

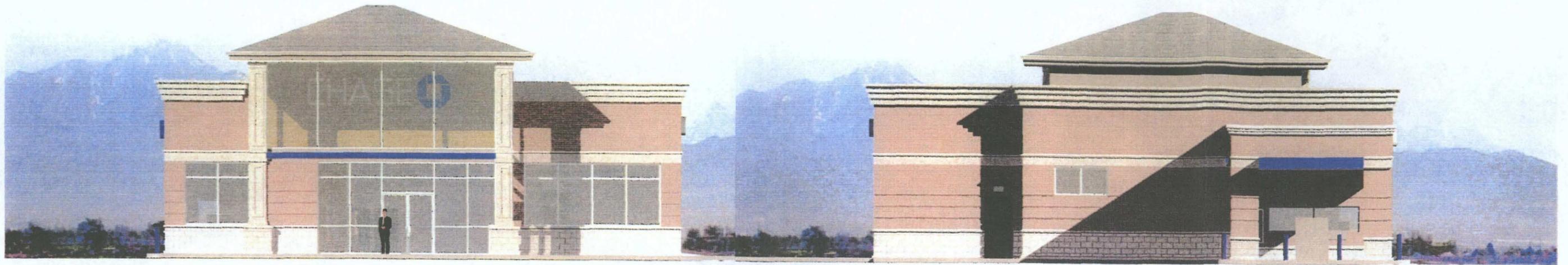


CITY OF CEDAR HILLS

TO:	Planning Commission
FROM:	Greg Robinson, Assistant to the City Manager
DATE	5/21/2008

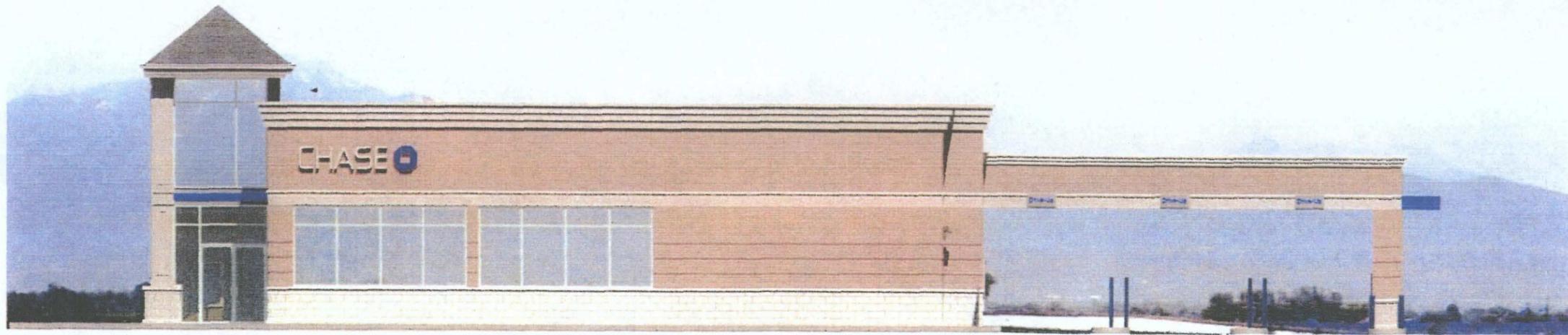
Planning Commission Agenda Item

SUBJECT:	Chase Bank Concept/Preliminary Site Plan
APPLICANT PRESENTATION.	CLC Associates and Chase Bank Representatives
STAFF PRESENTATION:	Greg Robinson, Assistant to the City Manager, Planning
BACKGROUND AND FINDINGS: Chase Bank will be leasing land from Amsource, who is currently seeking final approval from the City Council and will be doing nearly all the site improvements. This approval will be dealing mainly with the building elevations. The applicant has been through Site Plan Review Committee (see below) and has returned with this submittal. While this is an improvement from what was originally submitted it is still lacking in the architectural features that have been required of other commercial applicants, i.e. slate roof, copulas, varied building facades, and other feature associated with American Colonial Architecture.	
PREVIOUS LEGISLATIVE ACTION. Site Plan Review Committee – Committee was clear that the building elevations did not meet with the city's design guidelines, and recommended that the applicant rework the building elevations.	
FISCAL IMPACT: N/A	
SUPPORTING DOCUMENTS Chase Bank Elevations	
RECOMMENDATION: Review the elevations based on city design guidelines, and staff recommends that applicant make changes to	
MOTION: To approve/not approve the concept/preliminary site plan for the Chase Bank Site	



NORTH ELEVATION SCALE 3/16" = 1'-0"

SOUTH ELEVATION SCALE 3/16" = 1'-0"

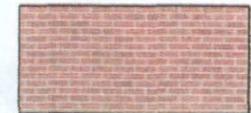


WEST ELEVATION SCALE 3/16" = 1'-0"



EAST ELEVATION SCALE 3/16" = 1'-0"

MATERIAL SAMPLES



BRICK PARK ROSE STANDARD BY INTERSTATE BRICK



SAVANNAH STONE ROCK FACE WHITE AND ACCENT BAND



ASPHALT SHINGLES - GRAY



CORNICE AND TRIM WHITE STUCCO

CHASE BANK
CEDAR HILLS, UTAH

CLC ASSOCIATES
420 EAST SOUTH TEMPLE
SALT LAKE CITY, UTAH 84111
PHONE: 801-363-5605
FAX: 801-363-5604





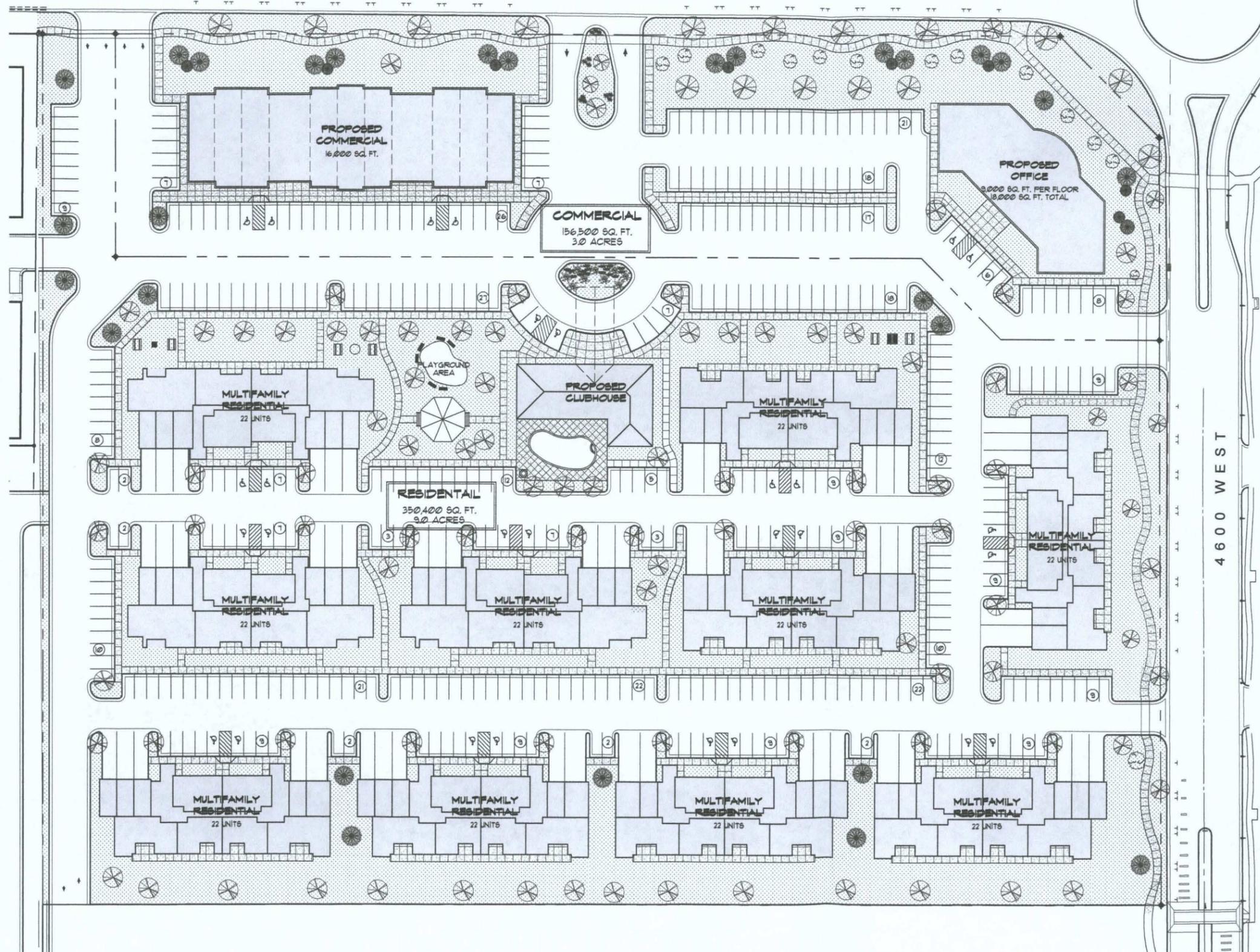
CITY OF CEDAR HILLS

TO	Planning Commission
FROM	Greg Robinson, Assistant to the City Manager
DATE	5/20/2008

Planning Commission Agenda Item

SUBJECT	HB Development Group Cedar Hills Mixed-Use Commercial Project (South Side Commercial Property)
APPLICANT PRESENTATION	Harold Lefrandt
STAFF PRESENTATION	Greg Robinson, Assistant to the City Manager, Planning
BACKGROUND AND FINDINGS	
<p>HB Development is proposing to develop a mixed use development. An initial design was submitted to the site plan review committee that was later changed to the design that is included. The parcel will be divided into two parcels: a 3.6 acre commercial site with the three buildings fronting Cedar Hills Drive, and an 8.0 acre parcel with 10 apartment buildings, and one clubhouse. These are proposed to be luxury apartments, with an anticipated total of 200 units. Our Design Guidelines do allow for mixed use commercial/residential developments, but in the list of conditional uses in Section 3.2 in the footnotes 3,4,5 pertaining to residential, attached units are all that is allowed and for every sub-district it is an ancillary use less than 50% of a building and not allowed on the first floor. For the independent development criteria to work it would need to be in the Office Sub-District and the sub-district map on page 31 the entire property is located within the Neighborhood Retail and the Mixed-Use Office/Retail Sub-Districts.</p>	
PREVIOUS LEGISLATIVE ACTION	
<p>Site Plan Review Committee – A recommendation to change the design to include more commercial building, work on traffic alignments, and flow between developments.</p>	
FISCAL IMPACT	
N/A	
SUPPORTING DOCUMENTS	
HB Development Concept Plan	
RECOMMENDATION	
Not to approve the proposed concept plan for the HB Development mixed-use project.	
MOTION	
Make a recommendation to the City Council to recommend/not recommend concept approval of the HB Development South Side Commercial Project.	

CEDAR HILLS DRIVE



SITE INFORMATION	
LOT SIZE	518,750 SQ. FT. (12.0 ACRES)
COMMERCIAL	156,500 SQ. FT. (3.6 ACRES)
RESIDENTIAL	308,350 SQ. FT. (7.0 ACRES)
LANDSCAPING	138,236 SQ. FT. (3.1 ACRES)
PARKING REQUIREMENTS	
COMMERCIAL	16,000 SQ. FT.
OFFICE	18,000 SQ. FT.
STALLS PROVIDED	15 (35 STALLS PER 1000)
MULTIFAMILY RESIDENTIAL	4,600 SQ. FT.
CLUBHOUSE	220 UNITS
MULTIFAMILY UNITS	94
GARAGES	94
DRIVEWAYS	389
STALLS PROVIDED	382
TOTAL PARKING PROVIDED	382 SPACES (1.1 PER UNIT)

CS
CARPENTER STRINGHAM
architects
 522 east 100 south • salt lake city, utah 84102
 tele 801.325.4255 • fax 801.325.4251 • cscarpenterstringham.com
 ARCHITECTURE • PLANNING • INTERIORS

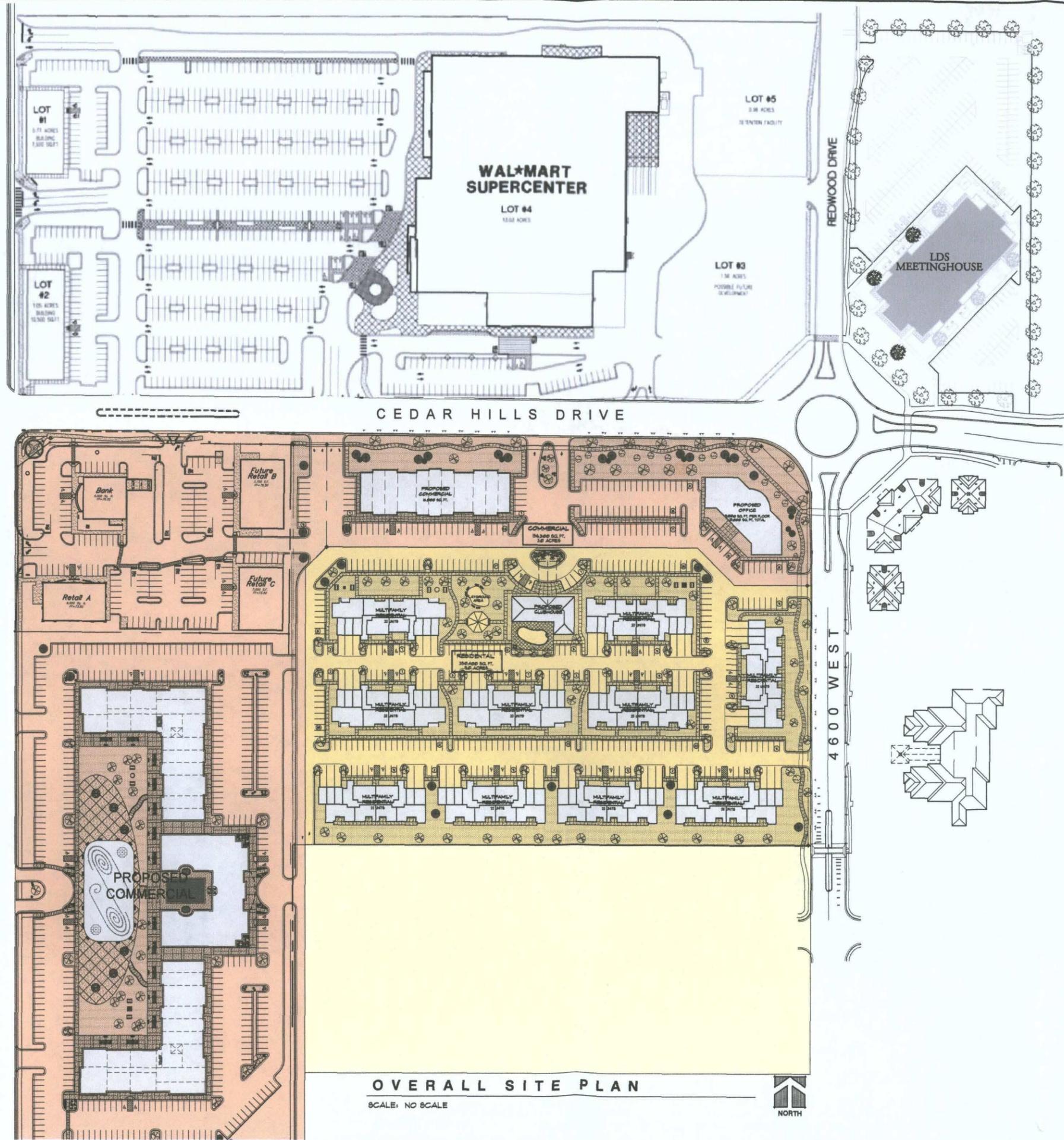
PROJECT: A Proposed
Cedar Hills Mixed-Use Development
 Cedar Hills Drive 4600 West
 Cedar Hills, Utah

GENERAL CONTRACTOR	
SHEET TITLE	Site Plan
REVISIONS	
PROJECT:	08-000.01
DATE:	April 2008
SCALE:	As Shown
DRAWN BY:	aj
CHECKED:	ppm

SHEET	
A001	

PROPOSED SITE PLAN
 SCALE 1" = 30'-0"





OVERALL SITE PLAN

SCALE: NO SCALE



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 522 east 100 south • salt lake city, utah 84102
 tele 801.338.4259 • fax 801.338.4251 • www.carpenterstringham.com
 ARCHITECTURE • PLANNING • INTERIORS

PROJECT
 A Proposed
Cedar Hills Mixed-Use Development
 Cedar Hills Drive 4600 West
 Cedar Hills, Utah

GENERAL CONTRACTOR

SHEET TITLE
 Site Plan

REVISIONS

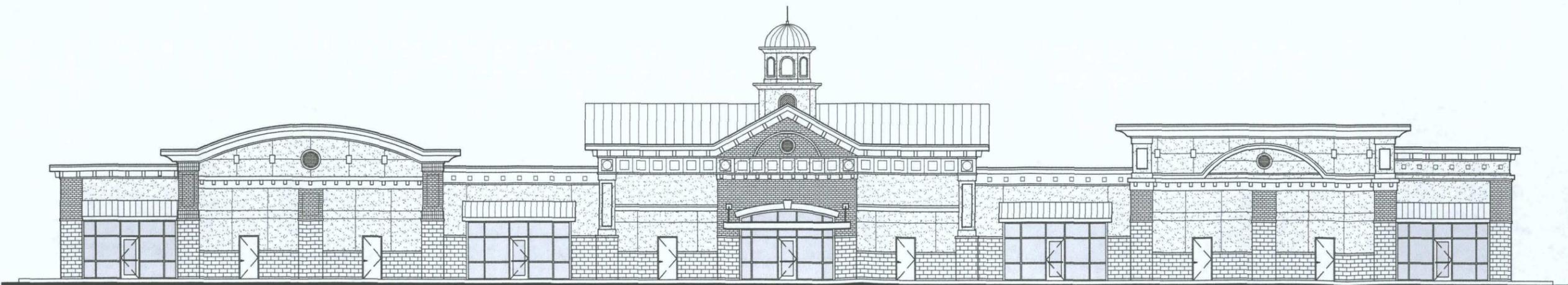
PROJECT: 08-000.01
 DATE: April 2008
 SCALE: As Shown
 DRAWN BY: sj
 CHECKED: ppm

SHEET
A001



PROPOSED CONCEPT ELEVATION (SOUTH)

SCALE: NO SCALE



PROPOSED CONCEPT ELEVATION (NORTH)

SCALE: NO SCALE

CARPENTER STRINGHAM **CS**
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 522 east 100 south • salt lake city, utah 84102
 tele 801.328.4259 • fax 801.328.4281 • ccarpenters@stringham.com
 ARCHITECTURE • PLANNING • INTERIORS

PROJECT
 A Proposed
Cedar Hills Mixed-Use Development
 Cedar Hills Drive 4600 West
 Cedar Hills, Utah

GENERAL CONTRACTOR

SHEET TITLE
 Elevation

REVISIONS

PROJECT: 08-000.01
 DATE: April 2008
 SCALE: As Shown
 DRAWN BY: rjh
 CHECKED: ppm

SHEET
A201

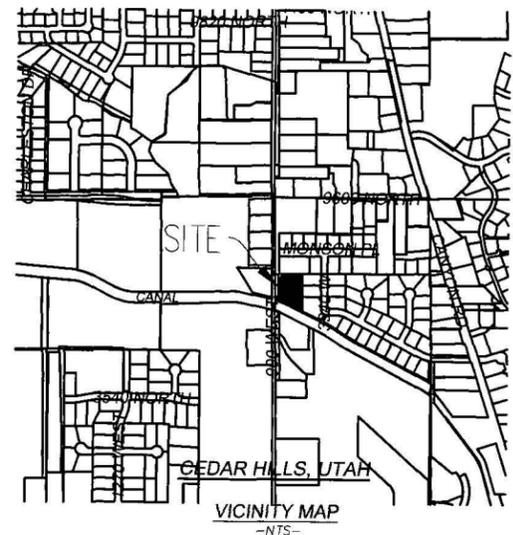
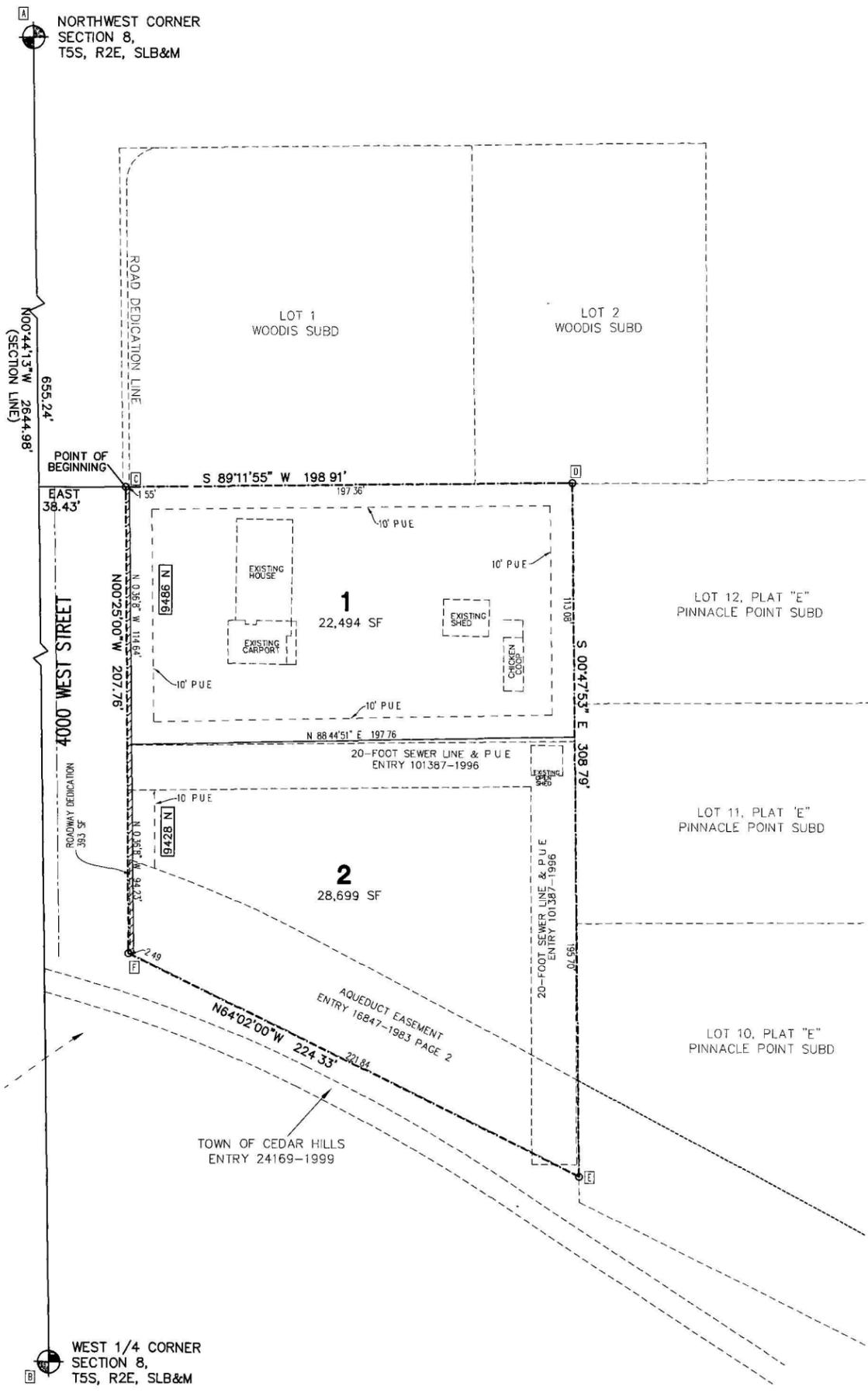


CITY OF CEDAR HILLS

TO	Planning Commission
FROM	Greg Robinson, Assistant to the City Manager
DATE	5/20/2008

Planning Commission Agenda Item

SUBJECT	Dimond Concept/Preliminary Subdivision
APPLICANT PRESENTATION	Dave Dimond
STAFF PRESENTATION	Greg Robinson, Assistant to the City Manager, Planning
BACKGROUND AND FINDINGS	
<p>The Dimond Property is located at 9486 North 4000 West which is in the Planned Residential PR 2 2 Zone This is a straight forward subdivision, both properties will access off of 4000 W Lot 2 will need to be set back a little farther because of the easements associated with the property There are no major issues with this subdivision, the improvements (curb, gutter, sidewalk, etc) will be required to be installed, and water rights (2 28 acre feet for Lot 2) will need to be provided to the city as well Engineering requirements still needed</p> <ul style="list-style-type: none"> • Drainage calculations must be submitted • Clarification on PI connections and power pole location 	
PREVIOUS LEGISLATIVE ACTION	
None	
FISCAL IMPACT	
N/A	
SUPPORTING DOCUMENTS	
Dimond Subdivision Plat	
RECOMMENDATION	
Approve the concept/preliminary subdivision of the Dimond Plat	
MOTION	
To approve/not approve the concept/preliminary subdivision of the Dimond Plat, subject to	

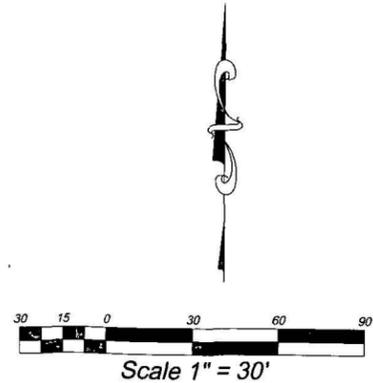


- NOTES**
- 1) 5/8" REBAR WITH PLASTIC CAPS STAMPED "RLS 176695" TO BE SET AT EACH LOT CORNER AND CURB PLUGS TO BE SET IN THE TOP BACK CURB AT THE EXTENSION OF THE SIDE LOT LINES
 - 2) CURRENT ZONING FOR THIS PROPERTY IS PR 2.2
 - 3) BUILDING SETBACKS PER PR 2.2 ZONE
FRONT = 30 FEET
REAR = 25 FEET
SIDE = 10 FOOT MINIMUM WITH COMBINED SIDEYARD
SETBACK TOTAL OF 24 FEET MINIMUM
EXISTING CORNER LOT SIDEYARD SETBACK = 19.8 FEET
 - 4) A GEOTECHNICAL REPORT WILL BE PROVIDED PRIOR TO BUILDING CONSTRUCTION

STATE PLANE COORDINATES

	NORTHING	EASTING
A	755,248.92	1,929,395.84
B	752,604.91	1,929,429.85
C	754,593.88	1,929,442.69
D	754,596.66	1,929,641.52
E	754,288.00	1,929,645.82
F	754,386.20	1,929,444.20

USPCS-27, CENTRAL ZONE, SCALE FACTOR=0.9997



SURVEYOR'S CERTIFICATE

I, MATTHEW B. JUDD, DO HEREBY CERTIFY THAT I AM A LICENSED LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 6913 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, BLOCKS, STREETS, AND EASEMENTS AND THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT AND THAT THIS PLAT IS TRUE AND CORRECT.

DATE _____ (SEE SEAL BELOW)

BOUNDARY DESCRIPTION

COMMENCING AT A POINT LOCATED SOUTH 00°44'13" EAST ALONG THE SECTION LINE 655.24 FEET AND EAST 38.43 FEET FROM THE NORTHWEST CORNER OF SECTION 8, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE & MERIDIAN, THENCE NORTH 89°11'55" EAST ALONG THE EXISTING SOUTHERLY BOUNDARY OF WOODIS SUBDIVISION 198.91 FEET TO A POINT ON THE WESTERLY BOUNDARY OF PLAT "E", PINNACLE POINT SUBDIVISION, THENCE SOUTH 00°47'53" EAST 308.79 ALONG SAID BOUNDARY OF PLAT "E", PINNACLE POINT SUBDIVISION, THENCE NORTH 64°02'00" WEST 224.33 FEET, THENCE NORTH 00°25'00" WEST 207.76 FEET TO THE POINT OF BEGINNING

AREA = 1.1843 ACRES
NUMBER OF LOTS=2

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, ALL OF THE UNDERSIGNED OWNERS OF ALL OF THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE HERON AND SHOWN ON THE MAP, AND SUBJECT TO ANY CONDITIONS AND RESTRICTIONS STATED HEREON, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, BLOCKS, STREETS, AND EASEMENTS AND DO HEREBY DEDICATE THE STREETS AND OTHER PUBLIC AREAS AS INDICATED HEREON FOR PERPETUAL USE OF THE PUBLIC.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS THIS _____ DAY OF _____, A.D. 20__

ACKNOWLEDGMENT

STATE OF UTAH, SS
COUNTY OF UTAH, SS

ON THE _____ DAY OF _____, 20__, PERSONALLY APPEARED BEFORE ME THE SIGNERS OF THE FOREGOING DEDICATION WHO DULY ACKNOWLEDGE TO ME THAT THEY DID EXCUTE THE SAME.

MY COMMISSION EXPIRES _____ NOTARY PUBLIC (SEE SEAL BELOW)

ACCEPTANCE BY LEGISLATIVE BODY

THE CITY COUNCIL OF CEDAR HILLS CITY, COUNTY OF UTAH, APPROVES THIS SUBDIVISION SUBJECT TO THE CONDITIONS AND RESTRICTIONS STATED HEREON AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, EASEMENTS, AND OTHER PARCELS OF LAND INTENDED FOR PUBLIC PURPOSES FOR THE PERPETUAL USE OF THE PUBLIC.

THIS _____ DAY OF _____, 20__

APPROVED _____
ENGINEER (SEE SEAL BELOW)

ATTEST _____
CLERK RECORDER (SEE SEAL BELOW)

PLANNING COMMISSION APPROVAL

APPROVED THIS _____ DAY OF _____, 20__, BY THE CITY OF CEDAR HILLS PLANNING COMMISSION

DIRECTOR - SECRETARY _____ CHAIRPERSON, PLANNING COMMISSION _____

PLAT "A"
DIMOND SUBDIVISION
SUBDIVISION

CEDAR HILLS, _____ UTAH COUNTY, UTAH

SCALE 1" = 30 FEET

Surveyor's Seal	Notary Public Seal	City Engineer's Seal	Clerk-Recorder Seal
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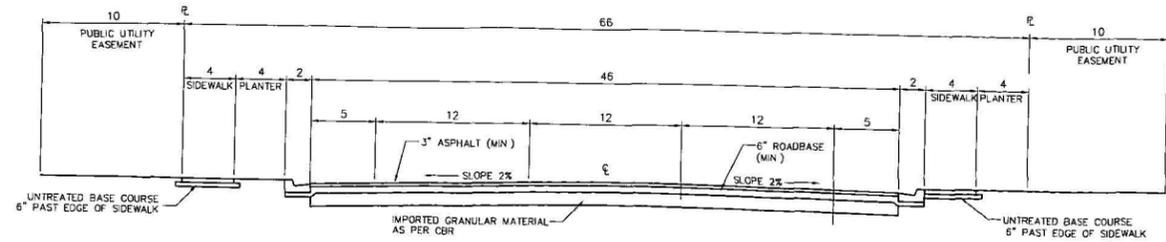
N00°44'13" W 2644.98' (SECTION LINE)

4000 WEST STREET

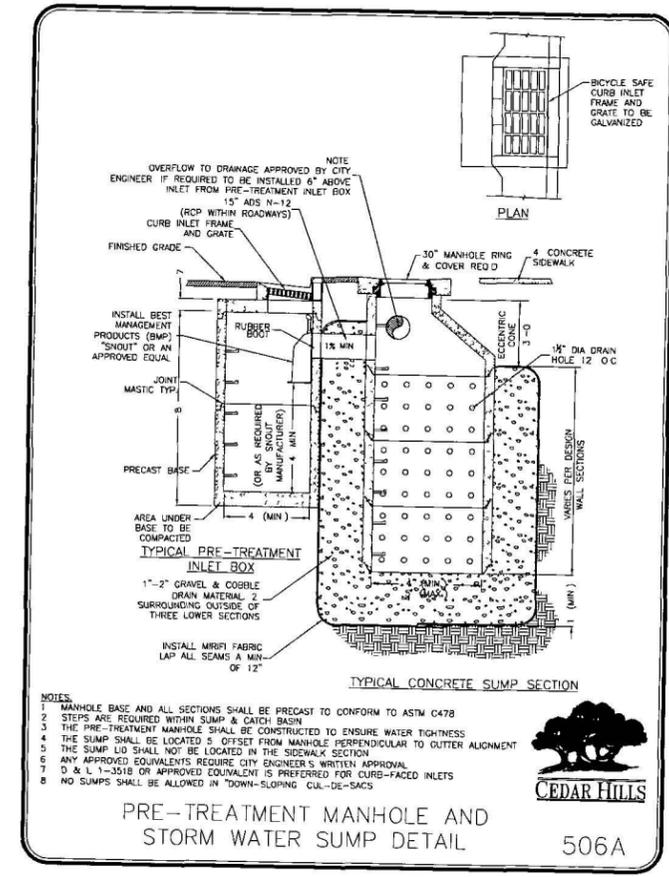
WEST 1/4 CORNER SECTION 8, T5S, R2E, SLB&M

NORTHWEST CORNER SECTION 8, T5S, R2E, SLB&M

LEGEND	
	FIRE HYDRANT
	CULINARY WATER VALVE
	PROPOSED ELEVATION
	EXISTING ELEVATION
	GRADE LABEL



66' STREET CROSS-SECTION
4000 WEST
NTS

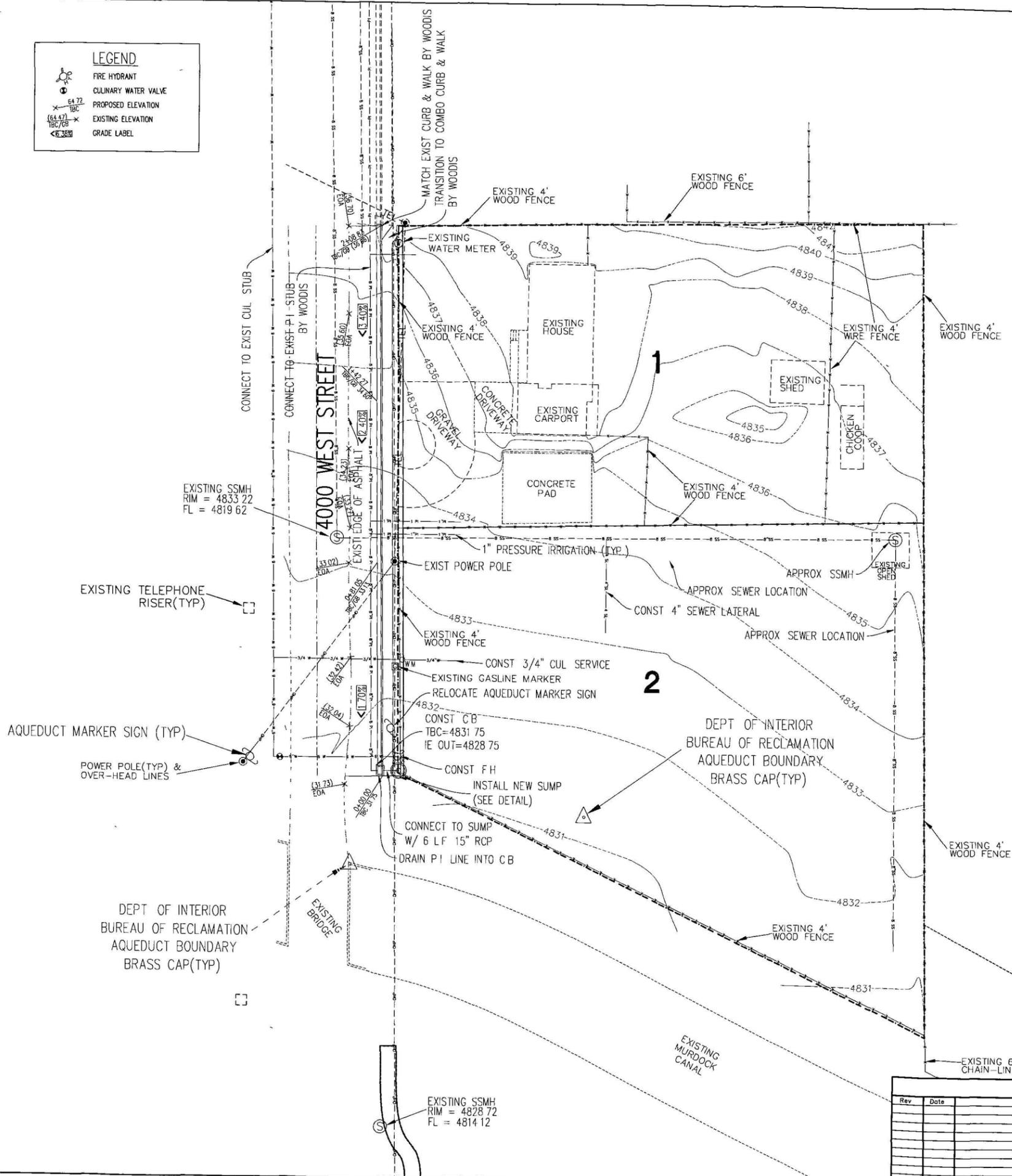
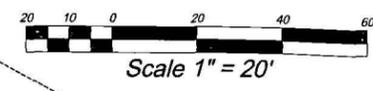


NOTES TO CONTRACTOR

- CONTRACTOR TO FIELD VERIFY ALL EXISTING CURB & GUTTER, STORM DRAIN, & SEWER ELEVATIONS OR INVERTS PRIOR TO CONSTRUCTION AND NOTIFY ENGINEER WHEN ELEVATIONS OR INVERTS DO NOT MATCH PLANS
- THE LOCATION OF EXISTING UNDERGROUND UTILITIES IS SHOWN IN APPROXIMATE LOCATIONS. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY HIS FAILURE TO EXACTLY LOCATE AND PRESERVE AND ALL UNDERGROUND UTILITIES, WHETHER OR NOT SUCH FACILITIES ARE SHOWN ON THESE PLANS

GENERAL NOTE
1 ALL WORK TO BE DONE IN ACCORDANCE WITH CEDAR HILLS CITY STANDARDS & SPECIFICATIONS

SHEET INDEX	
1	COVER SHEET & OVERALL UTILITY PLAN
2	4000 WEST PLAN/PROFILE



REVISIONS			
Rev	Date	Description	App'd

OWNER/DEVELOPER: DAVE DIMOND
9486 North 4000 West
CEDAR HILLS, UT 84062
(801) 785-0628

EXCEL ENGINEERING, INC.
12 WEST 100 NORTH, #201
AMERICAN FORK, UT 84003
(801) 756-4504, FAX (801) 756-4511

CURRENT PROPERTY ZONING PR2-2

DIMOND SUBDIVISION

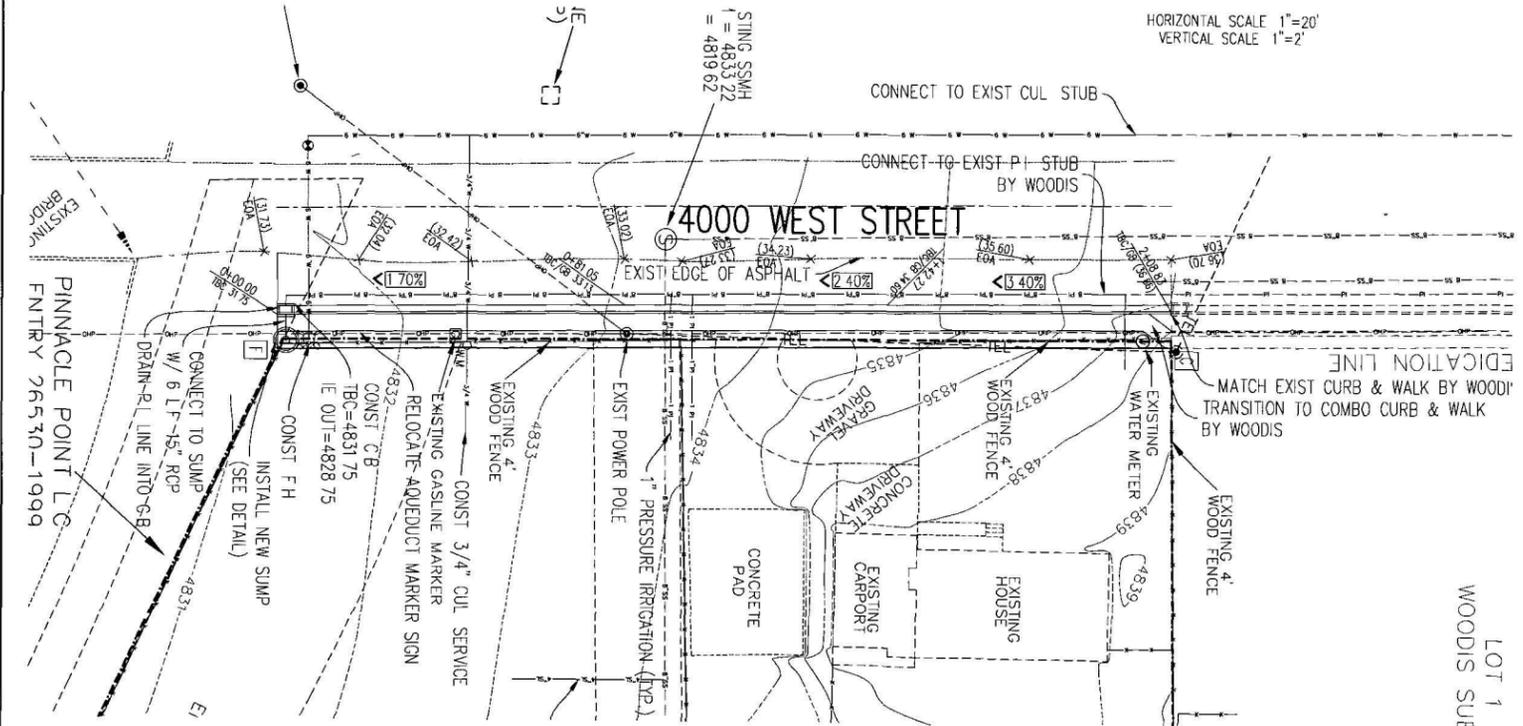
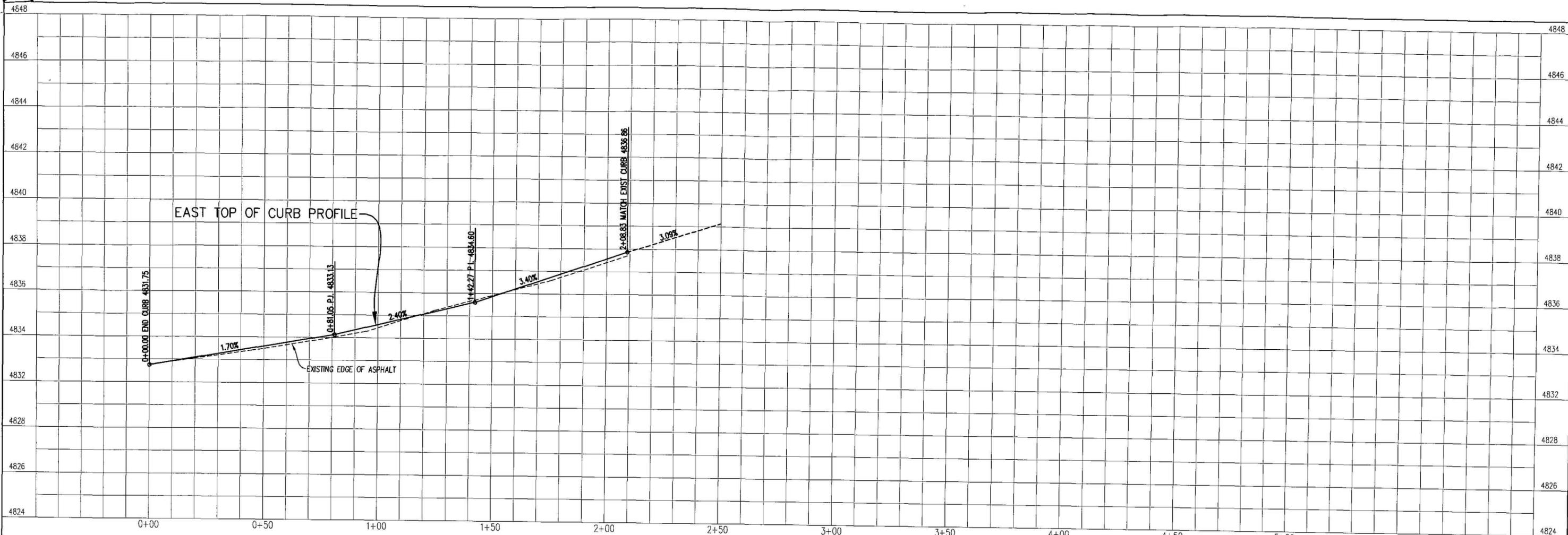
CEDAR HILLS SUBDIVISION UTAH

Scale 1"=20'

Date 04/11/08

1 OF 2

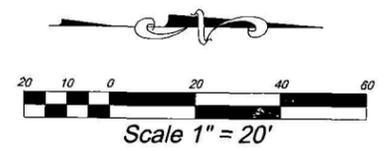
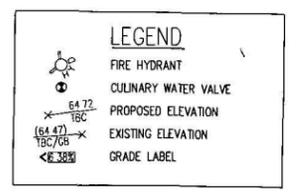
**COVER SHEET/
OVERALL UTILITY PLAN**



HORIZONTAL SCALE 1"=20'
VERTICAL SCALE 1"=2'

NOTES TO CONTRACTOR

- CONTRACTOR TO FIELD VERIFY ALL EXISTING CURB & GUTTER, STORM DRAIN, & SEWER ELEVATIONS OR INVERTS PRIOR TO CONSTRUCTION AND NOTIFY ENGINEER WHEN ELEVATIONS OR INVERTS DO NOT MATCH PLANS
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4000 WEST

REVISIONS			
Rev	Date	Description	App'd

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CEDAR HILLS, UT 84062
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CURRENT PROPERTY ZONING PR2 2

DIMOND SUBDIVISION

CEDAR HILLS SUBDIVISION UTAH

4000 WEST PLAN/PROFILE

Scale 1"=20'
Date 04/11/08
2 OF 2



CITY OF CEDAR HILLS

TO: Planning Commission and Staff
FROM: Kim E. Holindrake, City Recorder
DATE: May 23, 2008

Planning Commission Memorandum

SUBJECT: City Code, Title 3 and 10 Amendments
APPLICANT PRESENTATION:
STAFF PRESENTATION: Kim Holindrake

BACKGROUND AND FINDINGS:

Along with previous changes regarding business licensing, the City needs to move Premises Occupations out of Title 10 and into Title 3. Additional changes have been made to the text because it is already covered in business licensing.

PREVIOUS LEGISLATIVE ACTION:

FISCAL IMPACT:

SUPPORTING DOCUMENTS:

Proposed Ordinance

RECOMMENDATION

To recommend approval to the City Council with any additional changes.

MOTION

To recommend the proposed ordinance amending Title 3, Chapter 1, Business Licensing to the City Council.

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 3, CHAPTER 1, BUSINESS LICENSING OF THE CITY CODE OF THE CITY OF CEDAR HILLS, UTAH.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH COUNTY, STATE OF UTAH:

**PART I
AMENDMENTS**

SECTION 1. Title 3, Business and License Regulations, Chapter 1, Article A, Section 1, is hereby amended by adding the following definition to read as follows:

3-1A-1: GENERAL WORDS AND TERMS:

PREMISES OCCUPATION: A business conducted out of a customary residential accessory structure.

SECTION 2. Title 3, Business and License Regulations, Chapter 1, is hereby amended by adding Article E to read as follows:

3-1E: PREMISES OCCUPATIONS

3-1E-1 REQUIREMENTS AND CONDITIONS:

A. ~~Intent: The following regulations have been established to provide standards for the establishment and operation of Premises Occupations within residential zones.~~

~~B. Application and Approval Required:~~ Premises Occupations may be permitted and operated by action of the Planning Commission following receipt and approval of an application for such use, and subject to, and in compliance with a finding that the proposed Premises Occupation conforms to the following conditions and standards:

1. Premises Occupations are listed as a conditional use in specifically permitted as a use within the zone.
2. The lot upon which the Premises Occupation is conducted shall have a lot area of not less than one acre, contain a dwelling that is occupied by the owner of the Premises Occupation and be adjacent to and have ingress and egress to an arterial road.
3. All activities of the Premises Occupation, except for the incidental ingress and egress of vehicles used in the conduct of the activity, shall be conducted entirely within a

building that qualifies as a "customary residential accessory structure" as defined in Title 10-2 of the City Code ~~section 10-2-1 of this title ("accessory building")~~.

4. The accessory building containing the Premises Occupation shall:
 - a. Be located entirely within the portion of the rear yard area of the lot; and
 - b. Occupy not more than eight percent (8%) of the rear yard area of the lot or have a total floor area of not more than seven hundred fifty (750) square feet, whichever is less; provided, however, that the floor area of an accessory building housing a premises occupation may exceed seven hundred fifty (750) square feet in the instance where the accessory building existed prior to April 6, 2004 ~~the effective date hereof and contained more than seven hundred fifty (750) square feet at the time of adoption~~; and
 - c. Conform to the height requirements applicable to accessory buildings within the zone district in which it is located.
5. No equipment or vehicles used in connection with the activities of the Premises Occupation shall be stored outside of the accessory building and all materials used or intended for use in connection with the Premises Occupation shall be contained within the accessory building.
6. No commercial vehicles shall be located on the premises except one delivery truck that does not exceed ten thousand (10,000) GVW rated capacity. No more than six (6) vehicles, including the owner's, shall be parked on the premises and the public street directly in front of the premises. No storage or parking is permitted of tractor-trailers, semitrucks or any heavy equipment on the premises or on the streets in the vicinity of the premises.
7. The on site activities of the Premises Occupation shall be conducted by members of the residing family and not more than one (1) nonfamily member.
8. The Premises Occupation shall contain no facilities for the display of goods or merchandise. Any sale of goods or merchandise produced off the premises shall constitute a clearly incidental part of the Premises Occupation.
9. The Premises Occupation shall be clearly incidental and secondary to the use of the property for residential purposes and will not change the character of the area from that of a residential neighborhood.
10. The Premises Occupation shall be registered with the business license division of the City and shall be required to obtain a business license in accordance with City regulations. All businesses, using a business name, are required by law to register with the State Department of Commerce. Registration of assumed business names

is required of all businesses that are not corporations, limited liability companies or limited partnerships.

11. Signs relating to the Premises Occupation shall be limited to one unlighted nameplate, having a sign face area not more than two (2) square feet, identifying the name and activity of the Premises Occupation.
12. The physical appearance, traffic generation characteristics, need for off street parking for patrons, and other activities in connection with the Premises Occupation shall not be contrary to the intent of the zone in which the Premises Occupation is located and will not depreciate surrounding values or decrease the quality of life within the area.
13. The activities of the Premises Occupation shall not involve the use of materials or chemicals in amounts that will significantly increase the hazard of fire, explosion, or safety to structures or occupants on the lot or of adjacent structures or occupants.
14. The operation of the Premises Occupation shall not produce any noise, smoke, glare, light, fumes, dust or similar condition that is readily discernable outside the accessory building or that interferes with the peaceful enjoyment of a residential environment by the occupants of adjacent residential dwellings.
15. A site plan, drawn to scale, and showing the location of the accessory building, its relationship to dwellings on the same and adjacent properties and provisions for safe vehicular access shall be submitted with the application.
16. The Premises Occupation shall not generate traffic between the hours of eight o'clock (8:00) P.M. and seven o'clock (7:00) A.M.

~~C. Conditions May Be Attached:~~

17. In order to achieve the objectives of this Article Section and to protect the health, safety and quality of life in the community, the Planning Commission may attach conditions to the granting of a Premises Occupation consistent with the standards herein above stated.

~~D. Appeals Permitted: Any person aggrieved by a determination of the Planning Commission may request a hearing before the Board of Adjustment, who shall have the authority to reverse, affirm or modify any decision of the Planning Commission. Any such appeal shall be filed within ten (10) days of the determination of the Planning Commission.~~

~~E. Continuing Obligation; Business License Required:~~

1. ~~All Premises Occupations shall be operated in compliance with the conditions herein above set forth and any conditions that may be attached as part of the approval. Upon approval of a Premises Occupation, the applicant shall be eligible to acquire a~~

~~business license to operate as set forth in subsection 10-5-15A8 of this chapter. Issuance of the business license shall be conditioned upon continued performance of the conditions of approval and said license shall be refused or revoked upon failure of the owner and/or operator to maintain or operate the premises occupation in accordance therewith.~~

~~2. The approval shall be valid for the remainder of the year in which it is first granted. Thereafter, the approval will be extended for successive one year periods, commencing on January 1 of the calendar year; provided, that:~~

~~a. The premises occupation remains substantially the same as initially approved; and~~

~~b. The premises occupation has remained active as evidenced by the acquisition of a valid business license for the previous year.~~

~~F. Termination Of Approval Permitted; Procedure: The City may revoke the approval of the Premises Occupation or refuse renewal of the business license therefor upon a determination made by the City Council, following notice and hearing on the matter, that the Premises Occupation is not in compliance with the provisions of this Section or the conditions attached at the time of approval. The Zoning Administrator shall have a reasonable right of entry for the purpose of inspection of the premises to determine compliance with the provisions of this section.~~

SECTION 3. Title 3, Business and License Regulations, Chapter 1, Section 14, is hereby amended to read as follows:

3-1-14: CLASSIFICATION OF RECORDS AN APPLICATION:

Business and License Records ~~Applications~~ shall be public records and information contained in them shall be public except for specific items of data that the ~~City Recorder licensing official~~ classifies as private, controlled, or protected consistent with the provisions of Utah Code Annotated 63G-2-101 et seq., Government Records Access and Management Act. ~~The applicant's A BCI background check shall remain a confidential, protected, private record not available for public inspection. The licensing official may furnish to the head of the City's law enforcement agency a listing of all applicants, those denied, and those issued a license.~~

SECTION 4. Title 10, Chapter 4, Article D, Section 2, entitled Permitted Uses is hereby amended by deleting "Premises Occupations, subject to the provisions of section 10-5-23 of this title" as a permitted use.

SECTION 5. Title 10, Chapter 4, Articles D and E, Section 3, entitled Conditional Uses is hereby amended by adding "Premises Occupations, subject to the provisions of Section 3-1E-1 of the City Code" as a conditional use.

SECTION 6. Title 10, Chapter 5, Section 23, of the City Code entitled Premises Occupations is hereby deleted in its entirety.

**PART II
PENALTY AND ADOPTION**

A. CONFLICTING PROVISIONS

Whenever the provisions of this Ordinance conflict with the provisions of any other Ordinance, resolution or part thereof, the more stringent shall prevail.

B. PROVISIONS SEVERABLE

This Ordinance and the various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid it is hereby declared that the remainder of the ordinance shall not be affected thereby.

C. AMENDMENT TO BE ADDED TO CITY CODE

The City Council hereby authorizes and directs that insert pages reflecting the provisions enacted hereby shall be made and placed in the City Code, Title 3.

D. PENALTY

Hereafter these amendments shall be construed as part of the City Code of the City of Cedar Hills, Utah, to the same effect as if originally a part thereof, and all provisions of said regulations shall be applicable thereto, including, but not limited to, the enforcement, violation and penalty provisions.

E. EFFECTIVE DATE

This Ordinance shall take effect upon its passage and publication as required by law.

**PASSED AND ORDERED POSTED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILLS,
UTAH, THIS 17TH DAY OF JUNE, 2008.**

Michael C. McGee, Mayor

ATTEST:

Kim E. Holindrake, City Recorder



CITY OF CEDAR HILLS

TO	Planning Commission
FROM	Brad Kearl-Zoning Administrator
DATE	May 22, 2008

Planning Commission
Agenda Item

SUBJECT.	Sexually Oriented Businesses
APPLICANT PRESENTATION	
STAFF PRESENTATION.	Greg Robinson
BACKGROUND AND FINDINGS	
Currently the City of Cedar Hills does not have an Ordinance concerning Sexually Oriented Businesses Staff feels it is prudent to review and approve this Ordinance as soon as possible in order to avoid potential future problems and lawsuits	
PREVIOUS LEGISLATIVE ACTION	
NONE	
FISCAL IMPACT	
NONE	
SUPPORTING DOCUMENTS	
See attached proposed Ordinance	
RECOMMENDATION	
Recommend approval to the City Council	
MOTION	
To recommend that Ordinance 5222008(A) to be approved by the City Council	

ORDINANCE NO.

AN ORDINANCE ADDING CERTAIN PROVISIONS OF THE ZONING ORDINANCE OF THE CITY OF CEDAR HILLS, REGARDING SEXUALLY ORIENTED BUSINESS AND EMPLOYEE LICENSING

WHEREAS, the City Council of the City of Cedar Hills, following receipt of a recommendation from the Planning Commission, has determined that it is in the best interest of the City of Cedar Hills and the residents thereof to enact certain provisions to the Zoning Ordinance

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH COUNTY, STATE OF UTAH:

**PART I
TITLE, PURPOSE AND APPLICABILITY**

The provisions of this Ordinance shall be known and may be referred to as the sexually oriented business and employee licensing ordinance

It is the purpose and object of this City that the City of Cedar Hills establish reasonable and uniform regulations governing the time, place and manner of operation of Sexually Oriented Businesses and employees of those businesses in the city This Ordinance shall be construed, and shall have the purpose to not only protect the governmental interests recognized by this Ordinance, including, but not limited to, the known secondary affects of such businesses, in a manner consistent with constitutional protections provided by the United States and Utah Constitutions

This Ordinance imposes regulatory standards and license requirements on certain business activities that are characterized as sexually oriented businesses, and certain employees of those businesses characterized as sexually oriented business employees Except where the context or specific provisions require, this Ordinance does not supersede or nullify any other related ordinances

**PART II
DEFINITIONS**

For the purpose of this Ordinance, words shall have the following meaning

ADULT BOOKSTORE OR ADULT VIDEO STORE A commercial establishment which

A Excludes minors from the premises, and

Sexually Oriented Business Ordinance

B As one of its principal purposes, offers sale or rental for any form of consideration one or more of the following books, magazine periodicals, printed matter, photographs, motion pictures, video cassettes reproductions, slides or other representations the central theme of depicts or describes "specified sexual act" or "specified sexual anatomical areas" or instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities Legitimate medically recognized contraceptives are excepted

ADULT BUSINESS An adult motion picture theater, adult book store or adult video store

ADULT MOTION PICTURE THEATER A commercial establishment that

A Excludes all minors from the premises, and

B As its principal business, shows, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions that are primarily characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"

ADULT THEATER A theater, concert hall, auditorium or similar commercial establishment that

A Holds itself out as such a business, or

B Excludes minors from the premises, and

C As its principal business, features persons who appear in live performances in a state of semi-nudity or that are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"

EMPLOY Hiring an individual to work for pecuniary or any other form of compensation, whether such person is on the payroll of the employer, as an independent contractor, as an agent, or any form of employment relationship

ESCORT Any person who, for pecuniary compensation, dates, socializes, visits, consorts with or accompanies or offers to date, consort, socialize, visit or accompany another or others to or about social affairs, entertainment or places of amusement or within any place of public or private resort or any business or commercial establishment or any private quarters Escort shall not be construed to include persons who provide business or personal services, such as licensed private nurses, aides for the elderly or handicapped social secretaries or similar service personnel whose relationship with their patron is characterized by a bona fide contractual relationship having a duration of more than twelve (12) hours and who provide a service not principally characterized as dating or socializing Escort shall also not be construed to include persons providing services such as singing telegrams, birthday greetings or similar activities

characterized by appearances in a public place, contracted for by a party other than the person for whom the service is being performed and of a duration not longer than three (3) hours

ESCORT SERVICE An individual or entity who for pecuniary compensation, furnishes or offers to furnish escorts, or provides or offers to introduce patrons to escorts

ESCORT SERVICE RUNNER Any third person, not an escort, who, for pecuniary compensation, acts in the capacity of an agent or broker for an escort service, escort or patron by contacting or meeting with escort services, escorts or patrons at any location within the City, whether or not such third person is employed by such escort service, escort, patron or by another business, or is an independent contractor or self-employed

NUDITY A state of dress in which the areola of the female breast, or male or female genitals, pubic region or anus are covered by less than the covering required in the definition of semi-nude

OPERATOR One who operates, manages, and supervises a sexually oriented business

OUTCALL SERVICES Services of a type performed by a sexually oriented business employee outside of the premises of the licensed sexually oriented business, including, but not limited to, escorts, models, dancers and other similar employees

PATRON Any person who contracts with or employs any escort services or escort, or the customer of any business licensed pursuant to this Ordinance

PECUNIARY COMPENSATION Any commission, fee, salary, tip, gratuity, hire, profit, reward or any other form of consideration

PERSON Any person, unincorporated association, corporation, partnership or other legal entity

SEMI-NUDE A state of dress in which opaque clothing covers no more than the areola of the female breast, and the male or female genitals, pubic region and anus shall be fully covered by an opaque covering no narrower than four inches (4") wide in the front and five inches (5") wide in the back

SEMI-NUDE DANCING AGENCY Any person, agency, firm, corporation, partnership or any entity or individual that furnishes bookings, or otherwise engages or offers to furnish bookings, or otherwise engage the service of a professional dancer licensed pursuant to this Ordinance for performance or appearance at a business licensed for adult theaters

SEMI-NUDE ENTERTAINMENT BUSINESS A business, including adult theater, where employees perform or appear in the presence of patrons of the business in a state of semi-nudity. A business shall also be presumed to be a semi-nude entertainment business if business holds itself out as such a business

SEXUALLY ORIENTED BUSINESS Semi-nude entertainment businesses, sexually oriented outcall services,” ‘adult businesses, and ‘semi-nude dancing agencies’ as defined by this Ordinance

SEXUALLY ORIENTED BUSINESS EMPLOYEES Those employees who work on the premises of a sexually oriented business in activities related to the sexually oriented portion of the business This includes all managing employees, dancers, escorts, models and other similar employees whether or not hired as employees, agents or as independent contractors Employee shall not include individuals whose work is unrelated to the sexually oriented portion of the business, such as janitors, bookkeepers and similar employees Sexually oriented business employees shall not include cooks, serving persons and similar employees, except where they may be managers or supervisors of the business All persons making outcall meetings under this Ordinance, including escorts, models, guards, escort runners, drivers, chauffeurs and other similar employees, shall be considered sexually oriented business employees

SPECIFIED ANATOMICAL AREAS The human male or female pubic area or anus with less than a full opaque covering, or the human female breast below a point immediately above the top of the areola, with less than full opaque covering

SPECIFIED SEXUAL ACTIVITIES Acts of

- A Masturbation
- B Human sexual intercourse
- C Sexual copulation between a person and a beast
- D Fellatio
- E Cunnilingus
- F Bestiality
- G Pederasty
- H Buggery
- I Any anal copulation between a human male and another male, human female or beast
- J Manipulating, caressing or fondling by any person of
 - 1 The genitals of a human
 - 2 The pubic area of a human

Sexually Oriented Business Ordinance

3 The breast or breasts of a human female,

K Flagellation, torture or sadomasochistic abuse by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of the one so clothed

**PART III
SEXUALLY ORIENTED BUSINESS AND EMPLOYEE LICENSING**

SECTION 1 STATUTORY PROVISIONS

A Obscenity Notwithstanding anything contained in this Ordinance, nothing in this Ordinance shall be deemed to permit or allow the showing or display of any matter that is contrary to applicable Federal or State statutes prohibiting obscenity

B Lewdness Notwithstanding anything contained in this Ordinance, nothing in this Ordinance shall be deemed to permit or allow conduct or the showing or display of any matter that is contrary to the provisions of Utah Code Annotated section 76-5-401 et seq

SECTION 2 LOCATION AND NAME RESTRICTIONS

A Zoning It is unlawful for any sexually oriented business to do business at any location within the City not zoned for such business

B Premises Licensed It is unlawful to conduct business under a license issued pursuant to this Ordinance at any location other than the licensed premises Any location to which telephone calls are automatically forwarded by such business shall require a separate license

C Name It is unlawful for any sexually oriented business to do business in the City under any name other than the business name specified in the application

D Zoning It is unlawful for any sexually oriented business or its employee(s) to do business at any location within the City not specifically and expressly zoned for such business and/or use

E No sexually-oriented business shall operate within 600 feet of any of the following

- 1) a residential zone boundary line as shown on the Zone Map of Cedar Hills,
- 2) the property boundary of any church, public park, public library, or school

SECTION 3 LEGITIMATE AND ARTISTIC MODELING

Sexually Oriented Business Ordinance

- A Intent The City does not intend to unreasonably or improperly prohibit legitimate modeling that may occur in a state of nudity for purposes protected by the First Amendment or similar State protections The City intends to prohibit prostitution and related offenses occurring under the guise of nude modeling Notwithstanding the provisions of Section 15 of this Ordinance, a licensed outcall employee may appear in a state of nudity before a customer or patron, providing that a written contract for such appearance was entered into between the customer or patron and the employee and signed at least twenty four (24) hours before the nude appearance All of the other applicable provisions of this Ordinance shall still apply to such nude appearances
- B Unlicensed Appearance, Unlawful Acts In the event of a contract for nude modeling or appearance signed more than forty eight (48) hours in advance of the modeling or appearance, the individual to appear nude shall not be required to obtain a license pursuant to this Ordinance During such unlicensed nude appearance, it is unlawful to
- 1 Appear nude or semi-nude in the presence of minors
 - 2 Allow, offer or agree to any touching of the contracting party or other person by the individual appearing nude,
 - 3 Allow, offer or agree to commit prostitution, solicitation of prostitution, solicitation of a minor or committing activities harmful to a minor,
 - 4 Allow, offer, commit or agree to any sex act as validly defined by City ordinances or State statute,
 - 5 Allow, offer, agree or permit the contracting party or other person to masturbate in the presence of the individual contracted to appear nude,
 - 6 Allow, offer or agree for the individual appearing nude to be within five feet (5') of any other person while performing or while nude or semi-nude

SECTION 4. CATEGORIES OF LICENSES, NUMBER LIMITED

- A Number It is unlawful for any business premises to operate or be licensed for more than one category of sexually oriented business, except that a business may have a license for both outcall service and a semi-nude dancing agency on the same premises
- B Categories The categories of sexually oriented businesses are
- 1 Outcall services,
 - 2 Adult businesses,

3 Semi-nude entertainment businesses,

4 Semi-nude dancing agency

SECTION 5. LICENSES REQUIRED

A Businesses, Exemptions

1 It is unlawful for any person to operate a sexually oriented business, as specified herein, without first obtaining a general business license and a sexually oriented business license. The sexually oriented business license shall specify the type of business for which it is obtained.

2 The provisions of this Ordinance shall not apply to any sex therapist or similar individual licensed by the State to provide bona fide sexual therapy or counseling, licensed medical practitioner, licensed nurse, psychiatrist, psychologist, nor shall it apply to any educator licensed by the State for activities in the classroom.

B Employees It is unlawful for any sexually oriented business to employ or for any individual to be employed by a sexually oriented business in the capacity of a sexually oriented business employee, unless that employee first obtains a sexually oriented business employee license.

SECTION 6 APPLICATION; DISCLOSURES

Before any applicant may be licensed to operate a sexually oriented business or as a sexually oriented business employee pursuant to this Ordinance, the applicant shall submit on a form to be supplied by the City license authority, the following:

A Name The correct legal name of each applicant, corporation, partnership, limited partnership or entity doing business under an assumed name.

B Corporations, Partnerships, Assumed Names

1 If the applicant is a corporation, partnership or limited partnership, or individual or entity doing business under an assumed name, the information required below for individual applicants shall be submitted for each partner and each principal of an applicant, and for each officer, director and any shareholder. Any holding company or any entity holding stock of any applicant, shall be considered an applicant for purposes of disclosure under this Ordinance.

2 The shareholder disclosure requirements above shall only be applicable for outcall service licenses.

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3 All corporations, partnerships or non-corporate entities included on the application shall also identify each individual authorized by the corporation, partnership or non-corporate entity to sign the checks for such corporation, partnership or non-corporate entity

C Personal Information For all applicants or individuals, the application must also state

1 Any other names or aliases used by the individual,

2 The age, date and place of birth,

3 Height,

4 Weight,

5 Color of hair,

6 Color of eyes,

7 Present business address and telephone number,

8 Present residence and telephone number, and

9 Social Security Number

D Proof Of Age Acceptable written or documented proof that any individual is at least twenty-one (21) years of age

E Photographs, Fingerprints Attached to the form, as provided above, two (2) color photographs of the applicant clearly showing the individual's face and the individual's fingerprints on a form provided by the Police Department For persons not residing in the City, the photographs and fingerprints may be on a form from the law enforcement jurisdiction where the person resides Fees for the photographs and fingerprints shall be paid by the applicant directly to the issuing agency

F Health Certificate For any individual applicant required to obtain a sexually oriented business employee license as an escort or a semi-nude entertainer, a certificate from the Utah County Health Department, stating that the individual has, within thirty (30) days immediately preceding the date of the original or renewal application, been examined and found to be free of any contagious or communicable diseases

G Employment History A statement of the business, occupation or employment history of the applicant for three (3) years immediately preceding the date of the filing of the application

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- H License Or Permit History A statement detailing the license or permit history of the applicant for the five (5) year period immediately preceding the date of the filing of the application, including whether such applicant previously operated or sought to operate a sexually oriented business in this or any other county, city, state or territory, has ever had a license, permit or authorization to do business denied, revoked or suspended, or has ever had any professional or vocational license or permit denied, revoked or suspended. In the event of any such denial, revocation or suspension, state the date, the name of the issuing or denying jurisdiction and state in full the reasons for the denial, revocation or suspension. A copy of any order of denial, revocation or suspension shall be attached to the application.
- I Criminal Convictions All criminal convictions or pleas of nolo contendere, except those that have been expunged, and the disposition of all such arrests for the applicant, individual or other entity subject to disclosure under this Ordinance, for five (5) years prior to the date of the application. This disclosure shall include identification of all ordinance violations, excepting minor traffic offenses (any traffic offense designated as a felony shall not be construed as a minor traffic offense), stating the date, place, nature of each conviction or plea of nolo contendere, and sentence of each conviction or other disposition, identifying the convicting jurisdiction and sentencing court, and providing the court identifying case numbers or docket numbers. Application for a sexually oriented business or employee license shall constitute permission for disclosure of any criminal conviction or plea of nolo contendere for the purposes of any proceeding involving the business or employee license.
- J Lease Or Rental Of Property In the event the applicant is not the owner of record of the real property upon which the business or proposed business is or is to be located, the application must be accompanied by a notarized statement from the legal or equitable owner of the possessory interest in the property specifically acknowledging the type of business for which the applicant seeks a license for the property. In addition to furnishing such notarized statement, the applicant shall furnish the name, address and phone number of the owner of record of the property, as well as the copy of the lease or rental agreement pertaining to the premises in which the service is or will be located.
- K Description Of Services A description of the services to be provided by the business, with sufficient detail to allow reviewing authorities to determine what business will be transacted on the premises, together with a schedule of usual fees for services to be charged by the licensee and any rules, regulations or employment guidelines under or by which the business intends to operate. This description shall also include
- 1 The hours that the business or service will be open to the public and the methods of promoting the health and safety of the employees and patrons and preventing them from engaging in illegal activity.

- 2 The methods of supervision preventing the employees from engaging in acts of prostitution or other related criminal activities
- 3 The methods of supervising employees and patrons to prevent employees and patrons from charging or receiving fees for services or acts prohibited by this Ordinance or other statutes or ordinances
- 4 The methods of screening employees and customers in order to promote the health and safety of employees and customers and prevent the transmission of disease, and prevent the commission of acts or prostitution or other criminal activity

L False Or Misleading Information It is unlawful to knowingly submit false or materially misleading information on or with a sexually oriented business license application or to fail to disclose or omit information for the purpose of obtaining a sexually oriented business or employee license

SECTION 7 FEES

Each applicant for a sexually oriented business or employee license shall be required to pay regulatory license fees as set by resolution and added in the consolidated fee schedule. The fees will be reviewed periodically. An application is not complete until all appropriate fees have been paid.

SECTION 8. BOND REQUIRED

Each application for a sexually oriented business license shall post with the City Recorder, a cash or corporate surety bond payable to the City in the amount of five thousand dollars (\$5,000.00). Any fines assessed against the business, officers or managers for violations of City ordinances shall be taken from this bond if not paid in cash within ten (10) days after notice of fine, unless an appeal is filed as provided by this Ordinance. In the event the funds are drawn against the cash or surety bond to pay such fines, the bond shall be replenished to five thousand dollars (\$5,000.00) within fifteen (15) days of the date of notice of any draw against it.

SECTION 9 ISSUANCE CONDITIONS

- A Specified The City Recorder shall approve the issuance of a license to the applicant within thirty (30) days after receipt of a completed application, unless the official finds one or more of the following:
- 1 The applicant is a minor
 - 2 The applicant is overdue in payment to the City of taxes, fees, fines or penalties assessed against the applicant or imposed on the applicant in relation to a sexually oriented business

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- 3 The applicant has falsely answered a material question or request for information as authorized by this Ordinance
- 4 The applicant has violated a provision of this Ordinance or similar provisions found in statutes or ordinances from any jurisdiction within five (5) years immediately preceding the application, a criminal conviction for a violation of a provision of this Ordinance or similar provisions from any jurisdiction, whether or not it is being appealed, is conclusive evidence of a violation, but a conviction is not necessary to prove a violation
- 5 The premises to be used for the business has been disapproved by the Utah County Health Department, the Fire Department, the Police Department, the building officials or the zoning officials as not being in compliance with applicable laws and ordinances of the City

If any of the foregoing reviewing agencies cannot complete their review within the thirty (30) day approval or denial period, the agency or department may obtain from the City Recorder an extension of time of no more than thirty (30) days for their review

- 6 The required license fees have not been paid
- 7 All applicable sales and use taxes have not been paid
- 8 An applicant for the proposed business is in violation of or not in compliance with this Ordinance or similar provisions found in statutes or ordinances from any jurisdiction
- 9 An applicant has been convicted or pleaded or pled nolo contendere to a crime involving prostitution, exploitation of prostitution, aggravated promotion of prostitution, aggravated exploitation of prostitution, solicitation of sex acts, sex acts for hire, compelling prostitution, aiding prostitution, sale, distribution or display of material harmful to minors, sexual performance by minors, possession of child pornography, lewdness, indecent exposure, any crime involving sexual abuse or exposure, any crime involving sexual abuse or exploitation of a child, sexual assault or aggravated sexual assault, rape, forcible sodomy, forcible sexual abuse, incest, harboring a runaway child, criminal attempt, conspiracy or solicitation to commit any of the foregoing offenses, or offenses involving similar elements from any jurisdiction, regardless of the exact title of the offense for which
 - a Less than five (5) years have elapsed from the date of conviction, if the conviction is of a misdemeanor offense or less than five (5) years if the

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convictions are of five (5) or more misdemeanors within the five (5) years, or

- b Less than five (5) years have elapsed from the date of conviction, if the offense is of a felony
- c The fact that a conviction is being appealed shall have no effect on the disqualification pursuant to this subsection

B Approval Time, Review The total time for the City to approve or deny a license shall not exceed sixty (60) days from the receipt of a completed application and payment of all fees. Businesses located outside of the corporate boundaries of the City, but requiring a license under this Ordinance, may be denied a license pursuant to this Ordinance if the business does not have a valid business license to conduct business at the business location from the appropriate jurisdiction for that location

- 1 Upon receipt of an application, all departments required to review the application shall determine within ten (10) days whether or not the application is incomplete in items needed for processing. Incomplete applications shall immediately be returned to the applicant with a specification of the items that are incomplete
- 2 The time for processing applications specified in this Section shall begin to run from the receipt of a complete application
- 3 In the event that a license for semi-nude entertainment, semi-nude dancing agencies, adult businesses or semi-nude entertainment businesses has not been disapproved within thirty (30) days or the sixty (60) days allowed after an extension, the City shall issue the license pending completion of the City's review
- 4 Any license pursuant to subsection B 3 of this Section may be revoked by the City pursuant to the revocation procedures provided for herein, if the completed review determines that the license should have been denied

SECTION 10 TERM OF LICENSE

Sexually oriented business and employee licenses issued pursuant to this Ordinance shall be valid from the date of issuance through January 1, of each succeeding year. The license fees required under the consolidated fee schedule shall not be prorated for any portion of a year, but shall be paid in full for whatever portion of the year the license is applied for

SECTION 11. NOTICE OF CHANGE OF INFORMATION

Sexually Oriented Business Ordinance

Any change in the information required to be submitted under this Ordinance for either a sexually oriented business license or sexually oriented business employee license shall be given, in writing, to the City Recorder and the Police Department within fourteen (14) days after such change

SECTION 12. TRANSFER LIMITATIONS

Sexually oriented business licenses granted under this Ordinance shall not be transferable. It is unlawful for a license held by an individual to be transferred. It is unlawful for a license held by a corporation, partnership or other non-corporate entity to transfer any part in excess of ten percent (10%) thereof, without filing a new application and obtaining prior City approval. If any transfer of the controlling interest in a business licensee occurs, the license is immediately null and void and the business shall not operate until a separate new license has been properly issued by the City as provided in this Ordinance.

SECTION 13 DISPLAY OF LICENSE

It is unlawful for any sexually oriented business location within the boundaries of the City to fail to display the license granted pursuant to this Ordinance in a prominent location within the business premises. It is unlawful for any individual licensed pursuant to this Ordinance to fail to carry, at all times while engaged in licensed activities within the corporate boundaries of the City, their employee license on their person. If the individual is nude, such license shall be visibly displayed within the same room the employee is performing. When requested by the Police Department, City licensing or other enforcement personnel or health official, it is unlawful to fail to show the appropriate licenses while engaged in licensed activities within the corporate boundaries of the City.

SECTION 14. STATEMENT IN ADVERTISING

It is unlawful for any advertisement by the sexually oriented business or employee to fail to state that the business or employee is licensed by the City, and shall include the City license number.

SECTION 15 REGULATIONS AND UNLAWFUL ACTIVITIES

It is unlawful for any sexually oriented business or sexually oriented business employee to

- A Allow minors on the licensed premises or allow, offer, or agree to conduct any outcall business with minors
- B Alcoholic Beverages To allow, offer or agree to allow any alcohol to be stored, used or consumed on or in the licensed premises
- C Locking Outside Door Allow the outside door to the premises to be locked while any customer is in the premises

- D Gambling Allow, offer or agree to gambling on the licensed premises
- E Touching Allow, offer or agree to any sexually oriented business employee touching or being touched by any patron or customer, except that outcall employees and customers may touch, except that any touching of specified anatomical areas, whether clothed or unclothed, is prohibited
- F Controlled Substances
 - 1 Allow, offer or agree to illegal possession, use, sale or distribution of controlled substances on the licensed premises
 - 2 Allow sexually oriented business employees to possess, use, sell or distribute controlled substances while engaged in the activities of the business
- G Prostitution Allow, offer or agree to commit prostitution, solicitation of prostitution, solicitation of a minor or permitting activities harmful to a minor to occur on the licensed premises or, in the event of an outcall employee or business, the outcall employee committing, offering or agreeing to commit prostitution, attempting to commit prostitution, soliciting prostitution, soliciting a minor or committing activities harmful to a minor
- H Specified Sexual Activities Allow, offer, commit or agree to any 'specified sexual activity as validly defined by City ordinances or State statute in the presence of any customer or patron
- I Nudity Allow, offer or agree to any outcall employee appearing before any customer or patron in a state of nudity
- J Masturbation Allow, offer or agree to allow a patron or customer to masturbate in the presence of the sexually oriented business employee or on the premises of a sexually oriented business

SECTION 16 OUTCALL SERVICES; OPERATION REQUIREMENTS

It is unlawful for any business or employee providing outcall services contracted for in the City to fail to comply with the following requirements

- A Contract All businesses licensed to provide outcall services pursuant to this Ordinance shall provide to each patron a written contract in receipt of pecuniary compensation for services The contract shall clearly state the type of services to be performed, the length of time such services shall last, the cost to the patron and any special terms or conditions relating to the services performed The contract need not include the name of the patron The business licensee shall keep and maintain a copy of each written

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contract pursuant to this Section for a period not less than one year from the date of provision of services thereunder. The contracts shall be numbered and entered into a register listing the contract number, date, names of all employees involved in the contract and pecuniary compensation paid.

- B Office, Phone All outcall businesses licensed pursuant to this Ordinance shall maintain an open office or telephone at which the licensee or licensee's designated agent may be personally contacted during all hours outcall employees are working. The address and phone number of the license location shall appear and be included in all patron contracts and published advertisements. For outcall businesses that premises are licensed within the corporate limits of the City, private rooms or booths where the patrons may meet with the outcall employee shall not be provided at the open office or any other location by the service, nor shall patrons meet outcall employees at the business premises.
- C Advertising Outcall services shall not advertise in such manner that would lead a reasonably prudent person to conclude that specified sexual activities would be performed by the outcall employee.
- D Licensing Regardless Of Business Location All employees of outcall services who provide outcall services within the City shall be licensed in accordance with this Ordinance, regardless of the primary location of the business.

SECTION 17 DESIGN OF PREMISES

A Adult Business

- 1 In addition to the general requirements of disclosure for a sexually oriented business, any applicant for a license as an adult business shall also submit a diagram, drawn to scale, of the premises of the license. The design and construction, prior to granting a license or opening for business, shall conform to the following:
 - a The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms.
 - b Restrooms may not contain any video reproduction equipment or any of the business merchandise. Signs shall be posted requiring only one person be allowed in the restroom and only one person in any stall at a time, and requiring that patrons shall not be allowed access to manager's station areas.

- c For businesses that exclude minors from the entire premises, all windows, doors and other apertures to the premises shall be darkened or otherwise constructed to prevent anyone outside the premises from seeing the inside of the premises
 - d The diagram required does not necessarily need to be a professional engineer's or architect's blueprint, however, the diagram must show marked internal dimensions, all overhead lighting fixtures and ratings for illumination capacity
- 2 It shall be the duty of the licensee and the licensee's employees to ensure that the views from the manager's station in subsection A 1 of this Section remain unobstructed by any doors, walls, merchandise, display racks or any other materials at all times that any patron is present in the premises and to ensure that no patron is permitted access to any area of the premises that has been designated as an area in which patrons will not be permitted
 - 3 The premises shall at all times be equipped and operated with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one foot-candle, measured at the floor level. It shall be the duty of the licensee and the licensee's employees present on the premises to ensure that the illumination described above is maintained at all times that any patron is present on the premises

B Semi-Nude Entertainment Business

- 1 It is unlawful for a business premises licensed for semi-nude entertainment to
 - a Permit a bed, sofa, mattress or similar item in any room on the premises, except that a sofa may be placed in a reception room open to the public or in any office to which patrons are not admitted, and except that in an adult theater, such items may be on the stage as part of a performance
 - b Allow any door on any room used for business, except for the door to an office to which patrons shall not be admitted, outside doors and restroom doors to be lockable from the inside
 - c Provide any room in which the employee or employees and the patron are alone together without a separation by a solid physical barrier at least three feet high and six inches wide (3' x 6") The patron or patrons shall remain on one side of the barrier and the employee or employees shall remain on the other side of the barrier

- 2 Adult theaters shall also require that the performance area shall be separated from the patrons by a minimum of three feet (3'), which separation shall be delineated by a physical barrier at least three feet (3') high

SECTION 18 ALCOHOL PROHIBITED

- A It is unlawful for any business licensed pursuant to this Ordinance to allow the sale, storage, supply or consumption of alcoholic beverages on the premises
- B It is unlawful for any person to possess or consume any alcoholic beverage on the premises of any sexually oriented business

SECTION 19 PROHIBITED ACTIVITIES

A Semi-Nude Agencies

- 1 It is unlawful for any individual or entity to furnish, book or otherwise engage the services of a professional dancer, model or performer to appear in a state of semi-nudity for pecuniary compensation in or for any semi-nude entertainment business or adult theater if licensed pursuant to this Ordinance unless such agency is licensed pursuant to this Ordinance
- 2 It is unlawful for any individual or entity to furnish, book or otherwise engage or permit any person to perform as a professional dancer, model or performer in a state of semi-nudity or nudity, either gratuitously or for compensation, in or for any business licensed pursuant to this Ordinance unless such person is licensed pursuant to this Ordinance

B Performers It is unlawful for any professional dancer, model or performer, while performing in any business licensed pursuant to this Ordinance, to

- 1 Touch in any manner any other person,
- 2 Throw any object or clothing off the stage area,
- 3 Accept any money, drink or any other object directly from any person,
- 4 Allow another person to touch such performer or to place any money or object on the performer or within the costume or person or the performer,
- 5 Place anything within the costume or adjust or move the costume while performing so as to render the performer in a state of nudity

C Patrons It is unlawful for any person or any patron of any business to touch in any manner any performer, to place any money or object on or within the costume or person

Sexually Oriented Business Ordinance

of any performer, or to give or offer to give to any such performer any drinks, money or object while such performer is performing, except that money may be placed on the stage, which shall not be picked up by the performer except by hand

SECTION 20 DEFENSES TO PROSECUTION

It is a defense to prosecution or violation under this Ordinance that a person appearing in a state of nudity did so in a modeling class operated

- A By a proprietary school licensed by the State or a college, junior college or university supported entirely or partly by taxation,
- B By a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation

SECTION 21 SUSPENSION OR REVOCATION OF LICENSE

- A Procedure The denial, suspension or revocation of any license issued pursuant to this Ordinance shall be done in accordance with Section 6 of this Ordinance, which sets forth the applicant's right to present evidence why the license should not be suspended or denied
- B Conditions Specified The City may issue a notice suspending or revoking a sexually oriented business license or employee license granted under this Ordinance if a licensee or an employee of the licensee has
 - 1 Violated or is not in compliance with the provisions of this Ordinance,
 - 2 Refused to allow any inspection of the premises of the sexually oriented business specifically authorized by this Ordinance or by any other statute or ordinance,
 - 3 Failed to replenish the cost bond as provided in this Ordinance (such a suspension shall extend until the bond has been replenished),
 - 4 Given materially false or misleading information in obtaining the license,
 - 5 Knowingly operated the sexually oriented business or worked under the employee license during the period when the business license or employee licensee's license was suspended,

- 6 Committed an offense that would be grounds for denial of a license for which the time period required has not elapsed,
 - 7 On two (2) or more occasions within a twelve (12) month period, a person committed in or on, or solicited for on the licensed premises, or an outcall employee solicited or committed on or off the premises, an offense that would be grounds for denial of a license for which a conviction has been obtained, and the person was an employee, whether or not licensed, of the sexually oriented business at the time the offenses were committed,
 - 8 Delinquent in payment to the City for ad valorem taxes or sales taxes related to the sexually oriented business
- C Effective Date Suspension or revocation shall take effect within fifteen (15) days of the issuance of notice, unless an appeal is filed as provided by this Ordinance
 - D Appeal No Effect On Revocation The fact that a conviction is being appealed shall have no effect on the revocation of the license
 - E Length Of Revocation When a license issued pursuant to this Ordinance is revoked, the revocation shall continue for one (1) year from its effective date and the license shall not be reissued to the sexually oriented business or employee for one (1) year from the date of such revocation

SECTION 22. VIOLATION, PENALTY.

- A Suit For Injunction An entity or individual who operated or causes a sexually oriented business to be operated without a valid license, or who employs or is employed as an employee of a sexually oriented business, or who operates such a business or functions as such an employee in violation of the provisions of this Ordinance is subject to a suit for injunction in addition to the civil and criminal violations provided herein and any other remedy available at law or in equity
- B Civil Penalty In addition to revocation or suspension of a license, as provided in this Ordinance, each violation of this Ordinance shall, upon citation by the City Recorder, require the licensee to pay a civil penalty Such fines shall be deducted from the cost bond posted pursuant to this Ordinance, unless paid within ten (10) days of notice of the fine or the final determination after any appeal
- C Misdemeanor Offense In addition to a civil fine provided in this Ordinance, the violation of any provision of this Ordinance shall be a Class B misdemeanor, and subject the violator to the penalty provisions as provided (each day of a violation shall be considered a separate offense)

1 Penalty For Violation Of Nuisance Ordinance Unless otherwise specifically authorized by statute, the City Council may provide a penalty for the violation of any City ordinance by a fine not to exceed the maximum Class B Misdemeanor fine under Utah Code Annotated section 76-3-301, or by a term of imprisonment up to six (6) months, or by both the fine and the term of imprisonment. The City Council may prescribe a minimum penalty for the violation of any City ordinance and may impose a civil penalty for the unauthorized use of City property, including, but not limited to, the use of parks, streets and other public grounds or equipment. Rules of civil procedure shall be substantially followed.

D Employee Violations Every act or omission by an employee constituting a violation of the provisions of this Ordinance shall be deemed the act or omission of the sexually oriented business licensee and/or operator. If such act or omission occurs either with the authorization, knowledge or approval of the licensee and/or operator, or as a result of the licensee's and/or operator's negligent failure to supervise the conduct of the employee, the sexually oriented business licensee shall be punishable for such act or omission in the same manner as if the licensee committed the act or caused the omission.

E Responsibility For Conduct A sexually oriented business licensee and/or operator shall be responsible for the conduct of all employees while on the licensed premises and any act or omission of any employee constituting a violation of the provisions of this Ordinance shall be deemed the act or omission of the licensee and/or operator for the purposes of determining whether the licensee's license shall be revoked, suspended or renewed.

PART IV

PENALTY AND ADOPTION

A CONFLICTING PROVISIONS

Whenever the provisions of this Ordinance conflict with the provisions of any other Ordinance, resolution or part thereof, the more stringent shall prevail.

B. PROVISIONS SEVERABLE

This Ordinance and the various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid it is hereby declared that the remainder of the ordinance shall not be affected thereby.

C. AMENDMENT TO BE ADDED TO ZONING ORDINANCE

The City Council hereby authorizes and directs that insert pages reflecting the provisions enacted hereby shall be made and placed in the Official copies of the Zoning Ordinance

D PENALTY

Hereafter these amendments shall be construed as part of the Zoning Ordinance of the City of Cedar Hills, Utah, to the same effect as if originally a part thereof, and all provisions of said zoning ordinance shall be applicable thereto, including, but not limited to, the enforcement, violation and penalty provisions

E EFFECTIVE DATE

This Ordinance shall take effect upon its passage and publication as required by law

PASSED AND ORDERED POSTED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH, THIS ____ DAY OF _____, 2008.

Mike McGee, Mayor

ATTEST

Kim E Holindrake, City Recorder



CITY OF CEDAR HILLS

TO	Planning Commission
FROM	Greg Robinson, Assistant to the City Manager
DATE	5/21/2008

Planning Commission Agenda Item

SUBJECT	Proposed amendments to the Zone Map to change the upper water tank and pressurized irrigation tank site from the H-1 Hillside Development Zone to the PF Public Facilities Zone. The property is located at approximately 10440 North and 3600 West
APPLICANT PRESENTATION	N/A
STAFF PRESENTATION	Greg Robinson, Assistant to the City Manager, Planning
BACKGROUND AND FINDINGS This is the location that was discussed in our previous meeting for the upper culinary and pressurized irrigation tanks to have the proper zoning for these facilities	
PREVIOUS LEGISLATIVE ACTION N/A	
FISCAL IMPACT None	
SUPPORTING DOCUMENTS Zoning Map with suggested changes	
RECOMMENDATION Review and recommend approval of suggested changes to the Zoning Map	
MOTION Recommend/not recommend approval of the proposed Zone Map change from H-1 Hillside Zone to PF Public Facilities	

CITY OF CEDAR HILLS

Zoning Map

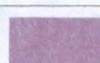
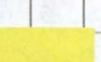
May 2008

AMERICAN FORK RIVER

10320 N



LEGEND

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|  R-1-20000
RESIDENTIAL |  SC-1
COMMERCIAL |
|  R-1-11000
RESIDENTIAL |  H-1
HILLSIDE ZONE |
|  TOWNSITE
RESIDENTIAL |  PUBLIC
FACILITIES |
|  PR3.4 | |
|  PR2.2 | |

