PLANNING COMMISSION AGENDA

Thursday, September 20, 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.

5:00 PM - Field Trip and Work Meeting with Taylorsville City Officials and Staff

7:00 PM - Regular Planning Commission Meeting

1. Call to Order
   1.1 Invocation/Thought/Reading and Pledge
   1.2 Roll Call
   1.3 Approval of Minutes for: August 16, 2018
   1.4 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 a Public Restroom with Attached Pavilion at Prairie Oaks Park
      Applicant: Herriman City – Wendy Thomas
      File Number: C2018-38
      Address: 13912 S 7500 West
      Zone: A-.25 (Agricultural – 10,000 sq. ft. min.)
      Acres: 2.01

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 Regarding Various Alcohol Licenses. (Public Hearing)
      Applicant: Herriman City
      File Number: Z2018-11
   3.2 Request: Text Change to the Land Development Code to create an Auto Mall Special District (Public Hearing)
      Applicant: Herriman City
      File Number: Z2018-13

4. Chair and Commission Comments

5. Future Meetings
4.1 Planning Commission Meeting – October 4, 2018 @ 7:00 PM
4.2 City Council – Wednesday, September 26, 2018 @ 7:00 PM
4.3 Planning Commission Meeting – October 18, 2018 - CANCELLED

6. Adjournment

7. Work Meeting (Fort Herriman Conference Room)
   7.1 S2018-10 – Discussion of proposed Monarch Village development
   7.2 P2018-04 – Discussion of proposed Teton Village and Jackson Village development

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) 446-5323 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 15th day of September, 2018

Wendy Thorpe
Deputy Recorder
The following are the minutes of the Planning Commission Meeting held on **Thursday, August 16, 2018 at 7:00 p.m.** in the Herriman City Community Center, 5355 W. Herriman Main Street (12090 South), Herriman, Utah. Adequate notice of this meeting, as required by law, was posted in the Community Center, on the City’s website, and delivered to members of the Commission and media.

**Presiding:** Chair Jessica Morton

**Commission Members Present:** Jackson Ferguson, Andy Powell, Brody Rypien, Chris Berbert, Parry Harrison, Andrea Bradford, Adam Jacobson, Lorin Palmer

**Commission Members Absent:** Andrea Bradford

**Staff Present:** City Planner Michael Maloy, Assistant City Planner Bryn McCarty, Director of Parks, Events and Recreation Wendy Thomas, Communication Specialist Jonathan LaFollette, Planning Coordinator Craig Evans, Assistant City Engineer Jonathan Bowers, and Deputy Recorder Wendy Thorpe.

**7:00 PM - Regular Planning Commission Meeting**

1. **Call to Order**
Chair Morton called the meeting to order at 7:00 p.m. and welcomed those in attendance.

1.1 **Invocation/Thought/Reading and Pledge**
Wendy Thorpe led the audience in the Pledge of Allegiance.

1.2 **Roll call**
Full Quorum Present; Commissioner Brody Rypien was not present.

*Commissioner Jacobson arrived at 7:02 p.m.*
1.3 Approval of Minutes for: 05/17/18
Commissioner Berbert moved to approve item 1.3 Minutes for May 17, 2018. Commissioner Palmer seconded the motion and all voted aye.

1.4 Conflicts of Interest
No conflicts of interest were offered.

Commissioner Morton reviewed the Public Hearing guidelines.

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: Preliminary Plat Approval for a 44 Lot Subdivision (Public Hearing)
Applicant: Jerry Walker
Address: 6000 W 12900 S
Zone: R-1-10 (Residential – 10,000 sq. ft. min.) and A-.25 (Agricultural – 10,000 sq. ft.)
Acres: 20.12
File Number: S2018-08

Assistant City Planner McCarty explained the location and that the property was re-zoned last year by the City Council, which allowed the density of 2.2 residential units per acre. She provided a preview of the layout for the subdivision which displayed the residential and agricultural lots and photographs of the area. Assistant City Planner McCarty reviewed the staff requirements.

Applicant Jerry Walker approached the podium and explained he had been working on the project for three years and hoped to begin construction soon. He clarified that 34 residential lots would be built in the development, as opposed to the 36 previously mentioned. Mr. Walker expressed frustration with how long the process had taken and the high number of meetings.

Commissioner Bradford arrived at 7:06 p.m.

Mr. Walker explained his family had lived in the area for 200 years and wanted the project to include nice, single family homes.

Chair Morton opened the Public Hearing.
Joe Stagel stated he lived across the street from lot one and his family moved to the area because they liked the large lot sizes. His opinion was that the lots in the development should be similar to current lot sizes in the area
and possibly add a couple half acre sized lots.

Chair Morton closed the Public Hearing

The Commissioners requested fencing on the park strip side of the flag lot. Applicant Walker stated that requirement was included in the Development Review Committee (DRC) meeting comments. Assistant Planner McCarty explained that the Park Strip had been discussed at the Development Review Committee (DRC). Assistant City Planner McCarty clarified that the requirements were misnumbered and there are 13 requirements. She informed the Commissioners that the DRC comments were mentioned in the requirements. Attorney Brems recommended referring to all of the DRC meeting comments as part of the motion.

Requirements
1. Receive and agree to the recommendations from other agencies, including all comments from the Development Review Committee.
2. Install curb, gutter, park strip, street trees, and sidewalk on all public streets, including 6000 West. Work with engineering on the timing of the installation of these improvements. This may be a fee in lieu for the improvements.
3. Dedicate right of way for 6000 West.
4. Work with UFA on providing emergency turnarounds if required for construction phasing.
5. All public roads to meet City Standards.
6. Coordinate with other utilities at the time of road improvements in order to minimize future road cuts.
8. Provide a storm drain study. If there is no outfall constructed for this area, full retention must be provided. All on-site retention is required to have a maintenance agreement.
9. If a storm drain outfall is constructed, provide permanent detention to meet all City requirements. The detention pond should be landscaped with sod, sprinklers, and trees.
10. All homes shall meet the Single-family design criteria.
11. Each of the lots shall be a minimum of 85 feet wide and 10,000 square feet.
12. Install 6-foot vinyl fence along the west property line, and on the south side of lots 14, 15, and 16.
13. Provide a contamination remediation plan to Engineering for review and approval. All remediation must be completed prior to any development occurring on the site.

Commissioner Jacobson moved to approve item 2.1 file number S2018-08 for Preliminary Plat Approval for a 44 Lot Subdivision with staff requirements and to include eight DRC planning and zoning requirements and the eight engineering review requirements from multiple DRC meetings. Commissioner Palmer seconded the motion.
The vote was recorded as follows:

Commissioner Adam Jacobson  Aye
Commissioner Parry Harrison  Aye
Commissioner Andy Powell  Aye
Commissioner Jackson Ferguson  Aye
Commissioner Lorin Palmer  Aye
Commissioner Chris Berbert  Aye

The motion passed unanimously.

2.2 Request: Preliminary Plat Approval for a 1 Lot Subdivision for the Real Salt Lake Training Facility (Public Hearing)

Applicant: Craig Martin
Address: 14787 S Academy Parkway
Zone: C-2 (Commercial) and R-2-10 (Residential – Medium Density)
Acres: 43.15
File Number: S2018-15

Assistant City Planner McCarty described the lot was combined from different parcels to create one lot for the entire facility, which had already been built.

The applicant was not present.

Chair Morton opened the public hearing.

No comments were offered.

Chair Morton closed the public hearing

Requirements

1. Receive and agree to the recommendations from other agencies.
2. Install park strip, street trees, sidewalk, and street lights along Academy Parkway.
3. Final plat to be reviewed and approved by the Engineering Department.

Commissioner Harrison moved to approve item 2.2 file number S2018-15 for Preliminary Plat Approval for a 1 Lot Subdivision for the Real Salt Lake Training Facility. Commissioner Powell seconded the motion.

The vote was recorded as follows:

Commissioner Adam Jacobson  Aye
Commissioner Chris Berbert  Aye
Commissioner Andy Powell  Aye
Commissioner Jackson Ferguson  Aye
The motion passed unanimously.

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 Revise the Home Occupations Chapter *(Public Hearing)*

*Applicant:* Herriman City  
*File Number:* Z2018-14

Assistant City Planner McCarty reminded the Commissioners this had been covered at a past work meeting. Text was added regarding the hours of operation. She also noted the addition of the home occupation in an Agricultural zone would allow two employees as a special home occupation and allow up to four employees on property larger than one acre. She further clarified that a special home occupation would be a conditional use in the agricultural zones. Text had been added to the daycare and home group instruction categories that stated groups would consist of three or more at a session, be limited to two classes per day and would be prohibited in a shared driveway situation.

Chair Morton opened the public hearing.

No comments were offered.

*Chair Morton closed the public hearing.*

Commissioner Ferguson moved to recommend approval to City Council of item 3.1 file number Z2018-14 Text Change to the Land Development Code to Revise the Home Occupations Chapter. Commissioner Jacobson seconded the motion.

The vote was recorded as follows:

*Commissioner Adam Jacobson*  
*Commissioner Chris Berbert*  
*Commissioner Andy Powell*  
*Commissioner Jackson Ferguson*  
*Commissioner Lorin Palmer*  
*Commissioner Parry Harrison*  

The motion passed unanimously.

3.2 Request: Adoption of the Herriman Hills Open Space Master Plan as an Element of the General Plan *(Public Hearing)*
Applicant: Herriman City
File Number: G2018-02

Parks, Events and Recreation Director Wendy Thomas approached the podium and clarified the consultant had made the changes requested by the Commissioners at a previous meeting. Commissioner Berbert requested more information regarding trails crossing through R-1-15 zones. Assistant City Planner McCarty explained trails are allowed as an overlay for public use in all zones.

Chair Morton opened the public hearing.

No comments were offered.

Chair Morton closed the public hearing.

Director Thomas explained that she researched some concerns regarding increased traffic expressed in an email and informed the Commission that the Police Department would monitor the situation.

Commissioner Powell moved to recommend approval to City Council of item 3.2 file number G2018-02 Adoption of the Herriman Hills Open Space Master Plan as an Element of the General Plan. Commissioner Berbert seconded the motion.

The vote was recorded as follows:
Commissioner Adam Jacobson    Aye
Commissioner Chris Berbert     Aye
Commissioner Andy Powell       Aye
Commissioner Jackson Ferguson  Aye
Commissioner Lorin Palmer       Aye
Commissioner Parry Harrison    Aye

The motion passed unanimously.

4. Chair and Commission Comments
No comments were offered.

5. Future Meetings
5.1 City Council – Wednesday, August 22, 2018 @ 7:00 PM
5.2 Joint PC/CC Work Meeting – Thursday, August 30, 2018 @ 6:00 PM
5.3 Planning Commission Meeting – Thursday September 6, 2018 @ 7:00 PM

6. Adjournment
Commissioner Jacobson moved to adjourn the Planning Commission meeting at 7:26 p.m. Commissioner Berbert seconded the motion and all voted aye.
7. **Recommence to Work Meeting** *(Fort Herriman Conference Room)*
   1. Review of City Council Decisions
   2. Discussion of Proposed Small Cell Regulations

**6:00 PM - Work Meeting** *(Fort Herriman Conference Room)*
Chair Jessica Morton called the work meeting to order at 7:45 pm.

1. **Review of City Council Decisions**
City Planner Maloy further informed the Commission that Bonneville Research had been hired to research the proposed Olympia Hills project. Their team has driven through the terrain and they would report to the City Council on a regular basis. They may present at the next Joint City Council/Planning Commission meeting.

2. **Discussion of Proposed Small Cell Regulations**
City Planner Maloy explained a recent change in State code requiring cities to accommodate small cell towers. The City Council would consider extended standards for franchise agreements and permitted use, which would be reviewed by Staff then brought to the Planning Commission for consideration. The City was studying the design standards with regards to the look of cell structures to make them compatible with City standards. The State included the requirement that they could not be placed on streets smaller than 60 feet. Small cell towers would most likely be placed on streetlights, which may make it necessary for the City to modify the light poles to accommodate them. The City Council would be reviewing the standards at a future meeting.
Attorney Brems clarified that these were located in the public right-of-way and not a land use. The new reinforced poles may be necessary due to the additional weight.

Land Use Academy of Utah (LUAU) training was discussed and Commissioners Harrison and Powell expressed an interest to attend. City Planner Maloy informed the Commissioners that the American Planning Association (APA) conference would be held in Sandy in October and requested the Commissioners to notify Staff if they planned to attend.

The Commissioners notified Staff that the Planning Commission section of the City website needed to be updated with the information for the newer Commissioners.

*Planning Commission work meeting adjourned by consensus at 7:41 p.m.*

I, Wendy Thorpe, Deputy Recorder for Herriman City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on August 16, 2018. This document constitutes the official minutes for the Planning Commission Meeting.

_Wendy Thorpe_
<table>
<thead>
<tr>
<th>Date of Meeting:</th>
<th>09/20/2018</th>
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<tbody>
<tr>
<td>File #</td>
<td>C2018-38</td>
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<tr>
<td>Applicant</td>
<td>Herriman City</td>
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<tr>
<td>Address</td>
<td>13912 S 7300 West</td>
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<tr>
<td>Request</td>
<td>Conditional Use Permit for a Public Restroom with Attached Pavilion at Prairie Oaks Park</td>
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</table>
DATE: September 11, 2018

TO: Planning Commission

FROM: Bryn McCarty, AICP, Assistant City Planner

MEETING: Planning Commission September 20, 2018

REQUEST: Conditional Use Permit for a Public Restroom with Attached Pavilion at Prairie Oaks Park

Applicant: Herriman City – Wendy Thomas
Address: 13912 S 7300 West
Zone: A-.25 (Agricultural – 10,000 sq. ft. min.)
Acres: 2.01
File Number: C2018-38

Request
The applicant is requesting approval for a conditional use permit for a public restroom with an attached pavilion for the park in the Prairie Oaks subdivision.

Site
The lot is located at approximately 13912 S 7300 West and contains 2.01 acres.

Process
A conditional use is an administrative decision. The Planning Commission will hold a public meeting and make a decision based on compliance with the approval standards.

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 approximately a 3 ½ foot stone base along the bottom.

Issue 2 – Parking
There is no parking requirement for public restrooms, however the park itself has 18 parking stalls which has proven to be adequate.

Approval Standards
The following standards shall apply for approval of a conditional use:
<table>
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<tr>
<th>Standard</th>
<th>Finding</th>
<th>Rationale</th>
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<tr>
<td>a. The suitability of the specific property for the proposed use;</td>
<td>Compliant</td>
<td>When constructing Prairie Oaks Park the utilities, water and sewer were stubbed for a future restroom facility. This facility will not only be a restroom, but will add a pavilion and drinking fountain to the park.</td>
</tr>
<tr>
<td>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;</td>
<td>Compliant (with conditions)</td>
<td>An existing neighborhood has been constructed adjacent to the park.</td>
</tr>
<tr>
<td>c. Whether or not the proposed use or facility may be injurious to potential or existing development in the vicinity;</td>
<td>Compliant (with conditions)</td>
<td>The proposed use or facility should not be injurious to potential or existing development.</td>
</tr>
<tr>
<td>d. The economic impact of the proposed facility or use on the surrounding area;</td>
<td>Compliant</td>
<td>The restrooms will not have any economic impact.</td>
</tr>
<tr>
<td>e. The aesthetic impact of the proposed facility or use on the surrounding area;</td>
<td>Compliant (with conditions)</td>
<td>No economic impact should occur as a result of this facility.</td>
</tr>
<tr>
<td>f. The present and future requirements for transportation, traffic, water, sewer, and other utilities for the proposed site and surrounding area;</td>
<td>Compliant (with conditions)</td>
<td>Water, sewer and other utilities are already in place.</td>
</tr>
<tr>
<td>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;</td>
<td>Compliant (with conditions)</td>
<td>There are adequate utilities, transportation access, drainage, parking, lighting, screening, landscaping, open space, fire protection and circulation. Loading space is not needed.</td>
</tr>
<tr>
<td>h. The safeguards provided or proposed to prevent noxious or offensive omissions such as noise,</td>
<td>Compliant (with conditions)</td>
<td>Herriman City Parks will maintain and clean the facility. The impact of the facility to the surrounding neighborhood</td>
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</table>
Staff Report

<table>
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<tr>
<th>glare, dust, pollutants and odor from the proposed facility or use;</th>
<th>will be minimal.</th>
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<tr>
<td><strong>i. The safeguards provided or proposed to minimize other adverse effects from the proposed facility or use on persons or property in the area</strong></td>
<td>Compliant</td>
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<tr>
<td><strong>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.</strong></td>
<td>Compliant</td>
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</table>

**Recommendation**
Staff recommends approval of the conditional use for a public restroom with an attached pavilion for the park at Prairie Oaks with the following requirements.

**Requirements**

1. Receive and agree to the recommendations from other agencies.
2. Building elevations are approved as submitted, including the stone accents as shown

**Denial Standards**

If the 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/Elevations  
D. Applicant response to Conditional Use standards
Land Use Application

Address or location of site 13912 S. 7300 W.

Size of Parcel 2.01 acres

What is Requested (explain in detail)?

A new restroom with an attached pavilion to serve the park space is proposed for this site

If applicable, square footage of proposed building(s) or addition (all stories combined). 670 sqft

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

Property Owner’s Name Harriman City

Mailing Address 5355 W. Herriman Main Street

City Herriman City State UT Zip Code 84096

Telephone 801.446.5323 Cell Number E-mail

Applicant/Agent Wendy Thomas, Director of Parks & Events

Mailing Address 5355 W. Herriman Main Street

City Herriman City State UT Zip Code 84096

Telephone 801.446.5323 Cell Number E-mail

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 Park & Detention Facility (to remain as that use)

Proposed Development Name None

For Herriman Use Only

Date of Submittal 9-6-18 Filing Fee $ File Number C2018-38

Receipt Number Accepted by DRC
Proposed Conditional Use
File# C2018-38
CONDITIONAL USE STANDARDS

1. In considering an application for a conditional use permit, the decision-making body or official may analyze any of the following factors and may request information, studies, or data with respect to such factors for the purpose of determining whether a proposed conditional use meets the standards set forth in subsection E-2 of this section.

   a. The suitability of the specific property for the proposed use;

      When constructing Prairie Oaks Park the utilities, water and sewer were stubbed for a future restroom facility. This facility will not only be a restroom, but will add a pavilion and drinking fountain to the park.

   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;

      An existing neighborhood has been constructed adjacent to the park.

   c. Whether or not the proposed use or facility may be injurious to potential or existing development in the vicinity;

      The proposed use or facility should not be injurious to potential or existing development.

   d. The economic impact of the proposed facility or use on the surrounding area;

      No economic impact should occur as a result of this facility.

   e. The aesthetic impact of the proposed facility or use on the surrounding area;

      No aesthetic impact should occur as a result of this facility.

   f. The present and future requirements for transportation, traffic, water, sewer, and other utilities for the proposed site and surrounding area;

      Water, sewer and other utilities are already in place.

   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;

      There are adequate utilities, transportation access, drainage, parking, lighting, screening, landscaping, open space, fire
protection and circulation. Loading space is not needed.

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;

Herriman City Parks will maintain and clean the facility. The impact of the facility to the surrounding neighborhood will be minimal.

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

Facility will be locked nightly.

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.

No impact should occur as a result of this facility.
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Staff Report

DATE: September 12, 2018

TO: Planning Commission

FROM: Bryn McCarty, AICP, Assistant City Planner

MEETING: Planning Commission September 20, 2018

REQUEST: Text change to the Land Development Code regarding various alcohol licenses.

Applicant: Herriman City

File Number: Z2018-11

Request
Herriman City is proposing a text change to Title 10 of the Herriman City Code, to add various alcohol licenses to chapter 16, Table of Uses.

Notice
The City posted the public hearing notice in the newspaper on September 9, 2018 and on the Herriman City website on September 10, 2018. As of the date of this report, staff has not received any public comments regarding the proposed 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 will then hold a public meeting to discuss the item and make the final decision.

Discussion
In order to promote economic development and provide a variety of uses in our City, staff recommended that we amend our Land Development Code to add various alcohol licenses.

The State Department of Alcohol Beverage Control (DABC) has several different types of alcohol licenses. Most of these uses are not currently listed in our ordinance, and are therefore not allowed. During a joint work meeting with the Planning Commission and City Council on August 30, 2018, staff was directed to change the ordinance to allow all the alcohol licenses within the State code. The uses have been added to Chapter 16, Table of Uses, in the C-2, M-1, T-M, and MU-2 zones.

The uses are listed as Alcoholic Beverage Licenses. They are only to indicate that a license for that use is allowed in that zone. The main use would still be required to go through a site plan or conditional use process. For example, an alcohol license for a full-service restaurant is a
permitted use. The restaurant would still have to go through the site plan review process required of any permitted use.

This change will also require significant changes to Title 3, Business and License Regulations. This includes the proximity requirements, consistent with State Statute. This is not part of the Land Development Code and is not required to be revised by the Planning Commission. However, since the licensing requirements are integral to the processing of alcohol applications, they have been included in the packet for your information.

**Recommendation**
Staff recommends approval of the proposed text changes to Chapter 16, Table of Uses, to add several alcohol licenses.

**Attachments**

A. Proposed Text change to Chapter 16
B. Proposed Business License Regulations
# Table of Uses

Legend: "P" = permitted use, "C" = conditional use

Any use showing an empty box for a particular zone or any use not shown on this table is not permitted.
See footnotes for qualifying requirements or use limitations.

<table>
<thead>
<tr>
<th>Uses</th>
<th>Zones</th>
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<tbody>
<tr>
<td><strong>Commercial</strong></td>
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<tr>
<td>Agricultural sales and service</td>
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<tr>
<td>Alcoholic Beverage: (Footnote 16)</td>
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<tr>
<td>Airport Lounge</td>
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<td>Bar establishment</td>
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<td>Banquet Catering</td>
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<td>Beer Wholesaler</td>
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<td>Hotel</td>
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<td>Business equipment rental and supplies</td>
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**Footnotes:**

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<td>Liquor store</td>
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<td>Office, professional</td>
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<td>Warehouse, self service</td>
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<td>Wireless telecommunication facility</td>
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16: All uses under Alcoholic Beverages shall comply with the applicable Utah State Statute and all the requirements of Herriman City Title 3, Business and License Regulations.
Authority

The provisions of this chapter are enacted pursuant to the authority set forth in Utah Code Annotated sections 10-8-42, as amended, and 10-8-84, as amended, and applicable provisions of the Utah alcoholic beverage control act, as set forth in Utah Code Annotated section 32B-1-101 et seq., as amended. The provisions and regulations set forth in this chapter are an exercise of the police powers of the city for the protection of the public health, safety, welfare and morals.

3-3A-2: DEFINITIONS

The following words and phrases used in this chapter shall have the following meanings. The definitions set forth herein are intended to follow and be consistent with similar definitions set forth in Utah Code Annotated section 32B-1-102, as amended, of the Utah alcoholic beverage control act. To the extent used in this chapter, all other terms set forth in Utah Code Annotated section 32B-1-102, as amended, are hereby adopted by reference as if more particularly set forth herein.

ALCOHOLIC BEVERAGE: "Beer" or "liquor", as such terms are more particularly defined in this section.

ALCOHOLIC PRODUCT: A product that contains at least 0.5 percent of alcohol by volume, and is obtained by fermentation, infusion, decoction, brewing, distillation, or other process that uses liquid or combinations of liquids, whether drinkable or not, to create alcohol in an amount equal to or greater than 0.5 percent of alcohol by volume. Alcoholic product includes an "alcoholic beverage" as more particularly defined in this section.

BEER: A product that contains at least 0.5 percent of alcohol by volume, but not more than four percent (4%) of alcohol by volume or 3.2 percent by weight; and is obtained by fermentation, infusion, or decoction of malted grain. Beer may or may not contain hops or other vegetable products. Beer includes a product that contains alcohol in the percentages described herein and is referred to as beer, ale, porter, stout, lager or a malt or malted beverage. Beer does not include a "flavored malt beverage" as more particularly defined in this section.

BEER RETAILER: A business that is engaged, primarily or incidentally, in the retail sale of beer to a patron, whether for consumption on or off the premises; and to whom a license is issued for an off premises beer retailer or for an on premises beer retailer, in accordance with the provisions of this chapter.

CHURCH: A building set apart for the purpose of worship, in which religious services are held, with which clergy is associated, and that is tax exempt under the laws of the state of Utah.

COMMISSION: The Utah alcoholic beverage control commission.

COMMUNITY LOCATION: A public or private school, a church, a public library, a public playground, or a public park.

FLAVORED MALT BEVERAGE: A beverage that contains at least 0.5 percent alcohol by volume, that is treated by processing, filtration, or another method of manufacture that is not
generally recognized as a traditional process in the production of a beer as described in 27 CFR section 25.55, as amended, to which is added a flavor or other ingredient containing alcohol, except for a hop extract, and for which the producer is required to file a formula for approval with the U.S. alcohol and tobacco trade and tax bureau pursuant to 27 CFR section 25.55, as amended, or that is not exempt under subdivision (f) of 27 CFR section 25.55, as amended. Flavored malt beverage is considered "liquor" for purposes of this chapter.

HEAVY BEER: A product that contains more than four percent (4%) alcohol by volume and is obtained by fermentation, infusion or decoction of malted grain. Heavy beer is considered "liquor" for the purposes of this chapter.

LICENSED PREMISES: Any room, house, building, structure or place occupied by any person licensed to sell beer on any premises under this title; provided, that in any multi-roomed establishment, an applicant for an on premises beer retailer - restaurant license shall designate a room or portion of the building of such business for the sale of beer, which portion so specifically designated in the application and in the license issued pursuant thereto shall be the licensed premises. Multiple dining facilities located in one building and owned or leased by one licensed applicant shall be deemed to be only one licensed premises.

LICENSEE: Any person granted a license or a permit by the city under the provisions of this chapter. This term shall also include "staff" of the licensee as more particularly defined in this section.

LIQUOR: A liquid that is alcohol, an alcoholic, spirituous, vinous, fermented, malt, or other liquid; a combination of liquids, a part of which is spirituous, vinous or fermented; or other drink or drinkable liquid; and contains at least 0.5 percent alcohol by volume and is suitable to use for beverage purposes. Liquor includes "heavy beer", "wine" and a "flavored malt beverage", but does not include "beer", as such terms are defined in this section.

PERSON: An individual, partnership, firm, corporation, limited liability company, association, business trust, or other form of business enterprise, including a receiver or trustee, and the plural as well as the singular number, unless the intent to give a more limited meaning is disclosed by the context.

PREMISES: A building, enclosure, or room used in connection with the storage, sale, furnishing, consumption, manufacture or distribution, of an alcoholic product, unless otherwise defined by law or rules adopted by the commission.

RESTAURANT: A business location at which a variety of foods are prepared; at which complete meals are served to the general public; and that is engaged primarily in serving meals to the general public.

SCHOOL: A building used primarily for the general education of minors. School does not include a nursery school, an infant daycare center, or a trade or technical school.

SELL OR OFFER FOR SALE: Any transaction, exchange or barter whereby, for consideration, an alcoholic product is either directly or indirectly transferred, solicited, ordered, delivered for
value, or by any means or under any pretext is promised or obtained, whether done by a person as a principal, proprietor or as staff, unless otherwise defined in this chapter or the rules adopted by the commission.

STAFF: An individual who engages in activity governed by this chapter: on behalf of a business, including a licensee, permittee, or certificate holder; at the request of the business, including a licensee, permittee or certificate holder; or under the authority of the business, including a licensee, permittee or certificate holder. Staff includes an officer, director, employee, personnel management, an agent of the licensee (including a managing agent), an operator or representative.

STATE STORE: A facility for the sale of packaged liquor located on premises owned or leased by the state and operated by state employees. "State store" does not include a licensee, permittee or package agency.

TRAIL: A linear corridor of property which is planned as part of the parks and trails master plan or recognized as a city facility by the parks and trails master plan, although not classified as a park, and maintained by the city for the purpose of recreation and alternate transportation as a part of the transportation system. A trail is not a park as such term is used in the definition of "community location", as more particularly set forth herein.

WINE: An alcoholic beverage obtained by the fermentation of the natural sugar content of fruits, plants, honey or milk, or other like substances, whether or not another ingredient is added. Wine is considered "liquor" for purposes of this chapter.

3-3A-4: CLASSIFICATION OF ALCOHOL LICENSES

This city is authorized to license and regulate the sale of alcohol within the city for off premises or on premises consumption in accordance with applicable provisions of the Utah alcoholic beverage control act. The city may issue the following classification of licenses for the sale of alcohol within the city for off premises or on premises consumption in accordance with the terms and conditions of this chapter. No other alcohol licenses shall be permitted or granted by the city.

Airport Lounge
Bar Establishments
Banquet Catering
Beer Wholesaler
Brewery Manufacturing
Hotel
Off premises beer retailer;
On- premises Beer Retailer-Recreational
Package Agency
Restaurant - Beer Only
Restaurant - Limited Service
Restaurant - Full
Temporary special event;
Tavern

3-3A-5: BEER LICENSE APPLICATION

Before a person may store, sell, offer for sale, furnish or permit consumption of beer for on
premises or off premises consumption within the city, the person shall first obtain the required
classification of beer license from the city. Any person desiring a beer license from the city shall
file a completed application with the business license official on forms provided by the city. The
application shall be accompanied by the following:

A. The applicable nonrefundable beer license application fee in the amount specified in the city
fee schedule for the type of license for which the person is applying;

B. The applicable beer license fee in the amount specified in the city fee schedule for the type of
license for which the person is applying, which license fee is refundable if the license is not
issued;

C. A copy of the applicant's current business license;

D. Evidence of proximity to any community location in accordance with applicable proximity
requirements for the type of license for which the person is applying;

E. A floor plan, and boundary map where applicable, of the premises to be licensed, including
any consumption area, and the area where the applicant proposes to keep, store, sell, offer for
sale, or furnish beer;

F. In the case of an applicant that is an entity, partnership, corporation or limited liability
company, proper verification evidencing that the person or persons signing the license
application are authorized to so act on behalf of the entity, partnership, corporation or limited
liability company;

G. Any other information the city may require to sufficiently evaluate the merits of the
application;

H. If the application is for an on premises beer retailer - restaurant license, the following shall
also be required to be submitted with the application:

1. Evidence that the licensee is carrying public liability insurance in an amount and form
satisfactory to the city;
2. Evidence that the licensee is carrying dram shop insurance coverage as required by the Act.

3. A signed consent form stating that the licensee will permit any authorized representative of the commission, city, law enforcement or health department unrestricted right to enter the premises of the licensee; and

I. If the application is for a temporary special event license, the following shall also be required to be submitted with the application:

1. The times, dates, location, estimated attendance, nature and purpose of the temporary special event; and

2. A signed consent form stating that the licensee will permit any authorized representative of the commission, city, law enforcement or health department unrestricted right to enter the premises during the temporary special event.

3-3A-8: APPLICANT QUALIFICATIONS

Applicant qualification requirements for the issuance of a beer license from the city shall be the same as the applicant requirements set forth in Utah Code Annotated section 32B-1-304, as amended, regarding applicant requirements for the issuance of a state license. The city shall not issue a beer license to any person who has been convicted of any of the crimes enumerated therein or fails to meet the qualifications set forth therein. The provisions of Utah Code Annotated section 32B-1-304, as amended, are adopted by this reference as if fully set forth herein. Any references therein to "commission" or "director" shall refer to the "city" and "business license official", respectively. The city may immediately suspend or revoke a beer license in accordance with the provisions, procedures and grounds set forth in Utah Code Annotated section 32B-1-304, as amended. All applicants for a beer license shall also meet the age restrictions set forth in Utah Code Annotated section 32B-1-304, as amended, prohibiting the issuance of a license to a minor.

No code CRIMINAL BACKGROUND CHECKS

A. Required: Unless otherwise provided in subsection E of this section, the following individuals shall be required to submit a fingerprint card in a form acceptable to the city and consent to a criminal background check by the Utah bureau of criminal investigation and the federal bureau of investigation in accordance with the provisions of this section:

1. An individual applying for a beer license from the city;

2. An individual who with regard to an entity that is applying to the city for a beer license is a partner, managing agent, manager, officer, director, twenty percent (20%) stockholder of a corporation, or twenty percent (20%) member owner of a limited liability company;

3. An individual employed to act in a supervisory or managerial capacity for the licensee; and

4. An individual who becomes involved in an entity in a capacity listed herein on or after the day on which the entity receives a beer license from the city.
B. Procedures: Criminal background checks shall be conducted in accordance with the provisions of Utah Code Annotated section 32B-1-307, as amended, regarding background checks for state issued license.

C. Use of Information: Any criminal background checks conducted by the city pursuant to this section shall comply with the provisions and restrictions set forth in Utah Code Annotated section 32B-1-306, as amended, regarding authorized use of criminal history information.

D. Cost of Background Check: The individual required to submit a fingerprint card and submit to a criminal background check as provided herein shall pay for the cost of such fingerprint card and criminal background check.

E. State Criminal Background Check: In the event that any individual listed in subsection A of this section has been issued a state beer or alcohol license in conjunction with the application for a city issued beer license, the state conducted criminal history background check on such individual shall be deemed sufficient for purposes of applying for a city issued beer license; provided, such criminal history background check has been conducted on the subject individual within sixty (60) days from the date of application for the city issued license and such criminal history background check has been deemed acceptable for purposes of being granted a state issued beer or alcohol license in accordance with applicable provisions of Utah Code Annotated section 32B-1-306, as amended

No Code REVIEW AND ISSUANCE OF LICENSE

A. Staff Review: Upon receipt of an application for a beer retailer license, the business license official shall review the application and gather information regarding the application and applicant qualifications. The business license official shall also distribute copies of the application and all other necessary information to appropriate departments of the city for their review and comment. Upon completion of review and investigation of the application and applicant qualifications, the business license official shall determine whether or not to grant the requested license based on the criteria set forth in this section and applicable requirements of this chapter.

B. Criteria: Before issuing a beer license under the provisions of this chapter, the business license official shall determine that the applicant has complied with all qualifications and requirements for making application for the applicable license and that the application is complete. The business license official shall also determine that the person applying for the license is not disqualified under the provisions of Utah Code Annotated section 32B-1-304, as amended, and that the application complies with the specific licensing requirements specified in this chapter for the type of license for which the person is applying.
C. Disqualification: No beer license shall be issued to any person that is disqualified under the provisions of Utah Code Annotated section 32B-1-304, as amended, or any person who is not lawfully present in the United States.

3-3A-41: OFF PREMISES BEER RETAILER

A. Off Premises Beer Retailer License: The city is authorized to license and regulate the retail sale of beer for off premises consumption in accordance with and subject to the restrictions of the Utah off premises beer retailer act, as set forth in Utah Code Annotated section 32B-7-101 et seq., as amended. An off premises beer retailer license issued by the city shall authorize the licensee to sell beer on the licensed premises for consumption off premises, in accordance with applicable provisions of this chapter and state law.

B. Local License Required: Before a person may store, sell or offer for sale beer at retail for off premises consumption, the person shall obtain an off premises beer retailer license from the city.

C. Operational Restrictions: An off premises beer retailer licensee shall comply with the general operational requirements set forth in Utah Code Annotated section 32B-7-202, as amended, regarding, among other regulations, the purchase of beer, the sale of beer by minors, signage and display requirements, staff identification badges and recordkeeping.

D. Alcohol Training And Education: The following persons shall be required to have a valid record that the individual completed an alcohol training and education seminar in accordance with the provisions of Utah Code Annotated section 32B-5-404, as amended: any individual who directly supervises the sale of beer to a patron for consumption off the premises of the off premises beer retailer; or any individual who sells beer to a patron for consumption off the premises of the off premises beer retailer. The city may immediately suspend the license of an off premises beer retailer licensee that allows staff to directly supervise the sale of beer or to sell beer to a patron without having a valid record of training as required by law.

E. Administrative Penalties For Sale To Minors: In addition to any criminal penalty that may be imposed, an individual may be subject to administrative penalties imposed by the city in accordance with the provisions and procedures of the off premises beer retailer enforcement act, as set forth in Utah Code Annotated section 32B-7-301 et seq., as amended, for persons who have completed the required alcohol training and are thereafter found in violation of any law involving the sale of an alcoholic beverage to a minor. Administrative penalties may also be imposed against the licensee for such violations in accordance with the provisions and procedures of Utah Code Annotated section 32B-7-303, as amended.

F. Employee Identification: Staff of an off premises beer retailer licensee who directly supervises the sale of beer or who sells beer to a patron for consumption off premises shall comply with the identification badge requirements set forth in Utah Code Annotated section 32B-7-202, as amended. Each licensee shall maintain a record of all current staff identification badges in accordance with applicable provisions of Utah Code Annotated section 32B-7-202, as amended.
G. On Premises Consumption Prohibited: It shall be unlawful for an off premises beer retailer licensee to permit the consumption of beer on any off premises beer retailer licensed premises.

H. Container Restrictions: An off premises beer retailer licensee shall not possess, sell, offer for sale or furnish beer in a container larger than two liters (2 l).

I. Sale Of Beer By Minors: A minor may not sell beer on the premises of a beer retailer for off premises consumption unless the sale is done under the supervision of a person twenty one (21) years of age or older who is on the premises and the minor is at least sixteen (16) years of age.

J. Hours Of Sale: An off premises beer retailer licensee may sell beer beginning at the hour of seven o'clock (7:00) A.M. and ending at the hour of one o'clock (1:00) A.M.

K. Sales Restrictions: Beer may not be sold, delivered or furnished to any:

1. Minor;
2. Person actually, apparently or obviously under the influence of any intoxicating beverage or controlled substance;
3. Known habitual drunkard; or
4. Known interdicted person.

L. Advertising Sale: It shall be unlawful for any off premises beer retailer licensee to advertise the sale of beer in violation of the Utah alcoholic beverage control act.

M. Limit On Beer Sales: Each off premises beer retailer licensee shall limit beer sales to no more than thirty percent (30%) of its total business.

N. Records Requirements: All holders of an off premises beer retailer license shall maintain records separately showing quarterly expenditures and sales for beer and non-beer items. Each licensee shall retain all invoices, vouchers, sales slips, receipts and other records disclosing all expenditures and purchases from all suppliers. Such records shall be available for inspection and audit by the city or its representatives and maintained for a period of three (3) years. Failure to properly maintain such records for inspection and audit shall be cause for revocation of the off premises beer retailer license.

O. Gross Sales Percentages: If any inspection or audit discloses that the sales of beer on the licensed premises are in excess of thirty percent (30%) for any quarterly period, the city shall immediately put the licensee on a probationary status and closely monitor the licensee's beer sales during the next quarterly period to determine that the licensee is able to prove to the satisfaction of the city that the sales of beer meet or are less than thirty percent (30%) of total business sales. Failure of the licensee to provide satisfactory proof of the required beer percentage within the probationary period shall result in issuance of an order to show cause by the city to determine why the license should not be revoked by the city.
P. Compliance: Each person granted an off premises beer retailer license and the staff of such
licensee shall abide by the conditions and requirements set forth in this chapter and state law
requirements. Failure to comply may, in addition to criminal or civil penalties, result in
suspension or revocation of the license or other disciplinary action taken against individual staff.

ON PREMISES BEER RETAILER – RESTAURANT

A. On Premises Beer Retailer - Restaurant: The city is authorized to license and regulate the
retail sale of beer for on premises consumption in accordance with and subject to the restrictions
of the Utah alcoholic beverage control act, including, but not limited to, Utah Code Annotated
section 32B-6-704 et seq., as amended. An on premises beer retailer - restaurant license issued
by the city shall authorize the licensee to sell beer on the licensed premises for on premises
consumption, in accordance with applicable provisions of this chapter and state law. Only bona
fide restaurants shall be entitled to an on premises beer retailer - restaurant license.

B. State And Local License Required: Before a restaurant may sell beer at retail for on premises
consumption, it must first obtain an on premises beer retailer - restaurant license from the city
and the required state license from the Utah alcoholic beverage control commission. Issuance of
the on premises beer retailer - restaurant license by the city shall be deemed local consent for the
issuance of a state beer only restaurant license. Pursuant to Utah Code Annotated section 32B-6-
704, as amended, the suspension or revocation of a licensee's state license shall automatically
prohibit the licensee from continuing to operate under the city license.

C. Operational Restrictions: An on premises beer retailer - restaurant licensee shall comply with
the general provisions and restrictions set forth in Utah Code Annotated section 32B-6-901 et
seq., as amended, regarding licensing and operational requirements for beer only restaurant
licenses, and applicable provisions of Utah Code Annotated section 32B-5-301 et seq., regarding
operational requirements for on premises retailer licensees. A person granted an on premises beer
retailer - restaurant license from the city and staff of the licensee shall comply with all of the
conditions and requirements set forth herein. The provisions of state law referenced in this
section are adopted by reference as if fully set forth herein.

D. Location Restrictions: Except as otherwise provided in subsection F of this section, an on
premises beer retailer may not be located within six hundred feet (600') of a community location
as measured from the nearest entrance of the outlet by following the shortest route of ordinary
pedestrian travel to the property boundary of a community location or within two hundred feet
(200') of a community location measured in a straight line from the nearest entrance of the
proposed beer retailer premises to the nearest property boundary of the community location.

E. Location Restrictions: Except as otherwise provided in subsection F of this section, the
premises of a restaurant with an alcoholic beverage license may not be located within three
hundred feet (300') of a community location as measured from the nearest entrance of the outlet
by following the shortest route of ordinary pedestrian travel to the property boundary of a
community location or within two hundred feet (200') of a community location measured in a
straight line from the nearest entrance of the proposed beer retailer premises to the nearest
property boundary of the community location.
F. Variance: The city council may approve or give written consent to the commission to authorize a variance to reduce the proximity requirements of subsection D of this section in accordance with the procedures and criteria set forth in Utah Code Annotated section 32B-1-202, as amended.

G. Alcohol Training And Education: The following persons shall be required to have a valid record that the individual completed an alcohol training and education seminar in accordance with the provisions of Utah Code Annotated section 32B-5-403, as amended: any individual who manages operations at the licensed premises for consumption on the licensed premises; any individual who supervises the furnishing of a beer to a patron for consumption on the licensed premises; or any individual who serves a beer to a patron for consumption on the licensed premises. The city may immediately suspend the license of an on premises beer retailer - restaurant licensee if any of the individuals set forth herein fail to complete an alcohol training seminar as required by law.

H. Container Restrictions: An on premises beer retailer - restaurant licensee shall not sell, offer for sale, or furnish beer for on premises consumption in a size of container that exceeds two liters (2 l) or to an individual patron in a size of container that exceeds one liter (1 l).

I. Hours Of Sales: Hours for beer sales for on premises beer retailers are governed by state law, pursuant to which the hours of sale are from eleven thirty o'clock (11:30) A.M. until one o'clock (1:00) A.M.

J. Total Business Sales: An on premises beer retailer - restaurant shall maintain at least seventy percent (70%) of its total restaurant business from the sale of food, exclusive of service charge.

K. Records: All holders of an on premises beer retailer - restaurant license shall maintain records separately showing quarterly expenditures and sales for beer and food. Each licensee shall retain all invoices, vouchers, sales slips, receipts and other records disclosing all expenditures and purchases from all suppliers. Such records shall be maintained in accordance with provisions of Utah Code Annotated section 32B-5-302, regarding on premises beer retailer record requirements. Such records shall be available for inspection and audit by the city or its representatives and maintained for a period of three (3) years. Failure to properly maintain such records for inspection and audit shall be cause for revocation of the on premises beer retailer - restaurant license.

3-3A-4-4: TEMPORARY SPECIAL EVENT

A. Temporary Special Event License: A temporary special event license shall authorize the licensee to sell, offer for sale, or furnish beer at retail for on premises consumption at a temporary event that does not last longer than thirty (30) days and shall authorize the storage, service and consumption of beer at such temporary event.
B. State And Local License Required: Before a person may sell beer at retail for on-premises consumption at a special event, it must first obtain a temporary special event license from the city and the required license or permit from the Utah alcoholic beverage control commission. Pursuant to Utah Code Annotated section 32B-9-404, as amended, the suspension or revocation of a licensee's state license shall automatically prohibit the licensee from continuing to operate under the city license.

C. General Restrictions: A temporary special event licensee shall comply with the general restrictions set forth in Utah Code Annotated section 32B-9-204, as amended.

D. Operational Restrictions: A person granted a temporary special event license from the city and the staff of the licensee shall comply with all of the general operations requirements set forth in Utah Code Annotated section 32B-9-204, as amended, for event permits, and section 32B-9-406, as amended, regarding specific operational requirements for temporary event beer permits. The provisions of section 32B-9-406, as amended, are adopted by this reference as if fully set forth herein.

E. Compliance: Each person granted a temporary special event license and the staff of the licensee shall abide by the conditions and requirements set forth in this chapter and all state law requirements. Failure to comply may result in suspension or revocation of the license or other disciplinary action taken against staff or the licensee.

F. Records: All holders of a temporary special event license shall maintain records which shall disclose the gross sales of beer sold for consumption during the temporary event. Each licensee shall retain all invoices, vouchers, sales slips, receipts and other records and other commodity purchases from all suppliers. Such records shall be available for inspection and audit by the city license official at any time during the temporary special event and for a period of eighteen (18) months after the end of the temporary event. Failure to properly maintain such records for such inspection and audit shall be cause for revocation of the license. Licensees shall also comply with the records requirements set forth in Utah Code Annotated section 32B-9-406, as amended.

G. Restriction On Number: No person may be issued more than three (3) temporary special event licenses in any calendar year.

GENERAL RESTRICTIONS

A. License, Fee Required: It is unlawful for any person to sell beer within the city without first having procured a license therefor from the city as provided in this chapter and paying the license fee and any other applicable fees as set forth in the city fee schedule.

B. Sales After Revocation: It is unlawful for any person to sell beer after the revocation of a license issued pursuant to this chapter.

C. Separate License: A separate license shall be required for each place of sale and the license shall at all times be conspicuously displayed in the place to which it shall refer or for which it
shall be issued. It shall be unlawful for any licensee to violate any of the terms of his or her license.

D. Compliance: Any person granted a beer license under the provisions of this chapter, and staff of such licensee, shall comply with the provisions of this chapter and all applicable state statutes, rules and regulations regarding retail licensees, including, but not limited to, applicable provisions of the Utah alcoholic beverage control act, as more particularly set forth in Utah Code Annotated section 32B-1-101 et seq., as amended, and the rules and regulations of the Utah state alcoholic beverage control commission promulgated pursuant thereto, including, but not limited to, the rules set forth in Utah administrative code R81, as amended.

E. Zoning Applicability: Licensees and licensed premises shall meet and comply with applicable zoning ordinance regulations and restrictions and any other applicable city ordinance requirements.

3-3A-6 FEES:
Applications for beer licenses under this chapter shall be accompanied by the applicable application and license fees set forth in the city fee schedule.

3-3A-11 EXPIRATION AND RENEWAL:
A. Expiration: All licenses issued pursuant hereto shall expire one year from the date of issuance, except special event beer licenses, which shall be issued for a period set forth in the license

B. Application For Renewal: Each licensee desiring to renew a beer license granted pursuant to this chapter shall, renew at least thirty (30) days prior to the expiration date of the then issued license, file with the business license official a completed annual renewal application for renewal of his or her license on forms provided by the city. Each application for renewal shall be complete and shall be accompanied by the applicable renewal fee as set forth herein.

C. Fee for Renewal: The fee for renewal of a beer license shall be set forth in the city fee schedule.

3-3A-13 SALE OR TRANSFER OF LICENSE
A. No Sale Of License: A person granted a beer license under the provisions of this chapter shall not sell, transfer, assign, exchange, barter, give or attempt in any way to dispose of the license to another person whether for monetary gain or not. A beer license issued hereunder has no monetary value for the purpose of any type of disposition.

B. No Location Transfer: A person granted a beer license under the provisions of this chapter shall not transfer the license issued pursuant to the provisions of this chapter from one location to another.
C. No Ownership Transfer: Except for corporate or company ownership changes set forth in subsections D2 and D3 of this section, no ownership transfers of any license issued under the provisions of this chapter shall be permitted.

D. Notification Of Change: In addition to the ownership transfer prohibitions of this section, all licensees shall be required to notify the city immediately of any change in ownership of the licensee or persons associated with the licensee if the licensee is an entity. In order to ensure compliance with this section, the city may suspend or revoke a beer license if the licensee does not immediately notify the city of any change in:

1. Ownership of the premises of the retail license;

2. For a corporate owner, the:
   a. Corporate officers or directors of the retail licensee; and
   b. Shareholders holding at least twenty percent (20%) of the total issued and outstanding stock of the corporation; or

3. For a limited liability company:
   a. Managers of the limited liability company; or
   b. Members owning at least twenty percent (20%) of the limited liability company.

LOCAL CONSENT; LIMITED

A. Restaurant Liquor Licenses: The issuance of an on premises beer retailer - restaurant license under the provisions of this chapter shall be required as a prerequisite for any restaurant seeking a state liquor license, including, but not limited to, the following:

1. Beer only restaurant license;

2. Full service restaurant license;

3. Limited service restaurant license; and

B. Temporary Special Event: This issuance of a temporary special event permit under the provisions of this chapter shall be required as a prerequisite for any person seeking a state issued temporary beer event permit. This issuance of a temporary special event permit by the city shall be deemed local consent for purposes of the Utah alcoholic beverage control act requiring such consent for the issuance of the state issued temporary beer event permit.

C. Local Consent Form: The city council shall have a public vote to grant or deny local consent. Upon an affirmative, simple majority vote, the authorized individual shall sign the local consent form for state licensing of restaurants complying with the provisions of subsection A of this section and temporary beer events complying with the provisions of subsection B of this section.

D. No Other Local Consent: The city shall not grant local consent for any state issued liquor licenses within the city other than those liquor licenses enumerated in subsection A of this
section regarding restaurant liquor licenses, and subsection B of this section regarding temporary beer events.

E. Compliance: Any person or licensee granted local consent under the terms and provisions of this chapter shall comply with all applicable provisions of the alcoholic beverage control act, as amended.

6-5-180: STATE OFFENSES:

To the extent applicable to the retail sale of beer within the city and subject to the jurisdiction of the city, the offenses set forth in Utah Code Annotated title 32B, chapter 4, as amended, known as the criminal offenses and procedures act, are hereby adopted by reference as if fully set forth herein.

6-5-190: VIOLATIONS:

Unless otherwise expressly provided in this chapter or by state law, any violations of this chapter shall be deemed a class B misdemeanor. Any violations of this chapter shall be subject to criminal and/or civil penalties and procedures. In addition to the criminal penalties, upon a defendant's conviction of any offense defined in this chapter, the court may order restitution, defense costs and other applicable criminal penalties as set forth in Utah Code Annotated section 32B-4-305, as amended. In addition to criminal or civil penalties, any violations of this chapter shall also be subject to administrative enforcement action such as suspension, probation or revocation of beer license, suspension, probation or revocation of business license.

6-5-200: SEVERABILITY

If a provision of this chapter or the application of a provision to a person or circumstance is held invalid, the remainder of this chapter shall be given effect without the invalid provision or application. The provisions of this chapter are severable.
| Date of Meeting:  
| 09/20/2018 |
| File # | Z2018-13 |
| Applicant | Herriman City |
| Address |  |
| Request | Text Change to the Land Development Code to Create an Auto Mall Special District |
Request
Herriman City is proposing a text change to Title 10 of the Herriman City Code, which is the Herriman Land Development Code, to create an Auto Mall Special District.

Notice
The City posted the public hearing notice in the newspaper on September 9, 2018 and on the Herriman City website on September 10, 2018. As of the date of this report, staff has not received any public comments regarding the proposed 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 will then hold a public meeting to discuss the item and make the final decision.

Discussion
The City has been working on assembling property for an Auto Mall. Staff has written a new Auto Mall Special District to promote the development of this property. The new district will establish requirements and guidelines for the development of the Auto Mall. It includes items such as:

1. Type of uses allowed
2. Landscaping
3. Architectural Design and Materials
4. Signage, including exceptions to current requirements
5. Access and Internal Circulation

The special district applies to a specific piece of property. It is not a new zone, which could be applied to other property in the City. The requirements in this district are only meant for this property. A map of the property is included in the ordinance.
Staff Report

**Recommendation**
Staff recommends approval of the proposed text changes to Title 10 to create an Auto Mall Special District.

**Attachments**

A. Proposed Text
Auto Mall Special District

9-18D-010: PURPOSE:
The Auto Mall Special District (AMSD) is an area approximately 67 acres in size, located north of 12600 South, between Mountain View Corridor (MVC) and Main Street. The property is generally shown in 9-18D-110 Exhibit A. The Auto Mall Special District (AMSD) is a master planned retail zone designed for an automobile center to include the sale of new and used vehicles, auto repair, and sales of auto related products and services. The project will incorporate the community’s design goals for commercial development.

9-18D-020: PERMITTED USES:
Unless otherwise allowed by state law, the following uses are considered permitted uses within the AMSD:

Dealership, new (autos, trucks, and service).

9-18D-030: CONDITIONAL USES:
Unless otherwise allowed by state law, the following uses are considered conditional uses within the AMOZ:

Dealership, new (RV, ATV, boat, sales and service).

Dealership, rental (autos, trucks, RV, ATV, boat, sales and service).

Dealership, used (autos, trucks, RV, ATV, boat, sales and service), as an interim facility, subject to the requirements found in section 9-18D-080

9-18D-040: EXTENT OF AMSD:
The standards outlined in this article shall apply to all properties within the boundaries of the AMSD which are shown in section 9-18D-100, exhibit A, “AMSD Boundaries”, of this article.
9-18D-050: SCHEMATIC DEVELOPMENT PLANS:
Development within the AMSD shall be substantially in accordance with the schematic development plan shown in section 9-18D-110, exhibit B, "Schematic Site Plan", of this article, or a similar schematic development plan that reflects the spirit of the plan shown in section 9-18D-110, exhibit B of this article. Development within the AMSD will be in phases.

9-18D-060: DEVELOPMENT STANDARDS:

A. Architectural Design And Materials:

1. Building design and materials for New Auto Dealerships:
   a. Materials shall be selected which require low maintenance, such as CMU, stone, cultured stone, metal, stucco, engineering wood, or hardiboard. Buildings should consist of at least three different materials.
   b. The following materials shall be specifically prohibited:
      i) Unpainted, plain concrete walls;
      ii) Metal or tin, unless where used as an accent material.
   c. Tilt-up concrete construction is permitted.
   d. Roofs shall not be exposed unless they are part of the decorative or architectural treatment of the building, such as parapets, columns, etc.

2. Building design and materials for all other dealerships, service departments, or other accessory uses shall comply with the Commercial Design Criteria found in section 10-12-6(C).

B. Lot Coverage: Lot coverage by buildings and covered or semienclosed outbuildings shall not exceed forty percent (40%).

C. Buffers, Fences, And Walls: As part of the site plan approval process, special buffers, fences, and/or walls shall be required to provide separations between public/commercial areas, service, loading, refuse collection, equipment and/or storage areas.

D. Building Size: Maximum building size shall be one hundred thousand (100,000) square feet.

E. Building Height: Maximum building height shall be fifty five feet (55'). Additional height may be permitted as conditional use.

F. Parking/Vehicle Storage: The minimum number of parking spaces required shall be four hundred (400) square feet for every four hundred (400) square feet of public showroom display
area for all auto related uses. Spaces may be used for customer, employee, inventory or service bays. All other uses shall provide parking as per current city code.

G. New And Used Car Display: Car displays, arrangement of parking spaces, and circulation shall be at the dealer's option. However, no car displays shall block minimum required clear vision areas at driveway intersections or block lanes for public safety, egress or fire access. These clear vision areas and emergency access lanes shall be noted on the proposed site plan.

H. Security For Display Vehicles: To the extent deemed necessary by individual dealers, curb walls no higher than sixteen inches (16”), closely spaced concrete bollards, berms, low security fencing and rails may be used. Design must be compatible with project theme and architectural detailing in other parts of the site.

I. Inventory/Parts Storage Areas: Inventory/parts storage areas shall be provided within buildings or in screened areas in accordance with subsection C of this section. To the extent practical, areas for storage should be combined with adjacent dealership properties.

J. Access And Internal Circulation:

1. Driveway Access: Except where otherwise required for compliance with applicable codes and for fire lanes, driveways shall be a minimum of twenty four feet (24’) wide and all drives shall have a minimum 12.5 foot radius.

2. Service Area Access: Service areas shall have sufficient stacking lanes on site to stack a minimum of one vehicle per service bay. Stacking lanes shall not block flow of traffic or fire access lanes.

K. Fences, Screens And Walls:

1. Fences, screens and walls shall be compatible and architecturally complementary between two (2) adjoining sites. This may be achieved by use of similar materials and finishes to the building, landscaping materials, or other architectural design features.

2. Location of fences shall be compatible with adjoining property users to permit the common use of gates and accesses.

3. Neither chainlink fencing nor plain concrete block fences are permitted.

4. Ten foot (10’) screening walls around auto storage areas shall be permitted.

L. Display Pedestals:

1. The number of display pedestals allowed in the front setback shall be one pedestal per one hundred feet (100’) of street frontage or part thereof. The total number of pedestals allowed on the site may be clustered together to achieve more effective display, sales area, or circulation.
2. Display pedestals shall be no closer than two feet (2’) from a property line.

3. Display pedestals shall meet all clear view requirements of this code and the Herriman City Engineering Standards.

M. Site Lighting: All outdoor lighting, including street lights and parking lot lights, shall be in conformance with the requirements of the Herriman City Engineering Standards.

9-18D-070: LANDSCAPE STANDARDS:

A. Variety: Landscaping shall consist of a variety of trees, shrubs, flowers and other planted material, and shall be primarily comprised of water wise landscaping applications of ground covers, rock and mulch.

B. Water Efficiency: All new landscaping and revisions to existing landscape shall incorporate water efficient landscape materials.

C. Public Rights Of Way Minimum: A minimum of twenty feet (20’) width of landscaping will be required along all public rights of way. A minimum of ten feet (10’) width of landscaping will be required as rear and side yard landscaped areas.

D. Minimum Required Along Mountain View Corridor: A minimum of twenty feet (20’) width of landscaping will be required along parcels abutting the Mountain View Corridor right of way.

E. Number Of Trees Within Landscape Easement: Within the required landscape easement along public and private rights of way, at least one tree shall be planted for every thirty feet (30’) of frontage.

F. Trees Within Parking, Display Areas: Within the internal landscape areas of parking/display areas, a minimum of one tree shall be planted for every one thousand (1,000) square feet of parking/display area. Trees may be clustered around the parking area.

G. Common Areas: Landscaping or other side or rear yard barriers or side yards between adjoining dealership properties may be eliminated if the yard area is used in conjunction with an adjoining property for common driveways, display and/or parking.

9-18D-080: INTERIM FACILITIES:

A. Dealers that intend to use an interim building and facilities shall propose a structure that provides an aesthetically attractive building while meeting the needs of a temporary structure. The building architecture and materials shall be reviewed as part of the conditional use approval of the site. A site with an interim facility shall comply with all other requirements of this code, including landscaping, screening, signage, paving and circulation.

B. For the purpose of this chapter, “interim” shall be defined as a building or facility intended to remain on the site for less than two (2) years.
C. In conjunction with approval of a conditional use for an interim facility, the City may elect to enter into a development agreement with the owner of the proposed interim facility.

9-18D-090: SIGNAGE:

Signage is an important component for the success of the AutoMall sales activities. All signs shall comply with the Herriman City sign ordinance with the following exceptions:

A. General Standards:

1. Location of all ground mounted signs shall be located to meet the requirements for traffic safety and visibility and shall be located outside the clear view area.

2. Illuminated signs shall be internally lighted. Exposed neon is also permitted as an accent or decorative sign element.

3. No flat faced box or cabinet type sign with painted copy shall be permitted.

4. If signage is integrated with an architectural feature of the building, such as a backlit element, face or column, or a design element that is cast into architectural materials, only the portion of the sign that is text or corporate logo shall be counted toward the total allowed signage area.

5. Approval of this AMSD shall constitute the approval of the master sign program as shown in section 9-18D-110, exhibits D, "Master Sign Plan", and E, "Sign Theme", of this article.

6. All banner signs, inflatables, flags, balloons, animated signs and temporary signs, as allowed in this text, shall not require an additional sign permit from Herriman City.

B. Permanent Signage:

1. Mountain View Corridor (MVC) Frontage:

   a. Two monolithic signs of maximum fifty feet (50') high by fifteen feet (15') wide; and

   b. Each dealer adjacent to MVC may have a sign that complies with the requirements of a Planned Center sign as found in section 10-27-7.

2. Main Street Frontage:

   a. Each dealer adjacent to Main Street may have a sign that complies with the requirements of a Planned Center sign as found in section 10-27-7.

3. Private Street Frontage:
a. Each dealer with frontage on a private street shall be allowed to have monument signs as allowed in section 10-27-7.

4. Building Signage:

a. Location: Signs shall be mounted on building facades parallel to and contiguous with the wall upon which the sign is attached. Signs may be attached to screen walls or service buildings facing a street.

b. Quantity: A maximum sign copy area allowance for each facade of a building facing a public right of way shall be ten percent (10%) of the facade. In the case that a building fronts a public way on more than one facade, the maximum sign area allowance shall apply to each facade. A transfer of sign allowance area between facades on the same building shall not exceed one hundred twenty five percent (125%) of the allowed area for any given facade. Allowed signage area on a facade may be comprised of one or more individual signs and need not be contiguous.

c. Construction: Signs shall be internally illuminated, individual pan channel or channel lume construction or construction methods with similar intent. Exposed neon as an accent element, logo or decorative feature is allowed as part of the sign area allowance.

5. On Site Directional/Destination And Information Signs: On site signs shall be located as needed to facilitate internal circulation and destination identification.

C. Temporary Signage:

1. General Standards:

a. Signs shall not be placed in or over a public right of way.

b. Signs shall not flash, blink, spin, rotate, block traffic visibility, constitute a vehicular or pedestrian traffic hazard, or cause a public nuisance of any kind.

c. Signs shall not be attached to telephone poles, trees or security gates.

d. Signs must be firmly secured.

e. Signs within a power line easement shall comply with height conditions of the easement.

f. Prior to December 15 of each calendar year, property owners within the AMSD shall jointly submit to Herriman City a calendar for the coming year of special promotion periods and holiday promotion periods that establishes "fly dates" for temporary signs, balloons, and inflatables. Fly dates shall comply with the
provisions for special promotion and holiday promotion periods established in this section.

2. Banners:

   a. Flag banners may be placed along frontage streets with a minimum interval spacing of at least thirty feet (30').

   b. Pole banners may be attached to poles and supports.

   c. Flag banners may be freestanding feather banners with inground supports and spikes.

3. Temporary Sign Devices: The following types of sign devices may be used during the permitted special promotion and holiday promotion periods:

   a. Banners attached to the buildings, not exceeding fifteen percent (15%) of the building facade and no more than one banner per facade, but temporary building banners shall not be counted toward maximum allowance for permanent signage;

   b. Vehicle decorations, including antenna flags, balloons, windshield paintings and hood displays;

   c. Tall balloons designed to attract attention from long distances, including cloud busters (balloons attached in a series with string or pennant flags) and hot air balloons;

   d. Carnival tents;

   e. Search or spotlights; and

   f. Inflatable objects for the purpose of advertising a specific product or to bring attention to a special promotion, such as inflatable mascots, gorillas, bounce houses, and promotional sponsors.

4. Special Promotion Periods:

   a. Property owners within the AMSD may implement jointly up to twenty one (21) special promotion periods per calendar year.

   b. Each period may not exceed five (5) consecutive days in length.

   c. Special promotional periods shall not be combined to run consecutively and must be separated by nine (9) calendar days between each special promotion period.
d. A sign permit for temporary signage is not required, provided the signage meets the requirements of this section.

5. Holiday Promotion Periods:

a. Property owners within the AMSD may implement jointly up to nine (9) holiday promotion periods per calendar year.

b. Unless otherwise noted below, each period may not exceed six (6) consecutive days in length.

c. Holiday promotional periods may be combined to run consecutively with other special promotion periods.

d. The following days shall be considered holiday promotion periods:

   (1) New Year's Day (January);
   (2) Presidents Day (February);
   (3) Tax season (April, 7 days);
   (4) Memorial Day (May);
   (5) 4th Of July (July);
   (6) 24th of July (July);
   (7) Labor Day (September);
   (8) Thanksgiving (November); and
   (9) End of year/Christmas (December 15 - December 31).

9-18D-100: PROCEDURES:

Approval of this Auto Mall Special District article shall constitute conceptual site plan approval for the development as noted in section 9-18D-110, exhibit B of this article. Except as otherwise provided herein, all other procedural requirements, such as applications for subdivision approval, site plan review, conditional use approvals, and any other permits shall be processed in accordance with the Herriman City requirements, ordinances and procedures.

9-18D-110: EXHIBITS:
A. Auto Mall Special District Boundaries
B. Schematic Site Plan
Add to definitions:

**MONOLITHIC SIGN:** A high profile, on premises sign where the sign face and supports are within the same cabinet structure, independent of any building or other structure

Remove as a conditional or permitted use from C-2, M-1 and MU-2:

*Vehicle and equipment rental or sale*
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<td><strong>Request</strong></td>
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MONARCH VILLAGE
HERRIMAN, UT

COLORS ARE REPRESENTATION ONLY. FINAL COLORS MAY VARY FROM ABOVE REPRESENTATION

TYPICAL 6-PLEX (A/B UNITS)
FOR SALE PRODUCT

MONARCH VILLAGE
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