PLANNING COMMISSION AGENDA

Thursday, May 17, 2018

NOTICE IS HEREBY GIVEN that the Herriman Planning Commission shall assemble for a meeting in the City Council Chambers, located at 5355 W Herriman Main Street, Herriman, Utah.

6:00 PM - Work Meeting (Fort Herriman Conference Room)
1. Training – Video
2. Review Chapter 16, Table of Uses
3. Review of City Council Decisions
4. Review of Agenda Items

7:00 PM - Regular Planning Commission Meeting
1. Call to Order
   1.1 Invocation/Thought/Reading and Pledge
   1.2 Roll call
   1.3 Conflicts of Interest

2. Administrative Items
   Administrative items are reviewed based on standards outlined in the ordinance. Public comment may be taken on relevant and credible evidence regarding the applications compliance with the ordinance.
   2.1 Request: Conditional Use Permit for an LDS Meetinghouse
      Applicant: Evans and Associates Architecture
      Address: 12552 S Bigbend Creek Drive
      Zone: R-2-10
      Acres: 4.399
      File Number: C2018-012

3. Legislative Items
   Legislative items are recommendations to the City Council. Broad public input will be taken and considered on each item. All legislative items recommended at this meeting will be scheduled for a decision at the next available City Council meeting.
   3.1 Request: Text Change to the Land Development Code to add Bar Establishment as a conditional use (Public Hearing)
      Applicant: Curtis George
      File Number: Z2018-010
4. Chair and Commission Comments

5. Future Meetings
   5.1 City Council – Wednesday, May 23, 2018 @ 7:00 PM – CANCELLED
   5.2 Joint PC/CC Work Meeting – Thursday, May 31, 2018 @ 7:00 PM
   5.3 Planning Commission Meeting – June 7, 2018 @ 7:00 PM

6. Adjournment

The Planning Commission Rules of Procedure and Ethical Conduct can be found on the City website at www.herriman.org.

In accordance with the Americans with Disabilities Act, Herriman City will make reasonable accommodation for participation in the meeting. Request assistance by contacting Herriman City at (801) 446-5525 and provide at least 48 hours advance notice of the meeting.

**Electronic Participation:** Members of the planning commission may participate electronically via telephone, Skype, or other electronic means during this meeting.

**Public Comment Policy and Procedure:** The purpose of public comment is to allow citizens to address items on the agenda. Citizens requesting to address the commission will be asked to complete a written comment form and present it to Wendy Thorpe, Deputy Recorder. In general, the chair will allow an individual three minutes to address the commission. A spokesperson, recognized as representing a group in attendance, may be allowed up to five minutes. This policy also applies to all public hearings.

I, Wendy Thorpe, certify the foregoing agenda was emailed to at least one newspaper of general circulation within the geographic jurisdiction of the public body. The agenda was also posted at the principal office of the public body, on the Utah State Website www.utah.gov/pmn/index.html and on Herriman City’s website www.herriman.org.

Posted and Dated this 10th day of May, 2018

Wendy Thorpe
Deputy Recorder
<table>
<thead>
<tr>
<th>Date of Meeting:</th>
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<tbody>
<tr>
<td>05/17/2018</td>
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<tr>
<td><strong>File #</strong></td>
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<tr>
<td><strong>Applicant</strong></td>
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<td><strong>Address</strong></td>
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<td><strong>Request</strong></td>
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Staff Report

DATE: May 10, 2018

TO: Planning Commission

FROM: Bryn McCarty, AICP, Assistant City Planner

MEETING: Planning Commission Agenda May 17, 2018

REQUEST: Conditional Use Permit Approval for an LDS Meetinghouse

Applicant: Evans and Associates Architecture
Address: 12352 S Bigbend Creek Drive
Zone: R-2-10
Acres: 4.399
File Number: C2018-012

Request
The applicant is requesting conditional use approval to construct an LDS Meetinghouse.

Site
The subject property contains 4.399 acres and is located east of Athlos Charter School.

Issue 1 - Elevations
The ordinance states All facades, including back and side elevations of a public or quasi-public building generally visible from public view or adjacent to residential areas, shall have an element of rock or stone. The applicant has submitted building elevations which shows a brick building with stone accents.

Issue 2 - Parking
The ordinance requires the following parking requirements: 1 space for each 6.5 feet of linear pew, or 3.5 seats in the meeting hall; except when used by two congregations, 1.5 parking spaces shall be provided for each 3.5 seats in the meeting hall.

Issue 3 – Landscaping
The site plan shows they meet the required amount of landscaping. The ordinance requires 20 feet of landscaping along both Anthem Park Blvd and Mountain View Corridor (MVC). The proposed site plan complies with this requirement.
**Approval Standards**

The following standards shall apply for approval of a conditional use:

<table>
<thead>
<tr>
<th>Standard</th>
<th>Finding</th>
<th>Rational</th>
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<tbody>
<tr>
<td>a. The suitability of the specific property for the proposed use;</td>
<td>Compliant</td>
<td>A church is a conditional use in the R-2-10 zone.</td>
</tr>
<tr>
<td>b. The development or lack of development adjacent to the proposed site</td>
<td>Compliant (with conditions)</td>
<td>The church will be located east of an existing charter school. There are single family homes planned to the north and east of the church.</td>
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<tr>
<td>c. Whether or not the proposed use or facility may be injurious to</td>
<td>Compliant (with conditions)</td>
<td>This church site was planned in conjunction with the adjacent residential.</td>
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<td>potential or existing development in the vicinity;</td>
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<tr>
<td>d. The economic impact of the proposed facility or use on the</td>
<td>Compliant</td>
<td>The church will not have any economic impact.</td>
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<td>surrounding area;</td>
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<tr>
<td>e. The aesthetic impact of the proposed facility or use on the</td>
<td>Compliant (with conditions)</td>
<td>The church is required to have brick or stone. It will be landscaped and add to the character of the surrounding area.</td>
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<td>surrounding area;</td>
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<td>f. The present and future requirements for transportation, traffic,</td>
<td>Compliant (with conditions)</td>
<td>There are adequate present and future utilities at this site. The transportation network has capacity for the proposed church.</td>
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<td>water, sewer, and other utilities for the proposed site and</td>
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<td>surrounding area;</td>
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<tr>
<td>g. The safeguards proposed or provided to insure adequate utilities,</td>
<td>Compliant (with conditions)</td>
<td>The proposed plans meet all requirements for access, utilities, drainage, parking, lighting, screening, and landscaping. There will be a precast wall on the north side of the property to buffer the planned residential. There will also be 15 feet of a landscaped buffer.</td>
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<td>transportation access, drainange, parking, loading space, lighting,</td>
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<td>screening, landscaping, open space, fire protection, and pedestrian</td>
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<td>and vehicular circulation;</td>
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<td>h. The safeguards provided or proposed to prevent noxious or offensive</td>
<td>Compliant (with conditions)</td>
<td>The site will be landscaped and maintained. There will be no noxious emissions, such as dust or odor. The photometric plans indicate</td>
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<td>omissions such as noise, glare, dust, pollutants and odor;</td>
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**Recommendation**

Staff recommends approval of the LDS Meetinghouse with the following requirements:

1. Receive and agree to the recommendations from all departments, including those on the DRC comments.
2. Building elevations are approved as submitted, including the stone accents as shown.
3. Install curb, gutter, sidewalk, and street lights on all public streets.
4. Provide a 6 foot precast wall along the north and west property lines.
5. All air conditioning units, dumpsters, and outside utilities shall be fenced with masonry enclosures.
6. Parking shall be provided at 1 space for each 6.5 feet of linear pew, or 3.5 seats in the meeting hall; except when used by two congregations, 1.5 parking spaces shall be provided for each 3.5 seats in the meeting hall.
7. Must be a 15 foot landscape buffer adjacent to residential on the north side of the property. 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. A minimum of one tree shall be provided for every 500 square feet of landscaped area.
8. Park strips must be landscaped and maintained by the applicant. Trees must be provided every 30 feet in the park strip. Trees must meet the approved City tree list. Trees must maintain the appropriate distance from street lights, signage, and intersections.
9. Please make note in the plans that the parkstrip landscaping and irrigation is to be installed and maintained by the applicant.
10. Please provide Fire Flow Test Report per the UFA test report requirements.
11. Parking lot lights need to meet the city standard per the street light fee study that was adopted by the city council.
12. Underground detention will require a long term maintenance agreement, form to

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<table>
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<tr>
<th>safeguards provided or proposed to minimize other adverse effects from the proposed facility or use on persons or property in the area</th>
<th>Compliant</th>
<th>There will be no other adverse effects.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff Report</td>
<td>that the lighting will meet City standard.</td>
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</table>
13. Underground detention will require an injection well permit.

**Denial Standards**

If motion is to deny, the Planning Commission must identify for the record which of the following circumstances cannot be mitigated based on substantial evidence presented:

a. The proposed conditional use is not allowed by the zone where the conditional use will be located or by another provision of this title;
b. The use is not consistent with the general plan, as amended;
c. The proposed use will not comply with regulations and conditions specified in this title for such use;
d. Existing or proposed utility services are not adequate to serve the proposed development or are designed in a manner that will adversely affect adjacent property or land uses;
e. The proposed use will create a need for essential city services which cannot reasonably be met;
f. Streets and other means of access to the proposed development are not adequate to carry anticipated traffic and will substantially degrade the level of service on adjacent streets;
g. The proposed use will cause unreasonable risk to the safety of persons or property because of vehicular traffic, parking, large gatherings of people, or other causes;
h. The proposed use will unreasonably interfere with the lawful use of surrounding property;
i. Fencing, screening, landscaping, and other buffering cannot adequately protect adjacent property from light, noise, and visual impacts associated with the proposed conditional use; and
j. The proposed use will 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;

**Attachments**

A. Application  
B. Vicinity Map  
C. Site plan  
D. Landscaping plan  
E. Applicant response to Conditional Use standards
Land Use Application

Address or location of site  12352 South Bigbend Creek Drive

Size of Parcel(s) 4.399 acres

What is Requested (explain in detail)?
A new LDS Church is proposed

If applicable, square footage of proposed building(s) or addition (all stories combined). 20,602 sf

If the request is residential, how many and what type of units (apartment, condo, etc).

Property Owner's Name  Corporation of the Presiding Bishop

Mailing Address  50 East North Temple

City Salt Lake City  State UT  Zip Code 84150
Telephone (801) 240-9859  Cell Number (480)243-5710  E-mail thh@ldschurch.org

Applicant/Agent  Evans & Associates Architecture / Chad Spencer

Mailing Address  11576 South State Street, Suite 103b

City Draper  State UT  Zip Code 84020
Telephone 801-553-8272  Cell Number 801-450-5113  E-mail chad@studio-ea.com

Subject to Purchase or Lease:  or Present Owner of Property:  

Yes I am the authorized agent or owner of the subject property:  

Current Use of Subject Property  Vacant

Proposed Development Name  Midas Creek

For Herriman Use Only

Date of Submittal 3/26/18  Filing Fee  File Number 2018-012
Receipt Number Accepted by  DRC 4/11/18
DATE: March 26, 2018  
PROJECT NAME: Midas Creek  
Herriman UT Fort Herriman Stake  
PROJECT ADDRESS: 12352 South Bigbend Creek Drive  
Herriman, UT  
SUBJECT: Conditional Use Permit  

To Whom It May Concern:  
The following items address the standards provided by Herriman City.  

1. The suitability of the specific property for the proposed use:  
a. The developer has platted the property to be intended for a church use. The church will provide a buffer between Herriman Parkway and the future residential units to the north.  

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:  
a. This property is bounded by Athlos Academy to the west, Bastian Elementary School to the east, and future single-family units to the north. The meetinghouse will provide a place for members in the immediate area to meet.  

3. Whether or not the proposed use or facility may be injurious to potential or existing development in the vicinity:  
a. The meetinghouse will not provide any detrimental impacts to the neighboring development.  

4. The economic impact of the proposed facility or use on the surrounding area:  
a. The meetinghouse will not provide any negative economic impacts.  

5. The aesthetic impact of the proposed facility or use on the surrounding area:  
a. The meetinghouse will be wood framed structure with brick veneer and stone accents. These elements will compliment the schools on either side of the property.  

6. The present and future requirements for transportation, traffic, water, sewer, and other utilities for the proposed site and surrounding area:  
a. All required utilities have been stubbed into the site by the developer during the construction of the roads.  

7. 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:  
a. All required utilities have been stubbed into the site by the developer and have been sized for the project. The meetinghouse has provided 306 parking stalls which exceeds the city requirements. The site will be lighted by typical light poles around the building. The landscaping will be like other meetinghouses located throughout the city. The building will be fire sprinklered.  

8. 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:
a. There will be no additional noise, glare, dust or pollutants generated from the meetinghouse.

9. The safeguards provided or proposed to minimize other adverse effects from the proposed facility or use on persons or property in the area:
   a. It is anticipated no adverse effects will be generated.

10. 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.
   a. The meetinghouse will provide an aesthetically pleasing place to meet and worship for the members located in the area.

Paul A. Evans, AIA
Evans & Associates Architecture, LLC
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<th><strong>Date of Meeting:</strong></th>
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<tr>
<td><strong>Applicant</strong></td>
<td>Curtis George</td>
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<td><strong>Address</strong></td>
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<td><strong>Request</strong></td>
<td>Text Change to the Land Development Code to Add Bar Establishment as a Conditional Use</td>
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DATE:       May 10, 2018

TO:         Planning Commission

FROM:       Bryn McCarty, AICP, Assistant City Planner

MEETING:    Planning Commission May 17, 2018

REQUEST:    Text Change to the Land Development Code to allow “Bars” in the C-2 zone
            Applicant: QAB5 LLC dba Bout Time Pub and Grub
            File Number: Z2018-010

Request
QABS LLC is proposing a text change to the Land Development Code to allow Bars as a conditional use in the C-2 zone.

Notice
The public hearing notice was posted in the newspaper and the City website on May 7, 2018. As of the date of this report, we have received no comments regarding the text change.

Process
A text change is a legislative action. The Planning Commission holds a public hearing and makes a recommendation to the City Council. The City Council holds a public meeting to discuss the item and then makes the final decision.

Summary
The Utah State Legislature recently amended regulations administered by the Department of Alcoholic Beverage Control (DABC). One of these amendments removed “Dining Club” from the DABC’s list of available retail licenses. The State intends to convert all Dining Club licenses into (1) a Bar Establishment license, or (2) a Restaurant license with the following sub-categories:

- Restaurant – Beer Only  (minimum 70% food sales)
- Restaurant – Limited  (minimum 70% food sales)
- Restaurant – Full  (minimum 70% food sales)

Within the City, it appears that one existing local business, in a C-2 Commercial Zone, will be impacted by this change:

- Bout Time Pub & Grub at 5502 W 13400 South  (minimum 60% food sales)

Bout Time has held a Herriman City conditional use permit and business license since September 28,
2011, and has been licensed by the State as a “Dining Club.” In response to changes in Utah Code, Bout Time is seeking to be licensed as a “bar establishment.” However, Herriman does not currently permit bars to be located within any zoning districts in the City. According to the State, a bar must comply with the following (see Attachment A – DABC Bar Establishment Liquor License Summary):

- Bars shall have food available at all times when an alcoholic product is sold, offered for sale, furnished, or consumed on the licensed premises.
- Bars must have a variety of food prepared and served in connection with dining accommodations on the premises of the bar.

Discussion
Restaurants—with alcohol sales—are currently allowed as a “permitted” or “conditional” land use within various commercial zoning districts in the City. However, as stated previously, bars are not currently allowed within any Herriman zoning districts. To address this, the owners of Bout Time have submitted a zoning amendment to permit bars as a conditional use in C-2 Commercial zones.

Staff presented this information to the City Council on May 9th, 2018. The Council was supportive of revising the ordinance and directed staff to initiate a comprehensive update of regulations for alcohol sales.

Recommendation
Whereas the State has updated its requirements for alcohol sales and consumption, the City Council directed staff to initiate a study to amend both Title 3 and Title 10 regarding the location and regulation of businesses involving alcohol sales and consumption. This amendment intends to:

- Ensure compliance with State regulations,
- Create consistency between local business licensing and land use regulations,
- Support local economic development, and
- Protect the interests of the general public.

Staff recommends the Planning Commission continue the current text change application submitted by Bout Time Pub and Grub. Staff will begin working on a comprehensive update of regulations for alcohol sales and present it to the Planning Commission at a future date.

Attachment

A. Application
B. Proposed Text Change
C. DABC Bar Establishment Liquor License Summary
Text Change Application

What Text Change is Requested (explain in detail)

Change text for conditional use permit
C-2 Zone to allow for "bar" use.
State of Utah has forced Dining Club Licenses to choose between being a restaurant or a bar. Our business model will not allow us to choose restaurant license. Therefore, we have no option but bar license.

Property Owner or Applicant’s Name: QABS LLC
Mailing Address: 5502 W. 13400 S. Ste C4
City/State/Zip: Herriman, UT 84096
Telephone: 801-793-8796  Cell: same

Signature: [Signature]  Date: 4/28/2018

For Herriman Use Only

Filing Number: 22018-010  Date of Submittal: 4/30/18  Filing Fee: $300
Receipt Number: 568215  Check Number: Accepted by AW
<table>
<thead>
<tr>
<th>Uses</th>
<th>Zones</th>
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<td></td>
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<tr>
<td>Commercial</td>
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<td>Agricultural sales and service</td>
<td>C</td>
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<tr>
<td>Animal care service</td>
<td>C</td>
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<tr>
<td>Bank or financial institution</td>
<td>C</td>
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<td><strong>Bar Establishment</strong></td>
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<td>Bed and breakfast homestay</td>
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<td>Bed and breakfast inn</td>
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<tr>
<td>Brewpub</td>
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<td>Business equipment rental and supplies</td>
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<td>Business services</td>
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<td>Car wash</td>
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<td>Construction sales and service</td>
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<td>Convenience store</td>
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<td>Data center</td>
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<td>Daycare/preschool center</td>
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<td>Daycare/preschool, home</td>
<td>C</td>
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<td>Fireworks stand</td>
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<td>Food cart</td>
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<td>Food truck</td>
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<td>Garage, public</td>
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<tr>
<td>Garden center</td>
<td>C</td>
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<tr>
<td>Gas and fuel, storage and sales</td>
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1. Must be located within a completely enclosed air-conditioned and soundproof building which prohibits detection of animal noise at the property line. No overnight boarding or sale of merchandise from the premises.
2. Excludes overnight boarding.
3. Must be located within a completely enclosed building; no overnight boarding.
4. Limited to dog and cat grooming, excluding overnight boarding.
5. Site access on on-site parking shall be available for use and maintained, including snow removal, throughout entire year.
6. May include a restaurant and conference meeting rooms.
7. May include a restaurant and conference meeting rooms.
8. Maximum of four wash bays.
9. Maximum 3,000 sq. ft.
10. See section 10-29-16 for use limitations and regulations.
11. Subject to issuance of a temporary use permit as provided in section 10-5-15 of this title.
12. Only allowed at Butterfield Park as provided in the Mobile Food Truck Ordinance.
BAR ESTABLISHMENT LIQUOR LICENSE SUMMARY

Note: This is general information only and should not be considered conclusive. For further details, please consult Title 32B of the Utah Code: GO HERE or the Rules of the Commission: GO HERE

A Bar Establishment liquor license allows for the sale, storage, service, and consumption of alcoholic beverages (liquor, wine, heavy beer, and beer) on the premises.

LICENSES - Licenses run annually from July 1 to June 30.

LICENSE TYPES – Bar, Equity, Fraternal, and Dining clubs (dining clubs only exist until July 1, 2018).

RENEWAL FEES - Renewals are due on May 31st each year. (New licensee’s fees are still required on May 31st as fees are not pro-rated).

QUOTA - The number of bar licenses issued is based on a formulated quota divided by the population of the state.

DINING CLUBS will no longer be issued as of July 1, 2017 and go away July 1, 2018.

- Effective July 1, 2018, all existing dining clubs will convert to a Full Restaurant License unless they have previously chosen to convert to a bar license.

REQUIREMENTS FOR BAR LICENSES

Bar Licenses are issued to social drinking establishments that are open to the public. However, the licensee may choose to be private and restrict access to only those who are on a list or pay a fee.
RESPONSIBLE ALCOHOL SERVICE PLAN

Every licensee must have a written set of policies and procedures that outlines measures to prevent employees from:

- over-serving alcoholic beverages to customers
- serving alcoholic beverages to customers who are actually, apparently, or obviously intoxicated
- serving alcoholic beverages to minors

SALE AND SERVICE OF ALCOHOLIC BEVERAGES:

- Liquor Sales
  - The primary liquor in a mixed drink may be dispensed from any size bottle, but only in quantities **not to exceed** 1.5 ounces through a department approved calibrated metered dispensing system or device. The club must post a list of types and brands of liquor dispensed through the dispensing system.
  - Liquor used as a secondary flavoring need not be dispensed through the dispensing system. Liquor stored and used as flavorings must be clearly labeled “flavoring”.
  - The total amount of spirituous liquor in a beverage (including both the primary liquor and any secondary flavorings) may not exceed 2.5 ounces of spirituous liquor.
  - Each patron may have no more than a total of 2.5 ounces of spirituous liquor (including flavorings) at a time before the patron.

- Wine Sales
  - Wine may be sold and served by the bottle or container in sizes not exceeding 1.5 liters to tables of four or more. For tables of less than four, the size cannot be larger than 750 ml.
  - Wine may be served by the glass or individual portion in quantities not exceeding 5 ounces. An individual portion (i.e. “flights”) may be served to a patron in more than one glass as long as the total amount of wine in the individual portion does not exceed 5 ounces. An individual portion of wine is considered one alcoholic beverage.
  - Wine may be poured by the glass from any size bottle or container and need not be dispensed through a dispensing device.
  - Unfinished wine may be removed from a club by a patron if the bottle is re-corked or recapped.

- Heavy Beer Sales: Heavy beer may be served in original containers not exceeding one liter.

- Flavored Malt Beverage Sales: Flavored malt beverages may be served in original containers not exceeding one liter.

- Beer Sales: Light beer may be served in any size container not exceeding 2 liters and on draft. Beer may be sold to an individual patron only in a container that does not exceed one liter. A pitcher (larger than one liter and up to two liters) may only be sold to parties of two or more. Beer may be sold to go in sealed containers.

- Limitation on Total Number of Drinks
  - Each bar patron may have no more than two alcoholic beverages of any kind at a time before the patron subject to the following limitations:
  - If two spirituous drinks are in front of a patron, one may not be the same primary liquor dispensed as a shot-on-the-side (previously referred to as a “side car”). Also, the two drinks cannot contain a total of more than 2.5 ounces of liquor at a time before the patron.
Price List

- A bar must have readily available for its patrons a printed alcoholic beverage price list or menu containing current prices of all alcoholic beverages.

Discounting Practices Prohibited

- Alcoholic beverages may not be sold at a discount at any time.
- Discounting practices are prohibited that encourage over-consumption of alcohol (i.e. happy hour, two for one, combination pricing, all you can drink for a set price, free alcohol, or selling at less than cost).
- A bar licensee or employee may not purchase an alcoholic beverage for a patron.

“Brown Bagging”

- Patrons may not bring in or store spirituous liquor, heavy beer, or beer (3.2% alcohol by weight) on the premises, however at the licensee’s discretion a patron may bring in bottled wine for consumption on the premises.
  - Wine brought in must be immediately delivered to a server or an employee of the club.
  - A wine service may then be performed, and patrons may serve themselves or others at the table.

Food Availability

- Bars shall have food available at all times when an alcoholic product is sold, offered for sale, furnished, or consumed on the licensed premises.
- Bars must have a variety of food prepared and served in connection with dining accommodations on the premises of the bar.

Advertising

- Signs advertising alcoholic beverages may be displayed inside and outside the club.
- Alcohol advertising by the club must comply with the guidelines in Rule R81-1-17 which may be viewed [HERE](#).

Sales and Consumption Hours

- Alcoholic beverages may be sold on any day from 10:00 a.m. until 1:00 a.m.
- A patron may not remove an open container primarily used for drinking purposes and containing an alcoholic beverage, from the club premises.
- Clubs must remain open an extra hour after alcohol sales and service have ended to allow a patron to finish consuming:
  - a single drink containing spirituous liquor;
  - a single serving of wine not exceeding five ounces;
  - a single serving of heavy beer;
  - a single serving of beer not exceeding 26 ounces; or
● a single serving of a flavored malt beverage.

● Clubs do not have to remain open after all patrons have vacated the premises, or during an emergency.

● *Hours of Consumption*. Consumption of alcohol in clubs is prohibited between the hours of 2 a.m. and 10 a.m.

● The liquor storage area must remain locked at times when liquor sales are not permitted.

**EMPLOYEES**

● Any employee handling alcoholic beverages must be twenty one years of age or older.

● Servers of alcohol must wear a unique identification badge showing the employee's first name, initials, or a number assigned by the employer.

● Employees, while on duty, may not consume alcoholic beverages or be intoxicated.

**ALCOHOL TRAINING AND EDUCATION SEMINAR REQUIRED**

● Managers, supervisors, and employees who serve alcohol must take and pass an alcohol server training seminar every three years and must complete the training within 30 days of commencing employment.

**EMPLOYEE FINES**

● The commission is authorized to assess an administrative fine against an officer, employee, or agent of a licensee for a violation of the alcoholic beverage laws.

**ELECTRONIC AGE VERIFICATION (ID SCANNERS)**

● ID scanners are not required for equity and fraternal licenses.

● The ID scanner requirement applies to all bars whether or not they choose to restrict access by way of a membership or an access restriction that is imposed by the bar.

● Bars must electronically verify age before anyone who appears to be 35 years of age or younger may gain admittance.

● Bars must be able to read, print, or download the data in the ID scanners. Owners/managers should have the knowledge and capability to produce the data upon request of a peace officer or authorized representative of the DABC.

● The DABC does not provide a list of approved scanners. ID scanners (electronic age verification devices) are available from multiple manufacturers and vendors. An ID scanner selected must meet the requirements of rule R81-5-18 which may be viewed [HERE] and is summarized below.

An electronic age verification device must contain the technology to read a magnetic stripe and a two dimensional (“2d”) stack symbology (bar code) or an alternate technology capable of electronically verifying the proof of age and

  o shall be capable of reading a valid state issued driver’s license, a valid state issued identification card, a valid military identification card, or a valid passport;
shall have a screen that displays no more than a person’s name, age, ID number, birth date, gender, ID status & expiration date; and
shall have the capability of electronically storing the name, age, ID number, birth date, gender, ID status & expiration date for seven days (168 hours) including the time and date the proof of age was scanned.
If the proof of age cannot be scanned electronically, an alternative method of verifying an individual’s proof of age shall include a record or log showing the type, number, and expiration date of the ID; the date the ID was presented, the individual’s name and date of birth.
Any data collected either electronically or otherwise, may only be used for the purpose of verifying an individual’s proof of age and may not be retained by the licensee in a data base for mailing, advertising, or promotional activity, to acquire personal information to make inappropriate personal contact with the individual, and shall be retained for a period of seven days from the date on which it was acquired, after which it must be deleted. The data collected may be acquired by law enforcement, or other investigative agencies.

MINORS IN SOCIAL CLUBS

● Minors may not be employed on the premises of a bar.
● Minors may not be admitted into, use, or be on the premises of a bar.
● A narrow exception exists for minors to be allowed in certain areas of bar that were granted a “dance or concert hall permit” before May 12, 2009.
● Local governments may be more restrictive of a minor’s admittance, use of, or presence on the premises of any bar.

BAD CHECKS

● The DABC may immediately suspend the bar license if it receives a bad check as payment for liquor, for licensing or bond fees, fines and costs for violations, etc.

POST SIGNS - “WARNING” & “THIS IS A BAR NOT A RESTAURANT”

● Each bar licensee shall display, in a prominent place, a sign no smaller than eight and one half inches high by eleven inches wide stating: “WARNING - Drinking alcoholic beverages during pregnancy can cause birth defects and permanent brain damage for the child. Call the Utah Department of Health at 1-800-822-2229 with questions or for more information. Driving under the influence of alcohol or drugs is a serious crime that is prosecuted aggressively in Utah.”
● The two warning messages shall be in the same font size but different font styles that are no smaller than 36 point bold. The font size for the health department contact information shall be no smaller than 20 point bold.

Effective May 9, 2017 Bars must display a sign 8-1/2 inches long and 11 inches wide stating “THIS PREMISES IS LICENSED AS A BAR NOT A RESTAURANT” and “THIS SIGN WAS APPROVED BY THE ALCOHOLIC BEVERAGE CONTROL COMMISSION” in a conspicuous place at the entrance of their premises and must CLEARLY STATE the language that was approved by the commission:

Download New Mandatory sign template: All Bar Establishments Click here:
PROHIBITED CONDUCT

- Lewd acts, attire, and sexually oriented conduct of employees and entertainers that are considered contrary to public welfare and morals are prohibited on the premises. See Utah Code Section 32B-1-501 through 506 which may be viewed at: http://www.le.utah.gov/UtahCode/section.jsp?code=32B-1

- Gambling – *NO “paying” to “play a game of chance” to “win money or a prize”*. Licensees may not engage in or permit any form of gambling on its premises including contests or gaming schemes that requires risking something of value for a chance of a return - including raffles, bingo, poker etc.

- Illegal drugs or drug paraphernalia - A retail licensee may not knowingly allow a person on the licensed premises to sell, distribute, possess, or use a controlled substance; or use, deliver, or possess with the intent to deliver drug paraphernalia. See Utah Code Section 32B-5-301(5) which may be viewed at: http://le.utah.gov/~code/TITLE32B/htm/32B05_030100.htm

LAWS SPECIFIC TO EQUITY AND FRATERNAL LICENSEES

**Equity Licenses** are issued to establishments such as country clubs.

**Fraternal Licenses** are mutual benefit associations organized under a lodge system, i.e. Fraternal or patriotic clubs.

AN EQUITY OR FRATERNAL CLUB

- Must have a governing body comprised of at least three members, and hold regular meetings to approve memberships (and conducts any other business required by the club’s bylaws or house rules).

- Qualifications for membership are determined in the club's bylaws or house rules, however a member must be an individual who is 21 years of age or older.

MEMBERSHIP APPLICATIONS

- An Equity or Fraternal club may admit an individual as a member only on written application signed by the applicant subject to investigation, vote and approval of the governing body.

- The applicant must pay an application fee and membership dues as established in the club’s bylaws or house rules.

- A member’s spouse is entitled to all rights and privileges of the member to the extent permitted by the bylaws or house rules of the club, except to the extent restricted by law (i.e. a spouse who is a minor, cannot be in a bar area, purchase or consume alcohol, etc.).
• A minor child of a member is entitled to all rights and privileges of the member to the extent permitted by the club’s bylaws or house rules, except to the extent restricted by law (i.e. cannot be in a bar area, purchase or consume alcohol, etc.).

• A patron, in order to be admitted to or use the premises of an equity or fraternal club, and/or to purchase alcoholic beverages at the club, must be a club member, or guest of a member to the extent permitted in the clubs bylaws or house rules. (see below: Guest Hosting applicable to Equity and Fraternal Clubs)

GUEST HOSTING APPLICABLE TO EQUITY AND FRATERNAL CLUBS

• Guests
  o Must be previously authorized by a member
  o Allowed to use the premises to the extent permitted by the club’s bylaws or house rules
  o Have only those privileges derived from the host for the duration of the guest’s visit

• The club and its employees may not enter into an agreement or arrangement with a member to indiscriminately host members of the general public into the club as guests.

• An individual is allowed as a guest without a host:
  o In an equity club, if the individual is member of another equity club that has reciprocal guest privileges with the equity club licensee, or
  o In a fraternal club, if the individual is a member of the same fraternal organization as the fraternal club licensee.

• Public advertising by a Fraternal or Equity club must identify the club as being “a club for members”.

MINORS IN EQUITY AND FRATERNAL LICENSEES

• Minors may not be on the premises of a lounge or bar area of any Equity or Fraternal licensee

• Minors may not be on the premises of any club that provides sexually oriented adult entertainment.

• Minors may be employed by equity or fraternal licensees, but may not work in any lounge or bar area, or sell, serve or handle alcoholic beverages.
  o Minors who are least 16 years of age may work at a cash register in an equity licensee to ring up the sale of alcoholic beverages.
  o Equity and Fraternal licensees are NOT required to have an I.D. scanner