show, or park electric motorbikes for sale;

No vehicle retail sales, associated product sales, and/or limited vehicle repairs shall be offered onsite before the installation of approved buffering measures and approval of the landscape improvements by the zoning administrator are in compliance with the applicable zoning code standards and expectations;

Should any business operations and/or activities deviate from the conditions listed in this report, then the Conditional Use Permit shall be revoked per CZC 12.21.100(i);

POTENTIAL MOTIONS

Based on the information provided by the Planning Staff and following discussion among the Planning Commission, the Commission may make a motion to approve this request, approve with modifications per the discussion, table the matter to a later date, or deny the proposed request. The Commission should provide appropriate findings of facts for any presented decision. Sample motions for the Planning Commission's convenience are located below.

#1 – APPROVE

"I hereby make a motion for the Planning Commission to APPROVE the Conditional Use Permit request from Reed Packer for a "Vehicle Rental or Sale, New, Limited" business use located at parcel 03-002-0227, hereby known as TB Electric as located at 815 S MAIN ST, which shall be required to fulfill the following conditions of approval:

- 1. This Conditional Use Permit approval shall not be transferred to another similar user unless approved by the City.*
- 2. The business operator shall schedule and pass a fire inspection conducted by the South Davis Metro Fire Department.*

3. *Buffering measures shall be designed and installed to meet the standards per CZC 12.51.070(b).*
4. *No storage of bikes, materials, or other business-related items will be outside of the building.*
5. *No outdoor space will be permitted to store, show, or park bikes for sale.*
6. *No vehicle retail sales, associated product sales, and/or limited vehicle repairs shall be offered onsite before the installation of approved buffering measures and approval of the landscape improvements by the zoning administrator are in compliance with the applicable zoning code standards and expectations.*
7. *The business operator shall obey all applicable local, state, and federal rules and regulations concerning Conditional Use Permits.*
8. *Any deviation from these conditions will initiate the Conditional Use Permit revocation process per City Zoning Code 12.21.100(i).*

Suggested Reasons for Action (Findings) include:

- A. *The Planning Commission finds that the application complies with the approval standards for a Conditional Use Permit as listed under CZC 12.21.100(e)(3).*
- B. *The Planning Commission finds that the application complies with the approval standards for a Conditional Use Permit as listed under CZC 12.21.100(e)(5).*
- C. *The Planning Commission finds that the applicant will prepare and implement a plan to address screening measures to comply with the City Zoning Code CZC 12.51.070(b).*
- D. *Therefore, the Planning Commission finds that with the implementation of the conditions listed in the staff report, this application will have little to no impact on the health, safety, and general welfare of the community and should be approved."*

#2 – APPROVE WITH ANY PROPOSED ADDITIONAL AMENDMENTS

"I hereby make a motion for the Planning Commission to APPROVE the Conditional Use Permit request from Reed Packer for a "Vehicle Rental or Sale, New, Limited" business use located at parcel 03-002-0227, hereby known as TB Electric as located at 815 S MAIN ST, which shall be required to fulfill the following conditions of approval, with the language amendment to the request (as provided by the Planning Commission) as follows: _____"

Use conditions and suggested reasons for action (findings) outlined above.

#3 – TABLE

"I hereby make a motion for the Planning Commission to TABLE the Conditional Use Permit request from Reed Packer for a vehicle repair, limited business use located at the parcel 03-002-0227, hereby known as TB Electric as located at 815 S MAIN ST, until such a time as _____."

4 – DENY

"I hereby make a motion for the Planning Commission to DENY the Conditional Use Permit from Reed Packer for a vehicle repair, limited business use located at the parcel 03-002-0227, hereby known as TB Electric as located at 815 S MAIN ST, with the following reasons for action (findings): _____"

(findings discussed and agreed upon by the Planning Commission)



April 11th, 2025

Please see the following public hearing notices for April 23rd, 2025

**CENTERVILLE CITY
NOTICE OF PUBLIC HEARING – CONDITIONAL USE PERMIT**

Notice is hereby given that the Centerville City **Planning Commission** will hold a public hearing on **April 23rd, 2025, at 7:00pm** or as soon thereafter as the matter can be heard, at the Centerville City Hall, 250 North Main Street, Centerville, Utah, regarding a proposed **Conditional Use Permit** for the property located at **819 South Main Street as a “vehicle repair, limited” commercial use at this location**. If you have questions regarding this matter or would like further information, contact Centerville City Community Development, at 801.292.8232 or visit the City’s website at <https://centervilleutah.gov>.

Michael Eggett
Community Development Director

Centerville City

Project:

TBELECTRIC LLC CONDITIONAL USE PERMIT

Location:

819 SOUTH MAIN STREET

Zoning:

COMMERCIAL- HIGH(C-H)

Application:

CONDITIONAL USE PERMIT – VEHICLE REPAIR, LIMITED

Meeting Date:

WEDNESDAY APRIL 23, 2025

Time:

7:00 PM (or as soon thereafter as the matter may be heard)

Place:

250 North Main St, Centerville

Watch Online at

Youtube.com/centervillecityutah

View agenda at centervilleutah.gov

The public is cordially invited to attend this meeting and comment. Your input on this matter is very important. Anyone desiring further information about this proposal, call the Centerville City Planning Department at 801.292.8232 during regular business hours.

TBElectric Retail Shop

5948201

04/03/2025 - 04/02/2026

Conditional Use Permit

68d101a0-1063-11f0-af66-81ed44beef68

General

Active

New

Application Review Status

Pre-Review

Reviewing

Final-Review

Not Reviewed

04/03/2025

Fees

Standard or Temporary Fee \$300.00

Subtotal **\$300.00**

Amount Paid **\$300.00**

Total Due **\$0.00**

Payments

04/03/2025 Online \$300.00

Total Paid **\$300.00**

Application Form Data

(Empty fields are not included)

Applicant/Agent First Name

Reed

Applicant/Agent Last Name

Packer

Company Name

TBElectric LLC

Contact Email

tbelectricmoto@gmail.com

Phone

(801) 726-0760

Mailing Address (Street)

121 S 400 E

City

Centerville

State

UT

Zip Code

84014

Are you the owner of the property in the request for a conditional use permit?

YES

Project Name

TBElectric Retail Shop

Is this conditional use permit for a home occupation?

No

Parcel ID of Subject Property(s)

03-002-0227

Acreage

.60

Select your zone below

Commercial-High

Proposed use of property

**Conditional Use Permit to be able to Work on/ Upgrade components on Electric Bikes
Inside the shop.**

Project Address (Street)

819 S Main Street

City

Centerville

State

UT

Please describe how the conditional use permit request meets the approval standards of subsection 12.21.100(e)

The proposed use—to perform light service and upgrades on customer electric motorcycles—meets the approval standards of 12.21.100(e) because it will not create any detrimental effects to health, safety, property, or the general welfare of surrounding businesses or residents. All work will be done indoors in a clean, professional space with no significant noise, odor, pollution, or hazardous materials involved. This use is compatible with the Commercial High (CH) zone, provides a desirable service that supports electric transportation, and aligns with the city's general plan by promoting small business and sustainable vehicle use. No exterior modifications are needed, and traffic and parking impact will be minimal.

Upload a Site Plan

 Screenshot 2025-04-03 at 2.03.37 AM.png

 Screenshot 2025-04-03 at 1.54.07 AM.png

 Screenshot 2025-04-03 at 1.53.49 AM.png

What safeguards are being provided to insure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation?

The proposed use will take place within an existing commercial building that is already served by adequate utilities, including electricity, water, sewer, and internet. We are currently updating the lighting throughout the building to ensure safe and energy-efficient operation. The site has established access from a public road with sufficient off-street parking for both customers and employees. We have an appointment scheduled with the Fire Department to review fire safety and ensure all requirements are met for protection and compliance. Drainage, loading space, landscaping, and open space are all existing and adequate for the proposed use. The building meets applicable codes for pedestrian and vehicle circulation, and no exterior modifications or increases in site traffic are anticipated.

What safeguards are provided or proposed to prevent noxious or offensive omissions such as noise, glare, dust, pollutants and odor from the proposed facility or use?

All work will be performed indoors in a clean, well-ventilated space. Since we are working exclusively on electric motorcycles, there are no engines running indoors and no fuel, exhaust, or emissions involved. This eliminates most common causes of noise, odor, and pollutants. We do not use paint, heavy chemicals, or loud machinery. Basic hand tools and battery-powered equipment are used, which generate minimal noise. No dust, glare, or offensive emissions are expected, and any cleaning or lubricating products used are stored

in compliance with safety guidelines. These safeguards ensure there will be no impact to neighboring tenants or properties.

What safeguards are provided or proposed to minimize other adverse effects from the proposed facility or use on persons or property in the area?

The nature of our use—light indoor service on electric motorcycles—has minimal potential for adverse effects. To further ensure there is no negative impact on surrounding businesses or properties, all customer work is done by appointment only, keeping foot and vehicle traffic low and controlled. Work is limited to inside the building during regular business hours, with no exterior noise or activity. The space is kept clean and organized, with no outdoor storage or clutter. We are also working closely with the Fire Department and following all applicable codes to ensure full safety compliance. These safeguards ensure the use remains quiet, clean, and non-disruptive to others in the area.

I have read and agree to comply with the information above



Signature

I agree that the facts stated in this application are true, and upon changes I will provide notification as needed.

Reed k Packer - 04/03/2025 2:12 am

TBELECTRIC LLC

03/06/2025 - 12/31/2025

8280417

Commercial Business License

General Commercial

f2028250-fab5-11ef-9c97-cbde5b04d43b

Under Review

Active

Application Review Status

Pre-Review **Approved**South Davis Metro
Fire Agency

03/06/2025

Zoning **Approved**
Approved per CZC 12.36 Table of Use

Final-Review Not Reviewed

Fees

Base Fee	\$40.00
Employee Fee	\$4.00
Service Fee - Small	\$41.67
Subtotal	\$85.67
Amount Paid	\$0.00

Payments

There are no payments

Application Form Data

(Empty fields are not included)

Applicant First Name

Reed

Applicant Last Name

Packer

Applicant Phone Number

(801) 726-0760

Applicant Email

tbelectricmoto@gmail.com

Ownership Entity Name

TBELECTRIC LLC

Ownership Entity Type

Limited Liability Corporation

DBA: (Assumed Name of Business)

TBELECTRIC LLC

Business Phone

(801) 784-3722

Business Website Address

tbelectricmoto.com

Number of Employees

1

What zone is this located in?

C-H

Business Address/Location (Street)

819 SOUTH MAIN STREET

City

CENTERVILLE

State

UT

Zip

84014

Mailing Address (Street)

819 South Main Street

City

Centerville

State

UT

Zip

84014

Date Opened (projected)

03/31/2025

Days/Hours of Operation

monday-friday 10-5

Will food be served, prepared, or handled?

No

State the value of personal property used in your business (do not include inventory for sale)

\$10,000

Do you use, store or manufacture any chemical, combustible or hazardous materials?

No

Security System (check any that apply)

Burglar Alarm, Fire Alarm

Alarm Agency

simplisafe

Building Lighting (check any that apply):

Exterior Lights, Interior Lights

Will you be making any changes or modifications to the building?

No

Square Footage of business location

2200

How many parking stalls will be available for the business to use? Must follow CZC 12.52.300 Off-Street Parking Schedule

6

Upload an aerial view of parking allocated. Needs to identify the number of stalls and handicapped stalls.

 **Screenshot 2025-03-06 at 11.00.35 AM.png**

 **Screenshot 2025-03-06 at 10.55.51 AM.png**

Emergency Contact Name

Reed Packer

Phone Number

(801) 726-0760

Email

packerreed@gmail.com

Home Address

778 windsor lane, kaysville, utah, 84037

Emergency Contact Name

lance packer

Phone Number

(801) 230-1046

Email

lancelpacker@gmail.com

Home Address

121s 400e, centerville, utah, 84014

State Business Registration No.

13713987-0160 EXP 12/31/2025

Does your business sell products?

Yes

Utah Sales Tax No.

15875687-002-STC

Federal Taxpayer Identification No.

93-4672835

Are you required to receive a separate license from the State of Utah (i.e. DOPL, Child Care Licensing, Insurance, etc.)?

No

Are you considered a Non-Profit Organization?

No

Upload copies of licenses/documents

 **SS4 TB Electric.pdf**

 **registration.pdf**

 **new utah tax licence.pdf**

First Name of Real Property & Building Owner or Property Manager

RLA Estate LLC

Email

tbelectricmoto@gmail.com

Address (Street)

121s 400e

City

Centerville

State

UT

Zip

84014

Registered Agent First Name

Reed

Registered Agent Last Name

Packer

Registered Agent Email

tbelectricmoto@gmail.com

Registered Agent Address (Street)

778 windsor lane

City

kaysville

State

UT

Zip

84037

Primary Business Owner First Name

Reed

Primary Business Owner Last Name

Packer

Phone Number

(801) 726-0760

Date of Birth

01/26/2003

Home Address (Street)

778 windsor lane

City

kaysville

State

UT

Zip

84037

Provide a brief description of your business

Online business selling Electric Bike Parts and Accessories

What category of business is this?

Commercial/Industrial

Primary Commercial/Industrial Use Category

Retail, specialty

Signature

I do hereby agree to the conditions of this application. I also agree to conduct said business strictly in accordance with the laws and Centerville City Ordinances governing operation of such business and swear under penalty of the law the information contained herein is true.

Reed k Packer - 03/06/2025 11:08 am

Project Name:

TBElectric Retail Shop

Is this conditional use permit for a home occupation?

No

Parcel ID of Subject Property(s)

03-002-0227

Acreage

.60

Select your zone below

Commercial-High

Proposed use of property

Conditional Use Permit to be able to Work on/ Upgrade components on Electric Bikes
Inside the shop.

Project Address (Street)

819 S Main Street

Please describe how the conditional use permit request meets the approval standards of subsection 12.21.100(e):

The proposed use—to perform light service and upgrades on customer electric bikes—meets the approval standards of 12.21.100(e) because it will not create any detrimental effects to health, safety, property, or the general welfare of surrounding businesses or residents. All work will be done indoors in a clean, professional space with no significant noise, odor, pollution, or hazardous materials involved. This use is compatible with the Commercial High (CH) zone, provides a desirable service that supports electric transportation, and aligns with the city’s general plan by promoting small business and sustainable vehicle use. No exterior modifications are needed, and traffic and parking impact will be minimal.

What safeguards are being provided to insure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation?

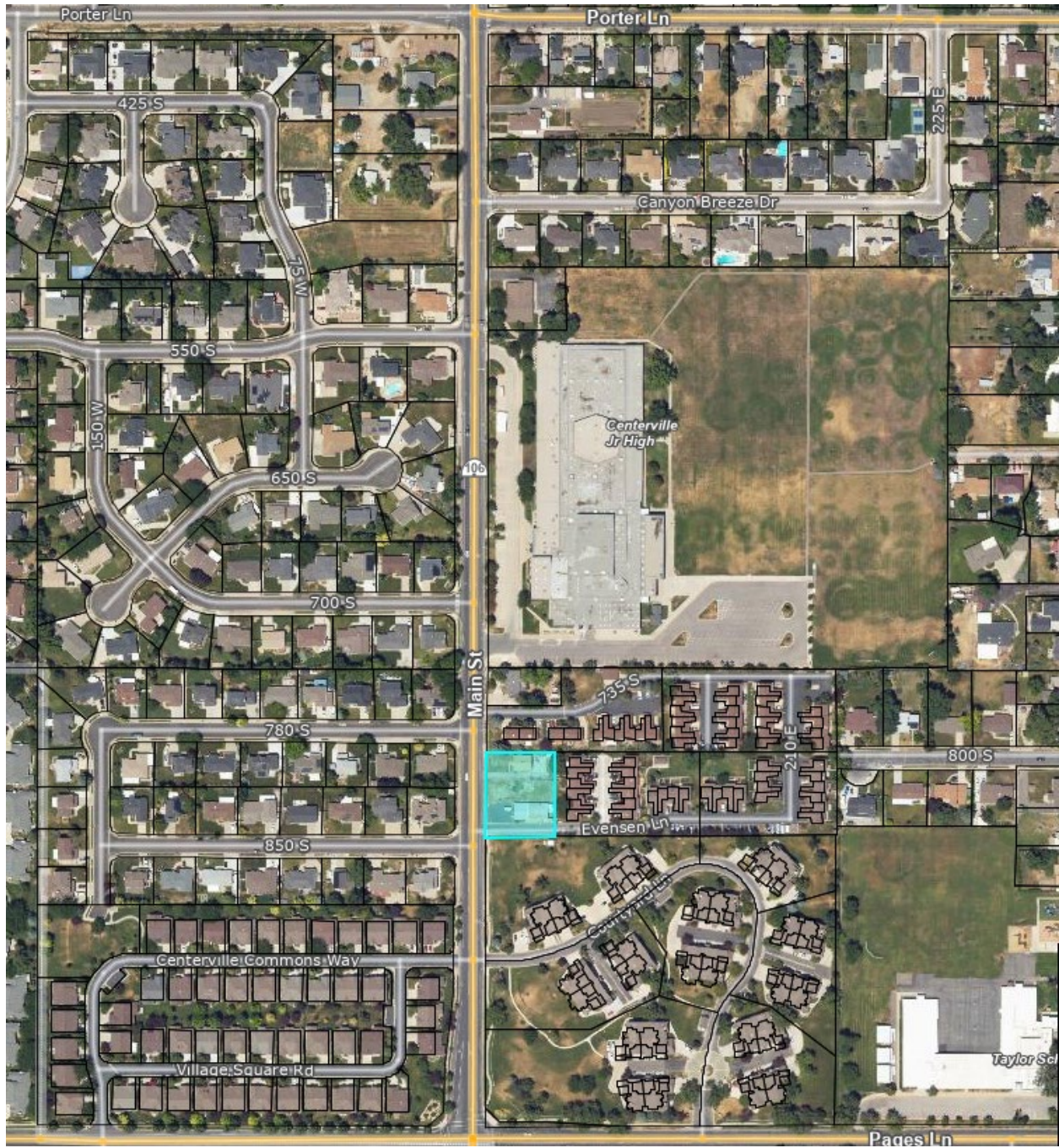
The proposed use will take place within an existing commercial building that is already served by adequate utilities, including electricity, water, sewer, and internet. We are currently updating the lighting throughout the building to ensure safe and energy-efficient operation. The site has established access from a public road with sufficient off-street parking for both customers and employees. We have an appointment scheduled with the Fire Department to review fire safety and ensure all requirements are met for protection and compliance. Drainage, loading space, landscaping, and open space are all existing and adequate for the proposed use. The building meets applicable codes for pedestrian and vehicle circulation, and no exterior modifications or increases in site traffic are anticipated.

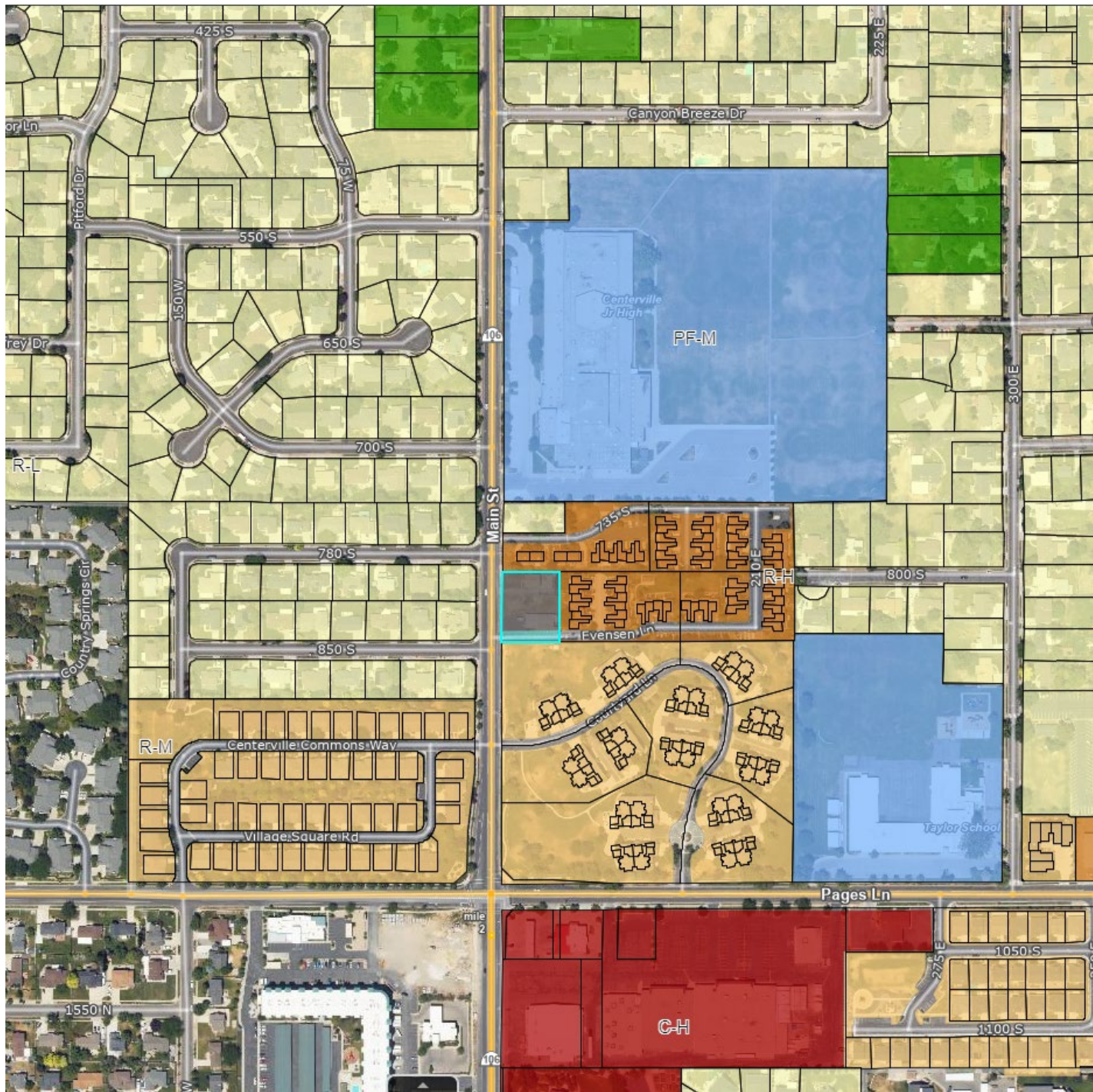
What safeguards are provided or proposed to prevent noxious or offensive omissions such as noise, glare, dust, pollutants and odor from the proposed facility or use?

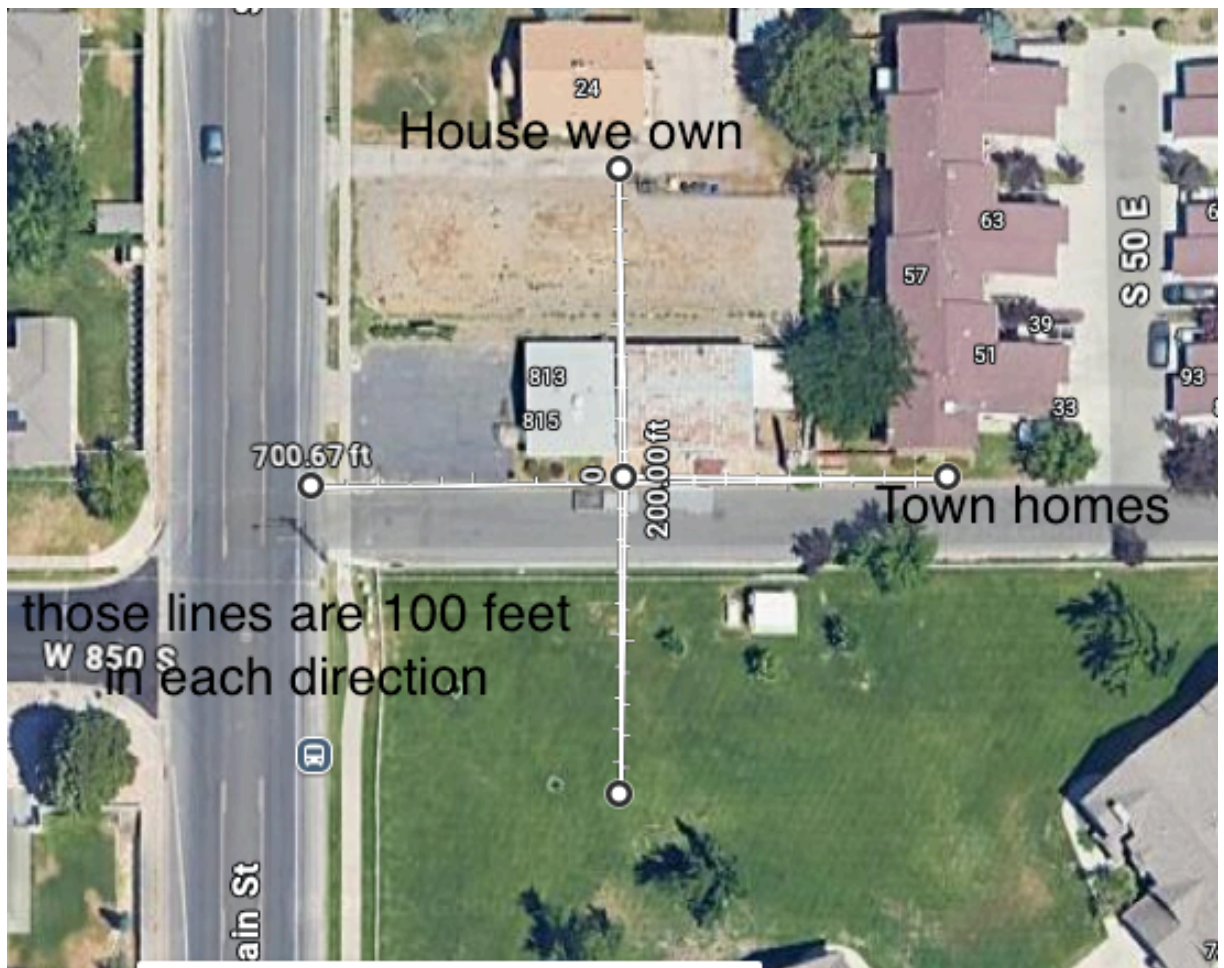
All work will be performed indoors in a clean, well-ventilated space. Since we are working exclusively on electric bikes, there are no engines running indoors and no fuel, exhaust, or emissions involved. This eliminates most common causes of noise, odor, and pollutants. We do not use paint, heavy chemicals, or loud machinery. Basic hand tools and battery-powered equipment are used, which generate minimal noise. No dust, glare, or offensive emissions are expected, and any cleaning or lubricating products used are stored in compliance with safety guidelines. These safeguards ensure there will be no impact to neighboring tenants or properties.

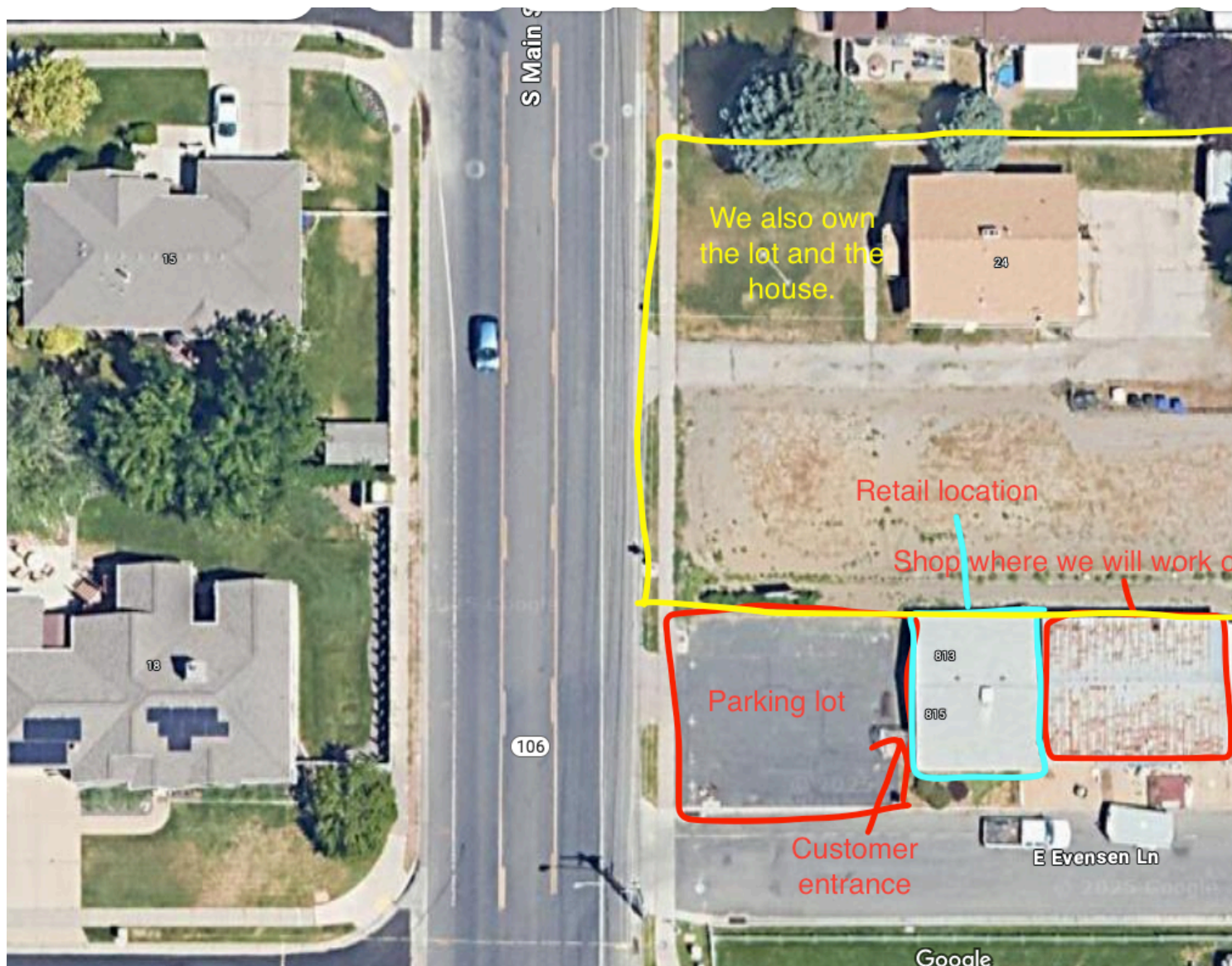
What safeguards are provided or proposed to minimize other adverse effects from the proposed facility or use on persons or property in the area?

The nature of our use—light indoor service on electric bikes—has minimal potential for adverse effects. To further ensure there is no negative impact on surrounding businesses or properties, all customer work is done by appointment only, keeping foot and vehicle traffic low and controlled. Work is limited to inside the building during regular business hours, with no exterior noise or activity. The space is kept clean and organized, with no outdoor storage or clutter. We are also working closely with the Fire Department and following all applicable codes to ensure full safety compliance. These safeguards ensure the use remains quiet, clean, and non-disruptive to others in the area.











AFFIDAVIT PROPERTY OWNER

STATE OF Utah }
COUNTY OF Davis } ss

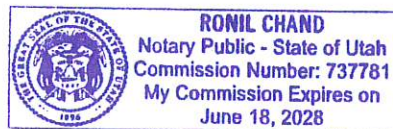
I (We), RLA Estate LLC, being duly sworn, depose and say that I (we) am (are) the owner(s) of the property located at 819 S Main Street, Centerville, Utah, 84014 for the verification and ratification purposes of this application process.

[Signature]
(Property Owner)

[Signature]
(Property Owner)

(Property Owner)

Subscribed and sworn to me this 7th day of April, 2025.



[Signature]
(Notary Public)

Residing [Signature]

My Commission Expires 6/18/28





COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West • Centerville, Utah 84014 • (801) 292-8232 • Fax: (801) 292-8251

STAFF MEMORANDUM

To: Reed Packer, Applicant
From: Sydney DeWees, City Planner
Subject: TBELECTRIC LLC – Conditional Use Permit – Completeness Review

Background:

Application Received: 04/03/2025

Application Reviewed: 1. 04/08/2025

CONDITIONAL USE PERMIT APPLICATION REQUIRMENTS (CZC 12.21.100 (d)(1))

<i>Item</i>	<i>Status</i>	<i>Comments</i>
The name, address, email and telephone number of the applicant and the applicant's agent, if any;	✓	Reed Packer 819 South Main Street tbelectricmoto.com (801) 784-3722
The address and parcel identification of the subject property;	✓	819 South Main Street Centerville Utah, 84014 Parcel #: 03-002-0227
The zone, zone boundaries and present use of the subject property;	✓	Commercial High C-H
A description of the proposed conditional use;	✓	Exhibit C
A plot plan showing the following;		
Applicant's name;	✓	Exhibit D
Site address;	✓	Exhibit D
Property boundaries and dimensions;	✓	Exhibit D

Layout of existing and proposed buildings, parking, landscaping, and utilities; and	✓	Exhibit D
Adjoining property lines and uses within 100 feet of the subject property.	✓	Exhibit D
Traffic impact analysis, if required by the City Engineer, Zoning Administrator, or the Planning Commission;	—	N/A
A statement by the applicant demonstrating how the conditional use permit request meets the approval standards of 12.21.100 Subsection (e)	✓	Exhibit C
Such other and further information or documentation as the Zoning Administrator or Planning Commission may reasonably deem necessary for proper consideration and determination of whether the application meets the requirements of this Section and applicable provisions of the Zoning Code.	✓	Exhibit B


 Sydney DeWees, City Planner



COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West • Centerville, Utah 84014 • (801) 292-8232 • Fax: (801) 292-8251

April 8, 2025

Reed Packer
121 S 400 E
Centerville, UT 84014
tbelectricmoto@gmail.com

Re: Conditional Use Permit, TBElectric LLC

Dear Mr.Packer,

We received your application for a Conditional Use Permit on April 3rd, 2025. With the assistance of various city departments, the Community Development Department has completed a review to determine if your application is complete, meaning you have submitted everything listed on the CUP Checklist Completeness Review Report that was provided to you.

We have determined that your application is **COMPLETE**. For more information on why your application has been deemed complete, please refer to the attached Completeness Review Report dated 04-08-2025.

Staff will begin scheduling for this application to be reported to the Planning Commission. The application is set to be reviewed on April 23rd, 2025

If you have any questions or need to correspond with the City about this application, please direct any communication to the Community Development Department.

Respectfully,

Sydney DeWees
City Planner

12.21.100 Conditional Use Permit

- (a) Purpose. This Section sets forth procedures for considering and approving conditional use permits.
- (b) Authority. The Planning Commission is authorized to issue conditional use permits as provided in this Section.
- (c) Initiation. A property owner may request a conditional use permit as provided in this Section. An agent of a property owner shall provide a notarized authorization.
- (d) Procedure. An application for a conditional use permit shall be considered and processed as provided in this Section.
 - (1) A complete application shall be submitted to the office of the Zoning Administrator in a form established by the Zoning Administrator along with any fees and deposits set forth in the City Fee Schedule. The application shall include at least the following information:
 - (A) The name, address, email and telephone number of the applicant and the applicant's agent, if any;
 - (B) The address and parcel identification of the subject property;
 - (C) The zone, zone boundaries and present use of the subject property;
 - (D) A description of the proposed conditional use;
 - (E) A plot plan showing the following:
 - (i) Applicant's name;
 - (ii) Site address;
 - (iii) Property boundaries and dimensions;
 - (iv) Layout of existing and proposed buildings, parking, landscaping, and utilities; and
 - (v) Adjoining property lines and uses within 100 feet of the subject property.
 - (F) Traffic impact analysis, if required by the City Engineer, Zoning Administrator, or the Planning Commission;
 - (G) A statement by the applicant demonstrating how the conditional use permit request meets the approval standards of Subsection (e);
 - (H) Such other and further information or documentation as the Zoning Administrator or Planning Commission may reasonably deem necessary for proper consideration and determination of whether the application meets the requirements of this Section and applicable provisions of the Zoning Code.
 - (2) After the application is determined to be complete in accordance with CZC 12.21.040(e), the Zoning Administrator shall prepare a staff report analyzing the application.
 - (3) The Planning Commission shall schedule and hold a public hearing on the proposed conditional use permit application. Public notice of the public hearing and the public meeting shall be provided in accordance with the provisions of CZC 12.21.050. After due consideration the Planning Commission shall approve, approve with conditions, or deny the application pursuant to the standards set forth in Subsection (e).

- (4) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of the proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied. Any conditions of approval shall be limited to conditions needed to conform the conditional use permit to approval standards.
 - (5) After the Planning Commission makes a decision, the Zoning Administrator shall give the applicant written notice of the decision.
 - (6) A record of all conditional use permits shall be maintained in the office of the Zoning Administrator.
- (e) Approval Standards. The following standards shall apply to the issuance of a conditional use permit.
- (1) A conditional use permit may be issued only when the proposed conditional use is allowed by the zone where the conditional use will be located, or by another provision of this Title.
 - (2) Conditions may be imposed as necessary to prevent or minimize adverse effects upon other property or improvements in the vicinity of a conditional use, upon the City as a whole, or upon public facilities and services. Such conditions may include, but are not limited to, conditions concerning use, construction, character, location, landscaping, screening, parking, hours of operation, and other matters relating to the purposes and objectives of this Title. Such conditions shall be expressly set forth in the approval authorizing a conditional use permit.
 - (3) No conditional use permit shall be authorized unless the evidence presented establishes:
 - (A) The proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;
 - (B) The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood and the community;
 - (C) The proposed use will comply with regulations and conditions specified in this Title for such use; and
 - (D) The proposed use will comply with applicable provisions of the General Plan.
 - (4) The Planning Commission may request additional information as may be reasonably needed to determine whether the requirements of this Subsection can be met.
 - (5) The following factors should be reviewed and considered in determining whether a conditional use permit application should be approved, approved with conditions, or denied:
 - (A) The suitability of the specific property for the proposed use;
 - (B) The development or lack of development adjacent to the proposed site and the harmony of the proposed use with existing uses in the vicinity;
 - (C) Whether or not the proposed use or facility may be injurious to potential or existing development in the vicinity;

- (D) The economic impact of the proposed facility or use on the surrounding area;
 - (E) The aesthetic impact of the proposed facility or use on the surrounding area;
 - (F) The present and future requirements for transportation, traffic, water, sewer, and other utilities, for the proposed site and surrounding area;
 - (G) The safeguards proposed or provided to insure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation;
 - (H) The safeguards provided or proposed to prevent noxious or offensive omissions such as noise, glare, dust, pollutants and odor from the proposed facility or use;
 - (I) The safeguards provided or proposed to minimize other adverse effects from the proposed facility or use on persons or property in the area; and
 - (J) The impact of the proposed facility or use on the health, safety, and welfare of the City, the area, and persons owning or leasing property in the area.
- (f) Appeal. Any person adversely affected by a final decision of the Planning Commission regarding the transfer, issuance, revocation or denial of a conditional use permit may appeal that decision to the Board of Adjustment as provided in CZC 12.21.200.
- (g) Effect of Approval. A conditional use permit shall not relieve an applicant from obtaining any other authorization or permit required under this Title or any other applicable provisions of the Centerville Municipal Code.
- (1) A conditional use permit may be transferred so long as the use conducted thereunder conforms to the terms of the permit.
 - (2) Unless otherwise specified by the Planning Commission and subject to the provisions relating to amendment, revocation or expiration of a conditional use permit, a conditional use permit shall be of indefinite duration and shall run with the land.
- (h) Amendment. The procedure for amending a conditional use permit shall be the same as the original procedure set forth in this Section.
- (i) Revocation. A conditional use permit may be revoked as provided in CZC 12.23.070.
- (1) In addition to the grounds set forth in CZC 12.23.070, any of the following shall be grounds for revocation of a conditional use permit:
 - (A) The use for which a permit was granted has ceased for one year or more;
 - (B) The holder or user of a permit has failed to comply with the conditions of approval or any city, state, or federal law governing the conduct of the use;
 - (C) The holder or user of the permit has failed to construct or maintain the site as shown on the approved site plan or map; or
 - (D) The operation of the use or the character of the site has been found to be a nuisance or a public nuisance by a court of competent jurisdiction in any civil or criminal proceeding.
 - (2) No conditional use permit shall be revoked against the wishes of the holder or user of the permit without first giving such person an opportunity to appear before the Planning Commission and show cause as to why the permit should not be amended or revoked. Revocation of a permit shall not limit the City's ability to initiate or complete other legal proceedings against the holder or user of the permit.

- (j) Expiration. A conditional use permit shall expire and have no further force or effect if the building, activity, construction or occupancy authorized by the permit is not commenced within 180 days after approval, is not substantially completed within two years, or is abandoned.

HISTORY

Adopted by Ord. [2016-20](#) on 7/15/2016

CZC 12.12.040 “Definitions”

Vehicle Rental or Sale, New, Limited: An establishment engaged in the retail sale or rental, from the premises, of new motorcycles, automobiles, and/or light trucks, along with incidental service or maintenance. Typical uses include major dealers of new motorcycles, automobiles, and light trucks.

12.36.040 Table Of Uses For Commercial Uses

Legend: "P" - permitted use, "C" - conditional use, "N" - not permitted

Commercial Uses	Zones														
	A-L	A-M	R-L	R-M	R-H	PF-L	PF-M	PF-H	PF-VH	C-M	C-H	C-VH	I-M	I-H	I-VH
Agricultural sales and service	N	P	N	N	N	N	N	N	N	N	C	P	C	P	P
Bail bond service	N	N	N	N	N	N	N	N	N	N	C	C	C	C	C
Bank or financial institution	N	N	N	N	N	N	N	N	N	C	P	P	P	P	P
Bed and breakfast	C	N	N	N	N	N	N	N	N	C	P	P	N	N	N
Business equipment rental, services, and supplies	N	N	N	N	N	N	N	N	N	N	P	N	P	P	P
Car wash	N	N	N	N	N	N	N	N	N	N	C	P	N	P	P
Catering, General	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P
Catering, Limited	N	N	N	N	N	N	N	N	N	C	C	P	P	P	P
Child care center	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N
Construction sales and service	N	N	N	N	N	N	N	N	N	N	C	P	P	P	P
Convalescent care facility	N	N	N	C	P	N	N	N	N	P	P	P	N	N	N
Convenience store	N	N	N	N	N	N	N	N	N	C	C	P	C	C	C
Family child care facility	See CZC 12.62 (Home Occupations).														
Family group child care facility	See CZC 12.62 (Home Occupations).														
Garden Center	C	P	N	N	N	N	N	N	N	C	P	P	C	C	C
Gas and fuel, storage and sales	N	N	N	N	N	N	N	N	N	N	C	C	C	C	C
Gasoline service station	N	N	N	N	N	N	N	N	N	N	C	C	N	C	C
Hotel	N	N	N	N	N	N	N	N	N	N	C	P	N	N	N
Kennel	N	N	N	N	N	N	N	N	N	N	N	C	C	C	C
Laundry or dry cleaning, limited	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N
Liquor store	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Media service	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N
Medical or dental laboratory	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N
Medical service	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N
Mortuary	N	N	N	N	N	N	N	N	N	N	P	P	N	N	N
Motel	N	N	N	N	N	N	N	N	N	N	C	P	N	N	N

Office, general	N	N	N	N	N	N	P	P	P	P	P	P	P	P	P
Outdoor Nursery/Grower's Outlet	N	C	N	N	N	N	N	N	N	C	C	C	C	C	C
Parking garage	N	N	N	N	N	N	N	N	N	N	C	P	P	P	P
Parking lot	N	N	N	N	N	N	N	N	N	C	C	C	C	C	C
Pawnshop	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Personal care service	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N
Personal instruction service	N	N	N	N	N	N	N	N	N	P	P	P	N	P	N
Printing and copying, limited	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P
Printing, general	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P
Produce stand	P	P	N	N	N	N	N	N	N	C	C	C	N	N	N
Recreation and entertainment, indoor	N	N	N	N	N	N	N	N	N	N	P	P	N	P	N
Recreation and entertainment, outdoor	N	N	N	N	N	C	C	C	C	N	C	C	N	N	N
Recreational vehicle park	N	N	N	N	N	N	N	N	N	N	N	N	C	P	P
Repair service	N	N	N	N	N	N	N	N	N	C	P	P	P	P	P
Research service	N	N	N	N	N	N	N	N	N	N	P	C	P	P	P
Restaurant, fast-food	N	N	N	N	N	N	N	N	N	N	C	C	N	N	N
Restaurant, general	N	N	N	N	N	N	N	N	N	N	P	P	N	N	N
Retail, general	N	N	N	N	N	N	N	N	N	P	P	C	P	N	N
Retail, specialty	N	N	N	N	N	N	N	N	N	P	P	P	P	P	N
Secondhand store	N	N	N	N	N	N	N	N	N	N	P	C	P	P	P
Shopping center	N	N	N	N	N	N	N	N	N	N	C	C	N	N	N
Tattoo establishment	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Tavern	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Temporary trailer	See CZC 12.56 (Temporary Uses).														
Towing and Impound Yards	N	N	N	N	N	N	N	N	N	N	N	C ¹	N	P	P
Transportation service	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P
Vehicle and equipment rental or sale	N	N	N	N	N	N	N	N	N	N	C	P	C	C	P
Vehicle rental or sale, new, limited	N	N	N	N	N	N	N	N	N	N	C	C	N	C	C
Vehicle rental or sale, used, limited	N	N	N	N	N	N	N	N	N	N	C	C	N	C	C
Vehicle and equipment repair, general	N	N	N	N	N	N	N	N	N	N	N	C	N	P	P

Vehicle repair, limited	N	N	N	N	N	N	N	N	N	N	C	P	P	P	P
Veterinary service	C	P	N	N	N	N	N	N	N	N	C	C	N	P	P
Warehouse, self-service storage	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Wireless telecommunication facility	See CZC 12.67 (Wireless Telecommunications Facilities).														

1. Towing and Impound Yards shall only be allowed along the Frontage Road between South Marketplace Drive to the southern Centerville City limit.

HISTORY

Adopted by Ord. [2016-20](#) on 7/15/2016

Amended by Ord. [2017-27](#) on 11/8/2017

Amended by Ord. [2018-06](#) on 2/20/2018

CENTERVILLE
PLANNING
COMMISSION

Staff Report
4/23/2025

Item No. 2.

Title: Zoning Code Amendments - Body Art Facilities - CZC 12.12.040, 12.36.040, new 12.55.260, 12.62.040, and 12.62.060 - Legislative Decision (Discussion Item only)

Initiated By: City Council

Staff Representative: Michael Eggett, Lisa Romney, City Attorney

SUBJECT:

This is a continuation of the meeting discussion from April 9, 2025. Discussion regarding a future consideration of amendments to various provisions of the Centerville Zoning Code establishing a new definition for body art facilities and establishing such use in various commercial and industrial zones of the City - Includes review and discussion of city code research of other jurisdictions.

RECOMMENDATION:

There are no recommendations at this time. Staff would like to review the city code research regarding other jurisdictions and discuss next steps in this matter.

BACKGROUND:

No background at this time. This is a continuation of the previous discussions with the Planning Commission on April 9, 2025.

ATTACHMENTS:

1. 3-12-2024 PC Staff Report Zone Text Amend - 12.12.040 & 12.36.040, Body Art Amend, Centerville City 1st Present
2. Ord 2025-04 - body art facilities-[LR Draft]
3. 12.36.040 Table of Uses for Comm Uses updated draft PC - 20250307
4. Centerville Zoning Code 12.21.100 - Conditional Uses
5. Research Key - Body Art City Codes
6. Bountiful City Chapter 3 Definitions
7. Bountiful City Chapter 6 C - Commercial
8. Bountiful City Chapter 7 Downtown
9. Bountiful City Chapter 10 MXD - Mixed-Use Zone
10. Bountiful City Chapter 2 Part 5 Conditional Uses
11. Layton City Code 19.06.020 - Definitions re Tattoo, Body Use
12. Layton City Code 19.06.000 - Land Uses
13. Layton City Code 19.14 - Conditional Use

CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801) 292-8232

STAFF REPORT – PLANNING COMMISSION
AGENDA ITEM – FIRST REVIEW OF PROPOSED ZONING TEXT AMENDMENT

PETITIONER:	CENTERVILLE CITY 250 N. Main Street CENTERVILLE, UT 84014
APPLICATION:	ZONING CODE TEXT AMENDMENT
APPLICANT REQUEST:	AMEND THE ZONING CODE TEXT REGARDING DEFINITIONS FOR “BODY ART FACILITIES”, “PERMANENT COSMETICS”, AND “TATTOO ESTABLISHMENT” in CZC 12.12.040; AMEND THE TABLE OF USES FOR COMMERCIAL USES in CZC 12.36.040; ADD NEW SECTION CZC 12.55.260 “BODY ART FACILITIES AND PERMANENT COSMETICS”; and OTHER ASSOCIATED AMENDMENTS WITHIN CZC 12.62.040 and 12.62.060
RECOMMENDATION:	NO RECOMMENDATION AT THIS TIME (1st REVIEW OF PROPOSED LANGUAGE)

BACKGROUND

On February 18th, 2025, a public hearing was held before the City Council regarding a request by applicant, Nicole Hutchins, to amend the Centerville Zoning Ordinance by suggesting a proposed new addition to the “Definitions” section of the Centerville Zoning Code and amending language within sections of the Table of Uses for Commercial Uses as found in *CZC 12.12.040 and 12.36.040*. Further, prior to that meeting and following the previous review of this matter with the City Council back on November 6th, 2025, City staff (under the direction of the City Council) provided suggested revisions to the applicant’s proposed zoning code text amendment language. Following the February 18th public hearing on this matter, the City Council discussed the request

at length with City staff and the applicant. At the conclusion of the discussion, the City Council approved a motion (3-2 vote) to deny the application due to concerns with location of the applicant's business on Main Street, hard to differentiate definitions of "Fine Line Tattoos" versus any other tattoos, and other administrative and logistical concerns associated with the applicant's request.

During the discussion and following the Council's decision, City staff was directed to evaluate the City's risk relative to this matter and the current status that no tattoo establishments/body art facilities are currently allowed in any zones within the City. Further, staff were directed to work on new language regarding this concern, identify potential locations for this type of use within the Table of Uses for Commercial Uses (*CZC 12.36.040*), and then bring proposed new language forward to the Planning Commission. There was a concern that there should be a zone identified in the City Zoning Codes for a tattoo establishment/body art facility somewhere within the City. Additionally, the City Council noted throughout their deliberation that there wasn't necessarily a concern with the idea of establishing a zoning area to allow for a tattoo establishment/body art facility somewhere that makes the most sense within the City, but the applicant's requested location would not be best suited for a consideration of this proposed use.

The newly proposed language amendments to sections of the City Zoning Code are as follows (see attached proposed Ordinance No. 2025-04 for more):

- (1) amend *CZC 12.12.040* by adding the definition of "Body Art Facilities", amending the definition of "Permanent Cosmetics" to establish more clarity with the definition and clearly differentiate permanent cosmetics from body art facilities, amend "Personal Care Service" to be consistent with other proposed changes, and removing the definition of "Tattoo Establishment";
- (2) amend *CZC 12.36.040 Table of Uses for Commercial Uses* by adding "Body Art Facilities" as conditional/permitted uses in identified potential zones and removing "Tattoo Establishment" from the table;
- (3) enact new zoning code language for the regulation and administration of body art facilities and permanent cosmetics to be set as *CZC 12.55.260*;
- (4) amend *CZC 12.62.040* regarding identified permitted uses and prohibited uses for home occupation uses associated with body art facilities and permanent cosmetics; and
- (5) amend *CZC 12.62.060 Conditional Use Permit Required* to further clarify that permanent cosmetics and body art facilities do not qualify for home occupation business operations and uses in the City under *CZC 12.62.040*.

A public hearing will need to be advertised for this proposed zoning code text amendment request. A public hearing notice will also need to be posted in accordance with State and City Code requirements, should this proposed zoning code text amendment proceed forward to public hearing and consideration.

STAFF ANALYSIS AND COMMENTS

CZC 12.21.080(e) provides four factors to consider when reviewing a Zoning Code or Zoning Map Amendment Application. Only the first factor applies to Zoning Code Text Amendments. Factor number one considers “whether the proposed Zoning Code or Zoning Map amendment is consistent with goals, objectives, and policies of the General Plan”. There is a section of the General Plan that are applicable to this request, as this proposed zoning code amendment is associated with commercial development areas within the City.

Commercial development standards are referenced “Part 12-430 Commercial and Industrial Development” of the current City General Plan. A copy of this section of the General Plan has been included in the packet for this item review.

Potential applicable broad guidance for evaluation of this proposed amendment is found in the section that follows:

12-430-1. NEED FOR COMMERCIAL AND INDUSTRIAL DEVELOPMENT. Communities are composed primarily of the residents who live in them. These residents need a variety of services to provide the things common to residential lifestyles. Such local services as grocery shopping, medical, banking, automotive, and a host of other needs can be serviced by local commercial developments.

Residents of communities also need a variety of municipal and government services: schools, water, sewers, road construction and maintenance, and police and fire protection are the most common. These services are generally paid for through local taxes such as property and sales taxes. Many studies have shown that residential properties alone generally do not generate the amount of revenue needed to sustain these necessary municipal services. Much of the needed revenue for high quality services comes from commercial and industrial property assessments. Sales tax from local commercial establishments is also an important component in local revenues.

To assist in the provision of revenues for high quality local services, and to provide needed personal and business services, Centerville City should provide for the establishment and viability of commercial and industrial services in designated areas of the community.

There is not a more direct application of the General Plan to the requested proposed zoning code text amendments. Please also note that the General Plan is currently going through a

comprehensive update process that may impact these types of commercial development guidance in the future.

The next step in evaluating this request is to review the established nature of the existing zoning codes found within *CZC 12.12.040*, *12.36.040*, and other associated codes. At this time there is no definition for “Body Art Facilities” within the City. The term “Body Art Facilities” is more in alignment with State Code and Davis County Health Department nomenclature for these activities. Additionally, the term “Body Art Facilities” is not found on the current *Table of Uses for Commercial Uses*. Further, the other associated proposed code amendments clearly are not reflected within the current version of the City Zoning Code. To that point, the existing definition of each of these terms is as follows:

Permanent Cosmetics: A cosmetic treatment involving the controlled insertion of pigment into the skin as a means of producing designs that resemble makeup such as eyebrows and eye lining and other natural enhancing colors to the face, lips, and eyelids and hairline. Permanent cosmetic is solely for enhancing facial features that are already present or to provide artificial eyebrows for those who have lost them as a consequence of old age disease, chemotherapy, genetic disturbance and to disguise scars and skin conditions. It may be referred to as "Semi -Permanent" because occasional touch ups are required.

Personal Care Service: An establishment primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include, beauty and barber shops, permanent cosmetics, custom tailoring and seamstress shops, electrolysis studios, portrait studios, shoe repair shops, tailors, tanning and nail salons, and weight loss centers. The term excludes Tattoo Establishment.

Tattoo Establishment: Any location, place, area, structure, or business used for the practice of affixing a permanent mark or design on or under the skin by a process of cutting for the purpose of scarring or pricking or ingraining an indelible pigment, dye, or ink in the skin, or instruction for such a practice. The term excludes Permanent Cosmetics.

This all being said, there could be a potential constitutional concern in respect to the distinction of establishing an identified zoning code location within the City Zoning Code. For this purpose, this matter is being brought to the attention of the Planning Commission for further deliberation, discussion, and direction to the City staff. City legal and city staff are of the opinion that these concerns should be discussed and evaluated to make sure we are making potential zoning code

decisions that are in the best legal interests of the City. City staff plans to provide a more formal recommendation regarding this matter at a later date when this zoning code text amendment proposal may come to the Planning Commission for formal consideration in the future.

POSSIBLE MOTIONS

There are no motions to consider in this matter at this time. However, staff desires to receive consensus direction to be provided by the Planning Commission to City staff, so that staff knows how to proceed moving forward relative to this zoning code text amendment matter.

ORDINANCE NO. 2025-04

AN ORDINANCE AMENDING SECTION 12.12.040 (DEFINITIONS) OF THE CENTERVILLE ZONING CODE TO ADD A NEW DEFINITION FOR BODY ART FACILITY, AMENDING THE DEFINITIONS FOR PERMANENT COSMETICS AND PERSONAL CARE SERVICES, ELIMINATING THE DEFINITION OF TATTOO ESTABLISHMENT, AMENDING SECTION 12.36.040 REGARDING TABLE OF USES FOR COMMERCIAL USES, AND ENACTING SECTION 12.55.260 REGARDING BODY ART FACILITIES AND RELATED FACILITIES

WHEREAS, the City Council directed Staff to prepare Zoning Code Amendments to define body art facilities and to allow such uses in various zones of the City; and

WHEREAS, City Council has determined that the proposed amendments to the Zoning Code regarding body art facilities are in the best interest of the City and the public to allow such uses within the City, as more particularly provided herein; and

WHEREAS, the proposed amendments to the Zoning Code as set forth herein have been reviewed by the Planning Commission and the City Council and all appropriate public notices have been provided and appropriate public hearings have been held in accordance with Utah law to obtain public input regarding the proposed revisions to the Zoning Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Amendment. Section 12.12.040 of the Centerville Zoning Code regarding Definitions is hereby amended as follows:

12.12.040 Definitions

* * *

Body Art Facility: "Body art facility" means a facility where an individual practices or instructs: (a) body piercing; or (b) tattooing. This term excludes Permanent Cosmetics (as defined herein) and Ear Piercing (as defined in Utah Code § 26B-7-401). Body Art Facility shall not include any of the following activities which are expressly prohibited: branding, scarification, or any practices that are considered medical procedures by a State medical board.

* * *

Permanent Cosmetics: A permanent or semi-permanent ~~A~~-cosmetic treatment involving the controlled insertion of pigment into ~~the skin as a means of producing designs that resemble makeup such as eyebrows and eye lining and other natural enhancing colors to~~ the eyebrows, eyelids, lips, or other parts of the body for beauty marks, hair imitation, lash enhancement, or areola repigmentation. Permanent cosmetics does not include any medical procedure performed by an individual licensed under the Utah Medical Practices Act as set forth in Title 58, Chapter 67 of the Utah Code, or licensed under the Utah Osteopathic Medical Practices Act as set forth in Title 58, Chapter 8 of the Utah Code.

~~face, lips, and eyelids and hairline. Permanent cosmetic is solely for enhancing facial features that are already present or to provide artificial eyebrows for those who have lost them as a consequence of old age disease, chemotherapy, genetic disturbance and to disguise scars and skin conditions. It may be referred to as "Semi-Permanent" because occasional touch-ups are required.~~

* * *

Personal Care Service: An establishment primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include, beauty and barber shops, permanent cosmetics, custom tailoring and seamstress shops, electrolysis studios, portrait studios, shoe repair shops, tailors, tanning and nail salons, and weight loss centers. ~~The term excludes Tattoo Establishment.~~

* * *

~~**Tattoo Establishment:** Any location, place, area, structure, or business used for the practice of affixing a permanent mark or design on or under the skin by a process of cutting for the purpose of scarring or pricking or ingraining an indelible pigment, dye, or ink in the skin, or instruction for such a practice.~~

Section 2. Amendment. Section 12.36.040 of the Centerville Zoning Code regarding Table of Uses for Commercial Uses is hereby amended to add body art facility to the list of uses and designating various zones in which such use is permitted or conditional, and eliminating tattoo establishments from the Table of Uses, as more particularly set forth in Exhibit A, attached hereto and incorporated by reference.

Section 3. Enactment. Section 12.55.260 of the Centerville Zoning Code regarding Body Art Facilities and Related Facilities is hereby enacted to read in its entirety as follows.

12.55.260 Body Art Facilities and Permanent Cosmetics.

Body Art Facilities and Permanent Cosmetics, as defined in CZC 12.12.040, are regulated activities governed by County and State laws, ordinances, and regulations, including, but not limited to, Utah Code § 26B-7-402 authorizing the State Department of Health and Human Services to promulgate minimum rules of sanitation for body art facilities, and the Davis County Body Art Regulations adopted by the Davis County Board of Health regulating body art and body art facilities within Davis County. Any such facilities permitted herein shall be subject to City, County, and State standards, regulations, and permitting requirements.

Section 4. Amendment. Section 12.62.040 of the Centerville Zoning Code regarding Permitted Uses for Home Occupations is hereby amended to read in its entirety as set forth as follows.

12.62.040 Permitted Use

- (a) Permitted Use. Permitted home occupation uses listed in Subsection (b) may be established as a home occupation in an agricultural or residential zone as a permitted use subject to the development standards of CZC 12.62.050.

(b) Permitted Uses. The uses set forth below shall be allowed as permitted home occupation uses in any agricultural or residential zone:

- (1) Family child care facility;
- (2) Medical service (excluding medical procedures under Utah law);
- (3) Personal care service (excluding permanent cosmetics);
- (4) Personal instruction service; and
- (5) Office, general.

(c) Prohibited Uses. The uses set forth below shall be prohibited as home occupation uses:

- (1) Kennel; ~~and~~
- (2) Stable;
- (2)(3) Body art facility.

HISTORY

Adopted by Ord. 2016-20 on 7/15/2016

Amended by Ord. 2018-05 on 2/20/2018

Amended by Ord. 2019-08 on 5/7/2019

Section 5. Amendment. Section 12.62.060 of the Centerville Zoning Code regarding Conditional Uses for Home Occupations is hereby amended to read in its entirety as follows.

12.62.060 Conditional Use Permit Required

A use not listed in CZC 12.62.040 may be established as a home occupation in an agricultural or residential zone subject to the issuance of a conditional use permit pursuant to the requirements of CZC 12.21.100 and the development standards of CZC 12.62.070, excluding permanent cosmetics and prohibited uses set forth in CZC 12.62.040.

Section 6. Severability. If any section, part, or provision of this Ordinance is held invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts, and provisions of this Ordinance shall be severable.

Section 7. Omission Not a Waiver. The omission to specify or enumerate in this ordinance those provisions of general law applicable to all cities shall not be construed as a waiver of the benefits of any such provisions.

Section 8. Effective Date. This Ordinance shall become effective immediately upon publication or posting, or thirty (30) days after passage, whichever occurs first.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY,
STATE OF UTAH, ON THIS 18th DAY OF MARCH, 2025.**

ATTEST:

CENTERVILLE CITY

Jennifer Robison, City Recorder

By: _____
Mayor Clark A. Wilkinson

Voting by the City Council:

	“AYE”	“NAY”	“ABSENT”
Councilmember Hayman	_____	_____	_____
Councilmember Hirst	_____	_____	_____
Councilmember Mecham	_____	_____	_____
Councilmember Plummer	_____	_____	_____
Councilmember Summerhays	_____	_____	_____

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provisions of the Utah Code § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing Ordinance was duly passed by the City Council and published or posted as required by law.

JENNIFER ROBISON, City Recorder

DATE: _____

RECORDED this ____ day of _____, 2025.

PUBLISHED OR POSTED this ____ of _____, 2025.

Exhibit A

CZC 12.36 (Table of Uses)

Commercial Uses	Zones														
	A-L	A-M	R-L	R-M	R-H	PF-L	PF-M	PF-H	PF-VH	C-M	C-H	C-VH	I-M	I-H	I-VH
Agricultural sales and service	N	P	N	N	N	N	N	N	N	N	C	P	C	P	P
Bail bond service	N	N	N	N	N	N	N	N	N	N	C	C	C	C	C
Bank or financial institution	N	N	N	N	N	N	N	N	N	C	P	P	P	P	P
Bed and breakfast	C	N	N	N	N	N	N	N	N	C	P	P	N	N	N
Body Art Facility	N	N	N	N	N	N	N	N	N	N	N	N (C in the C-VH-PDO of Legacy Apts and Legacy Crossing?)	N	C(?)	C(?)
Business equipment rental, services, and supplies	N	N	N	N	N	N	N	N	N	N	P	N	P	P	P
Car wash	N	N	N	N	N	N	N	N	N	N	C	P	N	P	P
Catering, General	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P
Catering, Limited	N	N	N	N	N	N	N	N	N	C	C	P	P	P	P
Child care center	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N
Construction sales and service	N	N	N	N	N	N	N	N	N	N	C	P	P	P	P
Convalescent care facility	N	N	N	C	P	N	N	N	N	P	P	P	N	N	N
Convenience store	N	N	N	N	N	N	N	N	N	C	C	P	C	C	C
Family child care facility	See CZC 12.62 (Home Occupations).														
Family group child care facility	See CZC 12.62 (Home Occupations).														
Garden Center	C	P	N	N	N	N	N	N	N	C	P	P	C	C	C
Gas and fuel, storage and sales	N	N	N	N	N	N	N	N	N	N	C	C	C	C	C
Gasoline service station	N	N	N	N	N	N	N	N	N	N	C	C	N	C	C
Hotel	N	N	N	N	N	N	N	N	N	N	C	P	N	N	N
Kennel	N	N	N	N	N	N	N	N	N	N	N	C	C	C	C
Laundry or dry cleaning, limited	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N
Liquor store	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Media service	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N
Medical or dental laboratory	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N
Medical service	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N
Mortuary	N	N	N	N	N	N	N	N	N	N	P	P	N	N	N

Motel	N	N	N	N	N	N	N	N	N	N	C	P	N	N	N
Office, general	N	N	N	N	N	N	P	P	P	P	P	P	P	P	P
Outdoor Nursery/Grower's Outlet	N	C	N	N	N	N	N	N	N	C	C	C	C	C	C
Parking garage	N	N	N	N	N	N	N	N	N	N	C	P	P	P	P
Parking lot	N	N	N	N	N	N	N	N	N	C	C	C	C	C	C
Pawnshop	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Personal care service	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N
Personal instruction service	N	N	N	N	N	N	N	N	N	P	P	P	N	P	N
Printing and copying, limited	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P
Printing, general	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P
Produce stand	P	P	N	N	N	N	N	N	N	C	C	C	N	N	N
Recreation and entertainment, indoor	N	N	N	N	N	N	N	N	N	N	P	P	N	P	N
Recreation and entertainment, outdoor	N	N	N	N	N	C	C	C	C	N	C	C	N	N	N
Recreational vehicle park	N	N	N	N	N	N	N	N	N	N	N	N	C	P	P
Repair service	N	N	N	N	N	N	N	N	N	C	P	P	P	P	P
Research service	N	N	N	N	N	N	N	N	N	N	P	C	P	P	P
Restaurant, fast-food	N	N	N	N	N	N	N	N	N	N	C	C	N	N	N
Restaurant, general	N	N	N	N	N	N	N	N	N	N	P	P	N	N	N
Retail, general	N	N	N	N	N	N	N	N	N	P	P	C	P	N	N
Retail, specialty	N	N	N	N	N	N	N	N	N	P	P	P	P	P	N
Secondhand store	N	N	N	N	N	N	N	N	N	N	P	C	P	P	P
Shopping center	N	N	N	N	N	N	N	N	N	N	C	C	N	N	N
Tattoo establishment	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Tavern	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Temporary trailer	See CZC 12.56 (Temporary Uses).														
Towing and Impound Yards	N	N	N	N	N	N	N	N	N	N	N	C ¹	N	P	P
Transportation service	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P

Replace
w/Body Art
and Remove
From Table
of Uses

Vehicle and equipment rental or sale	N	N	N	N	N	N	N	N	N	N	C	P	C	C	P
Vehicle rental or sale, new, limited	N	N	N	N	N	N	N	N	N	N	C	C	N	C	C
Vehicle rental or sale, used, limited	N	N	N	N	N	N	N	N	N	N	C	C	N	C	C
Vehicle and equipment repair, general	N	N	N	N	N	N	N	N	N	N	N	C	N	P	P
Vehicle repair, limited	N	N	N	N	N	N	N	N	N	N	C	P	P	P	P
Veterinary service	C	P	N	N	N	N	N	N	N	N	C	C	N	P	P
Warehouse, self-service storage	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Wireless telecommunication facility	See CZC 12.67 (Wireless Telecommunications Facilities).														

Towing and Impound Yards shall only be allowed along the Frontage Road between South Marketplace Drive to the southern Centerville City limit.

HISTORY
Adopted by Ord. 2016-20 on 7/15/2016
Amended by Ord. 2017-27 on 11/8/2017
Amended by Ord. 2018-06 on 2/20/2018

12.21.100 Conditional Use Permit

- (a) Purpose. This Section sets forth procedures for considering and approving conditional use permits.
- (b) Authority. The Planning Commission is authorized to issue conditional use permits as provided in this Section.
- (c) Initiation. A property owner may request a conditional use permit as provided in this Section. An agent of a property owner shall provide a notarized authorization.
- (d) Procedure. An application for a conditional use permit shall be considered and processed as provided in this Section.
 - (1) A complete application shall be submitted to the office of the Zoning Administrator in a form established by the Zoning Administrator along with any fees and deposits set forth in the City Fee Schedule. The application shall include at least the following information:
 - (A) The name, address, email and telephone number of the applicant and the applicant's agent, if any;
 - (B) The address and parcel identification of the subject property;
 - (C) The zone, zone boundaries and present use of the subject property;
 - (D) A description of the proposed conditional use;
 - (E) A plot plan showing the following:
 - (i) Applicant's name;
 - (ii) Site address;
 - (iii) Property boundaries and dimensions;
 - (iv) Layout of existing and proposed buildings, parking, landscaping, and utilities; and
 - (v) Adjoining property lines and uses within 100 feet of the subject property.
 - (F) Traffic impact analysis, if required by the City Engineer, Zoning Administrator, or the Planning Commission;
 - (G) A statement by the applicant demonstrating how the conditional use permit request meets the approval standards of Subsection (e);
 - (H) Such other and further information or documentation as the Zoning Administrator or Planning Commission may reasonably deem necessary for proper consideration and determination of whether the application meets the requirements of this Section and applicable provisions of the Zoning Code.
 - (2) After the application is determined to be complete in accordance with CZC 12.21.040(e), the Zoning Administrator shall prepare a staff report analyzing the application.
 - (3) The Planning Commission shall schedule and hold a public hearing on the proposed conditional use permit application. Public notice of the public hearing and the public meeting shall be provided in accordance with the provisions of CZC 12.21.050. After due consideration the Planning Commission shall approve, approve with conditions, or deny the application pursuant to the standards set forth in Subsection (e).

- (4) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of the proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied. Any conditions of approval shall be limited to conditions needed to conform the conditional use permit to approval standards.
 - (5) After the Planning Commission makes a decision, the Zoning Administrator shall give the applicant written notice of the decision.
 - (6) A record of all conditional use permits shall be maintained in the office of the Zoning Administrator.
- (e) Approval Standards. The following standards shall apply to the issuance of a conditional use permit.
- (1) A conditional use permit may be issued only when the proposed conditional use is allowed by the zone where the conditional use will be located, or by another provision of this Title.
 - (2) Conditions may be imposed as necessary to prevent or minimize adverse effects upon other property or improvements in the vicinity of a conditional use, upon the City as a whole, or upon public facilities and services. Such conditions may include, but are not limited to, conditions concerning use, construction, character, location, landscaping, screening, parking, hours of operation, and other matters relating to the purposes and objectives of this Title. Such conditions shall be expressly set forth in the approval authorizing a conditional use permit.
 - (3) No conditional use permit shall be authorized unless the evidence presented establishes:
 - (A) The proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;
 - (B) The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood and the community;
 - (C) The proposed use will comply with regulations and conditions specified in this Title for such use; and
 - (D) The proposed use will comply with applicable provisions of the General Plan.
 - (4) The Planning Commission may request additional information as may be reasonably needed to determine whether the requirements of this Subsection can be met.
 - (5) The following factors should be reviewed and considered in determining whether a conditional use permit application should be approved, approved with conditions, or denied:
 - (A) The suitability of the specific property for the proposed use;
 - (B) The development or lack of development adjacent to the proposed site and the harmony of the proposed use with existing uses in the vicinity;
 - (C) Whether or not the proposed use or facility may be injurious to potential or existing development in the vicinity;

- (D) The economic impact of the proposed facility or use on the surrounding area;
 - (E) The aesthetic impact of the proposed facility or use on the surrounding area;
 - (F) The present and future requirements for transportation, traffic, water, sewer, and other utilities, for the proposed site and surrounding area;
 - (G) The safeguards proposed or provided to insure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation;
 - (H) The safeguards provided or proposed to prevent noxious or offensive omissions such as noise, glare, dust, pollutants and odor from the proposed facility or use;
 - (I) The safeguards provided or proposed to minimize other adverse effects from the proposed facility or use on persons or property in the area; and
 - (J) The impact of the proposed facility or use on the health, safety, and welfare of the City, the area, and persons owning or leasing property in the area.
- (f) Appeal. Any person adversely affected by a final decision of the Planning Commission regarding the transfer, issuance, revocation or denial of a conditional use permit may appeal that decision to the Board of Adjustment as provided in CZC 12.21.200.
- (g) Effect of Approval. A conditional use permit shall not relieve an applicant from obtaining any other authorization or permit required under this Title or any other applicable provisions of the Centerville Municipal Code.
- (1) A conditional use permit may be transferred so long as the use conducted thereunder conforms to the terms of the permit.
 - (2) Unless otherwise specified by the Planning Commission and subject to the provisions relating to amendment, revocation or expiration of a conditional use permit, a conditional use permit shall be of indefinite duration and shall run with the land.
- (h) Amendment. The procedure for amending a conditional use permit shall be the same as the original procedure set forth in this Section.
- (i) Revocation. A conditional use permit may be revoked as provided in CZC 12.23.070.
- (1) In addition to the grounds set forth in CZC 12.23.070, any of the following shall be grounds for revocation of a conditional use permit:
 - (A) The use for which a permit was granted has ceased for one year or more;
 - (B) The holder or user of a permit has failed to comply with the conditions of approval or any city, state, or federal law governing the conduct of the use;
 - (C) The holder or user of the permit has failed to construct or maintain the site as shown on the approved site plan or map; or
 - (D) The operation of the use or the character of the site has been found to be a nuisance or a public nuisance by a court of competent jurisdiction in any civil or criminal proceeding.
 - (2) No conditional use permit shall be revoked against the wishes of the holder or user of the permit without first giving such person an opportunity to appear before the Planning Commission and show cause as to why the permit should not be amended or revoked. Revocation of a permit shall not limit the City's ability to initiate or complete other legal proceedings against the holder or user of the permit.

- (j) Expiration. A conditional use permit shall expire and have no further force or effect if the building, activity, construction or occupancy authorized by the permit is not commenced within 180 days after approval, is not substantially completed within two years, or is abandoned.

HISTORY

Adopted by Ord. [2016-20](#) on 7/15/2016

Body Art Concept - Code Research Summary

Cities with Ordinances for Body Art/Tattoos

- Bountiful City, Layton City

Cities without Ordinances for Body Art/Tattoos

- Farmington, Kaysville, North Salt Lake, West Bountiful, Woods Cross

BOUNTIFUL CITY CODES

Bountiful City Ordinances for Body Art Tattoos

- BMC Title 14, Chapter 3 “Definitions”
- BMC Title 14, Chapter 6 “Commercial Zone (C)”
- BMC Title 14, Chapter 7 “Downtown Zone (DN)”
- BMC Title 14, Chapter 10 “Mixed Use Zone (MXD)”

Bountiful City Ordinances for Conditional Uses Standards

- BMC Title 14, Chapter 2, Part 5 “Conditional Uses”

Bountiful City Land Use Map

- <https://bountifulut.mapgeo.io/datasets/properties?abuttersDistance=120&latlng=40.871744%2C-111.854639&panel=themes&themes=%5B%22zoning%22%5D&zoom=13>

LAYTON CITY CODES

Layton City Ordinances for Body Art Tattoos

- LMC 19.02.020 “Definitions”
- LMC 19.06.000 “Table of Land Use Regulations”

Layton City Ordinances for Conditional use Standards

- LMC 19.14 “Conditional Uses”

Layton City Land Use Map

- <https://www.laytoncity.org/arcgisportal109/apps/experiencebuilder/experience/?id=f4f1c69bf5b048e98eb397416215f8bb>

CHAPTER 3

DEFINITIONS

14-3-101 PURPOSE

14-3-102 DEFINITIONS

14-3-101 PURPOSE

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this Code. Words used in the present tense include the future; the singular number shall include the plural and the plural the singular; the word building shall include the word structure; the words used or occupied shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used; the word shall is mandatory and not directory and the word may is permissive; the word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the word lot includes the words plot or parcel. Words which are not included herein, but are defined in the International Building Code, shall have the meaning as defined within said International Building Code.

14-3-102 DEFINITIONS

1. ABANDONED VEHICLE: Any motor vehicle left on public property or private property in such an inoperative, dismantled, wrecked, or neglected condition that the owner's intention to relinquish all further rights or interests in it may be reasonably concluded. A reasonable conclusion that any motor vehicle is "abandoned" includes, but is not limited to, consideration of the amount of time the motor vehicle has been resting in the same place; the state of the motor vehicle's mechanical condition; the state of the motor vehicle's registration and licensing; information provided by the owner of the motor vehicle; and, information provided by surrounding property owners.
2. ABANDONED SIGN: A sign, sign frame, sign pole, or any part of a sign structure which remains on a property which has been vacant or which remains unused for a period of time in excess of 45 days, or which carries no message.
3. ACCESSORY USE or STRUCTURE: A use or structure that:
 - a. is clearly incidental to and customarily found in connection with a principal building or use;
 - b. is subordinate to and serves a principal building or use;
 - c. is subordinate in area, extent, or purpose to the principal building or principal use served;
 - d. contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or principal use served; and
 - e. is located on the same lot as the principal building or principal use served.
4. ACCESSORY DWELLING UNIT: A self-contained dwelling unit within an owner-occupied single-family residence or in a detached accessory structure located on an owner-occupied property. See Section 14-14-124.

5. ADULT DAYCARE FACILITY: Any building or structure furnishing care, supervision, and guidance for three (3) or more adults unaccompanied by guardians for periods of less than twenty-four (24) hours per day.
6. ADVERTISING OR BUSINESS SIGN: A sign which directs attention to a business use, product, commodity, or service.
7. AGENT OF OWNER: Any person with written authority to act for the property owner.
8. A-FRAME SIGN: A freestanding, temporary, and/or movable device constructed of two (2) separate panels and/or sign faces hinged at the top.
9. AISLE SPACE: The area located between or behind off-street parking stalls where traffic circulation and access to the parking stalls is provided.
10. ALTERATION: Any change, addition, or modification in construction, or type of occupancy of a building or structure, or any change in the structural members of a building or structure, such as walls, partitions, columns, beams, girders, or exits.
11. ALTERATION (Sign): Changing or rearranging any structural part or design of a sign, whether by extending on a side, by increasing in area or height, or in moving from one location or position to another, including sign face, enclosure, lighting, coloring, copy (except on reader board or changeable copy signs), or graphics.
12. AMUSEMENT DEVICE: Any machine or device whether mechanically or electronically operated, for the purpose of amusement or skill and for the play of which a fee is charged. The term does not include ride machines designed primarily for the amusement of children, or vending machines in which are not incorporated features of chance or skill.
13. ANIMATED SIGN: A sign which
 - a. involves actual motion or rotation of any part of the sign itself by mechanical, electrical, or artificial means, or
 - b. is designed to be moved or is moved by the wind or other natural means, or
 - c. displays motion or the appearance of motion, animation, motion-picture type movement, movement of still images across a screen, flashing or intermittent lighting, color changes, copy changes, changing lighting intensity, or messages through a sequence of progressive changes in lighting; or
 - d. contains an electronic message center, reader board or panel.
14. ANIMATION: Simulated movement of shapes, text and other illustrations.
15. APARTMENT: A room or suite of rooms designated and intended for living and sleeping purposes and used as a dwelling unit.
16. APPEAL OF A FINAL DECISION: A written request made to the appropriate appeal authority, including all required fees, forms, signatures, and exhibits, submitted within the statutory appeal period.

17. **APPEAL PERIOD:** The statutory time frame in which an appeal of a final decision shall be submitted, commencing at the moment the successful vote to approve or deny a land use petition is made by the land use authority.
18. **ARCADE:** Any business catering, though not exclusively, to minors, maintaining four or more amusement devices.
19. **AREA:** The aggregate of the maximum horizontal cross section within given boundaries.
20. **ARTS AND CRAFTS SHOW:** The display and sale of painting, sculpture, handcrafts, and similar objects.
21. **ASSISTED LIVING FACILITY:** Commonly referred to as "residential care", "assisted living" or "personal care community". A residential facility with common area in which services are available to residents who may still live independently within the facility itself. Help is generally offered in day-to-day tasks such as taking medicine, bathing, dressing, using the bathroom, getting to appointments, or preparing meals. A variety of services and amenities such as dining room service, group outings, and recreational and social programs are usually available.
22. **AUTOMOBILE BODY OR FENDER SHOP:** A facility for major automobile body, frame or fender repairs, or rebuilding for automobiles and small trucks not exceeding one and one-half (1 1/2) tons capacity.
23. **AUTOMOBILE LAUNDRY OR AUTOMATIC CAR WASH:** A facility for automatic or self-service washing and cleaning of automobiles and small trucks not exceeding one and one-half (1 1/2) tons capacity.
24. **AUTOMOBILE REPAIR GARAGE:** A structure or portion thereof other than a private garage, used for general repair of automobiles and small trucks not exceeding one and one-half (1 1/2) tons in capacity including major and minor repairs such as rebuilding and reconditioning of engines, transmission service, starter motor and generator service, muffler shop, but not including body and fender work or painting.
25. **AUTOMOBILE REPAIR:** General repair, rebuilding or reconditioning of engines, motor vehicles or trailers, transmission service, starter motor or generator service, muffler shop, but not including body or fender work or painting.
26. **AUTOMOBILE SERVICE CENTER:** A place where automobiles are serviced and repair work accomplished such as wheel alignment, tune up, brake service, shock absorber replacement, etc., but not including body and fender work, painting, or upholstery.
27. **AUTOMOBILE SERVICE STATION:** A place where gasoline, or any other motor fuel or lubricating oil or greases for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles and where services performed may include tube and tire repair, battery charging, storage of merchandise, lubricating of automobiles, replacement of spark plugs, lights, fans and other small parts, but not including automobile repair such as body and fender work, engine rebuilding and overhaul, transmission and differential repairs, or welding of any kind, or vehicle or trailer sales or rental. This definition shall include self-service, mini-market, and live-in service as accessory uses.

28. AUTOMOBILE TIRE SERVICE CENTER: A place which sells, repairs, and services automobile tires including such services as wheel balancing and alignment, brake service, shock absorber replacement and other incidental tire and wheel services, but not including recapping or major automobile repairs.
29. AUTOMOBILE OR TRUCK PAINT SHOP: A facility for painting of automobiles, trucks, trailers, boats, or other travel or recreation vehicles or units.
30. AUTOMOBILE OR TRAILER SALES AREA: An open area used for display, sale, or rental of new or used motor vehicles or trailers in operable condition where no repair work is done.
31. AUTOMOBILE WRECKING YARD: The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two (2) or more motor vehicles, which, for a period exceeding thirty (30) days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or sale, shall constitute prima-facie evidence of an automobile wrecking yard.
32. AVERAGE GRADE: (See "GRADE PLANE")
33. AVERAGE SLOPE: The words "average slope" shall mean and be determined by the use of the following formula:

$$S = \frac{.00229 (I) (L)}{A}$$

S = Average slope of the entire subdivision or lot, as the case may be, before development or construction.

A = Total area in the subdivision or lot, in acres.

L = Sum of the length of all contour lines, in feet.

I = Contour interval in feet.

34. AWNING: A roof-like structure constructed of fabric, metal, or other material that extends outward with supports extending back to the building, providing a functional protective shield.
35. AWNING OR CANOPY SIGN: A sign painted on, printed on, or otherwise attached to the surface of an awning (see also "ELECTRIC AWNING SIGN").
36. BACKLIGHTING: Illumination positioned inside or behind a sign face such as behind raised letters and awnings or inside sign cabinets, the lighting source of which is not itself visible to the observer.
37. BANNER: A sign made of fabric or any non-rigid material with no enclosing framework.
38. BASEMENT: Any floor level below the first story in a building, except that a floor level in a building have only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.
39. BEACON: Any light with one or more beams directed into the sky or directed at one or more points not on the same parcel of land as the light source; also, any light with one or more beams that rotate or move.

40. BEAUTY SALON/PARLOR: An establishment in which hairdressing, makeup, and similar cosmetic treatments are carried out professionally, including permanent makeup/cosmetics. This does not include body art/tattooing.
41. BED AND BREAKFAST INN: (see also "HOTEL")
42. BEDROOM: A room in a dwelling unit designed, marketed and likely to function primarily for sleeping purposes, separable from other rooms by a door.
43. BEGINNING OF CONSTRUCTION: The time of first excavation for construction.
44. BILLBOARD, OUTDOOR ADVERTISING, and/or OFF-PREMISES SIGN: Any sign which advertises or directs attention to a business, commodity, or service, that is conducted, sold, or offered elsewhere than on the premises upon which the sign is located.
45. BLADE SIGN: (see also "GROUND SIGN")
46. BLOCK FACE: All property fronting upon one side of a street between intersecting and intercepting streets, or between the street and the railroad right-of-way, waterway, terminus of a dead end street, City Boundary, public park or other natural boundary. An intercepting street shall determine only the boundary of the block face of the side of the street which it intercepts.
47. BOARDER: A person living in a rented room in a boarding house. The boarding house operator or member of his or her immediate family who resides on the premises with the operator, shall not be considered to be a boarder.
48. BOARDING HOUSE: A building or a portion thereof where, for compensation, rooms are rented together with meals for not more than fifteen (15) boarders who generally do not directly utilize kitchen facilities. The operator of a boarding house must reside on the premises of the boarding house. The work shall include compensation in money, services, or other things of value. A boarding house does not include a residential facility for disabled persons or a residential facility for the elderly. A boarding house does not include a nonresidential facility, such as a rehabilitation/treatment facility, where the primary purpose of the facility is to deliver rehabilitation, treatment, counseling, medical, protective, or other similar services to the occupants.
49. BUFFER AREA: A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.
50. BUFFERING DEVICE: A specific application of a wall, fence, landscaping, or any other permitted device to mitigate the impact of another structure or use.
51. BUILDABLE AREA, (BUILDING ENVELOPE): The portion of a lot remaining after required yards have been provided, except that in the Residential Foothill Zone (R-F) land with an average grade or slope exceeding thirty percent (30%) shall not be considered buildable area.
52. BUILDABLE LAND, (USABLE LAND): Any portion of a property that is not encumbered by physical constraints, such as a flood plain, geologic fault, escarpment, or similar feature. In the Residential Foothill Zone (R-F) this definition shall also include a portion of a property that is less than thirty percent (30%) slope.

53. **BUILDING:**
- a. A permanently located structure for the shelter, housing, or enclosure of any person, animal, article, or chattel. When any portion thereof is completely separated from every other portion thereof by a division wall or fire wall, without openings, each such portion shall be a separate building. The term building shall not include any form of vehicle, even though immobilized. Where this Chapter requires, or where special authority granted pursuant to this Chapter requires, that a use shall be entirely enclosed within a building, this definition shall be qualified by adding and enclosed on all sides.
 - b. The act of altering an existing structure or existing terrain. It includes excavating, modifying, or in any way altering unimproved ground for any purposes.
54. **BUILDING, ATTACHED:** A building or buildings connected by any two of the following: a common wall, a continuous wall, a continuous foundation, or a continuous roof line. Walls or fences, patios, porches, terraces or other roofed accessory uses open on at least two (2) sides shall not constitute an attached building.
55. **BUILDING DIRECTORY SIGN:** A pedestrian scale sign which displays the tenant names within a multi-tenant project.
56. **BUILDING FACE, (FACADE):** The vertical portion of any exterior wall of a building including windows, doors, parapet, and mansard, but not including a flat or pitched roof. In a multi-tenant building this shall be defined only as the portion of the exterior wall that directly corresponds to the unit for which the sign is intended.
57. **BUILDING FOOTPRINT:** The portion of a parcel covered by a building or structure at the surface level, measured on a horizontal plane.
58. **BUILDING, HEIGHT OF:** The vertical distance from the grade plane to the highest point of the roof. (See Figures 3-1 and 3-2 at the end of this Chapter)
59. **BUILDING LINE:** A line parallel to the front lot line and at a distance therefrom equal to the required depth of front yard for the zone in which the lot is located and extending across the whole width of the lot.
60. **BUILDING MARKER or HISTORICAL MARKER:** Any marker indicating the name of a building and its construction date, which may or may not include incidental information about its construction or history, and which is embedded or otherwise permanently affixed to the building. Such a marker shall not be defined as a sign.
61. **BUILDING, PRINCIPAL OR MAIN:** The principal building on a lot or building site designed or used to accommodate the primary use to which the premises are devoted. Where a permissible use involves more than one structure designed or used for the primary purpose, as in the case of apartment groups, each such permitted building on one lot as defined by this Code shall be construed as constituting a principal building.
62. **BUILDING, PUBLIC:** A public building is a building owned and operated, or owned and intended to be operated by the city, a public agency of the United States of America, the state of Utah, or any of its political subdivisions. The use of a public building, with immunity, is nontransferable and terminates if the

structure is devoted to a use other than as a public building with immunity. A public building referred to as with immunity under the provisions of this Title includes:

- a. Properties owned by the state of Utah or the United States government which are outside of the jurisdiction of the city zoning authority as provided under Title 10, Chapter 9a, Section 304, Utah Code Annotated, 1953, as amended; and
 - b. The ownership or use of a building which is immune from the city zoning authority under the supremacy clause of the United States Constitution.
- 63. CANDELA: A measure for luminous intensity established by The International System of Units.
 - 64. CANOPY: A roofed structure constructed of fabric or other material placed so as to extend outward from the building providing a protective shield for doors, windows, and other openings supported by the building and support extending to the ground directly under the canopy.
 - 65. CARPORT: A covered automobile parking space enclosed on not more than two sides by walls or doors. For the purposes of this Code, a carport shall be subject to all the regulations prescribed for a private garage.
 - 66. CENTER LINE OF STREET: That line designated as Center Line in any street in the City by the records of the City Engineer.
 - 67. CHANGEABLE COPY SIGN: A sign with information or content which can be changed or rearranged by manual or electric, electro-mechanical, or electronic means. A sign, or portion thereof, on which the message changes more than one (1) time each twenty four (24) hours shall be considered an animated sign and not a changeable copy sign for purposes of this Code.
 - 68. CHURCH: A building or buildings maintained and controlled by a duly-recognized religious organization where persons regularly assemble for worship.
 - 69. CITY COUNCIL: The duly elected City Council of Bountiful City.
 - 70. CLEARANCE (of a sign): The smallest vertical distance between the grade of the adjacent street, highway, sidewalk or street curb and the lowest point on any sign, including framework and embellishments, extending over that grade.
 - 71. CLINIC, DENTAL OR MEDICAL: A building in which a group of dentists, physicians, and allied professional assistants are associated for the conduct of their professions. The clinic may include a dental and/or medical laboratory, operating rooms, and a pharmacy, but it shall not include in-patient care.
 - 72. COLLECTOR STREET: An existing or proposed street which is at least sixty (60) feet wide and which is of considerable continuity, and which serves or is intended to serve as the principal traffic way between large separated areas or districts, and which is the means of access to the major street system.
 - 73. COMMERCIAL MESSAGE: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

- 74. **COMMERCIAL SATELLITE ANTENNA:** The outdoor portion of equipment used for receiving satellite signals which appears and is commonly known as a "dish" and which exceeds three (3) feet in diameter.
- 75. **COMMERCIAL STORAGE FACILITY:** A building or facility having one or more tenants used strictly for the storage of personal and/or commercial items. Said facility may not include sanitation facilities or culinary water. No repair, business, service, or commerce may be conducted on or from the premises.
- 76. **CONDITIONAL USE:** A use of land for which a Conditional Use Permit is required pursuant to this Code.
- 77. **CONDOMINIUM:** A residential structure consisting of two (2) or more units, each under individual ownership, subject to Section 57-8-1, Utah Code Annotate, 1953, as amended.
- 78. **CONSTRUCTION:** On-site erection, fabrication, installation, alteration, reconstruction, demolition, or removal of any structure, facility, or addition thereto, including all related activities, such as clearing of land, earth moving, excavation, fill, paving, drainage, and landscaping. Also includes the placement, installation, or relocation onto a property of any structure fabricated off-site.
- 79. **CONSTRUCTION SIGN:** A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.
- 80. **CONTINUING CARE RETIREMENT COMMUNITY (CCRC):** A residential facility that provides different levels of care ranging from independent living units to skilled nursing care in an affiliated nursing home, based on the residents' needs. The objective is to allow residents the maximum amount of independence as they age while meeting their changing housing, social, and medical needs. Residents may move from one setting to another, but continue to remain part of the overall development.
- 81. **CONTRACTOR'S LOT:** A fenced, landscaped, illuminated open area used to store, repair, or rebuild heavy duty construction equipment and construction material.
- 82. **COPY:** The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.
- 83. **CORNER BUSINESS:** A building or business fronting onto two public streets.
- 84. **COURT:** A space, open and unobstructed to the sky, located at or above ground level on a lot and bounded on three or more sides by walls or a building.
- 85. **COVENANT:** A written agreement between the Buyer and Seller of a parcel of land, or between Bountiful City and a property owner, to protect the interest of the neighborhood and the community.
- 86. **COVERAGE, LOT:** The percent of the total lot area covered by buildings, structures, and roofed areas.
- 87. **DAY CARE, CHILD:** Persons, associations, corporations, institutions or agencies providing on a regular basis care and supervision, (regardless of educational emphasis) to children under fourteen years of age, in lieu of care and supervision ordinarily provided by parents in their own homes, with or without charge, are engaged in providing child day care.

88. DAY CARE CENTERS (COMMERCIAL): Persons, associations, institutions or agencies, which provide day care for thirteen (13) or more children and/or educational opportunities for children for periods of more than four (4) hours in any one day.
89. DEVELOPMENT SITE: The area within the perimeter of a subdivision or a planned unit development, or in the absence of such, the area within the perimeter of a tract, lot, or parcel of land.
90. DIRECTIONAL SIGN: An on-premises sign for traffic direction or for designation of, or direction to, any building or location.
91. DISABILITY: A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such a problem or being regarded as having such an impairment. The following definitions are incorporated into the definition of disability:
- a. Disability does not include current illegal use of, or addiction to, any federally controlled substance as defined in Section 102 of the Controlled Substances Act, 21 USC 802, or as defined under Title 58, Chapter 37, Utah Code Annotated, 1953, as amended;
 - b. A physical or mental impairment includes the following:
 - i. Any psychological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular, reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or
 - ii. Any mental or physiological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities; or
 - iii. Such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus (HIV), mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of controlled substances) and alcoholism.
92. DISMANTLED VEHICLE: Any motor vehicle partially or wholly disassembled.
93. DISSOLVE: An image transition effect accomplished by varying the image intensity or pattern, where the first image gradually appears to dissipate and lose legibility simultaneously with gradual appearance and legibility of the subsequent image.
94. DOMESTIC EMPLOYEE OR HELP: A person who lives as part of the family of another, paying no rent for such occupancy and paying no part of the cost of utilities therefore, working within or around the house where they live performing household, maintenance, child care or similar duties in behalf of the family owning said house. No person and no family member of any person who pays rent for himself or his family shall be deemed the domestic employee or help of the person to whom such rent is paid. In single family residential zones, separate apartments or dwelling units may not be created for domestic employees,

whether attached, unattached, or within the single family residence structure. In multiple family residential zones, any separate apartment or dwelling unit for domestic employees must meet all of the requirements applicable to any other dwelling unit in the zone.

95. DOMESTIC STAFF: Persons employed or residing on the premises of a dwelling or other residential facility to perform domestic services or to assist residents in performing major life activities.
96. DOUBLE-FACED SIGN: A single sign structure with two sign faces, essentially back-to-back, but which are parallel (no greater than 1 foot apart) or diverge from a common edge by an angle not greater than 30 degrees.
97. DRIVE-APPROACH (see also "CURB-CUT" or "DRIVE-ACCESS"): The portion of a right-of-way located between the outside edge of a street travel-way and an adjacent property and which is used or designated for vehicular passage.
98. DRIVEWAY: A private roadway, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel on which it is located.
99. DWELLING: Any building or portion thereof designated or used exclusively for residential purposes, except tents, travel trailers, hotels, motels, hospitals, nursing homes, and boarding houses.
100. DWELLING, SINGLE FAMILY: A building arranged, designed, and intended to be occupied by one (1) family, the structure having only one (1) dwelling unit.
101. DWELLING, TWO-FAMILY: A building arranged, designed, and intended to be occupied by two (2) families, the structure having only two (2) dwelling units.
102. DWELLING, MULTIPLE FAMILY: A building arranged, designed, and intended to be occupied by three (3) or more families, the structure having three (3) or more dwelling units.
103. DWELLING, UNIT: One or more rooms in a dwelling, apartment, hotel or apartment motel, designed for or occupied by one (1) family for living or sleeping purposes and having one (1) kitchen or set of fixed cooking facilities other than hot plates or other portable cooking units unless a second kitchen has been approved pursuant to Section 14-4-120 of this title.
104. EASEMENT, PRIVATE UTILITY: A legal interest in land for the stated purpose of access to or placement of utilities serving a specific property or individual.
105. EASEMENT, PUBLIC UTILITY (P.U.E.): A legal interest in land for the stated purpose of access to or placement of utilities serving the general public.
106. ELECTRONIC MESSAGE CENTER (see also "ELECTRONIC READER BOARD" or "ELECTRIC PANEL"): A sign, or portion of a sign, containing graphics, text, or any other form of visual communication which can be changed or rearranged by electronic means, but does not include a digital electronic gasoline price sign that shows numbers only, and does not flash, change colors, show pictures, video or words, or exceed the brightness allowed for electronic message centers.
107. ELDERLY HOUSING: A general term for the different types of age restricted residential developments and facilities allowed under the Federal Fair Housing Act, which include: Senior living units, independent living facility, assisted living facility, nursing home, and continuing care retirement community.

- 108. ELDERLY PERSON: A person who is sixty (60) years or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.
- 109. ELECTRIC AWNING SIGN: An awning sign which is internally illuminated or “back lit”.
- 110. ELECTRONIC MESSAGE CENTER (see also “ELECTRONIC READER BOARD” or “ELECTRONIC PANEL”): A sign, or portion of a sign, containing graphics, text, or any other form of visual communication which can be changed or rearranged by electronic means.
- 111. FACE OF A SIGN: The area of a sign on which the copy is placed.
- 112. FADE: Means an image transition effect accomplished by varying the intensity of the image, where the first image gradually reduces intensity to the point of not being legible and the subsequent image gradually increases intensity to the point of legibility.
- 113. FAMILY: An individual, or two (2) or more persons related by blood, marriage, or adoption, or a group of not more than four (4) persons (excluding domestic help) who are not related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities and entrances.
- 114. FENCE, PERFORATED (NONSOLID or OPEN STYLE): A fence that is at least seventy-five percent (75%) open which does not present a visual barrier/hazard for pedestrians or drivers.
- 115. FENCE, SOLID: A solid, rigid fence or wall of wood, metal, fiberglass, or masonry, being no more than ten percent (10%) open.
- 116. FINAL DECISION: A successful motion made by the City Council, Planning Commission, or Administrative Committee to approve or deny a land-use item, effective the moment the vote is taken.
- 117. FLAG: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.
- 118. FLAG LOT: A building lot whose access to a public road is through a section of property that is longer than the minimum required front yard setback, and narrower than the minimum required lot width.
- 119. FLASHING SIGN: (see “ANIMATED SIGN”)
- 120. FLAT SIGN (see also “WALL SIGN”): Any sign erected parallel to and attached to an exterior wall of a building with messages or copy on one side only
- 121. FLOODLIGHTED SIGN: Any sign made legible in the absence of daylight by devices which reflect or project light upon it.
- 122. FLOOR AREA: The sum of the areas of one or several floors of a building, including areas used for human occupancy in basements, attics and penthouses, as measured from the exterior face of walls. It does not include cellars, unenclosed porches, or attics not used for human occupancy, or any floor space in accessory buildings or in the principal building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this Code, or any such floor space intended and designed for accessory heating and

ventilating equipment. It shall include the horizontal area at each floor level devoted to stairwells and elevator shafts.

123. FOOTCANDLE: An English unit of measurement for luminance, which is equal to one lumen, incident upon an area of one foot.
124. FREESTANDING SIGN (see also "POLE SIGN"): Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.
125. FRONTAGE: The length of the property line of any one premises along a public right-of-way on which it borders.
126. FUNERAL HOME AND/OR MORTUARY: An establishment where the activities necessary for the care and custody of the dead, including refrigeration, embalming; cremation; other necessary care; viewings; wakes; funerals; and other rites and ceremonies consistent with the proper final disposition of the dead, are conducted.
127. GARAGE AND/OR YARD SALE: An occasional sale conducted by a property owner at the owner's place of residence which offers obsolete personal possessions for sale but does not include items brought to the site for sale.
128. GARAGE, PRIVATE: An accessory building or an accessory portion of the principal building, designed and/or used primarily for the shelter or storage of vehicles owned and/or operated by the occupants of the principal building, and in which no business for profit is conducted.
129. GARAGE, PUBLIC: Any premises, except those described as private garages, used for the storage or care of self-propelled vehicles, or where any such vehicles are equipped for operation repairs, or kept for remuneration, hire, or sale.
130. GARAGE, REPAIR: A structure or portion thereof other than a private garage, use for the repair or refinishing of self-propelled vehicles, trailers, or boats, including general repair, rebuilding or reconditioning of engines, motor vehicles, or trailers, and minor collision service, but not including major body, frame or fender repairs or overall automobile or truck painting, except by Conditional Use Permit. A repair garage may also include incidental storage, care, washing, or sale of automobiles.
131. REGULATORY SIGN: A temporary or permanent sign erected and maintained by the city, county, state or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility as authorized by the City Engineer or Planning Director.
132. GRADE: The lowest point of elevation of the finished surface of the ground, paving or sidewalk measured as follows:
 - a. For buildings abutting one street only, the elevation of the sidewalk at the center of that wall abutting the street.
 - b. For buildings abutting more than one street, the average of elevations of the sidewalk at the centers of all walls abutting streets.

- c. For buildings having no walls abutting a street, the average level of the ground adjacent to the exterior walls of the building measured at a line parallel to the wall within six (6) feet of the wall.
133. **GRADE PLANE:** A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line, or where the lot line is more than six (6) feet from the building, between the building and a point six (6) feet from the building.
134. **GROUND SIGN** (see also “BLADE SIGN”): A sign which is anchored to the ground similar to a pylon or freestanding sign, but which has a monolithic or columnar line and which maintains essentially the same contour from grade to top.
135. **GUEST:** Any person or persons staying temporarily within a dwelling unit without payment of compensation or remuneration to the owners, tenants, or full time inhabitants of said dwelling unit.
136. **HANGING SIGN:** A sign which hangs from the eve of a roof or from an approved architectural feature of a building.
137. **HARD SURFACE:** A dust-free paved surface intended for vehicular use, made of any of the following materials: concrete, masonry, cobblestone, brick, asphalt, or any other reasonable substitutes as determined by the City Engineer.
138. **HARDSCAPE:** Sidewalks, urban trails, plazas, and other pedestrian-oriented non-vegetative landscaping elements.
139. **HEIGHT OF ANTENNA:** The distance upward from the base of the antenna to the uppermost portion of the antenna. Said distance being measured at a time when said antenna is extended to its greatest height.
140. **HEIGHT OF WALLS AND FENCES:** Such height shall be measured from the highest of the two grades adjacent to the wall or fence, except when the wall or fence is adjacent to an alley or street right-of-way which has a higher grade than that on the adjacent site. For such conditions, the height of the wall or fence shall be measured from the top of the curb or the crown of the alley or street where there is no curb.
141. **HISTORIC BUILDINGS:** Any building listed on the Nation Register of Historic Places, or on the Utah State Register of Historic Sites.
142. **HOME OCCUPATION:** Any occupation conducted entirely within the dwelling unit and carried on only by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the residential character of the dwelling unit, and for which a home occupation business license has been issued by Bountiful City.
143. **HOSPITAL:** An institution licensed by the state of Utah which provides diagnostic, therapeutic, and rehabilitative services to individuals on both an inpatient and outpatient basis by or under the supervision of one or more physicians. A medical clinic or professional office which offers any inpatient or overnight care, or operates on a twenty four (24) hour basis shall be considered to be a hospital. A hospital may include necessary support service facilities such

as laboratories, outpatient units and training and central services, together with staff offices necessary to operate the hospital.

- 144. HOTEL (includes "MOTELS" and "BED AND BREAKFAST"): A building designed or used as the temporary abiding place of individuals who are lodged, with or without meals, for compensation.
- 145. HOUSEHOLD PETS: Animals or fowl ordinarily permitted in the house and/or kept for company or pleasure, not for profit. Household pets shall not include chickens, ducks or geese or other domestic farm variety animals nor any animals which are capable of inflicting harm or discomfort or endangering the health, safety, or welfare of any person or property. The number of household pets shall be limited to that allowed by the provisions of each respective zone as set forth in this Code.
- 146. ILLUMINANCE: The photometric quantity most closely associated with the perception of brightness and a measurement of the intensity of light falling on a surface at a given distance from the light source.
- 147. ILLUMINATED SIGN: Any sign which has characters, letters, logos, figures, designs, or outlines illuminated by internal or external lights, luminous tubes, neon, or similar devices.
- 148. ILLUMINATION, EXTERNAL: Lighting which is mounted so as to illuminate a sign from a remote position or from outside of the sign structure.
- 149. ILLUMINATION, INTERNAL: Lighting which is mounted inside or behind a sign.
- 150. IMAGE: The display of text, numbers or the likeness of an object or living thing of any time on an EMC.
- 151. IMAGE DISPLAY DURATION: Means the period of time that an image remains static.
- 152. IMAGE TRANSITION DURATION: Means the period of time in which one image changes to another on an electronic message center.
- 153. IMPERVIOUS MATERIAL: Any surface material which does not allow for the natural percolation of water into the soil, including but not limited to roofs, concrete patios, hard surface such as concrete or asphalt driveways, tennis and play courts of concrete or similar material.
- 154. INCIDENTAL SIGN: Any sign of two (2) square feet or less.
- 155. INDEPENDENT LIVING FACILITY: An age restricted residential facility with common area, which may be comprised of houses, townhouses, or stacked units. A-la-carte services such as housekeeping, meals, recreational programs, etc., are provided based on the desires of the occupants. Some incidental medical services may be provided. Residents typically do not require assistance with everyday tasks.
- 156. INFLATABLE OR INFLATED SIGN: Any advertising device which is supported by heated or forced air, or lighter-than-air gases.
- 157. INOPERATIVE VEHICLE: Any motor vehicle that cannot be moved under its own power.
- 158. INTEGRAL ROOF SIGN: Any sign erected or constructed as an integral or essentially integral part of a roof structure of any design, such that no part of the

sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

- 159. INTERIOR SIGN: Any sign located within a building so as to be visible only from within the building in which the sign is located.
- 160. JUNK: Old, dilapidated, scrap or abandoned metal, paper, building material and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, motor vehicles and parts thereof.
- 161. KENNEL: A place where three (3) or more dogs of four (4) months of age or older are kept.
- 162. KITCHEN: Any room and/or other place used, or intended or designed to be used for cooking or the preparation of food that is at a minimum comprised of a set of fixed cooking facilities other than hot plates or other portable cooking units.
- 163. LANDSCAPING: The addition of lawns, trees, plants, and other natural decorative features to land. Permeable parking surfaces are not considered landscaping.
- 164. LOGO: An image or design which serves to represent a business or company's identity.
- 165. LOT: A parcel of real property shown as a delineated parcel of land with a number and designation on the final plat of a recorded subdivision; or a parcel of real property defined by metes and bounds, containing not less than the minimum area and width required in the zone in which it is located (see Figure 3-4).
- 166. LOT AREA: The total area measured on a horizontal plane included within the lot line of the lot or parcel of land.
- 167. LOT, CORNER: A lot situated at the intersection of two streets; or a lot located on a street which does not continue in a straight line and where the angle of departure from the straight line exceeds forty-five (45) degrees (see Figure 3-4).
- 168. LOT, DEPTH: The horizontal distance between the front and the rear lot lines measured in the mean direction of the side lot lines (see Figure 3-4).
- 169. LOT, FLAG: A lot shaped in such a manner as to resemble a flag on a pole where access from the main portion of the lot (the flag) to the public street is by a narrow private right-of-way (the pole), (see Figure 3-4).
- 170. LOT, FRONTAGE: Lot width measured at the required front setback line. When a lot has more than one street lot line, lot frontage shall be measured, and the minimum frontage required by this Code shall be provided, at each such line (see Figure 3-4).
- 171. LOT, INTERIOR: A lot other than a corner lot (see Figure 3-4).
- 172. LOT LINE, FRONT: A line separating an interior lot from a street. For corner lots, the lot owner may elect any street lot line as the front lot line unless otherwise established by a plat or covenant (see Figure 3-3).
- 173. LOT LINE, REAR: The line or lines most distant from and generally opposite the front lot line, except that in the case of an interior triangular or gore-shaped lot, it shall be a straight line ten (10) feet in length which is parallel to the front lot line

or its chord and intercepts the two side lot line at points most distant from the front lot line (see Figure 3-3).

- 174. LOT LINE, SIDE: Any lot boundary line not a front or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line; a side lot line separating a lot from a street is a street side lot line (see Figure 3-3).
- 175. LOT, STORAGE: A hard surfaced, dust free, landscaped open area, not a street, used to store new or used (not damaged or dismantled), machinery, tools, boats, motor vehicles or trailers, and building materials.
- 176. LOT, SUBSTANDARD: A lot or parcel that has less than the required minimum area or width as established by the district in which it is located and provided that such lot or parcel was legally recorded in a deed or plat on the effective date of this Code.
- 177. LOT, VACANT (UNDEVELOPED): A platted lot or parcel of land upon which no structure exists.
- 178. LOT, WIDTH: The horizontal distance between the side lot lines and measured at the required front yard setback line (see Figure 3-3).
- 179. LOW MAINTENANCE: Materials which do not require frequent replacement, painting, or refurbishing as a result of exposure to the elements.
- 180. LOW PROFILE SIGN: (see "MONUMENT SIGN")
- 181. LUMINANCE: A photometric measure of the luminous intensity per unit area of light traveling in a given direction.
- 182. MAJOR LIFE ACTIVITIES: Functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
- 183. MAJOR STREET: An existing or proposed street which serves or is intended to serve as a major traffic way, and is so designated on the Master Street Plan.
- 184. MARQUEE: Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.
- 185. MARQUEE SIGN: Any sign attached to, in any manner, or made part of a marquee.
- 186. MASTER STREET PLAN: The map and documentation which has been approved by the Bountiful Planning Commission and the Bountiful City Council as a plan for the development of the major and collector street system of the City.
- 187. MINOR SATELLITE ANTENNA: The outdoor portion of equipment used for receiving satellite signals which appears and is commonly known as a "dish" and which is three (3) feet in diameter or less.
- 188. MINOR STREET: An existing or proposed street which is fifty four (54) feet wide or less, is supplementary to a collector street, is of limited continuity, and which serves or is intended to serve the local needs of a neighborhood.
- 189. MOBILE HOME: A vehicular, portable structure built on a chassis and intended to be drawn by a motor vehicle, designed to be used with or without a permanent foundation when connected to utilities and which meets the Department of

Housing and Urban Development (HUD) Federal construction and safety standards for mobile homes and is used for permanent or semi-permanent housing or human occupancy, or as an office, a classroom, a laboratory or for processing, manufacturing, retail sales.

190. MOBILE HOME PARK: Any plot of ground upon which two (2) or more mobile homes occupied for permanent dwelling purposes are located, whether or not a charge is made for such accommodation.
191. MODULAR HOME: A home or other building of new construction which has been assembled fully or in substantial part, upon another site or in a factory and moved to the site where it is to be placed upon a permanent foundation in compliance with the provisions of the International Building Code.
192. MONUMENT SIGN (see also "LOW PROFILE SIGN"): Any on-premises or identification sign incorporated into some form of landscape scheme or planter box.
193. MOTOR HOME: A motor vehicle built on a truck or bus chassis and designed to serve as self-contained living quarters for recreational travel and use.
194. MOVABLE SIGN: (see "PORTABLE SIGN")
195. MULTIPLE-FACED SIGN: A sign containing two (2) or more faces, not necessarily in back-to-back configuration.
196. NATURAL VEGETATION: This term includes orchards, trees, shrubs, lawns, grass, and perennial growth.
197. NATURAL WATERWAYS: Those areas varying in width along streams, creeks, gullies, or washes, which are natural drainage channels, as determined by the City Engineer.
198. NIT: A unit of measurement for luminance, which is equal to one candela per square meter, (nit = 1 cd/m²).
199. NONCOMPLYING SITE: A site that legally existed before its current land use designation; and because of one or more subsequent land use code changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations which govern the use of land.
200. NONCOMPLYING STRUCTURE: A structure that legally existed before its current land use designation; and because of one or more subsequent land use code changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations which govern the use of land.
201. NONCONFORMING SIGN: A sign or sign structure that legally existed before its current land use (zoning) designation; and because of subsequent changes to the land use code, does not conform to the regulations that now govern the use of the sign.
202. NONCONFORMING LOT: A parcel that legally existed before its current land use (zoning) designation. Shown continuously on the records of the Davis County Recorder as an independently existing piece of property and because of one (1) or more subsequent land use code changes does not conform to the minimum size, width, frontage, depth or other applicable dimensional requirements of the zone where the lot is located.

203. NONCONFORMING USE: A use of land that legally existed before its current land use designation that has been maintained continuously since the time the land use code governing the land changed; and because of one or more subsequent land use code changes, does not conform to the regulations that now govern the use of the land.
204. NONCONFORMITY: Is a general term to collectively describe a noncomplying structure, noncomplying site, nonconforming lot, nonconforming sign, nonconforming use, and/or any other item that legally existed before the current land use (zoning) designation of the property where the said item is located, and that, because of subsequent land use code changes does not conform to the regulations that now govern the use of the land.
205. NON-PLANAR: Any object that has more than two substantial surfaces; including a sphere, cube, pyramid, freeform, sculpture, or similar shape.
206. NONRESIDENTIAL TREATMENT FACILITY: A facility wherein no persons will be housed on an overnight basis, and provides services including rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol abuse, drug abuse, sexual offenders, sexual abuse, or mental health. Associated educational services may also be provided to juvenile occupants.
207. NURSING HOME: An intermediate care/nursing facility or a skilled nursing facility licensed by the state of Utah, for the care of individuals who, due to illness, advanced age, disability, or impairment require assistance and/or supervision on a twenty four (24) hour per day basis. Such a facility does not include an adult daycare facility or adult daycare provider in conjunction with residential facilities for elderly persons or a residential facility for persons with a disability.
208. OFFICES: A building, room, or department wherein a business or service for others is transacted, but does not include the storage or sale of merchandise on the premises.
209. OFF-PREMISES DEVELOPMENT SIGN: Any sign used for the purpose of advertising a new residential development, located on another parcel of property and not on the site intended for such residential development.
210. OFF-PREMISES DIRECTIONAL SIGN: A sign which provides directional assistance to access an establishment on a site other than the parcel on which the sign is located.
211. OFF-PREMISES SIGN: A sign which pertains to the use of a premises and/or property other than the property on which it is located.
212. ON-PREMISES DEVELOPMENT SIGN: Any sign used for the purpose of advertising a new residential development and located on the parcel of property intended for such residential development.
213. ON-PREMISES SIGN: A sign which pertains to the use of the premises and/or property on which it is located.
214. OPEN SPACE, REQUIRED: The area reserved in parks, courts, playgrounds, swimming pools, and other similar open areas to meet the density requirements.
215. OPEN SPACE, USABLE: Any portion of a lot or building which meets all the following conditions:

- a. The space shall be open to the sky or shall be open to view on at least two sides.
 - b. The space shall be readily accessible by foot traffic from dwelling units to which it is accessory.
 - c. If the space is provided on a balcony, roof, or other facility above grade, it shall have such protective devices as are deemed necessary by the Building Official to assure reasonable safe usage by children and/or adults.
 - d. The space shall not be provided in any required front or side yard, parking area, or driveway space.
216. OPEN-STYLE FENCE: A fence that is at least seventy-five (75) percent open and which does not create a visual hazard for pedestrians and drivers.
217. OTHER NONCONFORMITY: A circumstance governed by this Title other than a noncomplying structure, nonconforming lot, nonconforming sign, or nonconforming use that legally existed before the current land use (zoning) designation of the lot where the nonconformity is located, and because of subsequent land use code changes does not conform to the regulations that now govern the use of the land.
218. OUTDOOR DISPLAY: An outdoor arrangement of objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement, designed and used for the purpose of advertising or identifying a business, or product for sale.
219. PACKAGE AGENCY (STATE LIQUOR STORE): Any outlet authorized by the Utah Liquor Control Commission to sell original packaged liquor or wine for consumption off the premises.
220. PARKING LOT: A hard surfaced, dust free, landscaped, illuminated open area other than a street, used to park four (4) or more automobiles. Storage of damaged, non-inspected, or unlicensed automobiles is prohibited except on lots approved for such purposes.
221. PARKING SPACE: A hard surface, enclosed or unenclosed for the parking of one (1) motor vehicle having dimensions of not less than nine (9) feet by eighteen (18) feet, exclusive of access or maneuvering area, ramps, or columns, to be used exclusively as temporary storage space for one private motor vehicle. Permeable parking surfaces as allowed in Section 14-4-110 of this Title also parking spaces.
222. PARK STRIP: That part of public property which lies between the curb and sidewalk.
223. PAWN BROKER: A person who owns and/or operates a pawnshop, and as further defined by State Law.
224. PAWNSHOP: An establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits, or conditional sales of personal property, or the purchase or sale of personal property, and as further defined by State Law.
225. PEDESTAL SIGN: A movable sign supported by a column or columns and a base.

226. PENNANT: Any lightweight plastic, fabric, or other material, with or without a message, suspended from a rope, wire, or string, designed to move in the wind.
227. PERMANENT MAKE UP AND COSMETICS: A cosmetic tattooing procedure in which pigments are applied to the skin using a needle or similar tool to enhance natural facial and body features, including but not limited to eyebrow shaping including microblading, eyeliner, lip liner and coloring, micro pigmentation, scalp pigmentation, scar camouflage, etc.
228. PERMEABLE PARKING SURFACE: A parking surface that allows water to pass through to underlying soils. Surfacing materials should generally consist of a well graded mixture of crushed rock and sand which is free from organic materials, or any other reasonable substitute as determined by the City Engineer. Generally, acceptable materials should comply with the gradation requirements for Group Classifications A1, A3, A-2-4, or A-2-5 of the American Association of State Highway and Transportation Officials (AASHTO) Soil Classification System with a maximum particle size of 1.5". Permeable Parking Surfaces must be constructed with a minimum compacted thickness of four (4) inches and be maintained such that it is free of plants and organic material.
229. PERMITTED USE: A use or occupancy of a building or a use of land which is allowed in the respective districts in this Code without specific approval of the Planning Commission but which complies with provisions of the district in which the use is to be conducted.
230. PERSON: A corporation, company, association, society, firm, partnership or joint stock company, as well as an individual, a state, and all political subdivisions of a state or any agency or instrumentality thereof.
231. PLANER: Having the characteristics of a flat surface or plane; including an object with not more than two identical, flat, parallel surfaces facing opposite directions.
232. PLANNED UNIT DEVELOPMENT: An integrated design for development of residential, commercial or industrial uses, or combinations of such uses.
233. PLANNING COMMISSION: The Planning Commission of the City of Bountiful as duly appointed by the provisions of State Law and this Code.
234. PLAZA: An area open to the public on a controlled basis and used for recreation activities and relaxation. Plazas are paved areas which contain a number of substantial amenities, such as seating, drinking and ornamental fountains, art, trees and landscaping.
235. PRESCHOOL: An educational facility operated on a residential premise, regularly providing an educational program of instruction for not more than twelve (12) children, including the operator's natural, adopted, or foster children less than six (6) years of age, at any one time. Class shall include not more than twelve (12) children for more than four (4) hours a day and shall be operated between the hours of eight (8) a.m. and six (6) p.m. Instructors shall be licensed by the State of Utah and provide at least thirty-five (35) square feet of interior floor area and at least one hundred (100) square feet of secured outdoor play area per child. Such use shall be defined as a home occupation, conditional use for purposes of this Code and be in compliance with all city codes and regulations of such.
236. POLE SIGN: (see "FREESTANDING SIGN")

237. PORTABLE READER BOARD OR TRAILER SIGN: A reader board sign which is mounted on a portable framework or trailer and intended for temporary use.
238. PORTABLE SIGN (see also “Movable Sign”): Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A-frame or T-frames; menu and sandwich board signs; balloons or other inflatable figures used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.
239. PRIVATE SATELLITE ANTENNA: Any accessory structure capable of receiving for the sole benefit of the principal use, radio, or television signals from a transmitter or a transmitter relay located in planetary orbit.
240. PROJECTING SIGN: Any sign affixed to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall.
241. PROMOTIONAL EVENTS: Includes carnivals, craft shows, mechanical and animal rides, or the display and/or sale of merchandise or product that are not typically sold or serviced on the site.
242. PROMOTIONAL SIGNAGE: Temporary devices such as banners, streamers, flags, balloons, pennants, trailer signs, and inflated signs.
243. PROPERTY: A lot or parcel of land together with all structures located thereon.
244. PROTECTIVE HOUSING FACILITY: A facility either: a) operated, licensed, or contracted by a governmental entity, or b) operated by a charitable, nonprofit organization, where for no compensation, temporary, protective housing is provided to: 1) abused or neglected children awaiting placement of foster care; 2) pregnant or parenting teens; 3) victims of sexual abuse; or 4) victims of domestic abuse.
245. PUBLIC: That which is under the ownership or control of the United States Government, the State of Utah or any subdivision thereof, Davis County, or the City of Bountiful (or any departments or agencies thereof).
246. PUBLIC OR PRIVATE ASSEMBLY/EVENT SPACE: A business that provides for a fee, indoor and/or outdoor facilities for gatherings, such as weddings, receptions, meetings, parties, ceremonies, or similar activities.
247. PUBLIC UTILITY EASEMENT: The area on a recorded plat map or other recorded document that is dedicated to the use and installation of public utility facilities.
248. READER BOARD SIGN: (see “CHANGEABLE COPY SIGN”)
249. REASONABLE ACCOMMODATION: A change in any rule, policy, practice, or service necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. The following words have the following definitions:
- a. Reasonable: A requested accommodation that will not undermine the legitimate purpose of existing zoning regulations notwithstanding the benefit that the accommodation will provide to a person with a disability.

- b. Necessary: The applicant must show that, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy the housing of their choice.
 - c. Equal Opportunity: Achieving equal results as between a person with a disability and a nondisabled person.
- 250. RECORD OF IMPAIRMENT: Having a record of impairment means having a history of, or having been misclassified as having a mental or physical impairment that substantially limits one or more major life activities.
- 251. RECREATIONAL VEHICLE PARK: Any area where one or more travel trailer lots are rented for a relatively short term of occupancy to users of such items as travel trailers, tents, motor homes, etc.
- 252. REGARDED AS HAVING AN IMPAIRMENT: A person is regarded as having an impairment when:
 - a. The person has a physical or mental impairment that does not substantially limit one (1) or more major life activities but is treated by another person as having such a limitation;
 - b. The person has a physical or mental impairment that substantially limits one (1) or more major life activities only as a result of the attitudes of others towards such an impairment; or
 - c. The person has none of the impairments defined in this section but is treated by another person as having such an impairment.
- 253. REHABILITATION/TREATMENT FACILITY: A facility licensed or contracted by the state of Utah to provide temporary occupancy and supervision of individuals (adults and/or juveniles) in order to provide rehabilitation, treatment, or counseling services. Without limitation, such services may include rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol abuse, drug abuse, sexual offenders, sexual abuse, or mental health. Associated educational services may also be provided to juvenile occupants.
- 254. RELATED: Related by blood, marriage or adoption within the definition of "family" means a father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild, to include the half as well as the whole blood.
- 255. RESIDENTIAL FACILITY: Any building or portion thereof where an individual is actually living at a given point and time and intends to remain, and not a place of temporary sojourn or transient visit.
- 256. RESIDENTIAL FACILITY FOR ELDERLY PERSONS: A dwelling unit that is occupied on a twenty four (24) hour per day basis by eight (8) or fewer elderly persons in a family type arrangement. A residential facility for elderly persons shall not include any of the following:
 - a. A facility which is operated as a business; provided that such facility may not be considered to be operated as a business solely because a fee is charged for food or for actual and necessary costs of preparation and maintenance of the facility;

- b. A facility where persons being treated for alcoholism or drug abuse are placed; a facility where placement is not on a strictly voluntary basis or where placement is part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution; or a facility which is a healthcare facility as defined by Title 26, Chapter 21, Section 2, Utah Code Annotated, 1953, as amended; or a facility which is a residential facility for persons with a disability.
- 257. RESIDENTIAL FACILITY FOR HANDICAPPED PERSONS: A single-family or multiple-family dwelling that meets the requirements of Sections 10-9-601 through 604, Utah Code Annotated, 1953, as amended, and the provisions of this Code.
- 258. RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY: A residence in which more than one person with a disability resides and which is:
 - a. Licensed or certified by the Department of Human Services under Title 62A, Chapter 2, of the Utah Code, licensure of programs and facilities; or
 - b. Licensed or certified by the Department of Human Health under Title 26, Chapter 21, health care facilities licensing and inspection act.
- 259. RESIDENTIAL SIGN: Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms to all requirements of this Code.
- 260. RETAIL WAREHOUSE SALE: The sale of products or merchandise to the general public by a manufacturing business established on a site which does not operate a retail outlet as a normal element of its business operation.
- 261. RETAINING WALL: A wall designed to resist the lateral displacement of soil or other materials.
- 262. RETIREMENT HOME or RETIREMENT FACILITY: A residential facility designated, occupied, and intended for residents fifty (50) years of age or older where common facilities for cooking and dining are available to all residents and independent facilities are provided for living, sleeping, and sanitation. For purposes of calculating density, three (3) beds shall constitute one (1) dwelling unit.
- 263. ROOF SIGN: Any sign erected or constructed on or over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.
- 264. ROOF, HIGHEST POINT: The coping or parapet on a flat roof, the deck of a mansard roof, or the mean level between the eaves and the ridge for a gable, hip, or gambrel roof.
- 265. ROTATING SIGN: (see "Animated Sign")
- 266. SCINTILLATE or SCINTILLATING: Light flashes, light sparkling, light starbursts, light twinkling, light pulsating, or any other image transition effect or animation in which an image instantly and repeatedly changes.
- 267. SCREENING DEVICE: A specific application of a wall or fence to conceal areas used for refuse, mechanical equipment, parking, service or loading bays or lanes,

multi-family habitation, and commercial and industrial activities from adjacent residential districts or from street views.

- 268. SCULPTURED SIGN: A free-form or three-dimensional sign which has a depth greater than two (2) feet.
- 269. SEASONAL USE: A specific type of temporary use that reoccurs each year for a definite period of time and which occupies the same location and configuration.
- 270. SECONDHAND MERCHANDISE: The purchase, exchange, or sale of used or previously owned personal property, including precious metals, and as further defined by State Law.
- 271. SECONDHAND MERCHANDISE DEALER: An owner or operator of a business that deals in secondhand merchandise, and as further defined by State Law.
- 272. SENIOR LIVING UNIT: Commonly referred to as “senior apartments,” “senior condominiums,” or “retirement community.” An age restricted residential development where residents live independently and do not require assistance with day-to-day activities.
- 273. SEPARATION: The horizontal distance between signs measured parallel with the street or curb.
- 274. SETBACK: The shortest horizontal distance between the property line of a lot and the structure or part thereof.
- 275. SETBACK (sign): The horizontal distance between a property line and the closest edge of the sign structure.
- 276. SHELTER FOR THE HOMELESS: Charitable lodging or sleeping rooms provided on a temporary basis (usually on a daily basis) to those members of society lacking other safe, sanitary, or affordable shelter. A shelter for the homeless may also include kitchen and cafeteria facilities.
- 277. SHELTERED WORKSHOP: An onsite supervised educational or vocational training facility for persons with a disability and does not provide any residential facilities.
- 278. SIGN: Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.
- 279. SIGN AREA: The total area of all faces and decorative elements of a sign or sign structure, excluding the minimum frame and supports. The exception is that for area calculation purposes, the sign area of a double-faced sign shall be the total area of all face and decorative elements on only one side of the structure. For signs which do not have defined display areas or are irregular in shape, the sign area shall be the area of the smallest rectangle or square which will frame the display.
- 280. SIGN CONSTRUCTION: The materials, architecture, assembly, and installation of a sign.
- 281. SIGN DESIGN: The form, features, colors, and overall appearance of a sign structure.

282. SIGN HEIGHT: The vertical distance measured from the highest point of the sign to the grade of the adjacent street, curb, or sidewalk, or the crown of the street where there is no curb or sidewalk.
283. SIGN LOCATION: The position on a property where a sign is to be placed.
284. SIGN MAINTENANCE: The maintenance of a sign in a safe, presentable, and good condition including the replacement of defective parts, repainting, cleaning, and other acts required for the care, good appearance, and safety of said sign. Sign maintenance does not imply that a sign may be altered in any way without a sign permit.
285. SIGN SETBACK: The horizontal distance between a property line and the closest edge of a sign structure.
286. SITE PLAN: A schematic, scaled drawing of a building lot or location which indicates the placement and location of yards, property lines, adjacent parcels, utilities, topography, waterways, irrigation, drainage, landscaping, parking areas, driveways, buildings, trash containers, open storage, streets, sidewalks, curbs, gutters, signs, lighting, fences or other features of existing or proposed construction or land use.
287. SNIPE SIGN: A sign for which a permit has not been issued and which is attached to a public utility fixture or other outdoor structure located within a public right-of-way or easement, or located on public property.
288. SOFTSCAPE: Landscaping consisting of living plants and organic materials. Permeable parking surfaces are not considered landscaping.
289. STATIC: Having no motion of any type or form.
290. STORAGE CONTAINER (see also "CARGO CONTAINER" or "FREIGHT CONTAINER"): A pre-manufactured receptacle or vessel that is or appears to be designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities.
291. STORY: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than six (6) feet above grade as defined herein for more than fifty percent (50%) of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered a story.
292. STORY, FIRST: The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four (4) feet below grade, as defined herein, for more than fifty percent (50%) of the total perimeter, or not more than eight (8) feet below grade, as defined herein, at any point.
293. STREET: A publicly dedicated thoroughfare which affords principal means of access to abutting property. The term shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.

- 294. STREET, ARTERIAL - MAJOR AND MINOR: A street providing for through traffic movement between areas and across the city, with moderate access to abutting property subject to necessary control of entrances, exits, and curb use.
- 295. STREET, COLLECTOR - MAJOR AND MINOR: A street providing for traffic movement between major arterials and local streets, and direct access to abutting property.
- 296. STREET, LOCAL: A street providing for direct access to abutting land, and for local traffic movements.
- 297. STREET, PRIVATE: A thoroughfare which is designated for private travel and is in private or public agency ownership over which access is legally denied to the public.
- 298. STREET, PUBLIC: A thoroughfare which is in public ownership and designated for public travel.
- 299. STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. A building is included in this definition.
- 300. STRUCTURAL ALTERATION: Any change, addition, or modification in construction of a building or structure, or any change in the structural members of a building or structure, such as walls, partitions, columns, beams, girders, or exits.
- 301. SUBDIVIDER: The party owning the land that is to be subdivided, or its agent, whether it is an individual, corporation of any form, partnership, or other form of operation.
- 302. SWAP MEET: The retail sale or exchange of new, handcrafted, or second-hand items conducted by a sponsor for not more than forty-eight (48) hours; includes flea markets.
- 303. SWIMMING POOL: A water-filled enclosure, permanently constructed or portable, having a depth of more than twenty-four (24) inches below the level of the surrounding land, or an above-surface pool, having a depth of more than thirty (30) inches, which is designed for swimming, wading or bathing. Hot tubs with hard covers and a capacity of less than one thousand (1,000) gallons are not included in this definition.
- 304. TATTOO PARLOR/BODY ART ESTABLISHMENT: A facility offering services such as tattooing, body piercing, or other body modification procedures in a sterile environment.
- 305. TEMPORARY SIGN: Any sign that is used only temporarily and is not permanently mounted or fixed to the ground.
- 306. TEMPORARY CARNIVALS AND FAIRS: A specific type of temporary use that includes the provision of mechanical and animal rides, games, eating and drinking facilities, live entertainment, animal exhibitions, or similar activities outdoors or in a tent or other temporary structure.
- 307. TEMPORARY SALES ACTIVITIES: A specific type of temporary use that includes the sale of products outside of, but in close proximity to, a building by a permanent occupant of a site and includes sidewalk sales, inventory reduction or liquidation sales, distressed merchandise sales, and similar sales.

308. TEMPORARY SALES OFFICE: A specific type of temporary use that includes a model home or unit within a subdivision, apartment complex, or planned unit development which serves as an office for the sale or lease of property in that subdivision, apartment complex or planned unit development, or a temporary structure located on the site of a development project which serves as a temporary business office while a permanent office is under construction on the site.
309. TEMPORARY USE: A use of land that is short term in nature and that does not involve the erection of a permanent structure or other permanent commitment of the land.
310. THRIFT STORE: A retail operation that deals in secondhand merchandize that is exempt from the provisions of the "Pawnshop and Secondhand Merchandise Transaction Information Act," set forth in Utah Code 13-32a-101, et seq., and as amended.
311. TOWN-HOUSE (see also "TOWN-HOME" or "ROW-HOUSE"): A series of three or more single-family dwelling units designed and constructed with at least two-stories of above ground habitable space, and which are attached horizontally at the foundation, roof, and side wall in a linear arrangement, and which have a private ground level entrance and a totally exposed front and rear wall to be used for access, light, and ventilation.
312. TRADE OR VOCATIONAL SCHOOL: A post high school educational or vocational training facility.
313. TRANSITIONAL HOUSING FACILITY: A facility owned, operated or contracted by a governmental entity or a charitable, not for profit organization, where, for no compensation, temporary housing (usually 3 to 24 months, but in no event less than 30 days) is provided to homeless persons, while they obtain work, job skills, or otherwise take steps to stabilize their circumstances. A transitional housing facility shall not include a shelter for the homeless, and a dwelling unit provided to a family for the exclusive use as part of a transitional housing program, for more than thirty (30) days, shall not be considered to be a transitional housing facility.
314. TRAVEL TRAILER: A vehicle, other than a motor vehicle, which is designed or used for temporary human occupancy and for travel or recreational purposes.
315. UNBUILDABLE LAND (UNUSABLE LAND): Any portion of a property that is encumbered by physical constraints, such as a flood plain, geologic fault, escarpment, or similar feature. In the Residential Foothill Zone (R-F) this definition shall also include any portion of a property that has thirty percent (30%) slope or greater.
316. UNINHABITABLE (see also "Unlivable"): A structure or property that is determined to be unfit, unsafe, or unhealthy to reside in or occupy due to dilapidation, structural damage, fire damage, exposed wires, sanitation issues, etc.
317. UNREGISTERED VEHICLE: Any motor vehicle not currently registered and licensed in accordance with Utah State law.
318. UNSIGHTLY: Blighted condition including the accumulation of debris, litter, rubbish, or rubble; fences characterized by holes, breaks, rot, crumbling,

cracking, peeling, or rusting; landscaping that is dead, characterized by uncontrolled growth or lack of maintenance, or damaged; and any other similar conditions of disrepair and deterioration regardless of the condition of other properties in the neighborhood.

- 319. USE: The purpose for which a parcel or building is designed, arranged or intended or for which it is occupied or maintained.
- 320. USE, PRINCIPAL: The principal use of land or structures, as distinguished from a secondary or accessory use.
- 321. UTILITIES: Gas, culinary water, irrigation water, sewer, storm drain, electric power, and telephone lines, including all poles, wires, pipes, boxes, guy wires and bracing associated therewith.
- 322. VARIANCE: A waiver or modification of the requirements of a land use code as applied to a parcel of property, as set forth in this Title and State Law.
- 323. VEHICLE PART(S): Any items that can be attached to or included as part of or within any motor vehicle.
- 324. VICINITY PLAN: A map or drawing, to scale, showing the physical layout of the proposed development to existing or proposed streets, buildings, and utilities; other relevant information such as special terrain or surface drainage; and existing zoning classifications of all adjacent land.
- 325. VIDEO: Simulated movement created by the display of a series of images, creating the illusion of continuous movement.
- 326. WALL OR FENCE: Any structure or device used for confinement, prevention of intrusion, boundary identification, or screening of an activity.
- 327. WALL SIGN: Any sign mounted flush against the facade of a building, painted on a building facade, or that is painted in such a way that it gives the visual appearance of being painted on a wall or building facade but not having a frame or separation from the wall or building facade.
- 328. WIND SIGN: A sign inflated by, or displayed by wind or air.
- 329. WINDOW SIGN: A sign attached to interior or exterior of either a window or door, or located within a building so as to be visible through a window or door from the outside of the building.
- 330. WRECKED VEHICLE: Any motor vehicle damaged to such an extent that it cannot be lawfully operated upon a highway.
- 331. XERISCAPE: A type of landscaping that employs a mix of drought tolerant plants and organic materials. Asphalt, concrete, brick paving, and other impervious surfaces are not considered xeriscape. Parking areas are not considered landscaping.
- 332. YARD: A required open space on a lot unoccupied and unobstructed from the ground upward, except as permitted elsewhere in this Code.
- 333. YARD, FRONT: A space in the same lot with a building, between the front line of the building and the front lot line, and extending across the full width of the lot. The depth of the front yard is the minimum distance between the front lot line and closest point of the building. In the event a development includes a residential unit placed sideways or at some other angle on a lot (rather than facing directly

to the street), the area from the front of the building to the property line shall also be considered a Front Yard.

- 334. YARD, REAR: A space in the same lot with a building, between the rear line of the building and the rear lot line and extending the full width of the lot. The depth of the rear yard is the minimum distance between the rear lot line and the closest point of the building. In the event a development includes a residential unit placed sideways or at some other angle on a lot (rather than facing directly to the street), the area from the back of the building to the property line shall also be considered a Rear Yard.
- 335. YARD, SIDE: A space in the same lot with a building, between the side lot line of the building and the side lot line and extending from the front yard to the rear yard. The width of the side yard shall be the minimum distance between the side lot line and the closest point of the building. In the event a development includes a residential unit placed sideways or at some other angle on a lot (rather than facing directly to the street), the area adjacent to the ends/sides of the building do not become the Side Yard.
- 336. ZERO LOT LINE DEVELOPMENT: Single-family dwellings arranged on lots with one side wall of the building located on the property line.

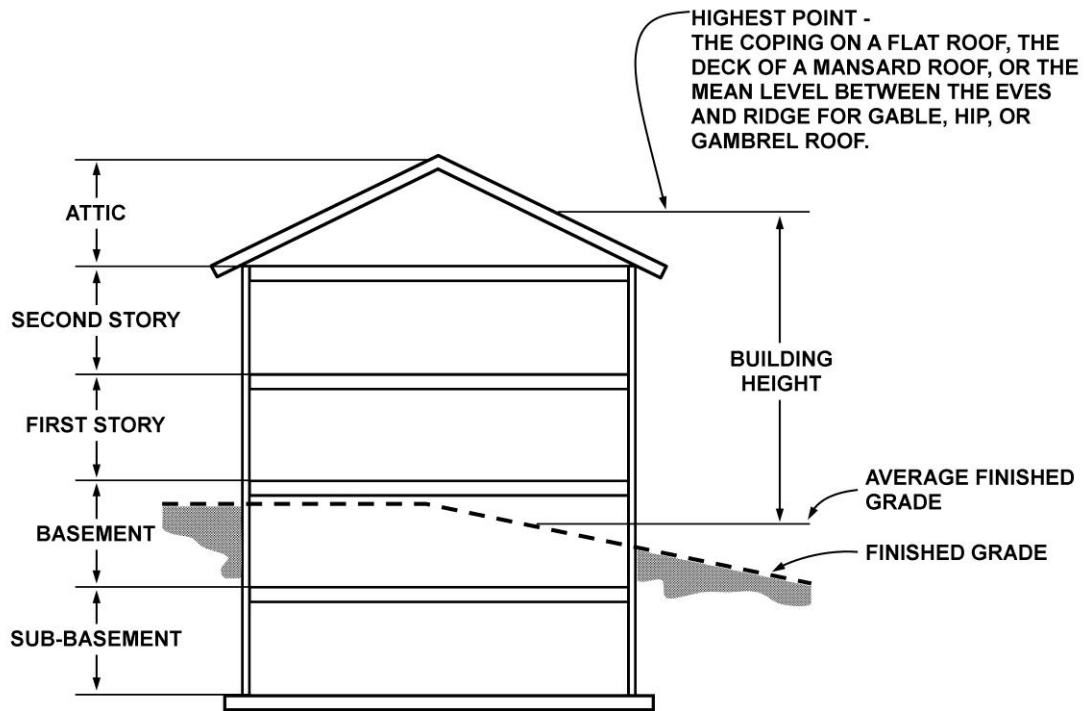
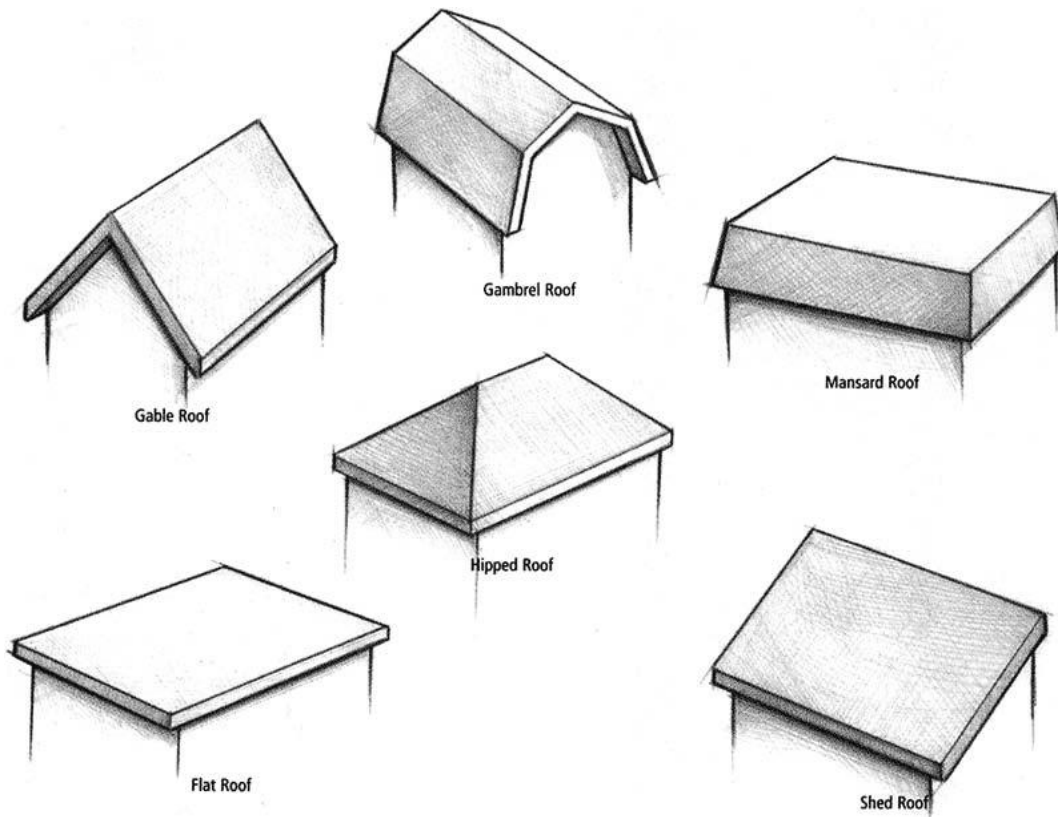


FIGURE 3-1



**FIGURE 3-2
ROOF TYPES**

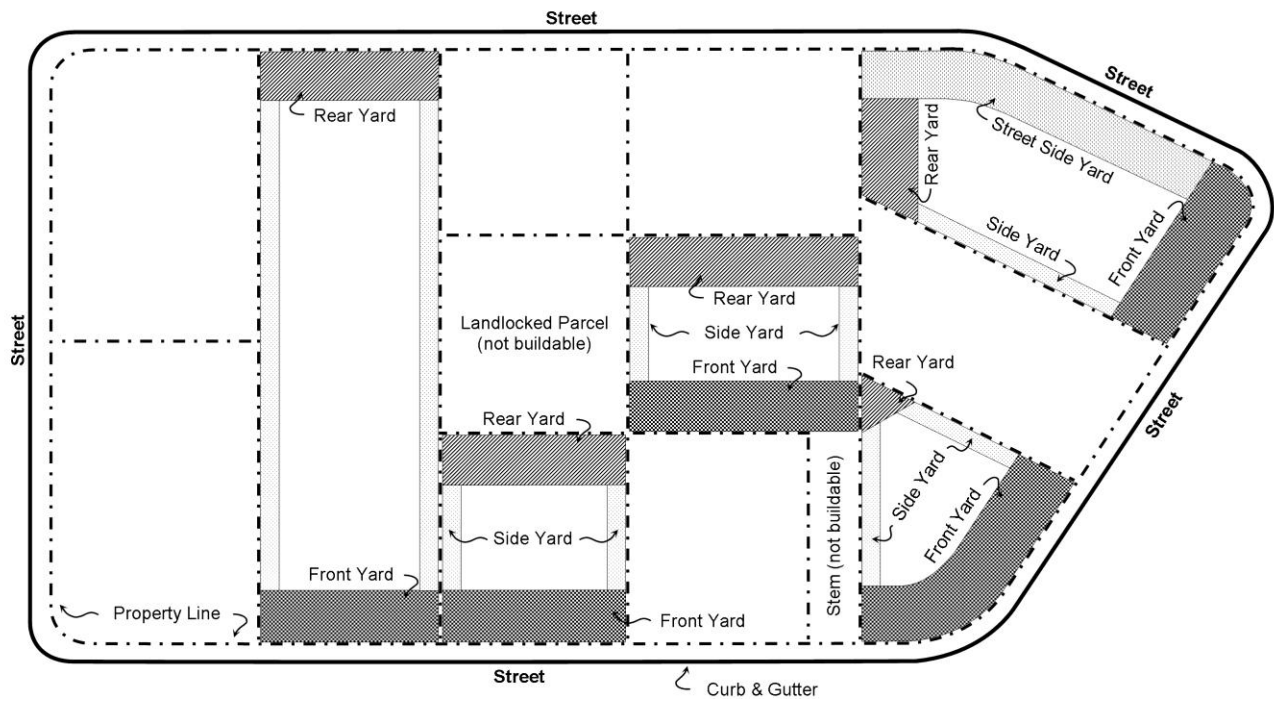


FIGURE 3-3

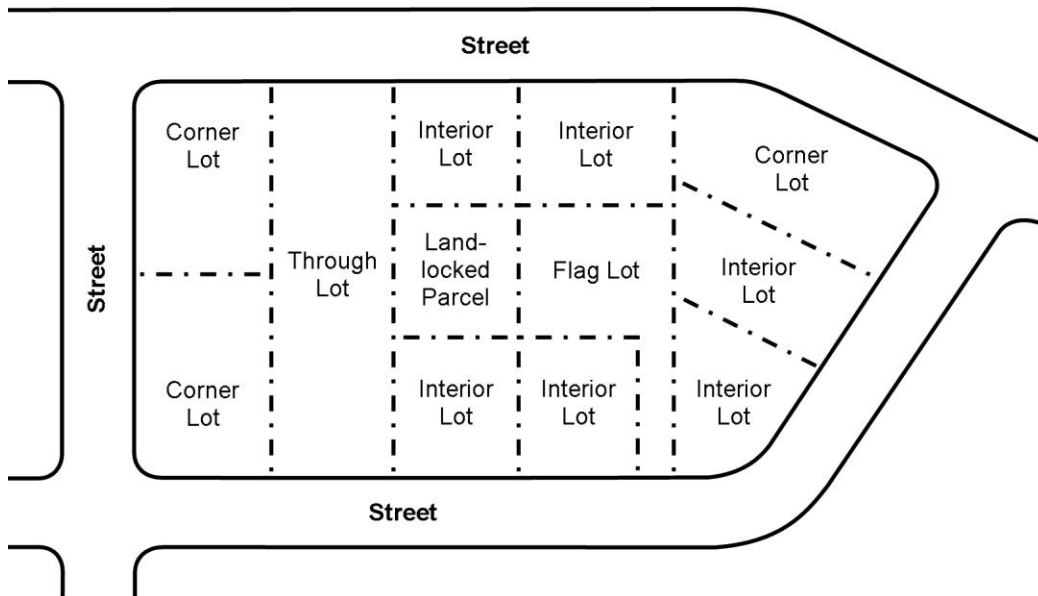


FIGURE 3-4

CHAPTER 6

(C) COMMERCIAL ZONE

14-6-101	PURPOSE AND OBJECTIVES
14-6-102	AREA OF ZONE
14-6-103	PERMITTED, CONDITIONAL, AND PROHIBITED USES
14-6-104	MINIMUM LOT STANDARDS
14-6-105	YARD REQUIREMENTS
14-6-106	PROJECTIONS INTO YARDS
14-6-107	BUILDING HEIGHT
14-6-108	DISTANCE BETWEEN BUILDINGS
14-6-109	LANDSCAPING
14-6-110	PARKING, LOADING, AND ACCESS
14-6-111	SITE PLAN APPROVAL
14-6-112	OTHER REQUIREMENTS
14-6-113	SEXUALLY ORIENTED BUSINESSES

14-6-101 PURPOSE AND OBJECTIVES

The Commercial Zone (C) is established to provide areas dedicated primarily to retail, office, and service related uses. Within the Commercial zone are various subzones with individual criteria that have been created to address specific needs pertinent to the areas these subzones encompass.

- A. The Heavy Commercial (C-H) subzone is intended for uses which involve heavy automobile and semi-truck traffic, and/or that are regional in nature. Areas zoned C-H should be near or immediately adjacent to major arterials. Typical uses in the C-H subzone include: Big-box retail, light manufacturing, planned commercial developments, office towers, automobile repair and service, outside storage yards and office/warehouse buildings.
- B. The General Commercial (C-G) subzone is intended for uses which involve medium automobile and semi-truck traffic, and/or that are sub-regional in nature. Areas zoned C-G should be near or immediately adjacent to major collector streets. Typical uses in the C-G subzone include: Small retail centers, supermarkets, restaurants, offices and general services.
- C. The Neighborhood Commercial (C-N) subzone is intended for uses which involve light vehicle traffic and/or that are local in nature. Areas zoned C-N should be near or immediately adjacent to collector roads.

14-6-102 AREA OF ZONE

Each area of commercial zoning shall meet the following minimum size:

Table 14-14-102

<u>Subzone</u>	<u>Min. Zone Area (Acres)</u>
C-H	3.0
C-G	2.0
C-N	0.5

14-6-103 PERMITTED, CONDITIONAL, AND PROHIBITED USES

Subject to the provisions and restrictions of this Title, the following principal uses and structures, and no others, are allowed either as a permitted use (P) or by Conditional Use Permit (C) in the Commercial zone. Some uses may be expressly prohibited (N) in this zone. Any use not listed herein is also expressly prohibited.

Table 14-6-103

<u>Use</u>	<u>C-H</u>	<u>C-G</u>	<u>C-N</u>
Assisted Living Center	N	N	N
ATV and Snowmobile Sales w/o Outside Storage and/or Display	P	C	N
ATV and Snowmobile Sales with Outside Display	P	N	N
Bail Bonds	C	N	N
Banks, Credit Unions	P	P	N
Bar, Tavern, Drinking Establishment	C	N	N
Beauty Services, Permanent Makeup and Cosmetics	P	P	P
Bottling, Canning, Food Production	P	C	N
Building/Construction Materials and Supplies w/ Outside Storage	C	C	N
Building/Construction Materials and Supplies w/o Outside Storage	P	C	N
Check Cashing, Title Loans	P	C	N
Construction Services w/ Outside Storage	C	N	N
Construction Services w/o Outside Storage	P	C	N
Convenience Stores	P	C	C
Dry Cleaner, Laundry Service	P	C	C
Fast Food Restaurant w/ or w/o Drive-up	P	C	N
Feed Lots, Animal Rendering, Animal Raising	N	N	N
Fire Arm/Shooting Range – Indoor	C	C	N
Fire Arm/Shooting Range – Outdoor	N	N	N
Food Preparation, Bakery	P	P	C
Funeral Parlor, Cemeteries, and Crematory Services	P	C	N
Gasoline Sales	P	P	C
General Retail w/ Outside Storage	C	C	N
General Retail w/o Outside Storage	P	P	C
Grocery Store	P	P	C
Hotels (Interior room access)	P	C	N
Industrial Manufacturing	N	N	N
Kennels, Animal Boarding	N	N	N
Laundromat (Self-operated)	P	P	C
Mail Order/Online Distribution Office w/ Onsite Indoor	P	C	N

Use	C-H	C-G	C-N
Storage			
Mail Order/Online Distribution Office w/ Onsite Outdoor Storage	C	N	N
Medical/Dental Laboratory	P	C	N
Medical/Dental Office	P	P	C
Millwork, Cabinetry	P	C	C
Motels (Drive-up/exterior room access)	N	N	N
Motorized Recreation	C	N	N
Municipal Facility	P	P	P
Non-motorized Recreation, Pool, Gymnasium – Public or Private	P	P	C
Pawnshop, Secondhand Merchandise,	C	N	N
Personal Services	P	P	C
Professional Services	P	P	C
Public/Private Assembly	P	P	C
Residential	N	N	N
Restaurant	P	P	C
Security Services	P	N	N
Self Storage Units or Warehouse w/o Office	N	N	N
Sexually Oriented Business, Escort Service	C	N	N
Small Engine/Appliance Repair	P	P	N
Tailor, Seamstress, Shoe Repair	P	P	C
Tattoo Parlor/Body Art Establishment	C	C	N
Telecommunication Facility not on City Property	C	C	C
Telecommunication Facility on City property	P	P	P
Thrift Store	P	C	C
Tutoring, Dance, Preschool, Daycare	P	P	C
Vehicle Part Sales	P	P	N
Vehicle Repair	P	N	N
Vehicle Sales	P	N	N
Vehicle Salvage/Wrecking	N	N	N
Vehicle Service and Wash	P	C	N
Vehicle Storage – Indoor	P	P	C
Vehicle Storage – Outdoor	C	N	N
Warehouse w/ Office	P	N	N
Welding, Autobody, Machine Shop, Fiberglass, Painting – indoor	P	N	N
Welding, Autobody, Machine Shop, Fiberglass, Painting - Outdoor	C	N	N

Accessory uses and structures are permitted in the Commercial Zone provided they are incidental to and do not substantially alter the character of the permitted principal use of the structure. Such permitted accessory uses and structures include, but are not limited to, the following:

- A. Accessory structures such as garages, carports, equipment storage buildings and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in the (C) Zone.

- B. Storage of materials used for the construction of a building, including a contractor's temporary office, provided that such use be located on the building site or immediately adjacent thereto, and provided further that such use shall be permitted only during the construction period and thirty (30) days thereafter.

14-6-104 MINIMUM LOT STANDARDS

The minimum area and street frontage for any lot or parcel in the Commercial Zone shall be as follows:

Table 14-6-104

<u>Subzone</u>	<u>Min. Lot Size (Acres)</u>	<u>Min. Frontage and Width</u>
C-H	0.50	50
C-G	0.50	50
C-N	0.25	70

A corner lot shall meet the minimum frontage and width requirements along both streets.

14-6-105 YARD REQUIREMENTS

The following minimum yard requirements shall apply in the (C) Zone, except that the minimum front, rear, and side yards listed below shall be increased by one foot (1') for each foot in height the structure extends above thirty-five (35) feet, or the portion of the building extending above thirty-five (35) feet may be set back the equivalent horizontal distance. An interior side or rear yard setback may be reduced during the site plan approval process if the land use authority determines that there is no need for a landscape buffer along that portion of the site, and that the public interest is better served by reducing the setback. However, no setback may be less than required by the International Building Code.

- A. Front and Street Yards. Any lot or parcel within the (C) Zone shall have a minimum building setback of twenty (20) feet from any front property line and/or any property line abutting a public street.
- B. Side Yard. Except as provided otherwise in this chapter, any lot or parcel of land in the (C) Zone shall have a minimum building setback of ten (10) feet from a side property line.
- C. Rear Yard. Except as provided otherwise in this chapter, any lot or parcel of land in the (C) Zone shall have a minimum building setback of ten (10) feet from a rear property line.
- D. Yard Abutting Residential Lots. Where property in the (C) Zone abuts a residential lot or parcel, the minimum building setback shall be twenty (20) feet on the abutting side.
- E. Accessory Structure. Each accessory structure shall meet all of the setback requirements of principal structures on the same lot or parcel. An accessory structure that does not require a building permit, as per the International Building Code, may be located in a side or rear setback area only if all of the following conditions are met:
1. The accessory structure is not within a front or street yard setback and is located more than ten (10) feet from any main building on the same or adjacent property.

2. The accessory structure has no openings on the side which is contiguous with the property line, and the walls of said structure which are adjacent to the property line have a fire retardant rating as specified by the IBC.
3. The accessory structure is designed such that all roof drainage is discharged onto the lot or parcel on which it is erected.

14-6-106 PROJECTIONS INTO YARDS

- A. The following items may be erected on or project into any required yard, except that they shall not obstruct a required driveway or pedestrian access:
 1. Fences and walls in conformance with this Title.
 2. Landscape elements, including: trees, shrubs, and other plants.
 3. Necessary appurtenances for utility service as long as they are attached to a permitted structure and do not protrude more than two (2) feet into a required setback.
- B. The structures listed below may project into a minimum front or rear yard not more than four (4) feet, and into a minimum side yard not more than two (2) feet, except that they may not obstruct a required driveway or pedestrian access:
 - Cornices, eaves, belt courses, sills, buttresses or other similar architectural features.
 - Stairways, balconies, door stoops, fire escapes and awnings.
 - Planter boxes or masonry planters not exceeding twenty-four (24) inches in height.
 - A covered entry or porch used for the protection of pedestrians entering or leaving a structure provided said structure is not more than one (1) story in height and is entirely open on at least three (3) sides.

14-6-107 STRUCTURE HEIGHT

No building or structure in the (C) Zone shall exceed forty-five (45) feet in height as measured at the average grade. Chimneys, flagpoles, church towers and similar accessory elements not used for human occupancy are excluded in determining height; however, the City may limit the height of any protrusion that is found by the City Council to be a public nuisance.

14-6-108 DISTANCE BETWEEN STRUCTURES

The minimum separation between structures shall be ten (10) feet or as required by the International Building Code, whichever is greater. This separation may be reduced through the site plan approval process, except that it shall never be less than distance required by the IBC.

14-6-109 LANDSCAPING

The following landscaping provisions shall apply in the (C) Zone in addition to other requirements of this Title.

1. The minimum amount of landscaping required within each subzone shall be as follows:

Table 14-14-109

<u>Subzone</u>	<u>Min. Percent Landscaping</u>
C-H	15%
C-G	15%
C-N	25%

2. Required landscaping shall be located onsite and shall not include required landscaping within a public right-of-way or any other location not within the property boundaries.
3. All landscaping shall be sprinkled and planted with substantial live plant material for the purpose of buffering, screening, and beautifying the site. At plant maturity, the landscaping should represent, as a minimum standard, compatibility with surrounding developed properties and uses and must be permanently maintained by the owner or occupants.
4. A minimum ten (10) feet wide landscape buffer shall be required along all frontage areas not occupied by drive accesses.
5. A minimum ten (10) feet wide landscape buffer shall be established adjacent to all residential properties.
6. All parking, loading, and drive areas shall have a minimum five (5) feet wide landscape buffer when located adjacent to a side or rear property line, except as noted for buffering between residential uses.
7. Parking areas shall be landscaped as set forth in this Title.
8. Landscaping shall also be installed in all parkstrips to the same standards as other on-site landscaping. Asphalt, concrete, bricks, pavers, railroad ties, and other non-vegetative material are not allowed in the parkstrip area between the curb and sidewalk. Xeriscaping is permitted in accordance with the *Landscaping and Fencing* chapter of this Title.
9. Any area that is not landscaped shall be improved consistent with uses permitted in the (C) zone.

14-6-110 PARKING, LOADING, AND ACCESS

Each lot or parcel in the (C) Zone shall have vehicle parking, loading, and access designed to meet the requirements of this Code.

14-6-111 SITE PLAN APPROVAL

Site plan approval shall be required for any new construction or change in use in the (C) Zone.

14-6-112 OTHER REQUIREMENTS

- A. Signs. Each sign erected in the (C) Zone shall conform to the sign provisions of this Title.
- B. Uses Within Buildings. Each use permitted in the (C) Zone shall be conducted entirely within a fully enclosed building. The exception is that a permitted use may include the outdoor display of merchandise for sale only if all of the following conditions are met:
1. The outdoor display of merchandise shall not be located upon any sidewalk, walkway, driveway or within any public right-of-way nor shall it interfere with pedestrian or vehicular movement or with safe and proper ingress and egress of pedestrian traffic.
 2. The outdoor display of merchandise shall not reduce the amount of off-street parking below that which is required for the associated commercial uses on the premises.
 3. No item shall be displayed outdoors except for those lawfully displayed and sold inside the business or businesses located on the property. No hazardous and/or flammable materials (such as antifreeze, kerosene, poisons, pesticides and other similar items) may be displayed outdoors.
 4. The aggregate outdoor display area shall not exceed twenty-five percent (25%) of the linear frontage of the store front or ten (10) linear feet, whichever is greater. Businesses located on a corner shall be considered as having two (2) store fronts.
 5. No outdoor display shall exceed six (6) feet in height.
 6. A maximum of fifty percent (50%) of the aggregate outdoor display area may be located in any required landscaping.
 7. Items shall be displayed outdoors only during the hours when the business conducting the display is open to the public. Live plant material shall be exempt from this requirement.
 8. Additional signs, beyond those normally allowed for the subject business, shall not be allowed as part of the outdoor display and sales area.
 9. Outdoor displays for special sales or for one of a kind items which would exceed any of these requirements may be granted a special permit by the Planning Director for a period not to exceed fourteen (14) days provided such special displays do not create parking, access or traffic hazards.
- C. Trash Storage. No trash, used materials, wrecked or abandoned vehicles or equipment shall be stored in an open area.

Each development in the (C) Zone shall have adequate on-site, screened refuse containers maintained in a location approved as part of the site plan.

14-6-113 SEXUALLY ORIENTED BUSINESSES

- A. Sexually oriented businesses, as defined in the Bountiful City Code, shall be allowed only as a conditional use and only in the Heavy Commercial (C-H) subzone provided that all of the following criteria are met:
1. The sexually oriented business may not be operated within six hundred (600) feet of a church, synagogue or regular place of religious worship, a public or private elementary or secondary school, or the boundary of a public park, a licensed day-care center, an existing entertainment business that is oriented primarily towards children or family entertainment, an adults-only business licensed for on-premise beer or alcohol consumption, or another sexually oriented business.
 2. For the purpose of this Code, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, synagogue, regular place of religious worship, a public or private elementary or secondary school, or the boundary of a public park, a licensed day-care center, an existing entertainment business that is oriented primarily towards children or family entertainment, an adults-only business licensed for on-premise beer or alcohol consumption.
 3. The sexually oriented business shall apply for and meet all of the criteria for a sexually oriented businesses license and shall continuously maintain current such business license.
- B. It is unlawful for any sexually oriented business to deliver any services whatsoever off premises from the business location in the heavy commercial zone. No delivery or products, maid service, or any other personal service, may be rendered in any other zone, or to any other location in the heavy commercial zone.

CHAPTER 7

DN – DOWNTOWN

- 14-7-101 PURPOSE AND OBJECTIVES
- 14-7-102 AREA OF ZONE
- 14-7-103 PERMITTED, CONDITIONAL, AND PROHIBITED USES
- 14-7-104 MINIMUM LOT STANDARDS
- 14-7-105 YARD REQUIREMENTS
- 14-7-106 PROJECTIONS INTO YARDS
- 14-7-107 STRUCTURE HEIGHT
- 14-7-108 DISTANCE BETWEEN STRUCTURES
- 14-7-109 LANDSCAPING AND PERMISSIBLE LOT COVERAGE
- 14-7-110 PARKING, LOADING, AND ACCESS
- 14-7-111 SITE PLAN APPROVAL
- 14-7-112 OTHER REQUIREMENTS

14-7-101 PURPOSE AND OBJECTIVES

The Downtown (DN) Mixed Use Zone is established to provide a district primarily for the preservation of the mixed use character of the commercial and residential uses in and adjacent to the Main Street downtown area, consistent with the provisions of the adopted Bountiful Historic Downtown Plan.

14-7-102 AREA OF ZONE

Each area of Downtown zoning shall be at least four (4) acres in size.

14-7-103 PERMITTED, CONDITIONAL, AND PROHIBITED USES

The following principal uses and structures, and no others, are allowed either as a permitted use (P) or by Conditional Use Permit (C) in the Downtown zone. Some uses may be expressly prohibited (N) in this zone. Any use not listed herein is also expressly prohibited. Properties fronting on 100 West or 100 East shall be limited to the residential uses allowed in the (DN) zone.

Table 14-7-103

<u>Use</u>	<u>DN</u>
Detached Accessory Dwelling Unit	C
Internal Accessory Dwelling Unit	P
Assisted Living Center	C
Bail Bonds	N
Banks, Credit Unions	P
Bar, Tavern, Drinking Establishment	N
Beauty Services, Permanent Makeup and Cosmetics	P
Bottling, Canning, Food Production	C

Use	DN
Building/Construction Materials and Supplies w/ outside storage	N
Building/Construction Materials and Supplies w/o outside storage	C
Check Cashing, Title Loans	N
Construction Services w/ outside storage	N
Construction Services w/o outside storage	C
Convenience Stores	C
Dry Cleaner, Laundry Service	P
Fast Food Restaurant w/ drive-thru window	N
Fast Food Restaurant w/ pick-up	C
Fast Food Restaurant w/o drive-thru	P
Feed Lots, Animal Rendering, Animal Raising	N
Fire Arm/Shooting Range – Indoor	N
Fire Arm/Shooting Range – Outdoor	N
Food Preparation, Bakery	C
Funeral Parlor, Cemeteries, and Crematory Services	C
Gasoline Sales	N
General retail w/ outside storage	N
General retail w/o outside storage	P
Grocery Store	P
Hotels (Interior rooms)	P
Industrial Manufacturing	N
Kennels, Animal Boarding	N
Laundromat (Self-operated)	P
Mail Order/Online Distribution office w/ onsite storage	C
Medical/Dental Laboratory	N
Medical/Dental Office	P
Millwork, Cabinetry	P
Motels (Drive-up/exterior rooms)	N
Motorized Recreation	N
Multi-Family Residential – Stand alone, with frontage on Main Street	N
Multi-Family Residential – Stand alone without frontage on Main Street	C
Multi-Family Residential w/ Commercial Use on ground floor (Mixed-Use)	C
Municipal Facility	P
Non-motorized Recreation, Pool, Gymnasium – Public or Private	P
Pawnshop, Secondhand Merchandise	N
Personal Services	P
Private Schools	C
Professional Services	P
Public/Private Assembly	C
Restaurant	P

Use	DN
Security Services	C
Self-Storage Units or Warehouse w/o Office	N
Sexually Oriented Business, Escort Service	N
Single-Family Dwelling	P
Single-Family Dwelling - property fronting on Main Street	N
Two-Family Dwelling	C
Two-Family Dwelling – property fronting on Main Street	N
Small engine/appliance repair	C
Tailor, Seamstress, Shoe repair	P
Tattoo Parlor, Body Art Establishment	N
Tutoring, Dance, Preschool, Daycare	P
Vehicle Part Sales	N
Vehicle Repair	N
Vehicle Sales	N
Vehicle Salvage/Wrecking	N
Vehicle Service and Wash	N
Vehicle Storage – Indoor	C
Warehouse w/ office	N
Welding, Autobody, Machine Shop, Fiberglass, Painting	N

Accessory uses and structures shall be permitted in the Downtown Zone provided that they are incidental to and do not substantially alter the character of the permitted principal use of a main structure. Such permitted accessory uses and structures include, but are not limited to, the following:

- A. Accessory structures such as garages, carports, equipment storage buildings and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in the (DN) Zone.
- B. Storage of materials used for the construction of a building, including a contractor's temporary office, provided that such use be located on the building site or immediately adjacent thereto, and provided further that such use shall be permitted only during the construction period and thirty (30) days thereafter.

14-7-104 MINIMUM LOT STANDARDS

The minimum area and street frontage for any lot or parcel in the Downtown Zone shall be as follows:

Table 14-7-104

<u>Use</u>	<u>Min. Lot Size</u>	<u>Min. Frontage and Width</u>
Commercial	8,000	50
Mixed-Use	8,000	50
Single Family	8,000	70
Two-Family and Multi-Family	10,000	50

- A. Lots with more than one (1) street frontage shall meet the minimum requirements along all frontages.
- B. An existing lot or parcel that does not meet the minimum requirements shall be considered a non-complying lot, and all proposed development on such lot or parcel requiring site plan review shall follow the process for non-complying sites and structures.

14-7-105 YARD REQUIREMENTS

A lot or parcel with a single family or two family dwelling shall conform to the minimum setbacks of the R-4 subzone. All other uses, including multi-family and mixed-use, shall meet the following requirements:

- A. Front and Street Setbacks.
 - 1. Along 100 West and 100 East any building shall have a minimum building setback of 20 feet and a maximum setback of twenty-five (25) feet from any front property line and/or any property line abutting a public street.
 - 2. Along Main Street any building shall be located within ten (10) feet of the street property line. Plazas, outdoor eating areas, and other pedestrian oriented site amenities, including but not limited to, seating, drinking and ornamental fountains, art, trees, and landscaping, for use by pedestrians, shall be considered part of the building for setback purposes, as determined by the approving Land Use Authority.
 - 3. Along 500 South, 400 South, 300 South, 200 South, 100 South, 100 North, 200 North, or 300 North and 400 North any building shall be setback at least ten (10) feet and not more than twenty (20) feet from the street property line. When any building faces Main Street, the streetside yard shall be located within ten (10) feet of the street property line.
 - 4. Along Center Street, any building shall be setback at least five (5) feet and not more than ten (10) feet from the street property line.
- B. Side Yard. Except as provided otherwise in this chapter, each lot or parcel shall have a minimum building setback of ten (10) feet from an interior side property line. Any lot or parcel that fronts onto Main Street shall have no interior side yard setback except as required by the International Building Code.
- C. Rear Yard. Except as provided otherwise in this chapter, each lot or parcel shall have a minimum building setback of ten (10) feet from a rear property line.

- D. Yard Abutting Residential Lots. Where property abuts an existing single family residential zone, the minimum building setback shall be ten (10) feet on the abutting side.
- E. Accessory Structures. An accessory structure shall meet all of the setback requirements of a principal structure. An accessory structure that does not require a building permit, according to the International Building Code (IBC), may be located in a side or rear setback area only if all of the following conditions are met:
1. The accessory structure is not within a front or street yard setback and is located more than ten (10) feet from any main building on the same or adjacent property.
 2. The accessory structure has no openings on the side which is contiguous with the property line, and the walls of said building which are adjacent to the property line have a fire retardant rating as specified by the IBC.
 3. The accessory structure is designed such that all roof drainage is discharged onto the lot or parcel on which it is erected.
 4. A non-flammable carport, open on all sides with a roof structure, shall have a minimum rear and side yard setback of five (5) feet from structural posts and one (1) foot from the roof to the property line, and shall not be placed in the front yard setback of the main structure.
- F. Residential Uses. It is the requirement of Bountiful City that multiple family developments reflect a sense of proportion. Proportion requires that the development be designed in such a manner that each unit receives a reasonable and approximately proportionate share of the open space, landscaping, and other benefits of the site. Locating units in such a way that benefits of the site fall primarily to one unit or a few units, and not to others, is prohibited. Depending upon topography, property dimensions and site configuration, it is possible that this requirement may affect the number of units that can be physically located on a lot or parcel. The Planning Commission and City Council are granted reasonable discretion in administering the proportionality requirement, and may modify yard setback requirements by up to twenty (20) percent subject to a finding that such modification will benefit all units more equally than would be possible if the standard requirement was applied.

14-7-106 PROJECTIONS INTO YARDS

- A. The following structures may be erected on or project into any required yard, except that they shall not obstruct a required driveway or pedestrian access:
1. A fence or wall in conformance with this Code.
 2. Landscape elements, including: trees, shrubs and other plants.

3. Necessary appurtenances for utility service as long as they are attached to a permitted structure and do not protrude more than two (2) feet into a required setback.
- B. The structures listed below may project into a minimum front or rear yard not more than four (4) feet, and into a minimum side yard not more than two (2) feet, except that they may not obstruct a required driveway or pedestrian access:
1. Cornices, eaves, belt courses, sills, buttresses or other similar architectural features.
 2. Stairways, balconies, door stoops, fire escapes and awnings
 3. Planter boxes or masonry planters not exceeding twenty-four (24) inches in height.
 4. A covered entry or porch used for the protection of pedestrians entering or leaving a building, provided said structure is not more than one story in height and is entirely open on at least three (3) sides.
- C. Buildings that front onto Main Street and that are built within ten (10) feet of the front property line may have canopies with business identification sign area if the following criteria are met:
1. The canopy may protrude a maximum of six feet (6') into the Main Street right-of-way, over areas of sidewalk.
 2. The canopy shall not come within seven feet (7') of any parking stall, drive lane, or other portion of the right-of-way used for vehicle access.
 3. The total combined length of the canopy or canopies shall not exceed two thirds (2/3) of the building width.
 4. The maximum height of the canopy shall not exceed five feet (5').
 5. Off-premise signs are expressly prohibited.
 6. Canopy sign copy area shall be a maximum of thirty-two (32) sq. ft. per property.

14-7-107 STRUCTURE HEIGHT

Any lot or parcel with a single family dwelling shall conform to the maximum height requirements of the R-4 subzone. All other uses shall comply with the following height standards:

- A. Buildings located within 50 feet of the street property line on 100 West and 100 East shall not exceed 35 feet in height as measured at the average grade.
- B. Buildings located between 50 and 200 feet from the street property line on 100 West and 100 East shall not exceed 45 feet in height as measured at the average grade.

- C. Buildings located at least 200 feet from 100 West and 100 East street property line shall not exceed 55 feet in height measured at the average grade.
- D. Maximum height for public and quasi-public buildings shall be approved through the site plan approval process by the land use authority.
- E. Chimneys, flagpoles, towers, steeples and similar accessory and architectural elements not used for human occupancy are excluded in determining height; however, the City may limit the height of any protrusion that is found by the City Council to be a public nuisance.
- F. In no case shall the area covered by roof mounted equipment exceed twenty percent (20%) of the roof area. Roof mounted equipment shall be setback from the edge of the roof a minimum of 1 foot for every foot of height. If mechanical equipment is located within roofed and enclosed structures, these structures shall not exceed the maximum height for the zone whether or not these areas are designed for human occupancy.

14-7-108 DISTANCE BETWEEN STRUCTURES

A lot or parcel with a single family or two family dwelling shall conform to the minimum building separation requirements of the R-4 subzone. For all other uses, the minimum separation between structures shall be as required by the International Building Code.

14-7-109 LANDSCAPING AND PERMISSIBLE LOT COVERAGE

- A. A lot or parcel with a single family or two family dwelling shall follow the lot coverage requirements of the R-4 subzone. All others, including multi-family and mixed-use developments, shall conform to the following criteria, in addition to any other requirements of this Title:
 - 1. All landscaping shall be sprinkled and planted with substantial live plant material for the purpose of buffering, screening and beautifying the site. At plant maturity, the landscaping should represent, as a minimum standard, compatibility with surrounding developed properties and uses and must be permanently maintained by the owner or occupants.
 - 2. With the exception of properties fronting on Main Street a minimum ten (10) feet wide landscape buffer shall be required along all frontage areas not occupied by drive accesses.
 - 3. A minimum ten (10) feet wide landscape buffer shall be established adjacent to a residential property.
 - 4. Parking, loading, and drive areas shall have a minimum five (5) feet wide landscape buffer when located adjacent to a side or rear property line, except for landscape buffering required between residential uses.

5. Parking areas shall be landscaped as set forth in this Code.
 6. Approved landscaping must cover a minimum of ten (10) percent of the development site exclusive of any parkstrips in a public right-of-way. In addition to the minimum 10 percent required for all development, mixed-use and multi-family uses shall provide an additional 50 square feet of landscaping per residential unit.
 7. Landscaping shall also be installed in all parkstrips to the same standards as other on-site landscaping. Asphalt, concrete, bricks, pavers, railroad ties, rocks, gravel, and other non-vegetative material is not allowed in the parkstrip area between the curb and sidewalk.
- B. During the site plan approval process, the City may require more or less landscaping consistent with the provisions of the adopted Historic Downtown Plan.

14-7-110 PARKING, LOADING, AND ACCESS

- A. Each lot or parcel in the (DN) Zone shall have vehicle parking, loading, and access designed to meet the requirements of this Code. In addition to the standards of Chapter 18 of the Land Use Code, the following shall apply to properties in the DN Zoning district.
1. Off street parking is not permitted in the front setback area and/or between the street and building. Parking shall be located to the side or rear of the building.
 2. Parking for buildings fronting on Main Street shall be located completely behind the principal structure.
 3. Required guest parking stalls shall be located in dedicated off-street parking spaces. Driveways and areas located in front of garage doors (for example in townhome style developments) shall not be used to satisfy minimum guest parking requirements.

14-7-111 SITE PLAN APPROVAL

Except for single family dwellings, site plan approval shall be required for any development in the (DN) Zone as set forth in this Title.

14-7-112 OTHER REQUIREMENTS

- A. Signs. Any sign erected in the (DN) Zone shall conform to the sign provisions of this Title. Single family and two family dwellings shall conform to the criteria for the R-4 subzone, and multi-family uses shall conform to the criteria for the RM-13 subzone. All others shall conform to the criteria for the DN zone. Pole signs shall not be permitted.

- B. Uses Within Buildings. Any commercial use permitted in the (DN) Zone shall be conducted entirely within a fully enclosed building, except as provided in subsections 1 and 2 below.
1. Outdoor Display of merchandise for sale in the downtown area. Businesses located in buildings in the (DN) Zone that have setbacks less than three (3) feet from the public right-of-way may display in the public right-of-way, subject to the following terms and conditions:
 - a. Any display of merchandise on the sidewalk may not exceed three (3) feet into the public right-of-way from the property line of the business, except during the annual “Sidewalk Days” celebration. There may be no display of merchandise in the planter boxes in the public right-of-way.
 - b. During the winter months, a display may not impede snow removal from the sidewalk.
 - c. The display shall not exceed twenty-five percent (25%) of the width of the lot, parcel, or business. However, businesses with less than forty (40) feet of width may have a display not to exceed ten (10) feet in width.
 - d. Only merchandise sold inside the business may be displayed outside.
 - e. No outdoor display shall exceed six (6) feet in height.
 - f. Each display shall be taken down at the end of each business day. The merchant shall be solely responsible for items displayed.
 - g. Each display shall not create a hazard, sight distance, or other problem to pedestrians on the sidewalk or to drivers on the street.
 - h. Displayed merchandise shall not obscure or interfere with any official notice, public safety sign or device.
 2. Any business not listed in subsection 1 may include the outdoor display of merchandise for sale only if all of the following conditions are met:
 - a. The outdoor display of merchandise shall not be located upon any sidewalk, walkway, driveway or within any public right-of-way nor shall it interfere with pedestrian or vehicular movement or with safe and proper ingress and egress of pedestrian traffic.
 - b. The outdoor display of merchandise shall not reduce the amount of off-street parking below that which is required for the associated commercial uses on the premises.

- c. No item shall be displayed outdoors except for those lawfully displayed and sold inside the business or businesses located on the property. No hazardous and/or flammable materials (such as antifreeze, kerosene, poisons, pesticides and other similar items) may be displayed outdoors.
- d. The aggregate outdoor display area shall not exceed twenty-five (25) percent of the linear frontage of the store front or 10 linear feet, whichever is greater. A business located on a corner shall be considered as having two (2) store fronts.
- e. No outdoor display shall exceed six (6) feet in height.
- f. A maximum of fifty (50) percent of the aggregate outdoor display area may be located in any required landscaping.
- g. Items shall be displayed outdoors only during the hours that the business conducting the display is open to the public. Live plant material shall be exempt from this requirement.
- h. Additional signs, beyond those allowed by this Title, shall not be allowed as part of the outdoor display and sales area.
- i. Outdoor displays for special sales or for one of a kind items which would exceed any of these requirements may be granted a special permit by the Planning Director for a period not to exceed fourteen (14) days provided such special displays do not create parking, access, or traffic hazards.

C. Structure Design and Materials.

Any structure, except for single and two family dwellings, shall meet the minimum design criteria as set forth in this Title. In addition, the following shall apply.

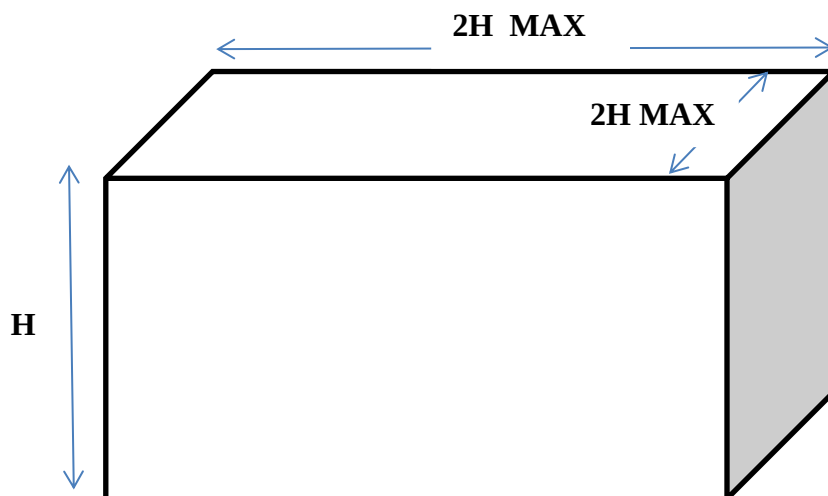
- 1. Exteriors shall be maintenance free wall material such as high quality brick, natural stone, weather resistance stucco or masonite type material, or non-wood siding. Stucco, masonite or siding may not exceed fifty (50) percent of the exterior.
- 2. Each residential unit shall have some private outdoor space in the form of a balcony or patio.
- 3. The primary entrance of a building must be oriented to face a street, public plaza or approved pedestrian-way. Ground floor residential units located adjacent to the street shall have the primary entrance oriented toward the street.
- 4. Primary entrance design shall consist of at least two (2) of the following design elements, or a comparable substitute, at the primary entrance, so that the primary entrance is architecturally prominent and clearly visible from the abutting street.

- a. Architectural details such as arches, friezes, tile work, canopies or awnings
 - b. Integral planters or wing walls that incorporate landscape or seating.
 - c. Recessed entrances that include a minimum step back of two feet (2') from the primary facade and that include glass on the sidewalls.
- 5. All buildings must meet the ground with some form of base element or detailing to visually connect the building to the landscape. The base element may be smooth concrete (architectural grade), masonry or stone.
- 6. Blank walls shall be prohibited on street-facing facades. At least 50 percent of the width of a new or reconstructed first story building wall facing a street shall be devoted to pedestrian entrances, display windows or windows affording views into retail, office, restaurant, or lobby space. All development shall provide ground floor windows on the building facade and adjacent to a public or private street. Darkly tinted windows and mirrored windows are prohibited as ground floor windows.
- 7. To preclude large expanses of uninterrupted building surfaces, exterior elevations shall incorporate design features such as offsets, balconies, projections, or similar elements along each face of the building facing a public right-of-way or public plaza. Along the vertical face of the structure, offsets shall occur at a minimum of every 25 feet by providing any two of the following:
 - a. Recesses (elevated decks, patios, entrances, etc.) with a minimum depth of four (4) feet, or
 - b. Extensions (elevated decks, patios, entrances, floor area, etc.) with a minimum depth of four (4) feet, or
 - c. Offsets or breaks in roof elevations of three (3) or more feet in height.
- 8. Buildings with parking located on the ground floor within the footprint of the structure shall incorporate design features into street facing facades that are consistent with the remainder of the building design and that are pedestrian oriented. Features shall include elements typical of a front façade, including doors, false windows, planters, and/or architectural details providing articulation. False windows shall be integrated into the framing of the building and shall not consist of surface mounted features such as tacked on display cases. Required venting for parking areas, including louvered openings, shall not be located along a street facing façade.
- 9. Ground Floor Use Requirement: For buildings located at least 200 feet from 100 West and 100 East the ground floor story of structures located adjacent to the street shall be built to accommodate an allowed commercial, institutional, or

public use. Required ground floor use shall be located along and oriented toward street frontages and shall be a minimum horizontal depth of 25 feet as measured from the front face of the building. With the exception of buildings fronting on Main Street, residential uses may be permitted within the required area in lieu of the required use, if the ground floor is designed so that it can be converted to an allowed commercial use in the future. To accommodate this conversion, the shell space of the ground floor shall be built to an occupancy standard required by the adopted Building Code that can accommodate conversion of the interior of the space to a future permitted commercial use. The following additional requirements shall apply to the ground floor space if used for residential uses:

- a. The shell space shall be at least twelve feet (12') in height measured from floor deck to floor deck;
 - b. Each ground floor unit shall have a direct entrance from the sidewalk to the unit;
 - c. Each ground floor unit shall be ADA accessible; and
 - d. Each ground floor unit shall include a porch, patio, stoop or other entrance feature that is a minimum depth of at least five feet (5').
10. The overall width or depth of a mixed use or multi-family residential building shall not exceed twice the maximum building height allowed. In cases where two building height standards apply based on setbacks, the 2:1 ratio shall be calculated from the highest possible height allowed for the building. See Figure 14-7-112-C.

Figure 14-7-112-C



- D. Neighborhood Compatibility. Each structure, except for existing single and two family dwellings, shall be designed consistent with the adopted Historic Downtown Bountiful

Master Plan, particularly with regard to building height, architecture, landscaping and building mass.

- E. Trash Storage. No trash, used materials, wrecked or abandoned vehicles or equipment shall be stored in an open area. With the exception of single family and two family dwellings, each development in the (DN) Zone shall be required to have adequate, on-site, screened refuse containers maintained in a location approved as part of the site plan.
- F. Walls and Fences. Any wall or fence erected around a commercial development or mixed use development shall comply with the requirements of the (C-G) zone. Any multi-family development shall comply with the requirements for the RM-13 subzone. Any single family and two family developments shall comply with the provisions of the R-4 subzone.

14-7-120 PERMITTED ADJUSTMENTS TO REQUIRED PARKING

- A. Downtown Parking District Defined.

The Downtown Parking District consists of those properties located within the (DN) Zone.

- B. Proximity of Parking to Use.

Required parking spaces for residential uses must be located on site. Required parking spaces for nonresidential uses must be located on site or in parking areas within five hundred feet (500') of the development site property boundary. Off-site nonresidential parking is allowed if the following documentation is submitted in writing to the land use authority as part of a building or zoning permit application or land use review:

1. The names and addresses of the uses and of the owners or tenants that are sharing the parking;
2. The location and number of parking spaces that are being shared;
3. An analysis showing that the parking area will be large enough for the anticipated demands of both uses; and
4. A legal instrument such as an easement or deed restriction that guarantees access to the parking for both uses.

- C. Joint Use Parking.

Joint use of required parking spaces may occur where two (2) or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. Joint use of required nonresidential parking spaces is allowed if the following documentation is submitted in writing to the land use authority as part of a building or zoning permit application or land use review:

1. The names and addresses of the uses and of the owners or tenants that are sharing the parking;
 2. The location and number of parking spaces that are being shared;
 3. An analysis showing that the peak parking times of the uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses; and
 4. A legal instrument such as an easement or deed restriction that guarantees access to the parking for both uses.
- D. No parking calculation which includes the parking areas owned by the Bountiful Redevelopment Agency gives any right of possession, any real estate interest or contract right or right of way on any Redevelopment Agency property.

CHAPTER 10

(MXD) MIXED-USE ZONE

14-10-101	PURPOSE
14-10-102	ZONE/PROJECT EVALUATION
14-10-103	SITE CHARACTERISTICS
14-10-104	SUB-ZONE STANDARDS
14-10-105a	PERMITTED USES
14-10-105b	PROHIBITED USES
14-10-106	DEVELOPMENT PLAN
14-10-107	DEFAULT SETBACKS AND HEIGHT LIMITATIONS
14-10-108	DEVELOPMENT CHARACTERISTICS
14-10-109	DEVELOPMENT PROCEDURES

14-10-101 PURPOSE.

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

14-10-102 ZONE/PROJECT EVALUATION

All proposals to include a property within an MXD zone, and all development proposals within an existing MXD zone, shall at a minimum be evaluated based on their compatibility with:

1. The Bountiful City General Plan
2. The Bountiful City Code and Zoning Code
3. The purpose and characteristics of the MXD Zone
4. Sound planning practices
5. Surrounding land-uses
6. All other City-approved studies

The City may deny any zone map amendment or development proposal that does not comply with any of these criteria.

14-10-103 SITE CHARACTERISTICS

The typical site zoned MXD shall encompass at least five (5) acres; however, smaller projects that demonstrate outstanding characteristics may also be considered. Sites zoned MXD should be adjacent to major automobile and public transit corridors and should have direct access to both.

14-10-104 SUB-ZONE STANDARDS

Each sub-zone shall have an emphasis toward a particular category of land-use. Percentages are based on the total square footage of floor area within a project and include areas within a structure (floors of a building) and open spaces or public areas on the surface of the land (sidewalks, parks, etc.).

MXD-R	50% - 75% sq. ft. in residential uses
MXD-C	50% - 75% sq. ft. in commercial uses
MXD-PO	50% - 75% sq. ft. in professional office uses
MXD-PF	50% - 75% sq. ft. in public facilities
MXD-E	50% - 75% sq. ft. in entertainment/hotel uses
MXD-M	No one category of uses may exceed 33% of the total sq. ft.

14-10-105a PERMITTED USES

Underlined uses may not be located on individual pad sites or parcels. They must be part of a larger building or physically connected and integrated into the complex. Residential uses may not exceed twenty five percent (25%) of the total project floor area, except as indicated by the sub-zone designation.

Residential

Multi-family - minimum one (1) covered space per unit. Underground and/or structured parking recommended; carports are not permitted without specific City Council approval.

Office

Professional offices
Banks and credit unions
Medical clinics
Artist studios

Commercial

Convenience stores – without fuel sales
Grocery stores – maximum 50,000 square feet per tenant
Retail – maximum 50,000 square feet per tenant/floor, no single tenant to exceed 100,000 square feet total across multiple floors
Personal services and improvements
Health Clubs
Beauty Services, Permanent Makeup and Cosmetics

Institutional/Public

Medical clinics
Colleges/Universities/Educational Services
Museums
Open space/Park
Convention center/Assembly/Auditorium
Government offices
Places of worship
Municipal Facilities

Hotel/Entertainment

Hotels – Rooms off interior corridors (no motor lodges)
Recreation – Indoor/Outdoor
Restaurants and private clubs – without drive-up window
Fast-food restaurant
Movie Theaters - Indoor
Convention center/Assembly/Auditorium

14-10-105b PROHIBITED USES

Motor lodges (drive-up motel units)
Pawn shops
Check cashing/Title loan stores
Sexually oriented businesses
Tattoo parlors/Body Art Establishments
Self-storage units

14-10-106 DEVELOPMENT PLAN

1. The property owner (or his agent) shall prepare and submit a proposed Development Plan for the subject property.
2. The Development Plan guides all development within a particular project and at a minimum shall include a site plan, a pedestrian connection/trails plan, conceptual building elevations and design schemes, streetscape and building setback diagrams, a current survey and legal description, plus any other information typically required for site plan approval.
3. The general categories and uses to be established within a mixed-use project shall be specified and enumerated in the Development Plan. The approved Development Plan shall be considered an integral part of the zoning regulations for the area represented. Substantial variation between the Development Plan and the Final Site Plan would require review and recommendation from the Planning Commission and approval from the City Council. A substantial variation is any addition, modification, or alteration to a building or site plan that exceeds twenty percent (20%) of the gross floor area, site acreage or exterior building surface or any change in use greater than five percent (5%)

of the total project floor area. All modifications must meet the minimum standards required by this Code.

14-10-107 DEFAULT SETBACKS AND HEIGHT LIMITATIONS

The location, height and separation between buildings shall be established as part of the Development Plan. Unless otherwise stated in the Development Plan, the default standards shall be as follows:

Minimum building setback	30 feet
Maximum building setback	50 feet
Minimum building separation	20 feet
Maximum building separation	40 feet
Minimum building height	20 feet
Maximum building height	35 feet

14-10-108 DEVELOPMENT CHARACTERISTICS

1. Uses may be mixed within a building or within an overall development, or both. However, the City encourages mixing uses within a building as much as possible. Furthermore, the subdividing of land for stand alone parcels is discouraged, and the City may deny the subdivision of land within the MXD zone if the Planning Commission or City Council determines that the subdivision is contrary to the purpose and intent of this Code.
2. Developments within an MXD zone shall exhibit urban characteristics such as:
 - A. Wide sidewalks
 - B. Street trees and street furniture
 - C. Community gathering spaces
 - D. Shared parking
 - E. Integrated public transit (where available and/or anticipated)
 - F. Diverse and distinctive design features
3. All developments shall provide at least fifteen (15) percent of the gross floor area or fifteen (15) percent of the gross site area, whichever is greater, as open space. Open space shall typically include the following elements: cultivated landscaping, plazas, parks, urban trails/sidewalks, wetlands/indigenous landscaping, and community recreation space. A maximum of fifty (50) percent of all open space may be hard surfaced. Streets, parking lots, driveways and private yards are not considered open space.

4. All lighting and signs shall be pedestrian scale, with a maximum sign height of twenty (20) feet. Lights or signs on building facades may be higher than the twenty (20) feet maximum. Sign standards shall be the same as for the Downtown (DN) zone, although for buildings larger than those normally allowed in the Downtown (DN) zone, the City may approve larger scale lighting and/or signs proportional to the size of the buildings approved. Projects ten (10) acres or larger with at least one hundred thousand (100,000) sq. ft. of non-residential uses may have one pole sign per frontage on an arterial street, evaluated using the standards for pole signs in the CH zone. The pole or structural support element of the sign may exceed the maximum pole width allowed if the structure itself incorporates specific site design elements, at the discretion of the approving body.
5. Parking requirements shall be determined per existing City standards for each use. However, parking requirements may be reduced if it can be shown that shared parking is a viable alternative. The City reserves the right to dictate the amount of parking and/or the location of parking spaces within a project to achieve the objectives of this Code.
6. Site plans shall clearly indicate the mixture of land uses within the project area and the percentage of the overall site that each use occupies. Furthermore, site plans shall indicate the amount of parking prorated to each use and shall illustrate how public transit, (where available and/or anticipated), is to be integrated into the site.
7. An additional site plan shall illustrate pedestrian movement throughout the project area, with trail hierarchies established based on levels of pedestrian use. The purpose of this plan is to demonstrate how effectively uses are mixed, and to determine the efficiency of the site layout. The plan shall provide convenient and attractive pedestrian connections through the mixing of land uses and quality design practices.

14-10-109 DEVELOPMENT PROCEDURES

Upon approval of the Development Plan and zone change to MXD, all uses allowed in the development shall be processed as if they were permitted uses.

CHAPTER 2

ADMINISTRATION AND PROCEDURES

PART 5 - CONDITIONAL USES

14-2-501	PURPOSE OF CONDITIONAL USE PROVISIONS
14-2-502	PERMIT REQUIRED
14-2-503	APPLICATION
14-2-504	FEE
14-2-505	PUBLIC COMMENT AND NOTICE
14-2-506	DETERMINATION
14-2-507	INSPECTION
14-2-508	REVOCATION
14-2-509	TIME LIMIT
14-2-510	RE-APPLICATION AFTER DENIAL OR REVOCATION
14-2-511	CONTINUING EFFECT

14-2-501 PURPOSE OF CONDITIONAL USE PROVISIONS

Certain uses which necessitate special conditions in order to make them compatible with permitted uses within a zone designation, are classified as conditional uses and require approval of a Conditional Use Permit.

14-2-502 PERMIT REQUIRED

A Conditional Use Permit shall be required for any use listed as a conditional use in any zoning designation and/or as set forth elsewhere in this Title. A Conditional Use Permit may be revoked upon failure of the original applicant or any successor, owner, or occupant to comply with conditions precedent to the original approval of the permit, or as otherwise provided in the Bountiful City Code.

14-2-503 APPLICATION

- A. Conditional Use Permit application shall be filed with the Planning Department as provided in this Title. Conditional uses shall be heard and decided by the Planning Commission or the Administrative Committee as set forth in this Title.
- B. Applications for Conditional Use Permits shall be accompanied by: maps, drawings, statements, reports, studies, or other documents, as required by the approval body and/or City staff. If applicable, the applicant shall also provide mailing addresses of all of the property owners within three hundred (300) feet of the subject property, per current County records, printed on self-adhesive labels.

14-2-504 FEE

The applications for any Conditional Use Permit shall be accompanied by an appropriate fee set by the City Council.

14-2-505 PUBLIC COMMENT AND NOTICE

- A. Any request for a conditional use permit shall be heard and decided by the Planning Commission unless the item falls within a category designated for Administrative Committee review. When considering the request, the Planning Commission or Administrative Committee shall hold a public hearing to review the request and other concerns, and then take appropriate action upon the request.
- B. The noticing requirement for a Conditional Use Permit heard by the Planning Commission shall be as follows:
 - 1. Sent to all property owners within a three hundred (300) feet radius around the subject property at least fourteen (14) days prior to the meeting.
 - 2. Posted with notification signage on the subject property by the applicant/agent. The signage shall be provided to the applicant/agent by the City and shall be posted by the applicant/agent ten (10) days in advance of the scheduled meeting.
- C. The noticing requirement for a conditional use permit request heard by the Administrative Committee shall be the same as required for any public hearing held by the Administrative Committee, as set forth in 14-2-104.

14-2-506 DETERMINATION

- A. A conditional use permit shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the applicable standards.
- B. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal, or if the imposition of reasonable conditions to achieve compliance with applicable standards is not possible, the conditional use permit request may be denied.
- C. Standards applicable to conditional uses include all the requirements of this Title, and consideration of the following:
 - 1. The location of the proposed use in relationship to other existing uses in the general vicinity.
 - 2. The effects of the proposed use and/or accompanying improvements on existing developments in the general vicinity;
 - 3. The appropriate buffering of uses and buildings, proper parking and traffic circulation, and the use of building materials and landscaping which are in harmony with the area.
- D. The applicant, at his or her cost, shall provide any report and/or study relating to utilities, traffic impact, school impact, soil and water impact, existing conditions, line-of-sight and building massing, and any other information requested by the City in order to render a proper decision.

14-2-507 INSPECTION

Following the issuance of a Conditional Use Permit, the Planning Department shall approve an application for a building permit upon compliance of construction plans meeting such conditions and requirements as established by the Planning Commission. Representatives of the Planning Department shall inspect the project to insure that all required improvements meet the conditions of the Conditional Use Permit and this Code before a certificate of occupancy is issued by the Engineering Department and before an application for permanent power for the property may be approved by the Bountiful City Power Department.

14-2-508 REVOCATION

- A. Upon receiving a written complaint alleging a violation or failure to comply with any condition prescribed in a Conditional Use Permit, the Planning Department shall investigate the complaint. If the complaint has merit, and attempts to remedy the complaint fail, the Planning Department:
 - 1. May place the complaint on the agenda of a regularly scheduled meeting of the approving body, provided that the permittee shall have at least fourteen (14) days notice of the meeting.
- B. Permittee shall be given written notice by personal service or by certified mail of the exact nature of the complaint and the date and time of the hearing before the Land Use Authority. An informal hearing may be conducted to determine the current status of the Conditional Use Permit prior to any public hearing, without notification to surrounding owners.
- C. The Land Use Authority, after hearing the evidence presented regarding the complaint, may continue the hearing from time to time, may modify or rescind any condition or requirement of the Conditional Use Permit as it deems necessary, or may take no action and dismiss the complaint.
- D. If, after review at the informal hearing the Land Use Authority finds that evidence of failure to comply with the provisions of the Conditional Use Permit is substantial enough to consider revocation; it shall schedule a formal hearing for purposes of considering revocation of the Conditional Use Permit. The notice for the revocation hearing shall be the same noticing procedure used for considering a new petition.
- E. The Land Use Authority, after hearing final evidence and testimony on the status of the Conditional Use Permit, may revoke the Conditional Use Permit or modify the conditions as deemed necessary.
- F. Any permittee aggrieved by an order may appeal such decision as set forth in 14-2-108.

14-2-509 TIME LIMIT

- A. A temporary Conditional Use Permit for a use which is incidental or directly related to an intended permanent use or is intended to become a permanent use may be issued by the Administrative Committee for a period of six (6) months. This permit may be renewed by the Planning Department for a total of three (3) successive six (6) month periods

allowing a total of two (2) years for the temporary Conditional Use Permit. Where hardship or unusual circumstances exist, the Administrative Committee may extend the temporary permit for one (1) additional year. These extensions shall be granted in two (2) separate six (6) month increments. A temporary Conditional Use Permit shall not be issued for a use which is not incidental to or directly related to an intended permanent use on the property.

1. Mobile offices, homes or trailers which are used for business purposes shall only be allowed for a six (6) month time period as authorized by the Administrative Committee. The Administrative Committee may extend the time period for the temporary structure up to one (1) additional year providing that the Planning Commission and City Council have granted final site plan approval and construction has commenced.
 2. Temporary structures shall be removed from the property upon occupancy of the permanent structure. Any pre-manufactured structure which meets all building code regulations and which is part of the approved site plan, and any construction trailer which is removed at the end of construction, shall be exempt from this regulation.
- B. Bountiful City does not issue temporary Conditional Use Occupancy Permits, and any document purporting to be a temporary conditional use occupancy permit is void.
- C. Unless there is substantial action under a Conditional Use Permit within a maximum period of one (1) year of its issuance, the Conditional Use Permit shall expire. The Bountiful City Planning Director may grant a maximum extension of six (6) months, when deemed in the public interest. Substantial action under this section shall mean:
1. For new construction or a remodel, at least twenty five percent (25%) of the proposed construction has been completed
 2. For a use located in an existing or completed structure, at least twenty five percent (25%) of the approved area is continuously occupied and utilized for the conditional use.

14-2-510 RE-APPLICATION AFTER DENIAL OR REVOCATION

It is unlawful to apply or reapply for a Conditional Use Permit within one (1) year of the date of denial or revocation of a Conditional Use Permit regarding any parcel of property or any portion thereof.

14-2-511 CONTINUING EFFECT

- A. A Conditional Use Permit applies to a specific parcel of property, or portion of a parcel of property, and may not be transferred to another parcel of property.
- B. A Conditional Use Permit for the operation of a business does not run with the land unless the approving body specifies otherwise. A Conditional Use Permit for the

construction of improvements to a property will run with the land unless the Planning Commission sets conditions that limit it to a specific individual and/or for a finite period of time. If any aspect of the conditional use becomes a legal nonconforming element due to a later amendment to this Ordinance, the provisions of Part 4 of this Chapter relating to nonconformities shall apply.



19.02.020 Definitions

"Accessory Agricultural Uses": Agriculture and farm industry accessory uses intended to draw customers and participation of the general public, and provide a means of diversifying a farm's income by broadening its offerings and adding value to its products. Accessory uses may include commercial activities such as; retail purchases, overnight accommodations, reception/event centers, concerts, events, restaurants, and bakeries. Produce stands and u-pick operations used to sell farmer-direct goods, recreational activities and educational events that are seasonal, such as; corn mazes, hay rides, farm tours, petting zoos, etc., are not considered as accessory agriculture uses, and are permitted agricultural or farm industry uses.

"Accessory Building": See Building, Accessory.

"Accessory, Dwelling Unit": An Accessory Dwelling Unit, or ADU, is a dwelling unit that contains its own kitchen, bedroom(s), and bathroom facilities, is subordinate to a primary dwelling unit, and is located on that same lot/parcel as the primary dwelling unit.

"Accessory Dwelling Unit, Internal": An internal accessory dwelling unit is an accessory dwelling unit found within the footprint of a primary dwelling at the time the internal accessory dwelling unit is created. These include a basement converted into a separate living space or a portion of an existing primary dwelling that is converted into separate living space.

"Accessory Dwelling Unit, Attached": An attached accessory dwelling unit is an addition to the primary residence that creates a separate living space that can be accessed from the inside of the primary dwelling and may have a separate exterior entrance.

"Accessory Dwelling Unit Detached": A stand-alone structure that includes an ADU separate from the primary dwelling. A detached ADU can be built as an entirely separate unit or constructed as part of an existing accessory structure, such as a detached garage. It can only be within the side yard or rear yard area of the primary dwelling.

"Accessory Structure": See Structure, Accessory.

"Accessory Use": A use that (a) is clearly incidental to and customarily found in connection with a principal or main use; (b) is subordinate to and serves a principal or main use; (c) is subordinate in extent, area, or purpose to the principal or main use; (d) is located on the same lot as the principal or main use; and (e) contributes to the comfort, convenience, or necessity of occupants, business, or industry of the principal or main use. Home occupations shall be considered an accessory use.

"Agriculture": Farming activity including the tilling of the soil, raising of crops, horticulture, aquaculture and agri-tourism which includes direct sale of products, and public access to activities related directly to products grown or produced on the agricultural land. Agriculture also includes farm animal keeping as outlined in Chapter 19.06 of Layton Municipal Code.

"Altered, Structurally": Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

"Altered": Any change in the construction of, or addition to, a building which would permit an increase in capacity, or a change of use.

"Amusement, Commercial/Indoor": Any place of amusement conducted wholly within a completely enclosed building.

"Amusement, Commercial/Outdoor": Any place of amusement not conducted wholly within a completely enclosed building.

"Antenna": Means a transmitting or receiving device used in telecommunications that radiates or captures radio signals.

"Apiary": An area where one or more colonies of honeybees are kept.

"Architectural and Integral Part": Any portions of, appendage to, or part of the general building layout of a main use planned for and/or constructed within the buildable area of a lot; and which is a functional part thereof; and which may be a structural part of or a detached accessory structure separated from the main building by a court not less than six feet in width; and which is of the same general design or style and comparable in excellence of quality and construction to the main building.

"Assisted Living": A residential setting that provides either routine general protective oversight or assistance with activities necessary for independent living to mentally or physically limited persons, most typically providing separate living quarters for residents, and centralized services such as dining, housekeeping, social and physical activities, medication administration, and communal transportation.

"Athletic, Tennis, or Racquet Club": An establishment providing facilities for physical development, exercise, sports, or recreation. Facilities may include exercise equipment, indoor and/or outdoor racquetball or tennis courts, jogging track, swimming pools, skating rink, indoor bathing, restaurant or snack bar, and sales of athletic equipment. Facilities may be open to the public for a fee, or available only to persons holding membership.

"Auto Repair, Major": A building or premises used for the repair of any passenger auto, pick-up truck, semi-tractor, recreational vehicle, or similar vehicles where the repair includes, but is not limited to, the rebuilding of engines, transmissions, or differentials.

"Auto Wrecking, Salvage Yard": See also Junkyard. Any lot, portion of lot or tract of land used for the storage and keeping of salvage, including scrap metals or other scrap material, or for dismantling or demolition of automobiles or equipment, machinery or parts thereof; provided that this definition shall not be deemed to include such uses which are clearly accessory and incidental to any agricultural use permitted in the zoning district.

"Average Slope": Shall mean and be determined by the use of the following formula: $S=0.00229(I)(L)/A$:

1. S =Average slope of the entire subdivision or lot, as the case may be, before development or construction
2. I =Contour interval in feet
3. L = Sum of the length of all contour lines, in feet
4. A =Total area in the subdivision or lot, in acres
5. 0.00229=Constant which converts square feet into acres
6. Where there is a dramatically different landform characteristic in the topography of any one site, the site may be divided into several distinct areas and the average slope calculated separately at the discretion of the City Engineer and Community Economic Development Director.

"Bank or Financial Institution": Means an organization involved in deposit banking, finance, investment, mortgages, trusts, and the like. Typical uses include commercial banks, credit unions, finance companies, and savings institutions (under State Law Title 7-23-103.1 and 7-24-305 exempt businesses).

"Basement House": A one-story dwelling of which 90% or more of the floor area is below the finished grade.

"Basement, Walk-out": That portion of a building located partly underground and having an exterior door, where the finished ground at the exterior door is lower than the finished main floor.

"Basketball Standard or Court": A basketball standard is any erected device which houses a basketball hoop and accompanying backboard. A basketball court is an accessory area designated for the sport of basketball that has at least one basketball standard.

"Bed and Breakfast": A dwelling having one kitchen and used for the purpose of providing meals and/or lodging for pay or compensation on a temporary basis.

"Bee": The common honeybee, *Apis Mellifera* species, at any stage of development, but not including the African honeybee, *Apis Mellifera Scutellata* species, or any hybrid thereof.

"Beekeeping Equipment": Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

"Big Box Retail": Any single retail store with a gross main floor area of over 80,000 square feet.

"Boardinghouse, Rooming House": A dwelling having one kitchen and used for the purpose of providing meals and/or lodging for pay or compensation of any kind for three or more persons.

"Body and Paint Shop": Means buildings or portions thereof used for the purposes of collision service such as body, frame, and fender straightening, and pointing of motor vehicles where all repairs are performed within a completely enclosed building.

"Buildable Area": That portion of a building lot not included within any required yard or open space upon which a main building may be located. Buildable areas must be defined on subdivision plats in areas of 30% slope or less. Buildable area does not include any area of an "A Zone" (100 year flood area) as defined in FEMA's Federal Insurance Relief Map of Layton City.

"Building": Any structure having a roof supported by columns or walls, intended or used for the shelter, housing, or enclosure of any person, animal, chattel, or property of any kind.

"Building, Accessory": A building that (a) is clearly incidental to and customarily found in connection with a principal or main building; (b) is subordinate to and serves a principal or main building; (c) is subordinate in area, extent, or purpose to the principal or main building served; (d) is located on the same lot as the principal or main building served; and (e) contributes to the comfort, convenience, or necessity of the occupants, business, or industry in the principal or main building.

"Building, Attached": Means an addition to the main structure that is tied together with a common roof line and access to the addition is obtainable from inside the main structure.

"Building, Detached": A freestanding building with open space on all four sides.

"Building Height": The vertical distance from the average finished grade surface at the building wall to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip, or gambrel roofs. (See Diagram [A-1](#))

"Building Inspector": The individual(s) appointed by Layton City to enforce the provisions of the building code.

"Building Lot": See Lot, Building.

"Building, Main": The principal building or one of the principal buildings upon a lot, or the building or one of the principal buildings housing the principal use upon the lot. This also includes all of the appendages to a principal building constructed as an architectural and integral part thereof.

"Building Official": The Layton City Building Official.

"Building, Public": A building owned and operated or owned and intended to be operated by a public agency of the United States of America, or the State of Utah, or any of its subdivisions including county and municipality in connection with a public use. It shall not be construed to mean buildings for use as warehouses, public garages, and equipment sheds.

"Bus Shelter": Means a shelter located at a designated bus stop accepted as such by the Utah Department of Transportation, used to aid in the loading and unloading of passengers for the convenience of passengers of public transportation systems. Said shelters also will include off-premise signage attached to the shelter.

"Cannabis Production": means a cannabis cultivation facility, a cannabis processing facility, or an independent cannabis testing laboratory, as those terms are defined in §441a of Utah Code (as amended).

"Carport": A private garage not completely enclosed by walls or doors.

"Cemetery": Means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

"Charter Schools": A charter school includes an operating charter school; a charter school applicant that has its application approved by a chartering entity in accordance with Title 53A, Chapter 1a, Part 5, of the Utah Code. The Utah Charter School Act; and an entity who is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.

"Child-Care, Center": A child care facility which regularly provides custodial care for six or more children during the part of any day.

"Child-Care, Home": A child care facility operated on a residential premises.

"Church or Temple": A building, together with its accessory buildings and uses, where persons regularly assemble for worship, which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

"Clinic, Dental and Medical": A building in which a group of physicians, dentists, and allied professional assistants are associated for the carrying on of their professions including a dental or medical laboratory. Clinic does not include inpatient care or operating rooms for major surgery.

"Club, Athletic, Tennis, or Racquet": See Athletic, Tennis, or Racquet Club.

"College": An independent institution of higher learning offering a course of general study.

"Colony": Honeybees, as defined in this Section, in any hive including queens, workers, or drones.

"Commercial Vehicle": A motor vehicle, trailer, or semi-tractor/trailer used or maintained for business, compensation, or profit, to transport passengers or property, that has a manufacturers gross weight of 10,001 or more pounds.

"Community Center": A building facility that may include outdoor amenity areas for community members to gather for a variety of purposes, such as group activities, social support, recreational programs, public information, training, youth support and child care.

"Community Location": means a public or private kindergarten, elementary, middle, junior, or high school; a licensed child-care facility or preschool; a trade or technical school; a church; a public library; a public playground; a public park; a youth center or other space used primarily for youth oriented activities; a public recreational facility; or a public arcade.

"Community Use": The uses which have the primary purpose of serving the educational, recreational, religious, or governmental needs of the community in general. Such uses may include churches, public and private educational institutions, private non-profit recreation grounds, public parks, public buildings, public facilities, cemeteries, and other similar uses. This definition shall not include such uses as detention facilities, half-way houses, alcohol rehabilitation centers, and other similar uses.

"Conditional Use": A use that is not authorized as a permitted use in a particular zoning district, but which use may be allowed, allowed with conditions, or denied based on compliance with standards and criteria set forth in the zoning ordinance for those uses.

"Condominium": The ownership of a single unit in a multi-unit project or structure which may be combined with an undivided interest in the common areas and facilities of the property and meeting all requirements of the "Condominium Ownership Act" of the State of Utah.

"Construction Staff": A body of City staff made up of the City Engineer, Public Works Director, Fire Chief, Planning Director, and Building Official or their designates.

"Contractor Storage Yard": A facility and/or outside area dedicated to the storage or keeping of materials, construction/heavy equipment, business/commercial vehicles, construction forms, and other items related to construction practices, which are in active use by building/construction contractors, craftsmen, and tradesmen.

"Convenience Store": A building which contains less than 5,000 square feet and is primarily engaged in the provision of frequently needed, day to day retail goods including gasoline, food, and non-food products.

"Corner Lot": See Lot, Corner.

"Dairy": A farming operation for the production of milk in commercial quantities and which is regularly inspected by the State Department of Agriculture or its cooperating agencies. It includes the raising of the natural increase to the dairy herd but does not include the feeding and fattening of livestock for slaughter in conjunction therewith.

"Dairy Processing Plant": A commercial establishment for the manufacture, processing, or distribution of dairy products.

"Day-Care, Center": See Child-Care, Center.

"Day-Care, Home": See Child-Care, Home.

"Dealership": A business specializing in the sale of any number of new and/or used vehicles, where vehicle sales is the primary purpose of the business.

"Dealership, Small": A business specializing in the sale of a limited number of new and/or used vehicles. A small dealership may be accessory to a related business on the same property and under the same ownership.

"Deferred Deposit Lender": Means a business that conducts transactions where a person presents to a check casher a check written on that person's account or provides written or electronic authorization to a check casher to effect a debit from that person's account using an electronic payment, and the check casher provides the maker an amount of money that is equal to the face value of the check or the amount of the debit less any fee or interest charged for the transaction, and agrees not to cash the check or process the debit until a specific date.

"Domestic Animals": Animals accustomed to living in or about the habitation of a human, including but not limited to: cats, dogs, fowls, horses, swine, goats, sheep, mules, donkeys, and cattle.

"Dwelling": Any building or portion thereof which is designed for residential purposes except hotels, apartment hotels, boardinghouses, rooming houses, tourist courts, and mobile homes when not connected to public utilities. A mobile home will be considered a dwelling when it is connected to public utilities and the occupants thereof take meals and sleep within the confines of the mobile home.

"Dwelling, Multiple Unit": A building containing three or more dwelling units.

"Dwelling, Single Family Detached": A building designed for and occupied exclusively by one family on a separate lot and not sharing any common wall.

"Dwelling, Single Family Attached": A dwelling sharing a common wall or walls, but located on an individual lot.

"Dwelling, Two Family": Two dwellings sharing a common wall or walls and located on one lot.

"Dwelling Unit": A single unit providing complete, independent living facilities for one or more persons including provisions for living, sleeping, eating, cooking, and sanitation.

"E-commerce Retail & Fulfillment": A commercial use providing storefront area for customer reception, shopping, product showroom, consultation and/or online order placement, and a rear warehouse storage area to inventory retail products for fulfillment of E-commerce/online or storefront customer orders.

"Elderly Apartment": Multi-family dwelling units occupied by elderly persons. In the case of double occupancy of a unit, only one resident is required to be at least 62 years of age. The housing must be self-contained and physically accessible to elderly citizens. The housing may include limited medical, recreational, and commercial services if such services are limited to residents and their guests.

"Elderly Person": A person who is 62 years of age or older.

"Family": Any number of individuals, related by blood, marriage, or adoption, and domestic servants for such family, or a group of not more than five persons who are not so related, living together as a single nonprofit housekeeping unit doing their own cooking.

"Family Food Production": The production of food through gardening or horticulture, for the sole use of the family occupying the premises. The raising of animals or fowl is not included in this definition.

"Farm Animals": The keeping of animals and fowl such as commonly used for food or fiber production or as a beast of burden, for commercial purposes or for pleasure. The density allowed in various zones is contained in Chapter 6 of this Title.

"Farm Industry": The keeping and raising of farm animals and/or fowl for domestic or commercial use such as fur farms, livestock feed yards, pig farms, dairy farms, stables, ranches, and similar uses, and accessory uses thereto.

"Fast Food Eating Establishment": Any establishment where foods or beverages are prepared for consumption and consumption occurs in either the building, on the premises, or within a motor vehicle parked thereon, or off-premises and whose operation includes one or more of the following characteristics:

1. food or beverages are served to the occupants of a motor vehicle while seated therein (e.g., drive-through window or drive-in); and
2. food and beverages are usually served over a general service counter for the customer to carry to a seating area within the restaurant, to a motor vehicle, or off-premises.

"FEMA": An acronym for the Federal Emergency Management Agency.

"Flag Lot": See Lot, Flag.

"Flood Plain": Any land area subject to being inundated by water from any source. Flood plain areas are generally defined as, "Zone A" (100 year flood area) areas as defined in FEMA's Federal Insurance relief map of Layton City.

"Floor Area": The sum of the gross horizontal area of several floors of the building or buildings, measured from the exterior faces of the exterior walls.

"Flyway Barrier": A solid wall, fence, dense vegetation or a combination thereof which modifies the bee flight pattern.

"Foothill Area": That area within Layton City lying east of Fairfield Road.

"Foster Home": A dwelling unit where minor children, not related by blood, marriage or adoption, are cared for and furnished board and room with or without compensation on a continuing basis.

"Fraternal & Benevolent Society": A chartered, nonprofit social club or lodge with or without dining facilities and cocktail lounges composing a branch of a fraternal order, or society such as Elks, Masons, American Legion, Eagles, Optimists, Odd Fellows, Kiwanis, Rotary, and other similar nonprofit fellowship organizations which are open only to members and their duly authorized guests.

"Front Yard": See Yard, Front.

"Frontage": Means the distance between the two side lot lines of a parcel measured along the street, or streets of a corner lot, which the parcel is allowed to access. State or federal highways, to which no access is allowed, shall not be considered as frontage. For purposes of this Title neither temporary turn-arounds nor dead ends of roadways shall be used as frontage.

"Fur Farm": The raising of any animal for the purpose of producing pelts to be sold commercially, or the raising of breeding stock for such commercial fur pelts, including, but not exclusive of otters, fox, mink, rabbit, lynx, and chinchilla.

"Garage, Private": An attached or detached building accessory to a dwelling on the premises designed or used for the storage of private passenger automobiles owned and used by the occupants of the building to which it is accessory. A private garage designed and constructed as an architectural and integral part of the main building shall be subject to all the requirements of this Title applicable to main buildings.

"Garage, Public": A building or portion thereof, other than a private garage, designed or used for the storing, servicing, repairing, equipping, hiring, or selling of motor-driven vehicles.

"Garage, Yard Sale": Sale of personal belongings in a residential zone, which sale is conducted by a legal resident of the premises. Garage sales are not to occur more than four days annually.

"Gasoline, Retail": A building or premises used for the sale of gasoline and limited amounts of other oil products. Such premises may also include the sale of food products.

"Grade, Finished Surface": The average level of the finished surface of the ground adjacent to the front setback line of a building or structure; and, on a corner lot, the average level of the ground adjacent to and measured along all front setback lines of the building. Where a lot has no frontage on a public street, the average level of the finished ground surface adjacent to and measured along all exterior walls shall be the finished surface grade.

"Hard Surface": A drivable surface that is constructed of concrete, asphalt, driveway pavers, or compacted road base. All such areas are to be maintained in a dust and weed free condition and shall be capable of supporting the weight of the vehicles utilizing the surface above the soil.

"Heavy Equipment Rental/Sales, Repair, and Storage": The use of any building, land area, or portion thereof, for the display, sale, lease/rental, and repair of heavy construction or farm equipment, including but not limited to: cranes, earthmoving/grading equipment, dump trucks, and tractors.

"Hive": A frame hive, box hive, box, barrel, log, gum skep, or other artificial or natural receptacle which may be used to house bees.

"Home for the Elderly": A service providing ambulatory care for more than eight elderly persons.

"Home Occupation": A nonresidential activity, conducted entirely within a dwelling unit, which is clearly incidental and accessory to the use of the dwelling for residential purposes. (See Section 19.06.030 of the Layton Municipal Code.)

"Homeless Shelter": a facility that is or is proposed to be located within the City; provides or is proposed to provide temporary shelter to homeless individuals; and has or is proposed to have the capacity to provide temporary shelter to homeless individuals; and has or is proposed to have the capacity to provide temporary shelter to at least 50 individuals per night.

"Horses for Private Use": Horses kept and maintained as an accessory use to a dwelling for the pleasure and use of the occupants thereof, and not to be used for commercial purposes.

"Hospital": An institution licensed by the State of Utah providing inpatient health services for human beings for inpatients, and primarily medical or surgical care of the sick or injured, and such other services and accessory uses as normally provided for its administration and operation.

"Hotel": A building containing guest rooms in which lodging is provided for compensation to transient or permanent guests or both, and where no provision is made for cooking in the guest rooms, and in which commercial services may be provided for guests.

"Household Pets": Animals and fowl which are customarily allowed in the home for the sole pleasure and enjoyment of the occupants, but not raised or kept for commercial purposes, or for food.

"Impervious Surface": Any surface which prevents, delays, hinders or alters the natural absorption of water into the soil, or that causes water to run off the surface in greater quantities or faster than natural conditions. Examples of impervious surfaces include but are not limited to structures, concrete or asphalt, walkways, decks, patios, driveways, parking lots, sports courts, pools, and/or other similar surfaces.

"Indoor Commercial Amusement": A commercial business providing for active indoor entertainment and recreational activities such as roller skating, bowling, trampoline park, arcade games, contest games, climbing gym, laser tag, dancing, or similar.

"Industrial": See Manufacturing.

"Inpatient Medical Facility": An inpatient medical facility is a building with onsite doctors, nurses and/or licensed professionals and support staff, which is 10,000 square feet or smaller in size, which includes treatments that require overnight stays that do not exceed seven days. Inpatient medical facilities do not include hospitals or similar uses.

"Inspector, Building": See Building Inspector.

"Interior Lot": See Lot, Interior.

"Junk": Any scrap, waste, reclaimable material, or debris whether or not stored or used in conjunction with dismantling, processing, salvage, storage, disposal, or other use or disposition. Junk includes, but is not limited to, tires, furniture, tools, paper, rags, plastics, cordage, scrap iron, or other metal, glass, building materials, machinery, and appliances or parts thereof, brush, wood and lumber, solid waste, and vehicles and parts thereof.

"Junk Dealer": Any person engaged in acquiring, buying old metals, glass, rags, paper, or other junk for the purpose of trading or reselling in substantially the same form is declared to be a "Junk Dealer." Junk Dealers may only be located in a fixed location, in a junkyard and are only allowed in those zones designated for a junk yard.

"Junkyard": See also Auto Wrecking, Salvage Yard. An open area where junk or used or secondhand materials are bought, sold, exchanged, stored, processed, or handled. An automobile wrecking yard or a salvage yard is also considered a junkyard. The use of buildings used in conjunction with an operation does not exclude the operation from the definition unless the operation is wholly within the buildings and there is no outside storage.

"Kennel, Boarding": A lot/parcel on which the total number of dogs or cats or combination thereof that are at least four months old, exceeds the number permitted by Davis County Utah Code entitled Title 6, Animals and are kept daily or overnight for a fee.

"Kennel, Daily Boarding": A lot/parcel on which the total number of dogs or cats or combination thereof that are at least four months old, exceeds the number permitted by Davis County Utah Code entitled Title 6, Animals, and are kept daily with no overnight boarding for a fee.

"Kennel, Extended Care": A lot/parcel on which the total number of dogs or cats or combination thereof that are at least four months old, exceeds the number permitted by Davis County Utah Code entitled Title 6, Animals, and are kept or groomed, daily and/or overnight for a fee, as a home occupation by the members of the family living in the home.

"Kennel, Private": A lot/parcel on which the total number of dogs or cats or combination thereof that are at least four months old, exceeds the number permitted by Davis County Utah Code entitled Title 6, Animals.

"Land Use Authority": The body established as the final approval authority for land use decisions as established in Section 19.01.135 – Designation of Land Use Authority.

"Landscaping": The installation of living plant materials (i.e., lawn, ground cover, annual and perennial flowering plants, vines, shrubs, and trees) planted directly on the property and kept free from all hard surfaces. The use of water (i.e., pools, fountains, falls, and streams) and sculptures are also included as landscape design materials.

"Lattice Tower": Means a self-supporting multiple sided, open steel frame structure used to support telecommunications equipment.

"Light Commercial Flex Manufacturing": Indoor manufacturing processes that may utilize electronic or automated machines (such as 3D printers, laser cutters, copiers/printers, engraver or embroidery machines) and hand-powered machines and instruments (such as presses, rolling machines, bending machines) to assemble, alter, convert, fabricate, finish process or treat products or components for wholesale or direct sale. An accessory retail storefront area may be included to sell manufactured goods to the general public.

"Lot, Building": A parcel of land which is of such dimensions as to comply with the minimum requirements of this Title for area, width, and depth applicable to the zoning district in which it is located, and having frontage on a public or approved private street. Said street shall be extended the full required frontage of the lot and improvements installed as required by the City. No lot shall utilize any part of the temporary end or dead end of a street for frontage.

"Lot, Corner": A building lot situated within a corner created by the intersecting lines of a street or streets. (See Diagram [A-3](#).)

"Lot Depth for Inside Lots": The distance from the front lot line and rear lot line as measured from the center line. (See Diagram [A-3](#).)

"Lot Depth for Multi-Frontage and Corner Lots": The horizontal distance between opposite boundaries of the lot measured along the centerline thereof. (See Diagram [A-3](#).)

"Lot, Flag": An "L" shaped lot comprised of a staff portion contiguous with the flag portion thereof, the minimum width of the staff being 30' and the maximum length determined by the Layton City Fire Department. (See Diagrams [A-2](#), [A-3](#).)

"Lot, Inside Gore-Shaped": A lot where lot lines converge towards the rear and the rear lot line width is less than half the required width for the applicable zoning district.

"Lot, Interior": Any building lot other than a corner lot.

"Lot Line, Front": Any street right-of-way line of record or established by use, which forms one or more boundaries of a lot.

"Lot Line, Front, for Flag Lot": The front lot line of a flag lot shall be determined to be the lot line nearest to a dedicated public street and at the end of the staff.

"Lot Line, Rear, for Corner Lots": That interior lot line which has been designated as the rear lot line determined by the direction the house faces.

"Lot Line, Rear, for Interior Lots": The interior line lying opposite of the front lot line.

"Lot Line, Side, for Corner Lot": All interior lot lines for multi-frontage lots; for other corner lots, that interior lot line which has been designated as the side lot line by the lot owner. (See Diagram [A-3](#).)

"Lot Line, Side, for Interior Lots": Those interior lines lying opposite each other, running between the front and rear lot lines, or in the case of a multi-frontage lot, those interior lines which run between the two front lot lines. (See Diagram [A-3](#).)

"Lot, Multi-Frontage": Any building lot, the centerline of which intersects two front lot lines and which has no rear lot line. (See Diagrams [A-1](#), [A-3](#).)

"Lot, Double Frontage": Any building lot which has both the front and rear yard line bounded by a street. This does not normally include corner lots.

"Lot Width for Corner Lots": The width of the lot as measured along both street frontages at the required setback.

"Lot Width for Interior Lots": The horizontal distance between the side lot lines measured along a line lying at right angles to the centerline of the lot at the point of the required setback.

"Main Building": See Building, Main.

"Manufactured Home": A home or other building of new construction without attached axles or wheels which has been assembled fully, or in part, upon another site, or in a "factory," and moved to the site upon which it is to be permanently assembled by truck, timber, dolly, or similar conveyance; and which is placed upon a permanent foundation in compliance with the provisions of the Uniform Building Code.

"Manufacturing": The assembling, altering, converting, fabricating, finishing, processing, or treatment of a product. This word is used interchangeably with "Industrial" throughout Title 19 of the Layton Municipal Code.

"Manufacturing/Industrial Services": The assembling, altering, converting, fabricating, finishing, processing, or treatment of products or components for wholesale or direct sale, that occurs primarily indoors, with the use of automated or hand-operated machines and instruments.

"Masonry": Stucco, brick, or rock.

"Mobile Home": A detached dwelling designed for long-term occupancy and to be transported on its own wheels, or on a flatbed or other trailers or detachable wheels, and arriving at the site where it is to be occupied as a complete dwelling unit ready for occupancy except for connections to utilities and other minor work. Removal of such wheels or placing such dwelling unit on a foundation shall not remove such unit from classification as a mobile home. Excluded from this definition shall be those permanent dwelling structures that are constructed of component parts that are transported to the building site and which meet structural requirements of the Uniform Building Code, Uniform Plumbing Code, Uniform Mechanical Code, and Uniform Electrical Code.

"Mobile Home Park": A parcel of land, not less than ten acres, designed to accommodate 25 or more mobile homes in a planned environment, with all public utilities available, for the purpose of permanent or long term residential dwelling.

"Mobile Home Park Service Building": A permanent structure housing laundry, office, sanitation, or other community facilities as required in mobile home parks for mobile home occupants.

"Mono-Pole Tower": Means an antenna or series of individual antennas mounted on a single cylindrical pole. Also includes associated equipment.

"Mortuary/Funeral Home": Means a building or part thereof used for human funeral services. Such building may contain space and facilities for:

1. embalming and the performance of other services used in the preparation of the dead for burial;
2. the performance of autopsies and other surgical procedures;
3. the storage of caskets, funeral urns, and other related funeral supplies; and
4. the storage of funeral vehicles, but shall not include facilities for cremation.

Where a mortuary/funeral home is allowed, a funeral chapel and assembly area shall also be allowed.

"Motel": A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. An automobile court or a tourist court with more than one unit or a motor lodge shall be deemed a motel.

"Multiple Family Dwelling": See Dwelling, Multiple Family.

"Natural Waterways": Those areas, varying in width, along streams, creeks, springs, gullies, or washes which are natural drainage channels as determined by the City Council or as shown on the City Master Drainage Plan or as designated by FEMA in which no structure or building construction or placement is permitted.

"Nonconforming Building Lot": A parcel of land of record that was lawfully subdivided and in compliance with all laws at the time of division, and which no longer meets the minimum requirements for a building lot in the zoning district in which it is located because of a subsequent amendment to the applicable zoning ordinance.

"Nonconforming Building or Structure": A building or structure or portion thereof, lawfully constructed which does not conform to all the height, area setback, and yard regulations prescribed in the zoning district in which it is located. This term shall also include any existing building or structure which is rendered nonconforming by virtue of annexation or subsequent amendment to this Code.

"Nonconforming Use": Any existing use of a building or land which was lawful at its inception and has continued without interruption but does not now conform with the use regulations of the zoning district in which it is situated, or for which a conditional or special use permit is required but has not been issued. The term also includes any existing use of a building or land which is rendered nonconforming by a subsequent amendment to this Title.

"Nonresident": A person whose primary residence is outside a home associated with a home occupation business.

"Non-View Obstructing": A fence, wall, or hedge in which no more than 25% of the plane formed by the wall or hedge obstructs view excluding two feet in height above finished grade.

"Nursing Home": Any residential development providing dwelling units with common dining, recreation, and medical or nursing facilities for elderly persons or people with physical disabilities. A nursing home must: (a) be licensed and staffed for skilled care; (b) contain common kitchen and dining facilities; (c) have call button monitoring systems; (d) have on-premise physical therapy; and (e) have on-premise personal services, library, educational, social, and available transportation.

"Office and Indoor Storage": A commercial office and/or showroom space with a rear indoor warehouse area for storage of inventory, materials and equipment, used to provide off-site services by contractors, technicians, cleaning services, installation or repair.

"Office, Business": A place intended for the conduct of administration or services by a business enterprise and in which no goods or merchandise are stored, displayed, or sold.

"Open Space": An open, landscaped area which is unoccupied and unobstructed by buildings or hard surfaces such as concrete or asphalt, except that such open space may be traversed by necessary sidewalks and access rights-of-way.

"Parking Lot": An open area, other than a street, used for the temporary parking of more than four automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

"Parking Space, Off Street": The space within a building, lot, or parking lot but not within any portion of any public street right-of-way, for the temporary parking of one vehicle.

"Payday Loan Business": means an establishment providing loans to individuals in exchange for personal checks or assignment of wages as collateral.

"Permanent Cosmetics" : means a semi-permanent application of pigments under the skin for areas of the body such as the eyebrows, eyelids, lips, and/or other parts of the body for beauty marks, hair imitation, lash enhancement, or for medical purposes. The cosmetic implantation technique deposits pigment in between the epidermis and dermis. Permanent cosmetics include permanent makeup, micro-pigmentation, micro-pigment implantation, micro blading, dermagraphics.

"Person with a Disability": A person who has a severe, chronic disability attributable to a mental or physical impairment or to a combination of mental and physical impairments, which is likely to continue indefinitely, and which results in a substantial functional limitation in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, or economic self-sufficiency; and who requires a combination or sequence of special interdisciplinary or generic care, treatment, or other services that are individually planned or coordinated to allow the person to function in, and contribute to, a residential neighborhood.

"Personal Services": Establishments primarily involved in providing personal grooming and related services. This definition includes, but is not limited to, barbershops, beauty parlors, tailors, etc., but does not include laundries or dry cleaners.

"Pet": A domesticated animal kept for pleasure rather than utility, including but not limited to: birds, cats, dogs, fish, hamsters, mice, and other animals associated with a human environment.

"Pet Cemetery": Land dedicated for cemetery purposes, which is used or intended to be used for the burial of deceased pets. A Pet Cemetery may include a pet funeral home, or pet crematorium, or both if such home or facility are located and operated within the boundaries of the pet cemetery and accessory to the pet cemetery. Pet Cemetery does not include the interment of a pet upon the property of the pet owner.

"Pet Crematorium": A building or facility containing apparatus for the cremation of deceased pets.

"Pet Day Care": A service where animals typically considered as household pets are left by their owners for a short term period of time for the general purpose of individual care/supervision, or supervised interaction in groups of other animals, which is provided by a licensed business or individual for a fee. Pet Day Care does not include the overnight boarding (kenneling) of animals.

"Pet Funeral Home": A place used for funeral services for deceased pets. Such place may include space and facilities for display of deceased animals and rituals connected therewith before burial or cremation; the sale and/or storage of caskets, funeral urns, and other related funeral supplies; the storage of funeral vehicles; and facilities for animal cremation.

"Pet Grooming": A service where animals typically considered as household pets are bathed, clipped or combed for the purpose of enhancing their aesthetic value or health, or both, by a licensed business or individual for a fee. Pet Grooming may also include any self-service pet washing business or establishment where the customer/owner washes their individual household pet(s) for a fee.

"Pet Services, Indoor": A use totally within an enclosed building for services provided to animals typically considered as household pets. Such uses may include one or more of the following: pet grooming, pet day care, veterinary clinic, indoor play facilities, indoor training facilities, and similar pet services. Areas for outdoor pet activities (i.e. play and training facilities) shall not be permitted. Pet Services, Indoor may also include the occasional hosting of a private humane society/animal welfare organization's adoption event, the retail sales of pet care supplies, and boarding (kenneling) services as an accessory use.

"Pet Services, Indoor/Outdoor": A use that includes services provided to animals typically considered as household pets. Such uses may include one or more of the following: pet grooming, pet day care, veterinary clinic, play and training facilities, dog parks, and similar pet services. Pet Services, Indoor/Outdoor may also include the occasional hosting of a private humane society/animal welfare organization's adoption event, the retail sales of pet care supplies, and boarding (kenneling) services as an accessory use.

"Planned Residential Unit Development (PRUD)": A residential development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, may be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines as specified in Chapter 19.08 of the Layton Municipal Code.

"Planning Director": For purposes of this ordinance the terms Planning Director and Community and Economic Development Director shall mean the Layton City Community and Economic Development Director or designated person.

"Plot Plan": A plat of a lot, drawn to scale, showing its actual measurements, the size and location of any existing buildings and buildings to be erected, and showing the location of the lot and abutting streets, and as further described in Chapter 19.13 of the Layton Municipal Code.

"Pre-School, Center": See Child-Care, Center.

"Pre-School, Home": An educational facility operated on a residential premises, regularly providing an educational program for not more than 12 children (including the operator's natural, adopted, or foster children under six years of age) at any one time.

"Primary Dwelling": A primary dwelling is a building that provides housing as its primary purpose. It is located on its own lot or parcel and is zoned primarily for residential use.

"Primary Residence": The dwelling unit to property owner occupies as their permanent residence.

"Public Building": See Building, Public.

"Radio/Telecommunications Tower": A structure intended for transmitting or receiving television, radio, or telephone communications which is primarily supported by its own foundation.

"Rear Yard": See Yard, Rear.

"Recyclable/Salvage Yards": Shall mean a facility that collects, stores, and resells materials. Such materials include metals, glass, regulated substances, plastics, and other materials collected for recovery and re-use.

"Residential Density": The average number of dwelling units on one acre of land in a given area. Net residential density is determined by dividing the total number of dwelling units in a defined area by the total acreage of all parcels of land within the area that are used exclusively for residential and accessory purposes. Gross residential density is obtained by dividing all land in a defined area used for residences, streets, local schools, local parks, and local shopping facilities, into the total number of dwelling units in said area.

"Residential Facility for Elderly Persons": A single family or multiple family dwelling unit that is or is not a business and offers primary care for any number of non-related elderly persons and may include limited medical, recreational, and commercial services, if such services are limited to residents and their guests.

"Residential Facility for Persons with a Disability - Large": Any facility for 13 or more unrelated persons with a disability, exclusive of staff, and licensed by the State of Utah, that provides 24 hour staff supervision to persons requiring substitute care, food, lodging, training, education, supervision, habilitation, rehabilitation, treatment and other essential daily living activities, and may also include transitional services that aide in strengthening the social, physical, and behavioral skills necessary to live independently in the community.

"Residential Facility for Person with a Disability – Small": Any facility for 12 or fewer unrelated persons with a disability, exclusive of staff, and licensed by the State of Utah, that provides 24 hour staff supervision to persons requiring substitute care, food, lodging, training, education, supervision, habilitation, rehabilitation, treatment and other essential daily living activities, and may also include transitional services that aide in strengthening the social, physical, and behavioral skills necessary to live independently in the community.

"Residential Zone": All residential and agricultural zoning districts.

"Restaurant":

1. Any establishment which provides as a principal use, foods and beverages prepared for consumption within the establishment and whose operation includes both of the following characteristics:
 - a. customers are provided with an individual menu and are served their food or beverage by a restaurant employee at the same table or counter at which said items are consumed; and
 - b. the food and beverages are served on non-disposable plates or containers and non-disposable eating utensils are provided. A restaurant employee clears the table of trash.
2. Notwithstanding the above, a cafeteria where food and beverages are:
 - a. generally consumed within the establishment; and
 - b. served on non-disposable plates or containers with non-disposable utensils shall be included in this definition.
3. A restaurant may provide take-out service, provided such service is clearly not the principal business of the restaurant and the take-out function is totally conducted inside of the building.

"Retail Sales and Commercial Services": Nonresidential uses that include retail stores and shops for the sale of goods and merchandise, food services and/or commercial spaces to provide services to the general public for personal, business or household consumption.

"Retail Tobacco Specialty Business": a commercial establishment in which: the sale of tobacco products accounts for more than 35% of the total quarterly gross receipts for the establishment; 20% or more of the public retail floor space is allocated to the offer, display, or storage of tobacco products; 20% or more of the total shelf space is allocated to the offer, display, or storage of tobacco products; or the retail space features of self-service display for tobacco products.

"Reverse Vending Machine": An unmanned machine which weighs and returns market value, in currency, for recyclable materials.

"Road, Private": A thoroughfare, held in private ownership and controlled by one or more persons, firms, or corporations, and used or held for use primarily as a means of access to adjoining properties.

"Road, Public": See Street, Public.

"Roof Mounted Antenna": Means an antenna or series of individual antennas mounted on a flat or pitched roof of a building or structure. Also includes associated equipment.

"Satellite Dish": An antenna intended to receive signals from satellites and other sources.

"School, Commercial": An establishment for the teaching of industrial, clerical, managerial, or artistic skills. This definition applies to schools that are owned and operated privately and do not offer a complete educational curriculum.

"School, College, University, Private or Quasi-Public": A school operated by a private or quasi-public organization, or individual, which has a program similar to that provided in any public school in the State of Utah, except that such curriculum may include religious instruction. A private school may be a for-profit or nonprofit organization. This definition shall not include commercial schools.

"School, Public": An educational facility operated by a school district or other public agency of the State of Utah.

"Secondary Residential Unit": A living unit subordinate and accessory to the main nonresidential structure with living space found within or detached from the main structure designed for occupants that care and maintain the main use or structure.

"Self-Service Display": a display of a cigarette, tobacco, or an electronic cigarette to which the public has access without the intervention of a retailer or retailer's employee. **"Self-Storage Facility":** A building, structure, or part thereof containing compartmentalized storage areas of varying sizes, which may be leased/rented on an individual basis and made accessible to individuals, businesses, or organizations for the storage of personal property and business/household goods.

"Service Station": A building or premises used for the sale of gasoline and oil products including the servicing of motor vehicles and the retail sale and installation of tires, replacement parts, and accessories in and upon such vehicles; but not including paint, body and frame repair, or rebuilding of engines, transmissions, or differentials. Such premises may also include the sale of food products in an area not exceeding 200 square feet.

"Setback": The shortest horizontal distance permitted in each zoning district, as set forth in the Layton City zoning ordinance, between the boundary lines of a lot and the building, structure or part thereof.

"Side Yard": See Yard, Side.

"Similar Businesses": Means any other business that offers deferred deposit loans, title loans, and payday loans.

"Single Family Dwelling": See Dwelling, Single Family (Detached or Attached).

"Skateboard Ramp (Private)": An outdoor structure designed and principally intended to permit persons on skateboards to move continuously from one side to the other.

"Solid Waste": Any discarded material that does not flow under stress.

"Stable, Private": A detached accessory building for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire, or sale.

"Stable, Public": A stable other than a private stable.

"Storage, Above Ground Fuel": The keeping of a tank partly or wholly above ground, that has a capacity over 1,200 gallons.

"Storage, Outdoor": The keeping of any personal property, equipment, materials, products, junk, trash, or building materials that is not entirely contained within a structure that is completely enclosed by walls and a roof.

"Story": That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor or next ceiling above.

"Story, Half": A story with at least two of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds of the floor immediately below it.

"Street, Arterial, Major, and Minor": A street which serves the major movement of traffic in Layton City, connecting to high-use areas and limited-access highways such as I-15 and Highway 89. For purposes of this Title arterial streets are identified in the Transportation Master Plan.

"Street, Collector, Major, and Minor": A street which provides for movement between arterial and local streets and direct access to abutting property.

"Street, Local": A street which provides for direct access to abutting land and for local traffic movement.

"Street, Public": Any tract of land which is an existing state, county, or municipal roadway, or is shown on a plat duly filed and recorded in the office of the County Recorder, or has been accepted by the City Council as part of a development project, and is for public use for the purpose of providing the following:

1. a thoroughfare for public use, designed primarily for vehicular travel;
2. the principal means of access to abutting properties;
3. for the installation of public utility service lines and/or pipes; and
4. drainage facilities and other public works and appurtenances for the convenience and welfare of the public generally.

Such lands shall not be construed to be a public street, except for access, until the roadway has been stabilized or otherwise improved according to the accepted street construction standards of the municipality.

Where a public thoroughfare existed prior to the adoption of the Title codified herein, which fulfills all the requirements for a public street except for the required width, this thoroughfare may be classified as a public street for the purpose of establishing building lots fronting thereon; provided, that the depth of that portion of each intended building lot needed to complete the required width for a public street, as determined by Development Staff, is dedicated to public use.

"Structure": That which is framed, erected, constructed, or placed upon the ground; but not including fences which are six feet or less in height.

"Structure, Accessory": A subordinate structure detached from, but located on the same lot as the principal or main structure, the use of which is incidental and accessory to that of the principal or main structure.

"Swimming Pool": Any pool placed for swimming or bathing, any part of which is above or below ground and has a capacity of 2,500 gallons or more or has a depth of 24" or more.

"Swap Meets": A location where the owner or lessee rents, lends, or leases portions of the premises to persons for use as an open market place to barter, exchange, or sell goods. A flea market shall be considered a swap meet. Yard sales and garage sales at residences are not swap meets.

"Tattooing": means the application of permanently depositing pigments, not required for medical purposes, into the human skin by the use of a needle or other implement for the purposes of creating a mark, design, word(s), branding, scarification, and/or body art placed on the skin. The implantation technique deposits color pigment below the epidermis and into the dermis.

"Tavern": Any business establishment operating under a private club or on-premise beer license.

"Telecommunication Facility": Means an unmanned structure which consists of equipment used primarily for the transmission, reception, or transfer of voice or data through radio wave or wireless transmissions. Such sites typically require the construction of transmission support structures to which antenna equipment is attached.

"Temple": See Church.

"Title Loan Business": Means an establishment providing short term loans to individuals in exchange for the title of a motor vehicle, mobile home, or motorboat as collateral.

"Tobacco Product": any cigar, cigarette, or electronic cigarette as those terms are defined in § 76-10-101 of Utah Code (as amended); a tobacco product as that term is defined in §59-14-102 of Utah Code (as amended), including chewing tobacco; any substitute for a tobacco product, including flavoring or additives to tobacco; and tobacco paraphernalia, as that term is defined in §76-10-104.1 of Utah Code (as amended)

"Travel Vehicle": A trailer, camper, or motor home designed or used for sleeping by persons while traveling, but not intended as a permanent dwelling, and not constructed for permanent attachment to public utilities.

"Truck and/or Trailer Rental": Every rented motor vehicle, except semi trailers, designed and used to carry property. The truck and/or trailer have either single rear axles and single rear wheels or single rear axles and dual rear wheels; in addition, tandem wheeled trailers.

"University": An institution of higher learning made up of an undergraduate division which confers bachelors degrees and a graduate division which comprises a graduate school and professional schools.

"Variance": A variation of, or deviation from the regulations or standards adopted by ordinance, which the Board of Zoning Adjustment is permitted to grant.

"Vehicle": Any motored mode of transportation used to transport people or goods for purposes of recreation, commerce or travel, having no fewer than two wheels, except in cases of watercraft and weighing no less than 125 pounds. Hitched trailers and fifth wheels shall also be considered "vehicles."

"Veterinary Clinic": Any building, or portion thereof, designed or used for veterinary examination, observation, and treatment of domestic animals, including euthanization of domestic animals.

"Wall Mounted Antenna": Means an antenna or series of individual antennas mounted against the vertical wall of a building or structure. Also includes associated equipment.

"Warehouse and Distribution": An enclosed building used for the storage, wholesale sales, and distribution of manufactured equipment, products, and supplies.

"Waste Transfer Station": Shall mean a site the primary purpose of which is to store or hold solid waste for transport to a processing or disposal facility. A waste transfer station facility may also include processes for solid waste management including the recovery, processing and sorting for recycling and reutilization by a public or commercial recycling or energy recovery facility. The term shall not include junkyards or salvage yards.

"Yard": A space on a lot, other than a court, unoccupied and unobstructed from the ground upward except as otherwise provided in this Title.

"Yard, Corner Side": On a corner lot/parcel, the corner side yard is determined by the placement of the primary dwelling on the lot or parcel. The corner side yard extends the length of the property between the front setback line and the rear property line, and between the street side property line and corner side setback line. (See Diagram [A-2](#)).

"Yard, Front": Any yard between the front lot line and the setback line of a main building and extending for the full width of the lot or parcel.

"Yard, Front Area": The area between the front foundation line of the primary dwelling and front property line extending the full width of the lot or parcel. In situations where the foundation line is not a straight line, the front yard area shall follow the course of the foundation line of the primary dwelling (See Diagram [A-2](#)).

"Yard, Rear": A yard between the rear lot line and the setback line of a main building, extending across the full width of inside lots and for corner lots a yard between the rear lot line and the setback line of the building and extending between the side lot line and the front yard lying opposite thereto. (See Diagrams [A-2](#), [A-3](#).)

"Yard, Sale": See Garage Sale.

"Yard, Side": Any yard between the side lot line and the setback line of a main building, extending from the front yard to the rear yard. (See Diagrams [A-2](#), [A-3](#).)

"Yard, Street Side": On corner lots, the yard determined by the owner to be the side yard on the street and running from the front setback line to the rear property line.

"Zero Lot Line Development": Single family dwellings arranged on lots with one side wall of the building located on the property line. (See Diagram [A-5](#).)

"Zoning Administrator": The Community and Economic Development Director shall be the Zoning Administrator, who is the administrative officer charged with enforcement of the Code provisions involving or related to land use planning, zoning, development, signs, and subdivisions. See also Section 2.31.010.

HISTORY

Ord. No. 97-19, Enacted, 4/17/1997
 Ord. No. 97-35, Recodified, 6/19/1997
 Ord. No. 98-80, Amended, 12/17/1998
 Ord. No. 98-83, Amended, 12/17/1998
 Ord. No. 99-12, Amended, 3/18/1999
 Ord. No. 00-03, Amended, 2/17/2000
 Ord. No. 01-39, Amended, 9/6/2001
 Ord. No. 01-41, Amended, 10/4/2001
 Ord. No. 01-47, Amended, 10/4/2001
 Ord. No. 02-18, Amended, 3/21/2002
 Ord. No. 03-41, Amended, 10/2/2003
 Ord. No. 04-69, Recodified, 12/16/2004
 Ord. No. 05-14, Amended, 4/7/2005
 Ord. No. 06-56, Amended, 12/7/2006
 Ord. No. 08-38, Amended, 7/17/2008
 Ord. No. 08-41, Amended, 10/2/2008
 Ord. No. 09-10, Amended, 6/4/2009
 Ord. No. 09-09, Amended, 7/16/2009
 Ord. No. 09-20, Amended, 11/5/2009
 Ord. No. 11-03, Amended, 3/3/2011
 Ord. No. 11-23, Amended, 9/15/2011
 Ord. No. 12-16, Amended, 5/17/2012
 Ord. No. 14-08, Amended, 6/19/2014
 Ord. No. 14-30, Amended, 12/18/2014
 Ord. No. 15-17, Amended, 9/17/2015
 Ord. No. 16-35, Amended, 7/7/2016
 Ord. No. [17-13](#), Amended, 6/15/2017
 Ord. No. [17-21](#), Amended, 7/20/2017
 Ord. No. [18-12](#), Amended, 5/3/2018

Ord. No. [18-23](#), Amended, 6/21/2018

Ord. No. [19-24](#), Amended, 9/5/2019

Ord. No. [19-37](#), Amended, 11/21/2019

Ord. No. [20-38](#), Amended, 11/19/2020

Ord. No. [20-40](#), Amended, 12/17/2020

Ord. No. [21-23](#), Amended 9/16/2021

Ord. No. [23-02](#), Amended 1/5/2023

Ord. No. [23-08](#), Amended 5/18/2023

Ord. No. [24-03](#), Amended 1/18/2024

Ord. No. [24-02](#), Amended 2/1/2024

Ord. No. [24-10](#), Amended 5/2/2024

Ord. No. [25-01](#), Amended 2/6/2025

Ongoing amendment history can be viewed by clicking on the gavel in the top right corner.



19.06.000 Tables 6-1, 6-2 And 6-3

[Tables 6-1, 6-2 and 6-3](#), updated 2/6/2025

TABLE OF LAND USE REGULATIONS

TABLE 6-1 (Columns A Through R-H) and TABLE 6-2 (Columns A-2 Through MU-TOD)

RESIDENTIAL/DOMESTIC

	A	R-S	R-1-6	R-1-8	R-1-10	R-MH	R-2	R-M1	R-M2	R-H	C-TH	A-2	B-RP	P-B	CP-1	CP-2	CP-3	C-H	M-1	M-2	MU	MU-TOD
Accessory Farm Bldg.	P	C										P										
Accessory Dwelling Unit (ADU)	P	P	P	P	P																	
Accessory Building	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	C	P
Boarding/Rooming House	C							C	C	C												C
Dormitory								C	C	C								C				
Dwelling, Multiple Unit								P	P	P											P	P
Dwelling, 2 Unit							P	P	P	P	P										C	C
Dwelling, 1 Unit Attached (SF-A)	p ¹	p ¹	p ¹	p ¹	p ¹		P	P	P	P	P										P	P
Dwelling, 1 Unit Detached (SF-D)	P	P	P	P	P		P	P	P	P	P										C	C
Fraternity/Sorority House								C	C	C								C				
Household Pets	P	P	P	P	P	P	P	P	P	P	P										P	P
Mobile Home Park						C																
Off-Street Parking Inc. To Main Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Secondary Residential Unit														P	P	P	P	P	P	P	P	P
Model Homes	P	P	P	P	P	P	P	P	P	P	P											

Temporary Sales Office	P	P	P	P	P	P	P	P	P	P	P										P	P
------------------------	---	---	---	---	---	---	---	---	---	---	---	--	--	--	--	--	--	--	--	--	---	---

- SF-A units are only permitted if approved through a PRUD Overlay rezoning and concept plan public review process (see Chapter 19.08 Planned Residential Unit Development (PRUD) Overlay Zone).

P = PERMITTED

C = CONDITIONAL

L# = Permitted with Specific Limitation(s) (See Table 6-3)

INSTITUTIONAL/CIVIC AND SPECIAL SERVICE

	A	R-S	R-1-6	R-1-8	R-1-10	R-MH	R-2	R-M1	R-M2	R-H	C-TH	A-2	B-RP	P-B	CP-1	CP-2	CP-3	C-H	M-1	M-2	MU	MU-TOD
Airport, Heliport																			C	C		
Assisted Living								C	C	C	C		P	P	P	P	P	P			P	P
Cemetery; Pet Cemetery; Mausoleum	C	C	C	C	C	C	C	C	C	C				C								
Charter School	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P
Church/Temple/Rectory	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C
College or University	C	C	C	C	C	C	C	C	C	C	C		C	C			C					
Commercial School													C	C	P	P	P	P			P	P
Community Center								C	C	C			P	P	P	P	P	P			P	P
Community Use	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	P	P	C	C
Convent, Monastery or Other Dwelling Group for Religious Community	C	C						C	C	C	C			C	C	C	C	C			C	C
Day Care Center								C	C	C	C		P	P	P	P	P	P			P	P
Foster Home	C	C					C	C	C	C	C					C						
Fraternal/Benevolent Society										C					C	P	P	C				
Halfway House or Similar Facility for Alcoholic, Narcotic, Psychiatric, Patients, or Felons and Delinquents																	C	C				
Home for Elderly, Elder Apartment							C	C	C	C	C			P	P	P					P	P
Hospital (Acute Care)										C			C	C		C	C	C			C	

Religious or Philanthropic Institution	C	C	C	C	C	C	C	C	C	C	C		C	P	P	P	P	P		P	P
Library, Art Gallery, Museum													C	P	P	P	P	P		P	P
Nursing Home							C	C	C				P	P	P	P	P	P		P	P
Park, Playground, Fairground	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C
Private/Quasi-Public School	C	C	C	C	C	C	C	C	C	C	C		C	C						C	
Private Country Club	C	C					C	C	C				C	C	C	C	C	C	C	C	C
Public Administration Offices	C	C	C	C	C	C	C	C	C	C	C		P	P	P	P	P	P	P	P	P
Public School	C	C	C	C	C	C	C	C	C	C	C		C	C						C	
Residential Facility for Elderly	C	C	C	C	C	C	P	P	P	P	P									C	
Residential Facility for Persons w/a Disability - Large							C	P	P	P	P									C	C
Residential Facility for Persons w/a Disability - Small	P	P	P	P	P	P	P	P	P	P	P									C	C

P = PERMITTED

C = CONDITIONAL

L# = Permitted with Specific Limitation(s) (See Table 6-3)

UTILITY RELATED SERVICES

	A	R-S	R-1-6	R-1-8	R-1-10	R-MH	R-2	R-M1	R-M2	R-H	C-TH	A-2	B-RP	P-B	CP-1	CP-2	CP-3	C-H	M-1	M-2	MU	MU-TOD
Commercial Radio or TV Trans. Station													C			P	P	C	P	P		
Electric Power Plant																	C	C	P	P		
Electric Substation	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	P	C	P	P	C	C
Fire Station	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	P	P	P	P	C	C
Gas Metering & Transmission Station	C	C	C	C	C	C	C	C	C	C		C	P	C	P	P	P	P	P	P	C	C
Local Utility Distribution Line	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P

Radio, TV, or Microwave Tower	C											C	C	C	C	C	P	P	P	P	C	C
Railroad Tracks & R.O.W	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C		C	C
Sewage/Water Pumping/Control Station	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C
Telecommunications Facility at Community Uses	C	C	C	C	C	C	C	C	C	C		C						P	P			
Telecommunications Antenna, Roof Mounted at Community Uses	C	C	C	C	C	C	C	C	C	C		C					P	P	P	P		
Telecommunications, Antenna, Wall Mounted at Community Uses	C	C	C	C	C	C	C	C	C	C		C					P			P		
Telephone Business Office													P	C	C	P	P	P	P	P	C	C
Telephone Switching, Relay & Transmission Equipment	C	C	C	C	C	C	C	C	C	C		C	C	C	C	P	P	P	P	P		
Public/Private Utility, Other Than Listed	C											C	P	C	C	P	P	P	P	P	C	C
Utility Shops, Storage Yards & Bldgs.																	C	C	P	P		C
Water Treatment Plant	C	C										C			C	P	P	C	P	P	C	C
Water Wells, Reservoir, or Storage Tank	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	P	P		

P = PERMITTED

C = CONDITIONAL

L# = Permitted with Specific Limitation(s) (See Table 6-3)

RECREATIONAL USES

	A	R-S	R-1-6	R-1-8	R-1-10	R-MH	R-2	R-M1	R-M2	R-H	C-TH	A-2	B-RP	P-B	CP-1	CP-2	CP-3	C-H	M-1	M-2	MU	MU-TOD
Indoor Commercial Amusement															P	P	P	P	P		L ³	L ³
Outdoor Limited Comm. Amusement													C		C	C	C	C	C	C	C	C
Outdoor Commercial Amusement															C	C	C	C	C	C		

Athletic/Tennis/Swim Club											C			C		P	P	P	C			C	C
Golf Course	C	C	C	C	C	C	C	C	C	C			C						C	C			
Theater, Indoor																	P	P	P	C		C	C
Theater, Live													C		C	P	P	P			C	C	
Theater, Outdoor																		C	C	C			

P = PERMITTED

C = CONDITIONAL

L# = Permitted with Specific Limitation(s) (See Table 6-3)

AGRICULTURE AND RELATED USES

	A	R-S	R-1-6	R-1-8	R-1-10	R-MH	R-2	R-M1	R-M2	R-H	C-TH	A-2	B-RP	P-B	CP-1	CP-2	CP-3	C-H	M-1	M-2	MU	MU-TOD
Accessory Agricultural Uses	P																					
Agriculture	P	P	P	P	P	P	P	P	P	P		P		P	P	P	P	P	P	P	P	P
Animal Keeping	P	P										P							P	P		
Beekeeping	P	P	P	P	P							P								P		
Breeding or Raising of Animals for Food or Sale	P											P								P		
Crop Production Sale	P	P										P		P	P	P	P	P	P	P	P	P
Dairy	P	C										P								P		
Family Food Production	P	P										P							P	P		
Farm Industry, or Ranch	C	C										P								P		
Fur Farm	C											C								P		
Home Use Orchard	P	P	P	P	P	P	P	P	P	P				P	P	P	P	P	P	P		

Commercial Use Orchard	P	P									P		P	P	P	P	P	P	P	P	P	P	P
------------------------	---	---	--	--	--	--	--	--	--	--	---	--	---	---	---	---	---	---	---	---	---	---	---

P = PERMITTED

C = CONDITIONAL

L# = Permitted with Specific Limitation(s) (See Table 6-3)

AUTOMOBILE RELATED USES

	A	R-S	R-1-6	R-1-8	R-1-10	R-MH	R-2	R-M1	R-M2	R-H	C-TH	A-2	B-RP	P-B	CP-1	CP-2	CP-3	C-H	M-1	M-2	MU	MU-TOD
Major Auto Repair																	C	C	P	P		
Car Wash															C	P	P	C	C	C		
Commercial Parking Structure, Auto Only													C				C	C			C	C
Dealership																	C	C		C		
Dealership, Small																	P	P	P	P		
Gasoline Sales (Wholesale)																	C	C	C	C		
Gasoline Retail (No Repairs)															C	P	P	P	P	P	C	
Gasoline, Petroleum Products Storage																	C	C	C	C		
Muffler or Brake Shop																C	C	P	P	P		
New & Reconditioned Auto Parts, Indoor															C	P	P	P	P	P		
Paint and Body Shop																C	C	C	C	C		
Seat Cover or Upholstery																P	P	P	P	P		
Service Station, Minor Repairs															C	P	P	P	P	P		
Storage of Autos, Travel Trailers																			C	C		
Tire Sales																P	P	P	P	P		
Tire Recapping and Retreading Shop																	C	C	P	P		

P = PERMITTED C = CONDITIONAL L# = Permitted with Specific Limitation(s) (See Table 6-3)

INDUSTRIAL AND RELATED USES

Page 153 of 178

P = PERMITTED C = CONDITIONAL L# = Permitted with Specific Limitation(s) (See Table 6-3)

RETAIL AND RELATED USES

<https://hosting.civicing.com/layton/books/municipal-code/19.06.000?q=tattoo>

Kennels, Boarding												C	C	C	C	P	P		
Kennels, Daily Boarding & Extended Care	C																		
Kennels, Private	C	C																	
Laboratory, Medical or Dental									P	P	P	P	P	P	P	L ⁴	L ⁴	P	P
Laundry/Laundromat										P	P	P	P	P	P	L ⁴	L ⁴	P	P
Locksmith or Key Shop										P	P	P	P	P	P	P	P	L ²	L ²
Mortuary									C	C	P			C				C	
Music Store										P	P	P	P	P	P	L ⁴	L ⁴	L ³	L ³
Office, Professional, or General Business									P	P	P	P	P	P	P	P	P	P	P
Package Liquor Store										C	P	P	P	P				C	C
Pawn Shop											C	P	C						
Pet Services, Indoor	C									C	C	C	C	P	P				
Pet Services, Indoor/Outdoor	C									C	C	C	C	P	P				
Pet Shop, Small Animals, Birds & Fish										P	P	P	P	L ⁴	L ⁴	L ³	L ³		
Reception Center							C		C	C	C	P	P	P				C	C
Repair for TV, Radio, Appliance or Similar														P	P	P			
Restaurant									L ⁴		P	P	P	P	L ⁴	L ⁴	P	P	
Retail Sales and Commercial Services									L ⁴		P	P	P	P	L ⁴	L ⁴	p ²	p ²	
Retail Tobacco Specialty Business														C					
Studio - Art, Photo									P	P	P	P	P	P	L ⁴	L ⁴	L ²	L ²	
Studio - Health, Exercise, Dance, Music, Drama, or Similar									P	P	P	P	P	P	L ⁴	L ⁴	L ³	L ³	
Studio - Decorate & Display									P	P	P	P	P	P	L ⁴	L ⁴	L ²	L ²	
Swap Meets													C	C	C	C			
Tavern, Bar, Private Club w/ Alcohol Sales													C	C				C	C

Office and Indoor Storage											L ¹		L ²	L ²	L ²	L ¹	P	P		L ²	
Permanent Cosmetics											P	C	P	P	P	P	P			P	P
Pre-School											C	C	C	P	P	P	P	P	P	P	P
Railroad or Bus Passenger Station											C			C	C	C	P	P		C	C
Railroad Team Tracks, Freight Depot or Docks											C				C	C	P	P			
Seasonal Outdoor Vendor													P	P	P	P					
Single Event													P	P	P	P				P	P
Snow Shack													P	P	P	P				P	P
Street Vendor*															P	P				P	P
Tattooing																C					
Tent Vendor**													P	P	P	P				P	P
Trailer or Mobile Home Sales															P	P	P	P			
Transfer Storage Terminal															C	C	P	P			
Travel Trailer Park														C	P	P	C				C

2. Drive-throughs in the MU, MU-TOD and B-RP zones are only permitted on the rear or side of a building.
(See Sections 19.25.060(5) and 19.26.060(5))

P = PERMITTED C = CONDITIONAL L# = Permitted with Specific Limitation(s) (See Table 6-3)

*Special requirements for businesses in this zone are available in 19.21.040

**Special provisions for locations of each type of Tent Vendor are available in 19.21.050

***Special requirements for businesses in these zones are available in 19.21.045

HISTORY

Ord. No. [17-21](#), Amended, 7/20/2017

Ord. No. [17-39](#), Amended, 12/7/2017

Ord. No. [18-08](#), Amended, 3/1/2018

Ord. No. [18-12](#), Amended, 5/3/2018

Ord. No. [18-23](#), Amended, 6/21/2018

Ord. No. [19-39](#), Amended, 11/7/2019

Ord. No. [19-37](#), Amended, 11/21/2019

Ord. No. [19-38](#), Amended, 11/21/2019

Ord. No. [20-38](#), Amended, 11/29/2020

TABLE 6-3

TABLE OF LAND USE LIMITATIONS

L ¹	Land use limited to an interior building area of no more than 15,000 s.f.
L ²	Land use limited to an interior building area of no more than 6,000 s.f.
L ³	Use not permitted directly below multi-family residential uses in MU and MU-TOD zoning districts
L ⁴	Uses are subject to the standards and limitations provided in Section 19.06.170
L ⁵	Uses are subject to the standards and limitations provided in Section 19.26.020

HISTORY

Ord. No. [20-38](#), Enacted, 11/19/2020

Ord. No. [21-23](#), Amended 9/16/2021

Ord. No. [23-02](#), Amended 1/5/2023

Ord. No. [24-10](#), Amended 5/2/2024

Ord. No. [25-01](#), Amended 2/6/2025



19.14 Conditional Uses

19.14.010 Purpose



To allow the proper integration into Layton or uses, which may be suitable only in certain locations in the City, and only if such uses are designed or laid out on the site in a particular manner.

HISTORY

Ord. No. 97-19, Enacted, 4/17/1997

Ord. No. 97-35, Recodified, 6/19/1997

Ord. No. 04-69, Recodified, 12/16/2004

19.14.020 Conditional Use Permit

A conditional use permit shall be required for all uses listed as conditional uses in the zoning district regulations or elsewhere in this Title. A conditional use permit may be revoked upon failure to comply with conditions precedent to the original approval of the permit.

1. **Application.** A conditional use permit shall be made by the property owner or certified agent thereof to the Community and Economic Development Department. The Development Staff review of a conditional use application shall comply with the process and criteria outlined in 19.03 of the Layton City Municipal Code as well as the requirements listed therein.
2. **Considerations of conditional use procedure.** The application shall be accompanied by maps, drawings, or other documents sufficient to meet the requirements of a site plan review (see Chapter 19.13), for those conditional uses which require such a review, and sufficient to demonstrate that the general and specific requirements of this Title will be met by the construction and operation of the proposed building, structure, or use. In considering an application for a conditional use permit, the Land Use Authority as defined in Section 19.01.135 shall give due regard to the nature and condition of adjacent uses and structures.
 - a. A conditional use shall be approved if reasonable conditions are proposed or can be imposed, to mitigate the reasonable anticipated detrimental effects of the proposed use in accordance with applicable standards.
 - b. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, then the conditional use may be denied.

The granting of a conditional use permit shall not exempt the application from other relevant provisions of this or other ordinances of the City of Layton.

3. **Fee.** The application for any conditional use permit shall be accompanied by the appropriate fee as authorized in the City's [Consolidated Fee Schedule](#).

HISTORY

Ord. No. 97-19, Enacted, 4/17/1997

Ord. No. 97-35, Recodified, 6/19/1997

Ord. No. 04-69, Recodified, 12/16/2004

Ord. No. [17-13](#), Amended, 6/15/2017

Ord. No. [24-03](#), Amended 1/18/2024

Ongoing ordinance history can be viewed by clicking the gavel in the top right corner.

19.14.030 Notification Of A Conditional Use

At least 10 days prior to the Land Use Authority meeting during which the conditional use will be considered a Notice Sign shall be posted a minimum of one sign on each street frontage of the subject property stating the proposed conditional use, and the date, time and location of the Land Use Authority meeting in which the conditional use will be considered. The applicant shall be notified of the date, time and location of the public meeting and of any final action on a pending application.

HISTORY

Ord. No. 97-19, Enacted, 4/17/1997

Ord. No. 97-35, Recodified, 6/19/1997

Ord. No. 04-69, Recodified, 12/16/2004

Ord. No. [17-13](#), Amended, 6/15/2017

Ord. No. [20-20](#), Amended, 6/18/2020

19.14.040 Appeals Of Decision

Any person shall have the right to appeal the decision of the Land Use Authority to the Land Use Appeal Authority. Such appeal shall be applied for within 30 days from the date of the decision of the Land Use Authority. Upon receipt of such appeal, the Land Use Appeal Authority shall respond within 45 days. Failure by the Land Use Appeal Authority to respond shall be deemed to be an approval of the appeal.

HISTORY

Ord. No. 97-19, Enacted, 4/17/1997

Ord. No. 97-35, Recodified, 6/19/1997

Ord. No. 04-69, Recodified, 12/16/2004

Ord. No. [17-13](#), Amended, 6/15/2017

19.14.050 Inspection

Following the issuance of a conditional use permit by the Land Use Authority, the application for a building permit or certificate of occupancy may be approved in compliance with the conditional use permit.

HISTORY

Ord. No. 97-19, Enacted, 4/17/1997

Ord. No. 97-35, Recodified, 6/19/1997

Ord. No. 04-69, Recodified, 12/16/2004

Ord. No. [17-13](#), Amended, 6/15/2017

19.14.060 Time Limit

Unless the uses and conditions prescribed in a conditional use permit are implemented within a maximum period of one year of its issuance, the conditional use permit shall expire. The Zoning Administrator may grant a maximum extension of six months under exceptional circumstances. If the conditional use permit expires, a reapplication shall not be submitted for the same purpose for a minimum period of 12 months.

HISTORY

Ord. No. 97-19, Enacted, 4/17/1997

Ord. No. 97-35, Recodified, 6/19/1997

Ord. No. 04-69, Recodified, 12/16/2004

Ord. No. [17-13](#), Amended, 6/15/2017

19.14.070 Temporary; Conditional Uses

A conditional use permit for temporary business buildings may be issued by the Land Use Authority only as indicated in Subsection (1) below. The conditional use permit shall be valid for a period of one year or as further qualified in Subsection (1) below. The Zoning Administrator may grant a maximum of two extensions of six months each to the conditional use permit so long as all other provisions of this Section are complied with and any associated building permit remains valid.

1. Temporary business buildings in any zoning district that are used during construction of the permanent structure may be allowed if granted a conditional use by the Land Use Authority, and if the following conditions have been met:
 - a. The building permit for the permanent structure has been issued.
 - b. Temporary structures must be completely skirted.
 - c. Temporary structures shall comply with the setbacks for the zoning district.
 - d. Temporary structures must be located outside of all clear view areas as defined in Section 19.16.080.
 - e. The temporary structure will be removed from the premises within 14 days of occupancy of the permanent structure.
 - f. In the case of temporary sales offices in residential zoning districts the sales office must be removed 14 days after occupancy of the model home or six months after approval for the temporary sales office if the model home is not completed.

HISTORY

Ord. No. 97-19, Enacted, 4/17/1997

Ord. No. 97-35, Recodified, 6/19/1997

Ord. No. 97-73, Amended, 11/20/1997

Ord. No. 99-18, Amended, 3/18/1999
 Ord. No. 04-69, Recodified, 12/16/2004
 Ord. No. 11-09, Amended, 3/17/2011
 Ord. No. [17-13](#), Amended, 6/15/2017

19.14.075 Revocation Of Conditional Use Permit

1. A conditional use permit may be revoked by the Land use Authority upon failure of compliance with the conditions precedent to the original approval of the permit or for any violation of this Title occurring on the site for which the conditional use permit was approved. Prior to the revocation of a conditional use permit, the Land Use Authority shall convene a meeting. Notice of the meeting and the grounds for consideration of revocation shall be mailed to the permittee at least ten days prior to the meeting. An appeal of the decision to revoke a conditional use permit shall be filed, in writing, with the Land Use Appeal Authority within 30 days from the date of revocation.

HISTORY

Ord. No. [17-13](#), Amended, 6/15/2017

19.14.080 Determination And Considerations

The Land Use Authority may allow a conditional use to be located in any zoning district in which the particular use is allowed as a conditional use by this Title. In authorizing any conditional use, the Land Use Authority shall impose such requirements and conditions to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the applicable standards provided in this Chapter or elsewhere in this Title necessary for the protection of adjacent properties and the public welfare. An applicant for the conditional use shall establish that the proposed use:

1. At the specified location, is in harmony with the general intent and purpose of the Layton City General Plan and the applicable zoning district regulations;
2. Is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community and the neighborhood;
3. Such use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and
4. Conditions imposed by the Land Use Authority shall be based upon options described in this Chapter or any special conditions or requirements as may be specified elsewhere in this Title.

HISTORY

Ord. No. 97-19, Enacted, 4/17/1997
 Ord. No. 97-35, Recodified, 6/19/1997
 Ord. No. 04-69, Recodified, 12/16/2004
 Ord. No. [17-13](#), Amended, 6/15/2017

19.14.090 Standards For Conditions

Applicants for conditional use permits shall meet all specific requirements made in this Title. In addition, the Land Use Authority may establish reasonable conditions as outlined herein to mitigate the reasonable anticipated detrimental effects of the proposed use. More specifically, the Land Use Authority may require:

1. **Conditions relating to compliance with the intent of the comprehensive plan and characteristics of the zoning district.**
 - a. The placement of conditional uses only in specific areas of a zoning district, e.g., along an arterial or collector street.
 - b. The removal of structures, debris, or plant materials incompatible with the desired characteristics of the zoning district.
 - c. The screening of yards or other areas as protection from obnoxious land uses and activities.
 - d. Landscaping to insure compatibility with the intended neighboring land uses.
 - e. Limitations or controls on the location, height, and materials of walls, fences, hedges, and screen plantings to insure harmony with adjacent development, or to conceal storage areas, utility installations, or other unsightly development.
 - f. The relocation of proposed or existing structures as necessary to provide for street widening or street placement within the area under application, as provided in the Layton City General Plan, adequate sight distances for general safety, groundwater control, or similar issues.
 - g. Modification to allowed population density and intensity of land use where land capability and/or vicinity relationships make it appropriate to do so to protect health, safety, and welfare.
 - h. Other improvements which serve the property and which may mitigate, in part or in whole, reasonably anticipated detrimental effects of the proposed use.
 - i. Other improvements which serve the property in question and which may compensate, in part or in whole, possible adverse impacts to the district from the proposed conditional use.
2. **Conditions relating to safety for persons and property.**
 - a. Building elevation and grading plans which will prevent or minimize flood water damage, where property may be subject to flooding.
 - b. The relocation, covering, or fencing of irrigation ditches, drainage channels, and other potential attractive nuisances existing on or adjacent to the property.
 - c. Increased setback distances from lot lines where the Land Use Authority determines it to be necessary to insure public safety and to insure compatibility with the intended characteristics of the zoning district as outlined in this Title, or where the lot abuts an arterial or collector street.
 - d. Appropriate design, construction, and location of structures, buildings, and facilities in relation to an earthquake fault which may exist on the property, and limitations and/or restrictions to use and/or location of use due to special site conditions, including but not limited to, geologically hazardous areas, flood plains, fault zones, and landslide areas other than may be required by the sensitive lands overlay development regulations.
 - e. Limitations and control of the number, location, color, size, height, lighting, and landscaping of signs and structures in relation to the creation of traffic hazards.
 - f. Plans for the location, arrangement, and dimensions of truck loading and unloading facilities.
 - g. Construction of curbs, gutters, drainage culverts, sidewalks, streets, fire hydrants, and street lighting.
3. **Conditions relating to health and sanitation.**

- a. A guarantee of sufficient water to serve the intended land use and a water delivery system meeting standards adopted by the City.
 - b. A wastewater disposal system and a solid waste disposal system meeting standards adopted by the City.
 - c. Construction of water mains, sewer mains, and drainage facilities serving the proposed use, in sizes necessary to protect existing utility users in the zoning district and to provide for an orderly development of land in Layton.
4. **Conditions relating to environmental concerns.**
- a. Limitations and/or restrictions on the use and/or location of uses in sensitive areas due to soils capabilities, wildlife, and plant life.
 - b. Processes for the control, elimination, or prevention of land, water, or air pollution; the prevention of soil erosion; and the control of objectionable odors and noise.
 - c. The planting of ground cover or other surfacing to prevent dust and erosion.
 - d. Restructuring of the land and planting of the same as directed by the Land Use Authority when the conditional use involves cutting and/or filling the land and where such land would be adversely affected if not restructured and re-vegetated.

HISTORY

Ord. No. 97-19, Enacted, 4/17/1997

Ord. No. 97-35, Recodified, 6/19/1997

Ord. No. 04-69, Recodified, 12/16/2004

Ord. No. [17-13](#), Amended, 6/15/2017

19.14.100 Conditions Relating To Specific Types Of Uses

All uses listed in this Section shall be required to meet all standards provided in this Chapter. Where there is a conflict between another provision and the provisions of this Section, the more specific requirement shall apply.

1. **Mobile Home Parks and Travel Vehicle Parks** - See Chapter 19.11 of the Layton Municipal Code.
2. **Wireless Telecommunication equipment.** Wireless Telecommunication equipment may be allowed with the following requirements:
 - a. **Wall mounted antennas.** mounted antennas are conditional uses in residential zoning districts at institutional uses. Wall mounted antennas must comply with the following criteria:
 - i. Wall mounted antennas shall not extend above the roof line of the building more than four feet.
 - ii. Antennas and all associated equipment shall be painted to match the color of the building or surrounding area.
 - iii. Wall mounted antennas may have a maximum area of 40 square feet per each side of the building. The area is determined by drawing straight lines around the outermost portions of the antennas until enclosed.
 - iv. All equipment associated with the use (excluding the antenna) must be screened by a view obstructing structure.
 - v. If the associated equipment is located on the ground it must be appropriately landscaped.

- b. **Roof mounted antennas.** Roof mounted antennas are conditional in residential zoning districts at institutional uses. The following provisions and any applicable provisions in Subsection (a) above shall apply to roof mounted antennas:
 - i. Roof mounted antennas can only be mounted on structures with flat roofs. Exceptions may be granted by staff with the following stipulations:
 - 1. The tower will be mounted on the roof of a building such that the building will obstruct the view of the antenna from the front of the building.
 - 2. The antenna will be less visible from ground level than the typical antenna mounted on a flat roof.
 - ii. Roof mounted antennas must be setback from the building edge one foot for every one foot of antenna height to a maximum of 15'.
- c. **Mono-pole structures.** Mono-pole towers may be allowed as conditional uses in residential zoning districts at community uses. Any applicable criteria in Subsections (a) and (b) as well as the following criteria shall apply to mono-pole structures:
 - i. All towers must be of a mono-pole construction. No lattice constructed towers of any kind shall be allowed.
 - ii. All towers must allow for co-location and supply engineering calculations by a state certified engineer that will allow for as many as three separate users on a single pole. A letter must also be supplied stating that the owners of the tower will allow for colocation and that the structure has been constructed to allow for this.
 - iii. No tower may be located within a one mile radius to another tower unless grid documentation is supplied by an independent consultant stating that co-location will create an unreasonable hardship. Evidence of an unreasonable hardship shall be provided by an independent engineering study provided to the City at cost to the applicant.
 - iv. Co-location on an existing mono-pole structure is a permitted use and is handled administratively.
 - v. The agent must supply the City with a letter stating that if technology renders the tower obsolete and the tower is vacated, that the agent will remove the tower, all apparatus associated with it, the top three feet of the footing, and restore the site to its original condition within 90 days of the vacation of the tower.
- d. The additional following criteria may be addressed for approval of electronic communication equipment in residential zoning districts at community uses:
 - i. Whether co-location of the antenna on existing structures in the same vicinity such as: towers, buildings, water towers, utility poles, athletic field lights, parking lot lights, etc., is feasible without impacting neighboring uses.
 - ii. The location of the antenna in relation to existing vegetation, topography, buildings, residential uses, and zoning districts.
 - iii. Whether there are any negative impacts associated with the use that must be mitigated through screening, height limits, or specifying construction materials and colors, etc.
- 3. **Bus shelters.** Bus shelters located in the public right-of-way shall comply with all requirements listed in Section 19.05.070 (if applicable) as well as the following:
 - a. Require review and approval by the City Engineer.

- b. The applicant shall notify the abutting property owner by certified letter of the proposed shelter location, advertising, and provide an opportunity for comment. A copy of the certified letter shall be provided to the City by the applicant.
 - c. If the bus shelter is located in a state or county right-of-way the applicant must also receive a permit from the State or county for the erection of the bus shelter.
 - d. If sidewalk is removed in order to locate the bus shelter, the sidewalk shall be replaced by the applicant and meandered around the shelter so that there is a minimum of three feet from the closest portion of the walk to the closest portion of the shelter. The meander shall start a minimum of ten feet on either side of the shelter. Proposed sidewalk alignment shall be submitted with the application.
 - e. The applicant shall acquire from the adjacent property owner an access easement in situations where the public sidewalk enters onto private property.
 - f. There shall be a minimum setback of four feet from the face of the curb to the nearest portion of the shelter.
4. **Elderly apartment.** Each elderly apartment shall meet all state and federal codes and have the following minimum requirements:
- a. Non-skid bathtubs.
 - b. Handicap accessible doorways.
 - c. Bath facilities designed to accommodate wheelchairs.
 - d. Grab bars in showers, tubs, and near toilets.
 - e. Central heating and cooling.
 - f. Lever type door handles and water faucets.
 - g. Electrical receptacles to be at least 24" above floor level.
 - h. No stairs within apartments, and elevator access for more than one-story dwelling buildings.
 - i. Emergency signals in each apartment to a 24 hour manned facility.
 - j. Elderly households shall be limited to three persons per dwelling unit.
5. **Kennels.**
- a. **Kennels, private.**
 - i. Minimum lot size of one acre required.
 - ii. The animals must be owned by the property owner or occupants, except at times of breeding.
 - iii. Outdoor pens shall be located in the rear yard and shall not be closer than 100' to any neighbors dwelling and ten feet from any side or rear property line.
 - iv. In addition to other conditions imposed to mitigate the impact of this use, the Land Use Authority may restrict the location of any pens and the number of dogs and/or cats allowed on the site.
 - v. All kennels will comply with the Davis County Health Department's regulations and Davis County Animal Control's regulations.
 - b. **Daily Boarding Kennels.**
 - i. In a residential zoning district daily boarding kennels will be a conditional use and are only permitted as a home occupation. The boarding operation shall comply with the following regulations and all provisions of the home occupation regulations, except that a boarding kennel shall be exempt from the limitation on the use of space in and outside the home.
 - ii. Must be located in the A (agriculture) zoning district.

- iii. Outdoor pens shall be located in the rear yard and shall not be closer than 100' to any neighbors dwelling and ten feet from any side or rear property line.
 - iv. In addition to other conditions imposed to mitigate the impact of this use, the Land Use Authority may restrict the location of any pens and the number of dogs and/or cats allowed on the site.
 - v. The number of dogs and/or cats will be limited to eight including the owner's own dogs and/or cats.
 - vi. Hours of operation will be limited to 7:00 a.m. to 7:00 p.m.
 - vii. All kennels will comply with the Davis County Health Department's regulations and Davis County Animal Control's regulations.
- c. **Extended Care Kennels.** In the A (agricultural) zoning district, an extended care kennel will be a conditional use and only permitted as a home occupation. The home occupation does not allow employees, and the operation shall comply with the following regulations.
 - i. Must be located in the A (agricultural) zoning district with a minimum of one acre of property.
 - ii. Must be located in the Accident Potential Zone (APZ) easement overlay area as described, defined, and regulated in this Code and in Utah Code Sections 63M-6-201, et. seq. also known as the Utah Military Base Easements Act.
 - iii. The number of dogs and/or cats, at any one time, for day care or boarding, shall be limited to 20, including the owner's dogs and/or cats. The number of dogs and/or cats, at any one time, for grooming, shall be limited to three. This use shall allow for day care, grooming, and boarding services only. Obedience, or other similar classes, and the selling of pets are not allowed under these provisions.
 - iv. An extended care kennel will comply with the Davis County Health Department regulations and Davis County Animal Control regulations.
 - v. Outdoor pens shall be located in the rear yard area and shall not be closer than 100' to any neighbors dwelling and ten feet from any side or rear property line.
 - vi. There shall be a minimum of 100 square feet of yard space provided for each animal kept within the extended care kennel. Said space shall be secured by a six foot solid vinyl fence or chain link fence with vinyl slats, which is adequately secured at the bottom with a concrete mow strip to prevent animals from exiting under it. Any area or use within the yard area determined to be a hazard to animals shall be secured from access and shall not be counted in the required yard space. A site plan of the parcel being used and the neighboring properties, including dwellings, shall be reviewed and approved by the City staff.
 - vii. Must be located along an arterial street as defined in the Layton City Master Street Plan.
 - viii. The dogs and/or cats shall be boarded indoors between the hours of 9:00 p.m. and 7:00 a.m. to avoid noise disturbances during the quiet ambient noise times. The enclosures shall have electricity and a heating source.
 - ix. All dogs or cats kept or groomed at the extended care kennel shall have a current rabies vaccination.
- d. **Kennels, Boarding**
 - i. Boarding kennels shall be a conditional use in the CP-1 (Planned Neighborhood Commercial), CP-2 (Planned Community Commercial), CP-3 (Planned Regional Commercial), and C-H (Planned Highway Commercial) zoning districts, and a permitted use in the M-1 (Light Manufacturing/Industrial) and M-2 (Heavy Manufacturing/Industrial) zoning districts.

- ii. Boarding kennels shall comply with all Davis County Animal Control and Davis County Health Department regulations.
 - iii. Animals shall be treated humanely and no conditions shall be maintained or permitted that are, or could be, injurious to the animal.
 - iv. Animals which are kept or boarded shall be current on all required vaccinations.
 - v. All buildings, rooms, animal enclosures, cages, kennels, and runs shall be of sufficient size to provide adequate and proper accommodations for the animals kept therein, and shall be constructed and maintained to prevent the escape of any animal.
 - vi. All buildings, rooms, animal enclosures, cages, kennels, and runs shall be maintained in a clean and sanitary condition and shall be designed and constructed with materials which are easily cleaned. Additionally, all buildings, rooms, animal enclosures, cages, kennels, and runs shall be properly designed and ventilated to prevent/remove animal odors.
 - vii. All buildings, and rooms used for boarding shall be enhanced with building materials, including sufficient insulation and glass thickness, to dampen or eliminate noises associated with the animals being boarded within. The sound attenuation of these buildings and rooms shall be sufficient to eliminate noises associated with boarded animals from inside any occupied residential or commercial building.
 - viii. There shall be no outdoor boarding of any animal.
 - ix. Outdoor animal enclosures used as exercise yards and runs associated with a boarding kennel shall be secured by a six foot solid vinyl, masonry block, or comparable fence material.
 - x. Boarding kennels with outdoor animal enclosures shall keep animals indoors between the hours of 9:00 p.m. and 7:00 a.m. Building doors and windows which lead to outdoor animal enclosures shall remain closed after entering or exiting the outdoor space to limit noise from escaping the building's interior.
 - xi. Where existing residential and commercial uses are located within 200' of a boarding kennel, the number of animals in outdoor animal enclosures, exercise yards, and runs at any one time shall be limited to one animal for every 300 square feet of enclosed area, and enclosed areas shall not exceed a maximum of 2,400 square feet.
 - xii. Animal waste and runoff generated by the cleaning of outdoor animal enclosures, exercise yards, and runs shall be contained on the subject property. If disposal is by a sanitary sewage system, it shall comply with all applicable City, County, and State regulations.
 - xiii. Outdoor animal enclosures, exercise yards and runs shall be located at least 75' from any residential uses, and from existing commercial outdoor patio areas used for eating, reception, entertainment, or other similar uses.
 - xiv. Animals may be walked outdoors at any time on a leash for exercise and relief provided that only three animals, per accompanied employee, may be outside at a time. Any solid animal waste shall be disposed of promptly and in a sanitary manner.
6. **Commercial uses in manufacturing zoning districts.** Retail sales shall be allowed in the M-2 zoning district as a conditional use, but shall be limited to the retail sale of goods manufactured and/or distributed by the same business, as long as:
- a. The retail sale is confined to a floor area within the tenant space not exceeding 40% of the total floor area used by the business; and
 - b. The remaining floor area is not open to the public and is not used for commercial uses; and

- c. The subject parcel has frontage on an arterial street with the main entrance to the business facing the arterial street.

7. **Cemetery/Mortuary/Funeral Home.** The provision of mortuary/funeral home services in appropriate locations is an important land use objective of the City. The purpose of this Section is to ensure appropriate locations for these type of facilities and preserve the character of surrounding neighborhoods.

A mortuary/funeral home on a cemetery site in the A (agriculture) zoning district may be allowed if granted a conditional use permit by the Land Use Authority and if the following conditions have been met:

- a. **Height, setback, and lot requirements.** A mortuary/funeral home shall comply; with the height, setback, and lot requirements of the zoning district in which it is located. A mortuary/funeral home on a cemetery site in the A (agriculture) zoning district shall have a minimum of a 100' front yard setback to insure that the building is integrated into the cemetery site.
 - b. **Lighting.** Lighting shall comply with Section 19.06.050 of this Title.
 - c. **Parking.** A minimum of one space for each 40 square feet of floor area in assembly rooms.
 - d. **Landscaping and Fencing.** Transitional landscaping and fencing shall be provided in accordance with Section 19.16.040 of this Title and Table 16-1 entitled "Landscaping/Fencing Matrix."
8. **Recyclable/Salvage Yards.** No land or building devoted to these types of uses shall be used or occupied in any manner so as to create dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise or vibration, smoke, dust, odor, or other form of air pollution; heat, cold, glare, electrical, or other disturbance; liquid or solid refuse or waste; or other substance, condition, or element, in such a manner or in such an amount as to affect adversely the surrounding area or adjoining premises.

State agency notification. The Community and Economic Development Director shall confirm that the Environmental Health Services Section of the State Health Division is informed of applications where a recyclable/salvage yard may pose a potential risk.

As part of a performance standards review the use shall include in the application a description of the proposed machinery, products, and processes to be located at the site.

Layton City, and other governmental agencies, are authorized to monitor the use as needed, and conduct investigations of any purported violation of environmental, criminal, or performance laws or standards. Monitoring of the use would include problems with crime, noise, odors, vibration, or glare. For purposes of determining the existence of a nuisance, the measurement of noise, odors, contamination, vibration, or glare shall be taken at the property line.

Recyclable/Salvage yards shall be subjected to the following restrictions.

- a. No recyclable/salvage yard shall be located within 1000' feet of:
 - i. A church, synagogue, mosque, temple, or building which is used primarily for religious worship and related religious activities;
 - ii. A public or private educational facility including, but not limited to, child day-care facilities, nursery schools, pre-schools, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, special education schools, junior colleges, and universities. Schools include the school grounds.
 - iii. A public park or recreational area which has been designated for park or recreational activities including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the City which is under the control, operation, or management of the City Park and Recreation authorities.

b. No recyclable/salvage yards shall be located within 600' of:

- i. A boundary of a residential district as defined in the Layton City zoning code; or;
- ii. The property line of a lot devoted to a residential use as defined in the Layton City zoning code.
The following conditions shall apply to recyclable/salvage yards.
 1. In the heavy manufacturing zone a recyclable/salvage yard shall be a conditional use and are not permitted in any other type of zoning district.
 2. Persons who utilize the recyclable/salvage yard shall provide photo identification to the owners of the establishment who will make a copy of the identification and keep on file with the business.
 3. Said use shall not be located in water protection zone areas as defined by Table 20-1 in Chapter 19.20 of this Title and entitled "Drinking Water Source Protection Zones."
 4. The material to be collected shall be screened from public view. A minimum eight foot high fence is required around the storage area and includes having a canopy over stacked material. The material cannot be stacked higher than the eight foot fence.
 5. The material being stored is screened to prevent a view of the material from a commuter rail train as per Section 19.06.110(5). Other screening devices will be required through landscaping.
 6. The material may be required to be stored in an enclosed building if other screening devices are not workable.
 7. The deposit or storage of toxic chemicals, radioactive materials, or metals such as freon and mercury shall be prohibited.
 8. A background check for current and proposed employees is required as noted in Section 5.04.040.

9. **Title loan, payday loan, deferred deposit lending, and similar businesses.** Title loan, payday loan, deferred deposit lending, and similar businesses shall be located and maintained in accordance with the following standards and conditions:

- a. Title loan, payday loan, deferred deposit lending, and similar businesses shall only be allowed as a conditional use in areas zoned CP-2 (planned community commercial) or C-H (planned highway commercial).
- b. Title loan, payday loan, deferred deposit lending, and similar businesses shall not be located within one thousand five hundred feet (1,500') of another title loan, payday loan, deferred deposit lending, and similar business within or outside of Layton City boundaries. The distance shall be measured in a straight line from the main entrance of the establishments.
- c. Title loan, payday loan, deferred deposit lending, and similar businesses shall be limited to one title loan, payday loan, deferred deposit lending, and similar business per 10,000 in Layton City population. The total population figures shall be based on the U.S. Census Bureau's report for Layton City.
- d. The following shall only apply to title loan, payday loan, deferred deposit lending, and similar businesses that had an active business license before February 3, 2011, in Layton City.
 - i. **Termination of business license.** If any title loan, payday loan, deferred deposit lending or similar business fails to renew its Layton City Business License or vacates the premises, then the business and use is deemed terminated. All title loan, payday loan, deferred deposit lending, and similar businesses that do not meet the zoning and separation requirements shall be considered nonconforming and will be subject to the provisions of Section 19.15.030 of the Layton Municipal Code.

- ii. **Relocation of existing business.** Any title loan, payday loan, deferred deposit lending, and similar business existing before February 3, 2011, shall be allowed to relocate to a new site that meets the zoning and separation requirements outlined in this ordinance. The nonconforming status of the prior site is deemed to have been terminated.

10. **Retail tobacco specialty businesses.** Retail tobacco specialty businesses shall be located and maintained in accordance with the following standards and conditions:

- a. Retail tobacco specialty businesses shall only be allowed as a conditional use in areas zoned C-H (planned highway commercial).
- b. Retail tobacco specialty businesses shall not be located within 600' of another retail tobacco specialty business within or outside of Layton City boundaries. The distance shall be measured in a straight line from the main entrance of the establishments.
- c. Retail tobacco specialty businesses shall not be located within 1,000' of a community location.
- d. Retail tobacco specialty businesses shall not be located within 600' of property used or zoned for agricultural use, or residential use.
- e. The proximity requirements shall be measured in a straight line from the nearest entrance of the retail tobacco specialty business to the nearest property boundary of the community location, or agricultural or residential use, without regard to intervening structures or zoning districts.
- f. Any retail tobacco specialty business that had an active business license before November 17, 2011, in Layton City maintains the right to operate as a nonconforming use.
- g. **Termination of business.** If any retail tobacco specialty business fails to renew its Layton City Business License, vacates the premises, or suspends the sale of tobacco products for more than 60 consecutive days, then the business and use is deemed terminated. All retail tobacco specialty businesses that do not meet the zoning and separation requirements shall be considered nonconforming and will be subject to the provisions of Section 19.15.030 of Layton Municipal Code.
- h. **Relocation of existing business.** Any retail tobacco specialty business existing before November 17, 2011, shall be allowed to relocate to a new site that meets the zoning and separation requirements outlined in this ordinance. The nonconforming status of the prior site is deemed to have been terminated.

11. **Pet Services.** All pet services shall comply with the following requirements:

a. **Pet Services, Indoor.**

i. General requirements.

- 1. Indoor pet services shall be a permitted use in the M-1 (Light Manufacturing/Industrial), and M-2 (Heavy Manufacturing/Industrial) zoning districts, and a conditional use in the A (Agriculture), CP-1 (Planned Neighborhood Commercial), CP-2 (Planned Community Commercial), CP-3 (Planned Regional Commercial), and C-H (Planned Highway Commercial) zoning districts.
- 2. Indoor pet services shall comply with all applicable City, Davis County Animal Control, and Davis County Health Department regulations.
- 3. All animals shall be treated humanely. No conditions shall be maintained or permitted in the premises or on the property that are, or could be, injurious to the animal.

4. All buildings and rooms shall be enhanced with building materials, including sufficient insulation and glass thickness, to dampen or eliminate noises associated with the animals contained within. The sound attenuation of buildings and rooms shall be sufficient to eliminate noises associated with the animals from inside any occupied residential or commercial building.
5. All buildings, rooms, animal enclosures, cages, kennels, and runs shall be of sufficient size to provide adequate and proper accommodations for the animals kept therein, and shall be constructed and maintained to prevent the escape of any animal.
6. All buildings, rooms, animal enclosures, cages, kennels, and runs shall be maintained in a clean and sanitary condition; shall be designed and constructed with materials which are easily cleaned; and shall be properly designed and ventilated to prevent/remove animal odors.
7. Areas for outdoor pet activities (i.e. play/training facilities) shall not be permitted.
8. Animals may be walked outdoors at any time on a leash for exercise and relief provide that only three animals, per accompanied employee, may be outside at a time. Any solid animal waste shall be disposed of promptly in an appropriate and sanitary manner.

ii. Pet day care, indoor play/training facilities, and boarding kennels requirements.

1. Pet day care, indoor play/training facilities, boarding kennels, and similar activities/operations shall require animals to be current on all required vaccinations.
2. Boarding (kenneling) may be provided only as an accessory use. There shall be no outdoor boarding of any animal. Outdoor animal enclosures used as exercise yards and runs which are associated with a boarding kennel shall not be allowed.

iii. Veterinary clinic requirements.

1. Veterinary clinics shall not dispose of dead animals (cremation or otherwise) on-site. Euthanized or otherwise dead animals shall be stored in freezers until removed from the site.

iv. A (Agriculture) zoning district requirements.

1. New buildings and facilities shall reflect an agricultural architectural style and form that is consistent with the area's rural character and existing agricultural buildings.
2. Outdoor lighting shall be screened by shields/hoods to prevent glare onto adjacent properties.

b. Pet Services, Indoor/Outdoor:

i. General requirements.

1. Indoor/outdoor pet services shall be a permitted use in the M-1 (Light Manufacturing/Industrial), and M-2 (Heavy Manufacturing/Industrial) zoning districts, and a conditional use in the A (Agriculture), CP-1 (Planned Neighborhood Commercial), CP-2 (Planned Community Commercial), CP-3 (Planned Regional Commercial), and C-H (Planned Highway Commercial) zoning districts.
2. Indoor/outdoor pet services shall meet all requirements of 19.14.100 (11.a.) with the exception that areas for outdoor pet activities (i.e. play/training facilities, and outdoor animal enclosures used as exercise yards and runs) may be allowed.

ii. Outdoor play/training facilities, exercise yards and runs.

1. Indoor/outdoor pet service operations with outdoor animal enclosures used as outdoor play/training facilities, exercise yards and runs shall be separated from any offsite residential used or zoned property at the property line by a six foot solid vinyl, masonry block, or comparable fence.
2. A minimum 25' landscape buffer shall be provided between adjoining property boundary lines and any outdoor animal enclosure. No pets or animals shall be allowed within the landscape buffer. The landscape buffer shall be planted, manicured, and maintained with evergreen trees and large shrubs. Evergreen trees shall be planted no further than 20' apart, and planted at a minimum of six feet in height at the time of planting, with the potential to grow to at least a 25' canopy diameter in width. Large shrubs shall be planted between evergreen trees to fill in the void spaces along the fence lines.
3. Primary outdoor animal enclosures shall be constructed with a minimum six foot tall transparent fence. Fencing shall be maintained to prevent the escape of any animal.
4. Operations with outdoor animal enclosures shall keep animals indoors between the hours of 9:00 p.m. and 7:00 a.m. Building doors and windows which lead to outdoor animal enclosures shall remain closed after entering or exiting the outdoor space to limit noise from escaping the building's interior.
5. Where existing residential and commercial uses are located within 200' of an outdoor animal enclosure the number of animals shall be limited to one animal for every 300 square feet of enclosed area.
6. Outdoor animal enclosures shall be located at least 75' from any residential uses, and from existing commercial outdoor patio areas used for eating, reception, entertainment, or other similar uses.
7. Exterior play/training structures shall be located appropriately to prevent the escape of any animal, and shall be securely fastened/anchored to protect animals from injury.

12. Pet Cemetery: All pet cemeteries shall comply with the following requirements:

a. General requirements.

- i. Pet cemeteries shall be a conditional use in the A (Agriculture), R (Residential), and P-B (Professional Business) zoning districts.
- ii. Pet cemeteries shall be separated from any off-site residential used or zoned property at the property line by a six foot solid vinyl, masonry block, or comparable fence.
- iii. All graves or burial lots shall be set back a minimum of 30' from any property line or street right-of-way.

b. Pet crematorium. All pet crematoriums shall comply with the following requirements:

- i. Pet crematoriums shall be used for the preparation and cremation of pets only.
- ii. The crematorium shall not be used for the disposal of any waste materials, including medical/industrial waste.
- iii. Pet crematoriums shall emit no visible emissions or odors.
- iv. Pet crematoriums shall comply with all applicable City, County, and State regulations, and shall receive all necessary approvals from applicable State and Federal agencies.

HISTORY

Ord. No. 97-19, Enacted, 4/17/1997

Ord. No. 97-29, Amended, 5/15/1997

Ord. No. 97-35, Recodified, 6/19/1997
Ord. No. 98-80, Amended, 12/17/1998
Ord. No. 99-12, Amended, 3/18/1999
Ord. No. 01-18, Amended, 4/19/2001
Ord. No. 01-41, Amended, 10/4/2001
Ord. No. 02-18, Amended, 3/21/2002
Ord. No. 03-49, Amended, 11/6/2003
Ord. No. 03-49, Amended, 11/20/2003
Ord. No. 04-69, Recodified, 12/16/2004
Ord. No. 06-56, Amended, 12/7/2006
Ord. No. 09-20, Amended, 11/5/2009
Ord. No. 11-03, Amended, 3/17/2011
Ord. No. 12-16, Amended, 5/17/2012
Ord. No. 13-08, Amended, 4/18/2013
Ord. No. [17-13](#), Amended, 6/15/2017
Ord. No. [18-08](#), Amended, 3/20/2018
Ord. No. [18-23](#), Amended, 6/21/2018

CENTERVILLE
PLANNING
COMMISSION

Staff Report
4/23/2025

Item No. 1.

Title: Community Development Director's Report

Initiated By:

Staff Representative:

SUBJECT:

RECOMMENDATION:

BACKGROUND:

ATTACHMENTS:

CENTERVILLE
PLANNING
COMMISSION

Staff Report
4/23/2025

Item No. 1.

Title: Minutes Review and Approval - April 9, 2025

Initiated By:

Staff Representative:

SUBJECT:

Minutes Review and Approval for April 9, 2025 Planning Commission meeting.

RECOMMENDATION:

Consideration of Planning Commission meeting draft minutes for April 9, 2025.

BACKGROUND:

ATTACHMENTS:

1. 04-09-25 PC DRAFT

1 **PLANNING COMMISSION MINUTES OF MEETING**

2 **Wednesday, April 4, 2025**

3 **7:00 p.m.**

4
5 A quorum being present at City Hall, 250 North Main Street, Centerville, Utah, the meeting
6 of the Centerville City Planning Commission was called to order at 7:06 p.m.

7
8 **MEMBERS PRESENT**

9 LaRae Patterson, Vice Chair
10 Amanda Jorgensen
11 Gary Woodward
12 Shawn Hoth

13
14 **MEMBERS ABSENT**

15 Layne Jenkins
16 Mason Kjar, Chair
17 Tyler Moss

18
19 **STAFF PRESENT**

20 Mike Eggett, Community Development Director
21 Sydney DeWees, Planner
22 Lisa Romney, City Attorney

23
24 **LEGISLATIVE THOUGHT/PRAYER** Vice Chair Patterson

25
26 **PLEDGE OF ALLEGIANCE**

27
28 **ZONING CODE AMENDMENTS – BODY ART FACILITIES – CZC 12.12.040, 12.36.040,**
29 **NEW 12.55.260, 12.62.040, AND 12.62.060 – LEGISLATIVE DECISION (DISCUSSION ITEM**
30 **ONLY)**

31
32 Community development Director Mike Eggett presented research findings to the Planning
33 Commission regarding potential zoning code amendments related to body art facilities. He
34 reviewed zoning ordinances from seven South Davis County cities, noting that only Bountiful and
35 Layton had specific provisions for tattoo and body art establishments. Mr. Eggett explained that
36 Bountiful permits such facilities as conditional uses in heavy and general commercial zones, while
37 Layton allows them conditionally in high commercial zones. Zoning maps from both cities were
38 shared to illustrate potential location areas.

39
40 City Attorney Lisa Romney raised concerns regarding the designation of body art facilities
41 as conditional uses, emphasizing the importance of objective standards to mitigate legal risks.
42 The Commission reviewed proposed amendments for Centerville, which would permit body art
43 facilities in Industrial High, Industrial Very High, and certain Planned Development Overlay zones
44 west of I-15. The Commission agreed to revisit the matter at an upcoming meeting so more
45 members could be present for discussion.

46
47 **ZONING CODE AMENDMENTS – PLANNED UNIT DEVELOPMENT AND PLANNED**
48 **DEVELOPMENT OVERLAY ZONE – CMC 15.06 AND CZC12.41 (DISCUSSION ITEM ONLY)**

49
50 This item was postponed to a future meeting.

51
52 **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

53
54 Mr. Eggett reported on ongoing budget discussions with the City Council, noting that the
55 Community Development and Planning Commission budgets would be presented the following

1 day. He indicated there were no significant changes proposed to the Planning Commission's
2 budget compared to the previous year.

3
4 Mr. Eggett briefed the Commission on House Bill 368, a recent comprehensive land use
5 bill. He advised that the legislation would necessitate mandatory changes to the city's zoning
6 codes and recommended that the Commission remain aware of potential future code
7 amendments resulting from the bill.

8
9 **MINUTES REVIEW AND APPROVAL**

10
11 Minutes of the March 12, 2025 Planning Commission Meeting were reviewed.
12 Commissioner Jorgensen **moved** to approve the minutes as written. Commissioner Hoth
13 seconded the motion, which passed by unanimous vote (4-0).

14
15 **ADJOURNMENT**

16
17 At 8:01 p.m., Commissioner Jorgensen **moved** to adjourn the meeting. Commissioner
18 Hoth seconded the motion which passed by unanimous vote (4-0).

19
20
21
22
23 _____
Jennifer Robison, City Recorder

Date Approved