



# CITY OF NORTH SALT LAKE

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## CITY COUNCIL MEETING NOTICE & AGENDA February 4, 2020

Posted January 30, 2020

Notice is given that the North Salt Lake City Council will hold a regular meeting on **FEBRUARY 4, 2020** at City Hall, 10 East Center Street, North Salt Lake, Utah. A work session will be held at 6:00 pm in the Council Conference Room followed by the regular session at 7:00 pm in the Council Chambers. Some members may participate electronically. The following items of business will be discussed; the order of business may be changed as time permits.

### WORK SESSION –6:00 p.m.

1. Bountiful Veterans Memorial Park Presentation - Chris Simonsen
2. Approve City Council Minutes of January 21, 2020
3. Action Items
4. Council Reports
5. Adjourn

### REGULAR SESSION - 7:00 p.m.

1. Introduction by Mayor Len Arave
2. Invocation and Pledge of Allegiance ~ Council Member Stan Porter
3. Citizen Comment
4. Presentation by Pacificorp (Rocky Mountain Power) on long-range electric power planning. Jeff Barrett, Pacificorp
5. Parks, Trails, Arts and Recreation Advisory Board Update and Discussion – Alisa Van Langeveld and Manuel Delgado
6. Consideration of **Ordinance 2020-04**: An Ordinance amending the enabling statute for the Parks, Trails, Arts and Recreation Advisory Board for the City of North Salt Lake and establishing an effective date.
7. North Salt Lake Recreation Program Update – Julie McLachlan and Kristen Robinson
8. Consideration of **Ordinance 2020-06**: An Ordinance amending Title 10, Chapter 10 Residential and Multi-family Residential Zones and establishing an effective date.
9. Consideration of **Ordinance 2020-07**: An Ordinance amending Title 9, Chapter 8 Fire Code and Regulations and establishing an effective date.
10. Council ratification of letter of commitment to NSL Legacy, LLC, related to the acquisition of property at 170 South Redwood Road.
11. Mayor's Report
12. City Attorney Report

13. City Manager Report

14. Adjourn

**CLOSED SESSION**

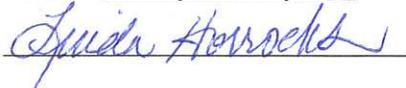
1. Possible closed session for the purpose of discussing pending or reasonably imminent litigation; to discuss the character professional competence, or physical or mental health of an individual; to discuss collective bargaining; or to discuss the purchase, exchange, sale, or lease of real property. *Utah Code 52-4-205*

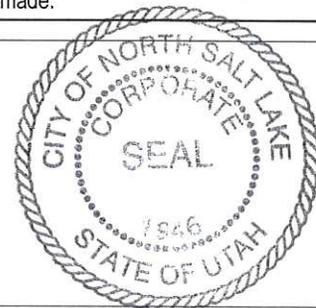
The public is invited to attend all City Council meetings. If you need special accommodations to participate in the City Council meeting, please call the City office at 801-335-8709. Please provide at least 24 hours' notice for adequate arrangements to be made.

Notice of Posting:

I, the duly appointed City Recorder for the City of North Salt Lake, hereby certify that the foregoing agenda was posted on the Utah Public Notice website, at city hall, and sent to the required newspapers this 30th day of January, 2020.

Dated this 30th day of January, 2020.





1 CITY OF NORTH SALT LAKE  
2 CITY COUNCIL MEETING-WORK SESSION  
3 JANUARY 21, 2020

4  
5 **DRAFT**  
6

7 Mayor Arave called the meeting to order at 6:10 p.m.  
8

9 PRESENT: Mayor Len Arave  
10 Council Member Brian Horrocks  
11 Council Member Stan Porter  
12 Council Member Ryan Mumford  
13 Council Member Natalie Gordon  
14

15 EXCUSED: Council Member Lisa Watts Baskin  
16

17 STAFF PRESENT: Ken Leetham, City Manager; Paul Ottoson, City Engineer; David Frandsen,  
18 Public Works Director; Janice Larsen, Finance Director; Craig Black, Police Chief; David  
19 Church, City Attorney; Sherrie Llewelyn, Community Development Director; Linda Horrocks,  
20 City Recorder; Marty Peterson, Emergency Preparedness Manager; Andrea Bradford, Minutes  
21 Secretary.  
22

23 OTHERS PRESENT: Todd Weiler, State Senator; Dee Lalliss, resident.  
24

25 1. LEGISLATIVE DISCUSSION-SENATOR TODD WEILER  
26

27 Senator Weiler reported on the upcoming legislative session and the tax referendum. He said if  
28 opponents were able to gather 153,000 signatures, including those from at least 18 counties, the  
29 referendum would be validated, and if it was certified for the ballot it would put the tax reform  
30 on hold. Senator Weiler said if this happened, the legislature would most likely repeal the bill  
31 during the session instead of allowing it to appear on the November ballot.  
32

33 Senator Weiler then mentioned several upcoming bills related to clergy, direct wine shipments to  
34 residences, and removing an exemption for clergy to have to report abuse. He said there was no  
35 way to know what would happen during the session as there were many bills he had not yet had a  
36 chance to review.  
37

38 2. APPROVE CITY COUNCIL MINUTES  
39

40 The City Council minutes of January 7, 2020 were reviewed and approved. **Council Member**  
41 **Mumford moved to approve the City Council meeting minutes from January 7, 2020.**  
42 **Council Member Horrocks seconded the motion. The motion was approved by Council**  
43 **Members Horrocks, Porter, Mumford and Gordon. Council Member Baskin was excused.**

44           3. ACTION ITEMS

45

46 The action items list was reviewed. Completed items were removed from the list.

47

48 Mayor Arave asked about the current action item related to the pickleball proposal from Utah  
49 Athletic Center. Ken Leetham referred to the proposal discussed at a prior council meeting that  
50 as quite high and also that residents had expressed more of an interest in outdoor pickleball  
51 options. He said pickleball was one of the subjects the City would be gauging through Qualtrics  
52 surveys.

53

54 Council Member Mumford commented that he had reached out to multiple pickleball players and  
55 received feedback that they would not be interested in indoor courts. He said there were already  
56 indoor courts at the South Davis Rec Center and in LDS church buildings and that the funds  
57 would be better spent elsewhere.

58

59 Mayor Arave also asked about water usage and Weber Basin Water Conservancy. Ken Leetham  
60 responded that staff prepared a water report on water usage, source, storage and distribution and  
61 obtained feedback from Weber Basin. He said staff would make changes to the model including  
62 re-use water from the sewer district and adding Big West Oil back into the model as their well  
63 was not producing. He said that he would present a proposal on water planning to the City  
64 Council.

65

66 Mayor Arave commented on the City's well that had been contaminated and said that the PCE  
67 was gone from the water source. Paul Ottoson replied that the PCE was now in untraceable  
68 amounts and that this well was connected to the secondary water system.

69

70 Council Member Mumford reported that he had received numerous reports from Foxboro  
71 residents about the smell from the sewer treatment plant. He said that a solution needed to be  
72 found. Ken Leetham suggested that a neighborhood meeting could be held to address the  
73 concerns and solutions directly with Dal Wayment from the South Davis Sewer District.

74

75           4. COUNCIL REPORTS

76

77 Council Member Gordon reported that thirteen of the Youth City Council members would attend  
78 the leadership conference at Utah State University in March. She informed the Mayor that  
79 arrangements had been made for him to attend the banquet there on March 6<sup>th</sup>.

80

81 Council Member Mumford reported that the Parks and Arts Board would begin meeting again  
82 next week and asked that the City Council provide direction going forward. He spoke on the  
83 need to address whether additional recreational services were needed, the rebuild of Hatch Park,  
84 the demand for pickleball, etc.

85

86 Council Member Horrocks commented that it made sense for pickleball courts to be placed at  
87 Hatch Park particularly as this park would be redesigned. Ken Leetham suggested that staff  
88 could reach out to G. Brown Design to obtain a plan for Hatch Park. He said it may be time for  
89 the City Council to review a proposal for funding a design plan as well as reconstruction of  
90 Hatch Park as interest rates were low and the City had a reserve of park impact fees.

91  
92 Council Member Porter reported that he attended the Jordan River Commission meeting. He said  
93 a presentation was given which showed how many loads of garbage had been removed from the  
94 Jordan River. He asked about a plan to clean up the new trail near the commercial area along the  
95 river.

96  
97 Council Member Horrocks asked if there were still youth participating in the Eagle Scout  
98 program that could potentially make this a volunteer project. Marty Peterson replied that the Boy  
99 Scouts were no longer sponsored by the LDS Church but there were still some Boy Scout troops.

100  
101 Council Member Horrocks commented that he enjoyed the Mayor's State of the City address in  
102 the recent newsletter. He said a lot of great things had happened in the City over the last ten  
103 years.

104  
105 5. MAYOR'S REPORT

106  
107 Mayor Arave reported that the South Davis Sewer District was out of compliance and had  
108 received a letter from the State. He said the District was developing a plan to address the issues.  
109 Mayor Arave then reported that Big West Oil was most likely causing issues with the success of  
110 the algae project at the Water Treatment Plant.

111  
112 The Mayor then reported that the Golf Course Advisory Committee had met several times and  
113 had several suggestions. The majority of the committee voted in favor of pursuing the GreatLife  
114 model with several changes to be made to the contract.

115  
116 6. LEGISLATIVE DISCUSSION CONT.

117  
118 Mayor Arave commented that one concern he had was with the unincorporated areas in the  
119 County that were within the North Salt Lake boundaries. He said that those residents liked being  
120 unincorporated due to low tax rates and free services.

121  
122 David Church reported that the annexation law contained a provision that counties and cities  
123 could annex areas under a certain number of acres without a petition.

124  
125 Senator Weiler requested that City staff review the current annexation law and email him with  
126 any insufficiencies that may need to be addressed during the current legislative session.

127

128 Ken Leetham commented on the transportation bill and the City's \$5 million request for funds to  
129 do construction design for the bridge on 1100 North. He asked if the sales tax reform was  
130 repealed if this would impact the transportation bill. Senator Weiler said the only chance for the  
131 City to obtain \$5 million this session would be with a transportation bond. He said if there was a  
132 transportation bond this year he would fight to make sure this project was on the list. Senator  
133 Weiler also clarified that the bond would be a completely different source of funding and was  
134 unrelated to the tax reform.

135  
136 Senator Weiler then said that to actually construct the bridge at 1100 North that the City, Woods  
137 Cross, UDOT and Davis County would have to contribute funds.

138  
139 Mayor Arave asked about the meeting on Legacy Parkway. Senator Weiler replied that UDOT,  
140 several mayors, and Representative Melissa Ballard were in attendance. It was determined that  
141 Legacy would not qualify for sound walls per UDOT's requirements. If lanes were added to  
142 increase capacity it would then qualify. The general consensus from the meeting was that sound  
143 walls would cause more harm than good as it would obstruct the trail. UDOT proposed cable  
144 barriers along several areas of the trail as barriers along the whole west side would be \$3-5  
145 million. He mentioned that there was less damage to vehicles in an accident when they hit cable  
146 barriers. UDOT would also be installing signage enforcing a 24-hour per day sound ordinance.

147  
148 Mayor Arave asked about public safety retirement. Marty Peterson commented that he was  
149 involved with the committee and Senator Harper had a bill that proposed insurance premium tax  
150 increases to offset the State's portion. He said the League (Utah League of Cities and Towns)  
151 was fighting to ensure cities did not have to pay the extra cost of the pensions.

152  
153 Senator Weiler said the cities should not have to pay for State employee retirement plans.

154  
155 7. ADJOURN

156  
157 Mayor Arave adjourned the meeting at 7:00 p.m. to begin the regular session.

CITY OF NORTH SALT LAKE  
CITY COUNCIL MEETING-REGULAR SESSION  
JANUARY 21, 2020

**DRAFT**

Mayor Arave called the meeting to order at 7:09 p.m. Council Member Ryan Mumford offered the invocation and Brownie Troop 914 led those present in the Pledge of Allegiance.

PRESENT: Mayor Len Arave  
Council Member Brian Horrocks  
Council Member Stan Porter  
Council Member Ryan Mumford  
Council Member Natalie Gordon

EXCUSED: Council Member Lisa Watts Baskin

STAFF PRESENT: Ken Leetham, City Manager; Paul Ottoson, City Engineer; David Frandsen, Public Works Director; Janice Larsen, Finance Director; Craig Black, Police Chief; David Church, City Attorney; Sherrie Llewelyn, Community Development Director; Linda Horrocks, City Recorder; Marty Peterson, Emergency Preparedness Manager; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: Brian Hendricks, Jason Francis, Shella Shingleton, CJ Cameron, Tia Cameron, Vicky Thomas, Angie Keeton, Robert Wood, Ashley Calder, Jon Calder, Dee Lalliss, Alisa Van Langeveld, Alisa Mercer, Brownie Troop 914, residents; Natejje Hamilton, Bountiful resident; Nick Kelly, NKW; Mack Drzayich, Alta Planning.

1. CONSIDERATION OF THE MAYOR'S PLANNING COMMISSION  
APPOINTMENT

Mayor Arave introduced Alisa Van Langeveld as his proposed appointment to the Planning Commission. He reported that she was on the Parks and Arts Committee for three years and served as the committee chair last year. Alisa had a doctorate in family and human development, and as part of her Master's degree she prepared studies on the effect of urban planning on families. He felt she would be a good fit for the Commission and asked that the Council approve this appointment.

**Council Member Mumford moved to approve Mayor Arave's appointment of Alisa Van Langeveld to the Planning Commission. Council Member Porter seconded the motion. The motion was approved by Council Members Horrocks, Porter, Mumford and Gordon. Council Member Baskin was excused.**

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2. CITIZEN COMMENT

There were no citizen comments.

3. DISCUSSION OF LEGACY PARKWAY CITIZEN CONCERNS BY SAVE LEGACY PARKWAY

Angie Keeton, representing Save Legacy Parkway, thanked the City Council for their support of the efforts to conserve Legacy Parkway. She expressed concerns regarding preservation of the parkway, trails, and nature preserve and said the focus now was to preserve this “work of art.” Ms. Keeton highlighted that based on the stakeholder feedback from public meetings that there needed to be a discussion about moving forward and dealing with the negative impacts of heavy trucks on the roadway. She explained that these stakeholders included residents, park and trail users, active transportation and environmental advocates and commuters.

Ms. Keeton said the City and the County could continue to work together to minimize the noise, environmental concerns and quality of life impacts. She said the City’s resolution to only raise the speed limit to 60 miles an hour was impactful as UDOT decided to only raise it to 65 mph.

Angie Keeton then said the City could lobby for the cable barriers along the trailside of Legacy Parkway. She said this project would support the design of the Parkway to preserve the wide open space while providing safety to trail users and property owners. Ms. Keeton asked that cities help to strictly enforce the 65 mph speed limit as well by supporting funding for Utah Highway Patrol on the Parkway. She also asked that noise ordinances were enforced to help control the air break noises and added that a request was made to UDOT to install signage addressing the noise issue.

Angie Keeton spoke on the sound wall and said that they were expensive and would impact the design of this scenic byway. She said based on her understanding only residents who lived right by the roadway would vote on the sound wall installation. Ms. Keeton then addressed future planning with a focus on preservation, sustainability, tree and native plantings, grant funding for landscaping, etc.

Angie Keeton said the Scenic Byway Committee should be revived with a focus on setting up a corridor management plan going forward.

Council Member Porter cautioned about noise signage and said the City once passed an ordinance to discourage trains from stopping on Center Street and issuing a ticket to the engineer. He said that the fine built up and was never paid and that the trains used their horns louder more frequently after that.

242 **Council Member Baskin joined via teleconference at 7:29 p.m.**

243

244 Jason Francis, 981 Bexley Drive, commented that his backyard was along the Legacy Parkway  
245 Trail. He said that since the truck ban was lifted from the Parkway that his family had been  
246 woken up by truck horns and traffic noise. Mr. Francis also expressed concern that a loaded  
247 semi-truck took 525 feet to stop and the trails were approximately 100 feet and his home was  
248 200 feet from the Parkway.

249

250 Senator Weiler commented that he and Representative Ballard ran bills trying to extend the truck  
251 ban on Legacy Parkway last year as many homeowners were unaware that there was an  
252 expiration date on the truck traffic ban when they originally purchased their homes.

253

254 Brian Hendricks, 937 Bexley Drive, said his family was also greatly affected by the noise. He  
255 said he was aware of federal funds available for people in his situation but only in the event of a  
256 lawsuit or legislation. Mr. Hendricks asked the City to consider some kind of legislation. Mayor  
257 Arave replied that it would have to be State legislation.

258

259 Shella Shingleton, 785 Skipton Drive, commented that her home was located 160 feet from the  
260 highway. She said she was unaware of the truck ban expiring and felt that Legacy should no  
261 longer be called a scenic byway. Ms. Shingleton suggested sound walls and truck restrictions on  
262 nights and weekends.

263

264 Mayor Arave said that there were several difficult challenges the City faced, including dealing  
265 with Union Pacific Railroad and UDOT as they had separate rights and procedures. He said he  
266 talked to Region One with UDOT about the cable barriers and sound walls. Mayor Arave said he  
267 would also be meeting with director of Region One and would share the comments provided  
268 tonight.

269

270 4. SUBMITTAL OF FISCAL YEAR 2019 AUDIT BY RYAN CHILD AND NICOLE  
271 NELSON, CHILD RICHARDS CPAS AND ADVISORS

272

273 Ken Leetham reported that a representative from Child Richards CPA was not present. He said  
274 there were three findings of noncompliance including one with the general fund, improper  
275 documentation of the annual training for open and public meetings, and one occasion of minutes  
276 which were not posted within the three day time period. Mr. Leetham said Child Richards could  
277 provide a presentation if necessary.

278

279 Council Member Horrocks commented that general speaking he was very pleased with the  
280 overall financial situation of the City except for one department, which had not improved but had  
281 actually gotten worse. Mayor Arave said the golf committee had several meetings and come up  
282 with some great suggestions.

283

284 Mayor Arave thanked staff for their efforts in assisting with the audit.

285

286 Council Member Horrocks commented that in fairness to the golf course the City had put them in  
287 limbo, which may have contributed to the decline.

288

289 5. CONSIDERATION OF ORDINANCE 2020-03: AN ORDINANCE AMENDING THE  
290 GENERAL PLAN TO INCLUDE AN ACTIVE TRANSPORTATION PLAN AS PART  
291 OF THE TRANSPORTATION ELEMENT

292

293 Ali Avery reported that this item was to consider an update to the General Plan to include an  
294 Active Transportation Plan within the Transportation Element. The Active Transportation Plan  
295 was reviewed by the Planning Commission last week and a public hearing was held. She said by  
296 adopting this into the General Plan it would put the City in compliance with State code and allow  
297 staff to continue to apply for transportation investment funding. There had been several changes  
298 since the December 2019 draft. This plan was funded by a transportation and land use connection  
299 grant from Wasatch Front Regional Council in a partnership with Bountiful and Centerville  
300 cities.

301

302 Mack Drzayich, Alta Planning, reported that they were hired by Wasatch Front Regional Council  
303 to consult the City on active transportation and provide some recommendations on improvement  
304 in the community. He explained that active transportation was self-propelled human powered  
305 transportation such as bicycles and pedestrians. He said active transportation could positively  
306 impact public health, street safety, environmental and air quality, economics, and overall quality  
307 of life. This plan was focused on those making transit connections, accessibility for children, and  
308 those who have to or want to walk or bike more. Mr. Drzayich said there were four types/groups  
309 of cyclists including strong and fearless, enthusiastic and confident, not interested, and interested  
310 but concerned. He then focused on the project goals including connectivity, a true network,  
311 safety, recreation, sustainability, partnerships in both planning and implementation, and  
312 community health.

313

314 Mack Drzayich reported on the existing conditions analysis including previous studies and  
315 existing infrastructure (including 20 miles of existing facilities in the City). He said the public  
316 involvement process included online and in person outreach as well as workshops with  
317 stakeholders. A survey was launched with 200 respondents and of those respondents 27% were  
318 from the City. The reasons respondents gave for walking/biking included health and fitness,  
319 spending time outdoors, and socializing. Respondents were also asked how comfortable they felt  
320 walking in South Davis County and one third responded they felt uncomfortable.

321

322 Council Member Horrocks asked if the topography of the City was a factor in the results of the  
323 survey. Mack Drzayich said that was not taken into consideration but could be a factor.

324

325 Mack Drzayich finished reporting on the results of the survey and said respondents were deterred  
326 from walking or biking due to aggressive drivers, lack of directness for facilities, unsafe streets  
327 or sidewalks, and unsafe crossings. Respondents expressed that their top priorities would be  
328 more paved off-street paths and better on-street bikeways and sidewalks. He also talked about an  
329 interactive map online that allowed respondents to show both barriers and destinations they  
330 would like to be able to access by bicycle or walking. Respondents were also able to vote on  
331 proposed bikeways. Mr. Drzayich said Eagleridge Drive/Bountiful Boulevard was the most liked  
332 project.

333  
334 The in-person outreach was conducted through three pop-up events including the City's  
335 LibertyFest 5K race held during the summer. Stakeholder charrettes were also held with staff and  
336 several of the Council members in attendance. This included a review of the recommendations  
337 and corridors with a discussion about feasibility.

338  
339 Mack Drzayich then spoke on the recommended facility types including separated bike lanes,  
340 buffered bike lanes, bike lanes, neighborhood byways, shared use paths, side paths, and rail  
341 crossings. He said Appendix C was a great resource for implementation with design guidelines  
342 based on national standards and best practices for each facility type. Mr. Drzayich focused on  
343 study area as a whole and said the proposed network would connect to one additional library, 9  
344 additional grocers, 13 additional schools, 15 additional parks, and 39 additional churches. He  
345 then spoke on walkable activity centers including the Highway 89 corridor in conjunction with  
346 Bus Rapid Transit (BRT) stations, Foxboro, and the Five Points area in Bountiful.

347  
348 Mack Drzayich reported on policy recommendations found in the plan and then implementation  
349 strategies. The implementation strategies included a chart with general cost estimates, federal  
350 and state funding sources, and project prioritization. City staff also chose several projects for  
351 additional recommendations including Eagleridge Drive and the Bamberger Trail corridor.

352  
353 Mayor Arave asked for clarification on the purpose of the plan and how it would be used in the  
354 future. Mack Drzayich replied that the purpose of the plan was to provide a guide with  
355 recommendations for improving safety for bicyclists and pedestrians within the community. He  
356 said this was a plan to consult when resurfacing streets and accommodating all road users.

357  
358 Mayor Arave asked if additional policies would need to be adopted that were referenced in this  
359 plan. Ken Leetham responded that he felt this plan was a set of options when there were  
360 opportunities in the City. He said this plan would build on the 2013 General Plan related to  
361 corridors for trails and bicycling as well as providing a toolbox for streets and design.

362  
363 Mack Drzayich clarified that if the City adopted this plan that it would not require that these  
364 polices would be enacted but a recommendation for further coordination and opportunity to  
365 improve active transportation. Council Member Horrocks said the City would need to coordinate  
366 some projects with neighboring cities as well.

367  
368 Sherrie Llewelyn commented that document recommended standards that would be considered  
369 when the City code was updated. She said there was already a developer focus on items like  
370 bicycle parking which was becoming more common. This would be adopted as a recommending  
371 document and further analysis would be done before an ordinance was created.

372  
373 Council Member Gordon said that one item which was considered when the Planning  
374 Commission was reviewing the Form Based Code for the City Center was allowing apartments  
375 to have fewer parking stalls if there were bike lockers.

376  
377 Council Member Mumford commented he liked the proposal for walkability centers near the Bus  
378 Rapid Transit stops. He also liked that this plan was an option/alternative and not a requirement.

379  
380 The Council had a discussion about the Foxboro area including parking, the lack of public  
381 transit, and rail crossing which limit walkability versus the Highway 89 corridor.

382  
383 Council Members Horrocks and Porter expressed concern about under-parking a development in  
384 the hopes that residents would use alternate transportation modes. So far, this had just caused  
385 lack-of-parking issues. Council Member Porter also said he wanted to see a focus on improving  
386 the performance issue of the existing trails.

387  
388 Mack Drzayich commented that this plan would really help in the development of the Bamberger  
389 Trail corridor. He said this plan was a guide for future decision-making.

390  
391 **Council Member Gordon moved that the City Council adopt Ordinance 2020-03 amending**  
392 **the City's General Plan to include the proposed Active Transportation Plan as an**  
393 **amendment to the Transportation Element with the following findings:**

- 394  
395 **1) North Salt Lake with Bountiful and Centerville cities sought to improve Active**  
396 **Transportation to create safe alternate transportation methods; and**  
397 **2) The State legislature has determined that cities must include the general location**  
398 **and extent of active transportation facilities in the General Plan and;**  
399 **3) The proposed draft meets the requirements of the State code to continue to allow the**  
400 **City to apply for Transportation Investment Fund money.**

401  
402 **Council Member Mumford seconded the motion. The motion was approved by Council**  
403 **Members Horrocks, Porter, Mumford and Gordon. Council Member Baskin was excused.**  
404

- 405 **6. ADJOURN INTO CLOSED SESSION TO DISCUSS PENDING OR REASONABLY**  
406 **IMMINENT LITIGATION; TO DISCUSS THE CHARACTER, PROFESSIONAL**  
407 **COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL; TO**

408 DISCUSS COLLECTIVE BARGAINING; OR TO DISCUSS THE PURCHASE,  
409 EXCHANGE, SALE, OR LEASE OF REAL PROPERTY  
410

411 **At 8:37 p.m. Council Member Mumford moved to go into closed session to discuss the**  
412 **purchase, exchange, sale or lease of real property. Council Member Porter seconded the**  
413 **motion. The motion was approved by Council Members Horrocks, Porter, Mumford and**  
414 **Gordon. Council Member Baskin was excused.**

415  
416 7. RECONVENE INTO REGULAR SESSION  
417

418 **At 9:13 p.m. Council Member Horrocks moved to go out of closed session and into the**  
419 **regular session. Council Member Mumford seconded the motion. The motion was**  
420 **approved by Council Members Horrocks, Porter, Mumford and Gordon. Council Member**  
421 **Baskin was excused.**

422  
423 8. CONSIDERATION OF AN AGREEMENT WITH KIMBALL INVESTMENTS FOR  
424 THE PURCHASE OF REAL PROPERTY  
425

426 Ken Leetham recommended that the City Council commit to a reimbursement to the purchasers,  
427 Kimball Investments, of up to \$770,000 over time. The source of the funding would be tax  
428 increment revenue generated from within 70 acres of the property and not triggered until they  
429 had generated \$15.5 million in taxable value on the non-industrial portion of their development  
430 on the acreage that fronted Redwood Road. He also said that the City should require, in the  
431 commitment letter, that they enter into an agreement for architectural standards, design  
432 guidelines, and signage for any property built within the 12 acres on Redwood Road. The  
433 architecture would represent what had been approved in the concept plan. The third  
434 recommendation would be appropriate timing of the demolition and clearing of the property  
435 within 18 months.

436  
437 **Council Member Gordon moved that the City Council approve an agreement with Kimball**  
438 **Investments with the following conditions:**  
439

- 440 1) \*That the TIF reimbursement does not begin until Kimball Development is able to get  
441 \$15,500,000 in taxable value on the tax rolls anywhere within the approximately 12.5  
442 acres of frontage parcels on Redwood Road. After that, the City will use all of the TIF  
443 revenue generated from the entire 70 acres reimburse Kimballs.  
444 2) That Kimballs create architectural and design guidelines that produce the type of  
445 architecture shown on the approved concept plan.  
446 3) That Kimballs agree to demolish the buildings and any other above-ground  
447 improvements on the Kelly properties within 18 months of entering into an agreement  
448 with the City for the reimbursement.

449 \*The requirement to create taxable value prior to triggering tax increment payments was later  
450 amended by consent of the Council after the initial offer was made to Kimball Investments.

451  
452 **Council Member Porter seconded the motion. The motion was approved by Council**  
453 **Members Horrocks, Porter, Mumford and Gordon. Council Member Baskin was excused.**

454  
455 9. CITY ATTORNEY'S REPORT

456  
457 David Church reported that every party had signed the settlement agreement for the Eaglepointe  
458 landslide. He said the next step was the mitigation plan design, which would go out for bid in  
459 March.

460  
461 10. CITY MANAGER'S REPORT

462  
463 Ken Leetham reported that the City had signed a contract with Geosyntec for the design work of  
464 the landslide repair. He said they would perform a site inspection next week. There would be  
465 three more stakeholder meetings with a 30% design meeting on February 19<sup>th</sup>, a 90% design  
466 meeting on March 4<sup>th</sup>, and a 100% design meeting on March 12<sup>th</sup>. The project would then go out  
467 for bid with construction to begin soon after.

468  
469 Council Member Horrocks asked how many legitimate bidders were expected to bid. Ken  
470 Leetham said as it was no longer a raw landslide site that now had a good plan, and he thought  
471 several good firms could bid. He said approximately \$3 million was accumulated from all the  
472 parties for the repair.

473  
474 Council Member Mumford asked how long repair would take. Ken Leetham replied that it would  
475 take approximately 60 to 90 days and could most likely be repaired this year.

476  
477 11. ADJOURN

478  
479 Mayor Arave adjourned the meeting at 9:25 p.m.

480  
481  
482  
483  
484 \_\_\_\_\_  
Mayor

\_\_\_\_\_  
Recorder

### Action Items for February 4, 2020

Item	Staff	Description
<b>New</b>		
1	Ken	Staff to setup neighborhood meeting with South Davis Sewer Treatment Plant/Dal Wayment to address smells and solutions in the Foxboro area.
2	Ken, etc.	Obtain pricing on the cost of a plan (and overall redesign cost?) for the redesign of Hatch Park. Staff to look at funding options such as impact fees, loans, etc. with the potential to put together a proposal to fund a plan and reconstruction.
3		CM Porter asked for volunteers or a plan to clean up an area of the new Jordan River trail near the commercial area.
4	David Church	Staff (David Church) to review current law related to annexation of unincorporated areas and to send an email to Senator Weiler ASAP (for the current legislative session) if the current law is not sufficient for the City's needs.
<b>Current</b>		
1	Ken Paul	Staff to reach out to Region One about getting involved with proposed reconstruction of I-15 in Davis County. <i>Ken has asked for assistance from Craig Peterson, lobbyist, on this specific project.</i>
2	Paul David	Staff to review and update standards/specifications related to road cuts (better requirements including slurry seal, etc.) <i>Staff has reached out to all Utah cities for research related to best practices, standards and specifications and should have a report and recommendation on 2/18/20 CC meeting.</i>
1	Ken	Follow up with Ron Jibson per his pickleball group on proposal from Utah Athletic Center.
2	Sherrie	Get number for Jeremy Holt at LDS Hospital from Mayor re: partnering with NSL on mental illness outreach. Also, the Council discussed the possibility of staff preparing outreach/educational information in the newsletter and on the City's website some sources of help for suicide and mental illness. Council also discussed working with LDS Hospital, League of Cities and Towns, creating a citizen committee/group, hosting an educational class, and preparing a packet related to mental illness
3	Ken	Update ordinance 2014-01/new resolution to be prepared per Mayor, CM Mumford, Ken Leetham and Alisa VanLangeveld. <i>Council agenda for 2/4/20.</i>
4	Ken/Linda	Recognition for Judy Naranjo (and others) for their service to the City through the senior lunch bunch activities. <i>Lisa Baskin contacting Judy to coordinate a convenient time – 2/18/20.</i>
5	Ken/ETS	Staff to prepare a report on cyber security and how the City is preventing this. <i>Ken is discussing options with ETS</i>
6	Ken	Staff would prepare a proposal related to small insurance claims and a fund to pay for these types of items in-house rather than submitting them through insurance.
7	Ken Janice David	Look at level of service for soccer/football games at City parks by comparing incoming funds and cost of water plus contractor to mow grass. CM Mumford requested that staff review the contract (football) to see how much they are paying versus cost of services before games this Saturday. <i>Cost analysis will be prepared and shared with the Council on January 21<sup>st</sup>.</i>
8	Linda	Digital PDF of new resident information packet on the website with link on social media – <i>Linda is working on new packet.</i>
9	Paul Sherrie Ken	Staff to review what stipulations were placed on the road south of Eaglegate roundabout (Eaglewood Village proposal with Brighton Homes) and the potential to vacate that road. <i>Staff currently researching existing regulations and contracts on this matter. Sherrie has contacted UDOT.</i>
10	David Ken	Staff to work with Woods Cross to improve their dog park and discuss potential for a new dog park in the area. <i>City Staff is reviewing other communities' dog parks and preparing a recommendation for the City Council. Woods Cross City has tentatively indicated a willingness to participate.</i>
11	Ken Craig	Staff to work on emergency preparedness reporting and coordination with Davis County rather than NSL – and whether it should be organized and run by South Davis Fire. <i>Staff is working with surrounding communities and Fire District to evaluate staffing needs and possible employee sharing</i>

12	Paul David Ken	Various assignments related to water and water planning including: collection of water usage data by area, analysis and recommendation related to water conservation rate structure, and long-range planning for water needs. <i>Comments have been received from Weber Basin Water Conservancy District. Staff will make a recommendation to the City Council on 2/18/20.</i>
13	David, Ken	Staff to follow-up on adding trees to park strips on Fox Hollow at roundabout. <i>Ken will report during FY21 budget meetings.</i>
14	Linda Ken	CM Porter asked for recognition/formalization of the City's History Committee on a future agenda. <i>Staff reviewing history committees of other cities and will draft resolution.</i>
15	Linda	Staff to arrange a tour of Wasatch Resource Recovery Plant for interested City Council members and staff. <i>Schedule with Matt Myers (Wait until plant is fully operational.)</i>
16	Ken	Staff to report back on the progress of mining on Monte Thomas parcel. <i>Ken had a phone call with David Church and Jody Burnett on this matter. More research will be required and staff will continue to work to understand the impacts of HB288, Critical Infrastructure bill (gravel and mining operations).</i>
19	Ken	Staff to contact SDRC director for details about a possible South Davis Rec Center facility in NSL and will perform a review of possible uses of CDA funds for property acquisition. <i>Ken had a meeting with Director and is looking at 10 acres of property west of Redwood Road.</i>



## CITY OF NORTH SALT LAKE

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10 East Center Street  
North Salt Lake, Utah 84054  
(801) 335-8700  
(801) 335-8719 Fax

Len Arave  
Mayor

Ken Leetham  
City Manager

### MEMORANDUM

**TO:** Honorable Mayor and City Council

**FROM:** Ken Leetham, City Manager

**DATE:** February 4, 2020

**SUBJECT:** Presentation by Pacificorp (Rocky Mountain Power) on long-range electric power planning.

---

#### **BACKGROUND**

Pacificorp, the parent company of Rocky Mountain Power, has requested an opportunity to meet with the City Council regarding their plans and initiatives related to long-range electric power planning. There is no action anticipated and no advance material for this item; rather, there will be a presentation by Jeff Barrett of Pacificorp.



## CITY OF NORTH SALT LAKE

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10 East Center Street  
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(801) 335-8700  
(801) 335-8719 Fax

Len Arave  
Mayor

Ken Leetham  
City Manager

### MEMORANDUM

**TO:** Honorable Mayor and City Council

**FROM:** Ken Leetham, City Manager

**DATE:** February 4, 2020

**SUBJECT:** Proposed changes to the enabling statute for the Parks, Trails, Arts and Recreation citizen advisory board. Proposed Ordinance No. 2020-04

---

#### **RECOMMENDATION**

I recommend approval of the attached Ordinance No. 2020-04 which makes changes to the enabling ordinance for the Parks, Trails, Arts and Recreation Board.

#### **BACKGROUND**

This item was requested by the Parks, Trails, Arts and Recreation Board at the end of last year. The principal purpose of the proposed change is to more accurately establish and clarify the role of the Board by changing the description of its duties and responsibilities in a way that those duties reflect what the Board actually does in the City. You may also recall that the Council requested that the proposed ordinance provide a method for Board members to receive a stipend or reimbursement for expenses in a similar way to the Planning Commission.

There are three main sections of the changes that you will see in the attached ordinance. First, there is a purpose statement for the first time in the proposed ordinance. This purpose statement provides some immediate direction and hopefully clarity into why the Board exists and why the City Council feels it's important to have a Board of this kind. It also captures some of the City's overall objectives related to quality of life, access to and quality of services and meeting the complex and changing needs of the public.

The second set of changes is found in the Duties and Responsibilities section of the ordinance. In summary, the duties and responsibilities described reflect the activities and tasks that the Board has been carrying out. It also simplifies the core idea that the Board can and should make recommendations to the City Council any time it deems necessary. Finally, I removed some of the duties and responsibilities that the Board is not performing and should more appropriately be carried out by the City Council and City administration. These include coordination with other governmental agencies,

integration with the South Davis Recreation District and detailed implementation strategies like funding, property acquisition or detailed management of tasks performed by City staff.

The third addition to the ordinance addresses the City Council's request for us to be able to compensate the Board members with a stipend for expenses or meeting attendance. The proposed language for this section is nearly identical to the language in the existing City Code for the Planning Commission.

The draft ordinance has been shared with the Council liaison to this Board Ryan Mumford and with other members of the Board. If there are changes proposed by those individuals, I will transmit those to the Council prior to the meeting.

### **PROPOSED MOTION**

I move that the City Council adopt Ordinance No. 2020-04: An Ordinance amending the enabling statute for the Parks, Trails, Arts and Recreation Advisory Board for the City of North Salt Lake and establishing an effective date.

**ORDINANCE 2020-04**  
*(Amending ORD 2014-10)*

**AN ORDINANCE AMENDING THE ENABLING STATUTE  
FOR THE PARKS, TRAILS, ARTS AND RECREATION  
ADVISORY BOARD FOR THE CITY OF NORTH SALT  
LAKE AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, in 2014, the City Council of the City of North Salt Lake created the Parks, Trails, Arts and Recreation citizen advisory board for the purpose of improving the City’s delivery of service related to parks, trails, arts and recreation and community events; and,

**WHEREAS**, the Parks, Trails, Arts and Recreation Board, the City Council and City staff, have a desire to amend the enabling statute which created this board to more accurately reflect its duties and responsibilities and to establish that Board members may receive a reasonable stipend or reimbursement for expenses; and,

**WHEREAS**, the City Council finds that the proposed changes contained in this Ordinance are necessary for carrying out its purposes of improving quality of life and public services related to parks, trails, arts and recreation activities.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH SALT LAKE, STATE OF UTAH, AS FOLLOWS:**

**Section 1.** The following changes to the enabling statutes for the Parks, Trails, Arts and Recreation Board are hereby adopted. Additions are in an underlined format and deletions are struck through.

**PARKS, TRAILS, ARTS AND RECREATION ADVISORY BOARD:**

**A. PURPOSE:** The purpose of the Parks, Trails, Arts and Recreation Advisory Board is to act, pursuant to the duties described in this ordinance, as the City’s citizen board to formulate and submit recommendations to the City Council related to current and long-range needs in parks, trails, arts and recreation. The City Council has formed this board for the purpose of advancing and improving the quality of life for all residents of the City, to provide improved access and levels of service to the public and to meet the public’s ongoing and changing needs for quality parks, trails, arts and recreation services. In carrying out all of its duties and responsibilities, the City Council acknowledges that it is critically important that an advisory board be created so that a citizen committee can assist in the creation and implementation of plans, policies, initiatives, proposals, events and any other matters related to parks, trails, arts and recreation in the City.

**A.B. MEMBERSHIP:** The Parks, Trails, Arts and Recreation Advisory Board “Board” shall be comprised of seven (7) regular members. Each member of the governing body of the City of North Salt Lake shall have one appointment ratified by the City Council. The seventh member of the Board shall be a member of the governing body and shall be appointed by the Mayor with the advice and consent of the City Council. The Board members appointed by the governing body shall serve for a term of two years with three appointed in even years and three appointed in odd years. The seventh member of the Board shall serve for a four (4) year term. Membership should represent as much as possible, all geographic areas of the City. The City Manager, or designee, and Public Works Director, or designee, are ex-officio members of the Board.

**B.C. MEETINGS:** The Board will meet a minimum of four (4) times each year and make a written report to the City Council each year. All meetings will abide by the Utah Open and Public Meetings Act and the Public Works Secretary will be the secretary to the Board.

**C.D. BYLAWS; Officers:** The Board shall adopt a set of bylaws for the purpose of conducting the Board’s business, which shall be subject to the approval of the City Council. The Board shall select a chairperson and vice chairperson.

**D.E. DUTIES AND RESPONSIBILITIES:** It is implied in all of the following duties that the Board is acting in its advisory role and should make recommendations to the City Council, as necessary, related to any of their duties. The duties and responsibilities of the Board are:

- a. Study, develop, and ~~or~~ review parks, trails, cultural art and recreation policies and plans-make recommendation on such to the City Council.
- b. Review proposed design, improvements, modernization, and/or expansion of parks, trails, arts, and recreational facilities.
- c. Review the City’s Parks Maintenance Plan and formulate a recommendation to the City Council with respect to it. The Board’s recommendation should include specific projects and facilities, timing, phasing and any other considerations it deems necessary to be considered by the City Council.
- ~~b.d.~~ Evaluate parks, trails, art and recreational facilities policies on an ongoing basis with the goal of maximizing the use of city facilities to meet the changing recreational needs of the residents of the city.
- e. Pursue opportunities to expand cultural arts in the community including performing, visual and literary arts.
- ~~e.f.~~ Prepare an annual plan, including a proposed budget, for community activities and events and, with the approval, assistance and support of the City, be primarily responsible for carrying out those community activities and events.

- ~~d. Prepare an annual written report to the city council on the activities and recommendations of the advisory board by the end of February of each year.~~
- ~~e. Pursue opportunities to integrate the South Davis Recreation District more completely into the provision of recreational activities in North Salt Lake.~~
- ~~f. Recommend to the city council the utilization of any and all authority granted to municipalities under local, state and federal enabling legislation which may further enable the city to implement, fund, manage, acquire properties and programs, or further effectuate the city parks, trails, arts and recreation facility plan.~~
- ~~g. As directed by the City Council, cooperate and coordinate with other governmental entities, particularly Davis County and adjacent communities, for partnerships, shared projects, programs, and any other actions that further implement the plan.~~
- ~~h.g. Submit reports and recommendations to the City Council any time it deems necessary or in response to special requests by the City Council. ~~that may be requested that reflect the ongoing needs, progress, funding opportunities, and any other information relevant to the implementation of the plan.~~~~

**E.F.** **SUPPORT AND RESOURCES:** The Board may call upon ~~the e~~City staff, the Planning Commission and the City Council for reasonable support and resources as needed. The Board shall serve without compensation, except that the City Council may fix a per diem compensation for the members of the Board based on necessary and reasonable expenses and on meetings actually attended.

**Section 2. Effective Date.** This ordinance takes effect immediately upon publication and posting.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH SALT LAKE, STATE OF UTAH, THIS 4<sup>th</sup> DAY OF FEBRUARY, 2020.**

**CITY OF NORTH SALT LAKE**

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Recorder

City Council Vote as Recorded:

<u>Name</u>	<u>Vote</u>
Mayor Arave	_____
Council Member Baskin	_____
Council Member Gordon	_____
Council Member Horrocks	_____
Council Member Mumford	_____
Council Member Porter	_____



# CITY OF NORTH SALT LAKE COMMUNITY & ECONOMIC DEVELOPMENT

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10 East Center Street, North Salt Lake, Utah 84054  
(801) 335-8700  
(801) 335-8719 Fax

## MEMORANDUM

**TO:** Honorable Mayor and City Council  
**FROM:** Sherrie Llewelyn, Community Development Director  
**DATE:** February 4, 2020  
**SUBJECT:** Consideration of ORD2020-06 amending the land use code pertaining to the R1-7, RM-7, and RM-20 zones

---

### RECOMMENDATION

The Planning Commission recommends approval to the City Council for the proposed amendments to the land use regulations for the R1-7, RM-7, and RM-20, residential zones with the following findings:

1. The proposed amendment is in accord with the comprehensive general plan, goals and policies of the city.
2. Changed or changing conditions make the proposed amendment reasonably necessary to carry out the "purposes" stated in this title.

### BACKGROUND

On August 6, 2019 the City Council approved ORD2019-09 enacting temporary zoning regulation on new applications for development in the R1-7, RM-7, and RM-20 zones. The council directed staff to draft changes to the subdivision ordinance, specifically addressing the base density and its calculation for subdivisions and PUD subdivisions.

On January 28, 2020 the Planning Commission held a public hearing on proposed amendments to these residential zones and amendments to the subdivision ordinances. The proposed amendments address the issues related to the ambiguity in the code related to the calculation of density within multi-family developments and takes effect upon the expiration of the moratorium February 7, 2020.

In addition to the residential code amendments, the subdivision regulations requires updates for compliance to state code, to address setbacks and building separations in multi-family developments, and a general reorganization for clarity. The draft subdivision amendments were tabled by the Planning Commission in order to give them additional review time of the complete ordinance. The commission is expected to make a recommendation and forward the proposed amendments at their next meeting on February 11, 2020.

The Planning Commission received public comments from two individuals, who voice support for the changes and raised additional consideration on the subdivision regulations that the Planning Commission is considering.

## **REVIEW**

The proposed amendments to Title 10 Chapter 10, residential districts are as follows:

1. Clarifying that subdivisions are a permitted use as required by state code;
2. Makes residential swimming pools a permitted use;
3. Provide for temporary model homes, sales pavilions or construction trailers as permitted uses;
4. Clarify the lot size requirements for the residential zones, specifically increasing the minimum lot size for two, three, or four family lots;
5. Clarify the allowed density for PUDs, and common development plans (more than one building on a single lot in multi-family developments), specifically excluding private street or access ways to be considered in the calculation of maximum density;
6. Remove the MU zone from the code as it is an unused grazing and agricultural zone;
7. Clarify that the minimum width of a lot is measured at the front setback line;
8. Clarify setbacks for accessory structures and swimming pools and reducing the setback to three feet for accessory structure and five feet for pools;
9. Requires certain infrastructure to be completed prior to issuing building permits in multi-family developments;
10. Updates requirements for Assisted Living Facilities and Facilities for Disabled Persons, in compliance with the Federal and State Fair Housing Acts;
11. Adds definitions for "Acre, Net", "Dwelling, Attached", "Density, Gross", "Density, Net" and updates the definition of a Dwelling Unit; and
12. Organizes language and uses for clarity.

## **POSSIBLE MOTION**

I move that the City Council approve **ORD2020-06** amending the land use code pertaining to the R1-7, RM-7, and RM-20 zones with the following findings:

1. The proposed amendment is in accord with the comprehensive general plan, goals and policies of the city.
2. Changed or changing conditions make the proposed amendment reasonably necessary to carry out the "purposes" stated in this title.

## Attachments

- 1) ORD202-06
- 2) Proposed Amendments (redline version)
- 3) Proposed Chapter 10 (without redlines)

**ORDINANCE NO. 2020-06**

**AN ORDINANCE OF THE CITY OF NORTH SALT LAKE  
AMENDING TITLE 10, CHAPTER 10 OF THE CITY CODE  
RELATED TO REGULATIONS OF THE R1-7, RM-7, AND RM-20  
ZONES.**

**WHEREAS**, the City of North Salt Lake is an incorporated city in Davis County Utah;  
and

**WHEREAS**, City of North Salt Lake is in the process of implementing the 2013 General Plan and 2016 Town Center Master Plan and is currently drafting a form based code for the Town Center area of the City; and

**WHEREAS**, the City Council of North Salt Lake finds that there are deficiencies in the current regulations related to the R1-7, RM-7, and RM-20 zones which may impact the implementation of the goals and polices of the adopted General Plan and Town Center Master Plan both within the Town Center and adjacent neighborhoods ;

**WHEREAS**, the City Council of North Salt Lake found a compelling, countervailing public interest in the adoption of ORD2019-09 providing for a temporary zoning ordinance which restricted applications for development activity within the R1-7, RM-7, and RM-20 zones for a period of six months, expiring on February 7, 2020; and

**WHEREAS**, the Planning Commission conducted a public hearing on the proposed amendments on January 28, 2020 and made a recommendation to the City Council on the proposed amendments; and,

**WHEREAS**, the City Council finds that it is in the public interest that the North Salt Lake Land Use Ordinance and City Code be amended at this time to provide clarity of regulations related to the R1-7, RM-7, and RM-20 zones.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH SALT LAKE, STATE OF UTAH, AS FOLLOWS:**

**Section 1.** Pursuant to Utah Code 10-9a-502 Title 10, of the City Code is hereby amended as attached in Exhibit A.

**Section 2. Severability.** If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

**Section 3. Effective Date.** This Ordinance shall become effective upon expiration of ORD2019-09 on February 7, 2020 or posting.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH SALT LAKE, STATE OF UTAH, THIS 4<sup>th</sup> DAY OF FEBRUARY, 2020.**

**CITY OF NORTH SALT LAKE**

By: \_\_\_\_\_  
Len Arave, Mayor

**ATTEST:**

\_\_\_\_\_  
City Recorder

City Council Vote as Recorded:

<u>Name</u>	<u>Vote</u>
Council Member Gordon	_____
Council Member Horrocks	_____
Council Member Baskin	_____
Council Member Mumford	_____
Council Member Porter	_____

1  
2  
3  
**Chapter 10**  
**RESIDENTIAL AND MULTIPLE RESIDENTIAL**  
**DISTRICTS**

- 4 **10-10-1: PURPOSE:**  
5 **10-10-2: CODES AND SYMBOLS:**  
6 **10-10-3: USE REGULATIONS:**  
7 **10-10-4: LANDSCAPING REQUIREMENTS:**  
8 **10-10-5: HOME OCCUPATIONS:**  
9 **10-10-6: DOMESTIC FARM ANIMALS:**

10 **10-10-1: PURPOSE:**

11  
12 The purpose of the following districts is:

13  
14 ~~A. Multiple Use Districts MU: To provide a Multiple Use District and to establish areas in mountain,~~  
15 ~~hillside, canyon mountain valley, desert and other open and generally undeveloped lands where~~  
16 ~~human habitation should be limited in order to protect land and other open space resources;~~  
17 ~~reduce unreasonable requirements for public utility and service expenditures through~~  
18 ~~uneconomical and unwise dispersal and scattering of population; to encourage use of the land,~~  
19 ~~where appropriate, for forestry, grazing, agriculture, mining, wildlife habitat and recreation; to~~  
20 ~~avoid excessive damage to watersheds, water pollution, soil erosion, danger from brush land~~  
21 ~~fires, damage to grazing and livestock raising, and to wildlife values; to avoid the premature~~  
22 ~~development of lands by discouraging intensive development until the ultimate best use of the~~  
23 ~~land can be recommended by the Planning Commission to the City Council; and to promote the~~  
24 ~~health, safety, convenience, order, prosperity and general welfare of the inhabitants of the~~  
25 ~~community. The minimum lot size shall be twenty (20) acres.~~

26  
27 AB. Residential District R1-12: To provide areas for low density, single-family residential  
28 neighborhoods of spacious and uncrowded character.

29 BC. Residential District R1-10: To provide areas for medium low density, single-family residential  
30 neighborhoods where low and medium costs of development may occur.

31 CD. Multiple Residential District RM-7: To provide areas for medium residential density with the  
32 opportunity for varied housing styles and character.

33 DE. Residential District R1-7: To provide areas for medium low density, single-family or dual-family  
34 residential neighborhoods where low and medium costs of development may occur.

35 EF. Multiple Residential District RM-20: To provide areas for medium high residential density with  
36 the opportunity for varied housing styles and character. (Ord. 03-3, 4-15-2003; amd. Ord., 7-12-  
37 2007)

38 **10-10-2: CODES AND SYMBOLS:**  
39

40 In section 10-10-3 of this chapter, uses of land or buildings which are allowed in various districts are

41 shown as permitted uses, indicated by a "P" in the appropriate column, or as conditional uses,  
 42 indicated by a "C" in the appropriate column. If a use is not allowed in a given district, it is either not  
 43 named in the use list or it is indicated in the appropriate column by a numeral to show the linear or  
 44 square feet required, or by the letter "A". If the regulation does not apply, it is indicated in the  
 45 appropriate column by a dash. (Ord. 03-3, 4-15-2003; amd. Ord., 7-12-2007)

46 **10-10-3: USE REGULATIONS:**

47  
 48 No building, structure or land shall be used and no building or structure shall be hereafter erected,  
 49 structurally altered, enlarged or maintained in a Single-Family Residential District or Multiple  
 50 Residential District, except as provided in this title:

	Zone					
	R1-12	R1-10	<del>MU-</del>	R1-7	RM-7	RM-20
Accessory buildings and uses customarily incidental to permitted uses other than those listed below.—	P	P	<del>P</del>	P	P	P
<u>Residential accessory swimming pool-</u>	<del>PG-</del>	<del>PG-</del>	<del>C-</del>	<del>PG-</del>	<del>PG-</del>	<del>PG-</del>
<u>Community (HOA) swimming pool</u>	<del>P</del>	<del>P</del>		<del>P</del>	<del>P</del>	<del>P</del>
<del>Accessory buildings and uses customarily incidental to conditional uses.—</del>	<del>C-</del>	<del>C-</del>	<del>C-</del>	<del>C-</del>	<del>C-</del>	<del>C-</del>
<u>Temporary model homes, sales pavilions, or construction office trailers for a period not to exceed three (3) years and to be removed within thirty (30) of final occupancy of the</u>	<del>P</del>	<del>P</del>		<del>P</del>	<del>P</del>	<del>P</del>

	Zone					
	R1-12	R1-10	<del>MU</del>	R1-7	RM-7	RM-20
<u>last dwelling in the development.</u>						
<del>Temporary buildings for uses incidental to construction work, including living quarters for guard or night watchman, which building must be removed upon completion or abandonment of the construction work. Mobile homes for temporary uses found appropriate to the Planning Commission.</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>
Special Uses						
<u>In home c</u> Child daycare for 5 to 8 children (see subsection 10-10-5E of this chapter for supplemental regulations).	P	P	<del>P</del>	P	P	P
Preschool for up to 8 children (see subsection 10-10-5F of this chapter for supplemental regulations).	P	P	<del>P</del>	P	P	P
Domestic farm animals.	P	P	<del>N</del>	P	P	P

	Zone					
	R1-12	R1-10	<del>MU</del>	R1-7	RM-7	RM-20
The tilling of the soil, the raising of crops, horticulture and gardening.	P	P	<del>P</del>	P	P	P
Assisted living center. If the assisted living center is an apartment building, the facility shall not exceed the density allowed in the base zoning district. If the assisted living center is a rooming house, for the purpose of calculating the density allowed under the base zoning district, <del>3</del> <u>4</u> boarders shall constitute 1 dwelling unit.	<del>PG</del>	<del>PG</del>	<del>PG</del>	<del>PC</del>	<del>PC</del>	<del>PC</del>
Residential						
Single-family dwelling.	P	P	<del>-</del>	P	P	P
Two-family dwelling.	-	-	<del>-</del>	P	<del>PG</del>	P
Three-family dwelling.	-	-	<del>-</del>	-	<del>PG</del>	P
Four-family dwelling.	-	-	<del>-</del>	-	<del>PG</del>	<del>PG</del>
Multiple-family dwelling ( <u>more than 4</u> ).	-	-	<del>-</del>	-	<del>PG</del>	<del>PG</del>

	Zone					
	R1-12	R1-10	<del>MU</del>	R1-7	RM-7	RM-20
<del>Groups of dwellings (including twin homes, etc.) when approved as a planned unit development.</del>	<del>-</del>	<del>-</del>	<del>-</del>	<del>-</del>	<del>C</del>	<del>C</del>
Accessory dwelling units, in accordance with section 10-1-44 of this title.	P	P	<del>-</del>	P	P	P
A two-family dwelling on a corner lot requires 2 front and 2 rear yards.	-	-	<del>-</del>	A	A	A
Residential facilities (group homes) for persons with a disability and the elderly, <del>provided they are separated at least 3/4 mile from another similar facility.</del>	<del>PG</del>	<del>PG</del>	<del>C</del>	<del>PG</del>	<del>PG</del>	<del>PG</del>
Home occupation.	P	P	<del>P</del>	P	P	P
Hospital: medical or dental clinic accessory to a hospital and located on the same premises.	-	-	<del>C</del>	-	C	C
Household pets.	P	P	<del>P</del>	P	P	P
Mobile home developments, including mobile homes parks or subdivisions.	-	-	<del>-</del>	-	C	-

	Zone					
	R1-12	R1-10	<del>MU</del>	R1-7	RM-7	RM-20
Public And Quasi-Public <u>Buildings and Uses</u> –						
Private educational institution having a curriculum similar to that ordinarily given in public schools.	-	-	<del>C</del>	-	C	C
Private recreational grounds and facilities not open to the general public, and to which admission charge is made.	C	C	<del>C</del>	C	C	C
Professional offices when harmonious with the general character of the district where located.	-	-	<del>C</del>	-	C	C
<u>Publicly owned cemeteries, essential services, streets, recreational trails, parks and golf courses, utilities, schools and rights of way.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<del>Public and quasi-public buildings and uses (cemeteries, churches, essential service facilities, golf courses, substation</del> <u>Substation</u> transmission lines 50 kV or greater capacity, <del>recreation</del>	C	C	<del>C</del>	C	C	C

	Zone					
	R1-12	R1-10	<del>MU</del>	R1-7	RM-7	RM-20
<del>trails, schools, streets [public and private], and railroad and utility lines and rights-of-way).</del>						
Land excavations <u>in association with an approved building permit or subdivision.</u>	<u>PG</u>	<u>PG</u>	<u>G</u>	<u>PG</u>	<u>PG</u>	<u>PG</u>
Subdivisions.	<u>PG</u>	<u>PG</u>	<u>G</u>	<u>PG</u>	<u>PG</u>	<u>PG</u>
Planned unit developments.	<u>PG</u>	<u>PG</u>	<u>G</u>	<u>PG</u>	<u>PG</u>	<u>PG</u>
Area Regulations <u>(in square feet)</u>						
<del>The minimum lot area in square feet for a <u>Single-family dwelling lot structure in the districts regulated by this chapter shall be:</u></del>	12,000	10,000	<del>96,800</del>	7,000	7,000	7,000
<u>Two-family dwelling lot</u>	=	=		<u>9-10,000</u>	<u>910,000</u>	<u>910,000</u>
<u>Three-family dwelling lot</u>	=	=		=	=	<u>143,000</u>
<u>Four-family dwelling-lot</u>	=	=		=	=	<u>135,000</u>
<u>Single family, attached developments density: PUDs, multi-family buildings, or multiple building</u>				<u>6-8 d.u./net ac. *single family and two</u>	<u>8 d.u./net ac. *single family and two</u>	<u>20 d.u./net ac.</u>

	Zone					
	R1-12	R1-10	<del>MU</del>	R1-7	RM-7	RM-20
<u>development on a single lot, under a common development plan (net acreage)</u>				<u>family only</u>	<u>family only</u>	
The additional lot area in square feet for each additional dwelling unit shall be:—	—	—	—	—	<del>6,000</del>	<del>1,900</del>
The lot area in square feet for a duplex:—	—	—	—	<del>8,500</del>	<del>8,500</del>	<del>8,500</del>
Minimum lot area in square feet for all main uses or buildings other than dwelling shall be:	-	-	<del>90,800</del>	5,000	3,500	3,500
Width Regulations- <u>(in feet)</u>						
The minimum width <u>in feet</u> for any lot <u>in the districts regulated by this chapter measured at the setback line</u> , except as modified by planned unit developments, <del>shall be:</del>	90	80	<del>500</del>	60	70	70
Frontage Regulations <u>(in feet)</u>						
The minimum width of any lot at the street right-of-way line <u>in feet in the districts regulated by this chapter</u> , except	45	45	<del>45</del>	45	45	45

	Zone					
	R1-12	R1-10	<del>MU</del>	R1-7	RM-7	RM-20
as modified by <del>conditional use permit, shall be</del> planned unit development:						
Front Yard Regulations <u>(in feet)</u> <u>Corner lots, main buildings shall have 2 front yards, and 1 rear yard opposite the front elevation, and 1 side yard.</u>						
The minimum depth <del>in feet</del> for the front yard for main building <del>in districts regulated by this chapter shall be:</del>	25	25	<del>25</del>	25	25	25
<del>Or the average of the existing building on the block where 50 percent or more of the frontage is developed:—</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>
<del>However, in no case shall be (in feet) less than:—</del>	<del>20</del>	<del>20</del>	<del>20</del>	<del>20</del>	<del>20</del>	<del>20</del>
<del>Or lot restricted Lots</del> having an average slope of 15 percent or more <del>(in feet) less than:</del>	20	20	<del>20</del>	20	20	20
<u>Maximum front yard setback: Or not to exceed (in feet) unless modified by conditional use (maximum 500')</u> .	100	100	<del>100</del>	<del>100</del> <u>40</u>	<del>100</del> <u>40</u>	<del>100</del> <u>40</u>
Accessory buildings may have the same	6	6	<del>6</del>	6	<del>10</del> <u>6</u>	10

	Zone					
	R1-12	R1-10	<del>MU</del>	R1-7	RM-7	RM-20
minimum front yard depth as main buildings if they have the same side yard required for main buildings; otherwise they shall be set back <del>the following number of feet</del> from the rear of the main building:						
<del>On corner lots, main buildings shall have 2 front yards, and 1 rear yard, and 1 side yard.</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>
Rear Yard Regulations <u>(in feet)</u>						
The minimum depth <del>in feet</del> for the back yard <del>in the districts regulated by this chapter shall be:</del> <u>(corner lot rear yard setback: 20 feet)</u>	25	25	<del>60</del>	25	20	20
Accessory buildings <u>(may be reduced to one (1) foot if all roof drainage stays on the lot, the walls of the building have a one (1) hour fire rating with no windows or doors adjacent to the property line, and the building is a minimum of ten (10) feet from any</u>	<del>A</del> <u>53</u>	<del>A</del> <u>53</u>	<del>A</del>	<del>A</del> <u>53</u>	<del>A</del> <u>53</u>	<del>A</del> <u>53</u>

	Zone					
	R1-12	R1-10	<del>MU</del>	R1-7	RM-7	RM-20
<del>dwelling on adjacent lot. may have a minimum setback of 1 foot; provided, that all drainage from them stays on the lot. The walls of the building shall have a minimum tested fire resistance of 1 hour and there is at least 10 feet distance to another dwelling on an adjacent lot.</del>						
<del>On corner lots, the rear yard setback may be reduced to 20 feet.</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>
<del>Swimming Pools (community or HOA pools shall be setback 15 feet)</del>	<del>5</del>	<del>5</del>		<del>5</del>	<del>5</del>	<del>5</del>
Side Yard Regulations <u>(in feet)</u> –						
<del>The minimum side yard in feet for any dwelling in districts regulated by this chapter shall be:</del>	8	8	<del>60</del>	8	8	8
<del>And the t</del> Total width of the 2 required side yards <del>in feet shall be:</del>	20	20	<del>60</del>	20	20	20
<del>Other main buildings shall have a minimum side yard in feet of:</del>	20	15	<del>15</del>	15	15	15

	Zone					
	R1-12	R1-10	MU	R1-7	RM-7	RM-20
<p><del>And the t</del> Total width of the 2 required side yards <u>for other main buildings in feet of no less than:</u></p>	40	35	<del>35</del>	45	45	45
<p>The minimum side yard in feet for an <u>accessory building: (may be reduced to one (1) foot if all roof drainage stays on the lot, the walls of the building have a one (1) hour fire rating with no windows or doors adjacent to the property line, and the building is a minimum of ten (10) feet from any dwelling on adjacent lot.)</u> private garage shall be:-</p>	<del>34</del>	<del>36</del>	<del>6</del>	<del>36</del>	<del>36</del>	<del>36</del>
<p><u>Swimming pool (community or HOA pools shall be setback 15 feet)</u></p>	<del>5</del>	<del>5</del>		<del>5</del>	<del>5</del>	<del>5</del>
<p><del>(except that private garage and other accessory buildings located 6 feet to the rear of the main buildings may have a minimum side yard of 1 foot if the walls of the building have a minimum</del></p>	<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>

	Zone					
	R1-12	R1-10	<del>MU</del>	R1-7	RM-7	RM-20
<del>tested fire resistance of 1 hour and are located at least 10 feet from a residence on an adjoining lot).</del>						
<del>Provided, that no private garage or other accessory buildings shall be located in feet closer to a dwelling on an adjacent lot than 10 feet.</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>
<del>On corner lots, main buildings shall have 2 front yards and 1 rear yard, and 1 side yard--rear yard may have a minimum of 20 feet setback.</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>
<del>The side yard in feet shall be not less than:</del>	<del>8</del>	<del>8</del>	<del>8</del>	<del>8</del>	<del>8</del>	<del>8</del>
Height Regulations <u>(in feet)</u>						
The maximum height for all buildings and structures <del>in feet</del> . See section 10-1-25 of this title.	35	35	<del>35</del>	35	35	35
Coverage Regulations <u>(in percentage of lot)</u>						
The maximum coverage <u>by buildings</u> <del>in percent for any lot in the</del>	30	35	<del>—</del>	35	50	50

	Zone					
	R1-12	R1-10	<del>MU-</del>	R1-7	RM-7	RM-20
<del>districts regulated by this chapter shall be:</del>						
The maximum coverage <del>in percent</del> for any rear yard area by accessory buildings <del>shall be:</del>	25	25	<del>—</del>	25	25	25
Depth Regulations <u>(in feet)</u>						
The minimum depth of a lot <del>in feet in districts regulated by this chapter</del> , except as may be modified by <del>conditional use permit</del> <u>planned unit development</u> , shall be:	110	110	<del>500-</del>	100	95	100

51

Improvements Required To Be Completed <u>(C)</u> Or In Progress <u>and bBonded (BP)</u> Before A Building Permit May Be Issued <u>*</u>						
<u>*Multi-family developments or common planned development sites shall be required to have street/site paving complete in addition to the internal improvements required below prior to issuance of any building permit(s).</u>						
<del>Improvements are to be in compliance with standards adopted by the Municipality. Improvements prefaced by an asterisk (*) are those applicable only to land developments and planned unit developments.</del>						
<u>Improvements are to be in compliance with standards adopted by the Municipality.</u>						
	<u>ZONES</u>					
	<u>R1-12</u>	<u>R1-10</u>		<u>R1-7</u>	<u>RM-7</u>	<u>RM-20</u>
Street grading	<u>CA-</u>	<u>CA-</u>	<del>—</del>	<u>CA-</u>	<u>CA-</u>	<u>CA-</u>

Street base	<u>CA</u> —	<u>CA</u> —	<u>CA</u> —	<u>CA</u> —	<u>CA</u> —	<u>CA</u> —
Street paving	<u>BA</u> —	<u>BA</u> —	—	<u>BA</u> —	<u>BA</u> —	<u>BA</u> —
Curb and gutter	<u>CA</u> —	<u>CA</u> —	—	<u>CA</u> —	<u>CA</u> —	<u>CA</u> —
Sidewalk	<u>BA</u> —	<u>BA</u> —	—	<u>BA</u> —	<u>BA</u> —	<u>BA</u> —
Surface drainage facilities	<u>CA</u> —	<u>A</u> — <u>C</u>	<u>A</u> —	<u>A</u> — <u>C</u>	<u>A</u> — <u>C</u>	<u>A</u> — <u>C</u>
Wastewater disposal facilities	<u>A</u> — <u>C</u>	<u>A</u> — <u>C</u>	<u>A</u> —	<u>A</u> — <u>C</u>	<u>A</u> — <u>C</u>	<u>A</u> — <u>C</u>
Culinary water facilities	<u>A</u> — <u>C</u>	<u>A</u> — <u>C</u>	<u>A</u> —	<u>A</u> — <u>C</u>	<u>A</u> — <u>C</u>	<u>A</u> — <u>C</u>
Firefighting facilities	<u>CA</u> —	<u>A</u> — <u>C</u>	<u>A</u> —	<u>A</u> — <u>C</u>	<u>A</u> — <u>C</u>	<u>A</u> — <u>C</u>
Street name signs	<u>BA</u> —	<u>BA</u> —	<u>A</u> —	<u>BA</u> —	<u>BA</u>	<u>BA</u> —
Street monuments	<u>BA</u> —	<u>BA</u> —	—	<u>BA</u> —	<u>BA</u> —	<u>BA</u> —
<del>Survey monuments boxes</del>	<u>A</u> —	<u>A</u>	<u>A</u> —	<u>A</u> —	<u>A</u> —	<u>A</u> —
Streetlights	<u>BA</u> —	<u>BA</u> —	—	<u>BA</u> —	<u>BA</u> —	<u>BA</u> —
Address numbers	<u>BA</u> —	<u>BA</u> —	<u>A</u> —	<u>BA</u> —	<u>BA</u> —	<u>BA</u> —
Public utilities (power, gas, telephone, cable TV, etc.)	<u>BA</u> —	<u>BA</u> —	<u>A</u> —	<u>BA</u> —	<u>BA</u> —	<u>BA</u> —

52  
53 (Ord. 03-3, 4-15-2003; amd. Ord. 07-03, 1-9-2007; Ord., 7-12-2007; Ord. 2011-03, 5-3-2011; Ord.  
54 2014-15, 9-2-2014; Ord. 2018-11, 10-2-2018; Ord. 2018-12, 10-2-2018; Ord. 2018-14, 11-20-2018)

55

56

57 **10-1-46: DEFINITIONS:**

58 ACRE, NET: A measurement of the developable portion of an area, after excluding the area required  
59 for public or private streets or access ways, including adjacent park strip and sidewalk(s).

60 DENSITY: A measure of the number of dwelling units per acre of area. It shall be expressed dwelling  
61 units per acre (DU/acre). Unbuildable land (as defined by the Planning Commission) is land with a  
62 slope greater than thirty percent (30%), subject to inundation or other geological hazards.

63 DENSITY, GROSS: A measure of the number of dwelling units per acre of developable, including  
64 any area designated as a public or private street or access way, including adjacent park strip and  
65 sidewalk.

66 DENSITY, NET: A measure of the number of dwelling units per acre of developable land, which shall  
67 not include any area designated as a public or private street or access way, including adjacent park  
68 strip and sidewalk.

69 DWELLING: Any building or portion thereof designed or used as the principal residence or sleeping  
70 place of one or more persons or families, but not including a tent, a recreational coach, hotel, motel,  
71 hospital or nursing home.

72

73 DWELLING, ATTACHED: A building containing multiple single family dwelling units, sharing a  
74 common wall at the property line.

75 DWELLING, FOUR-FAMILY-~~(FOURPLEX)~~: A building containing only four (4) dwelling units.

76

77 DWELLING, MULTIPLE-FAMILY: A building containing more than one dwelling unit.

78

79 DWELLING, SINGLE-FAMILY: A building containing only one dwelling unit.

80

81 DWELLING, THREE-FAMILY-~~(TRIPLEX)~~: A building containing only three (3) dwelling units.

82

83 DWELLING, TWO-FAMILY-~~(DUPLEX)~~: A building containing only two (2) dwelling units.

84

85 DWELLING UNIT: One or more rooms in a dwelling, apartment complex, hotel or motel, ~~designed for or~~  
86 occupied by one family for living or sleeping purposes-providing complete, independent living facilities  
87 for a single person or family, including permanent provisions for living, sleeping, eating, cooking and  
88 sanitation.

1  
2  
3

# Chapter 10 RESIDENTIAL AND MULTIPLE RESIDENTIAL DISTRICTS

4 **10-10-1: PURPOSE:**

5 **10-10-2: CODES AND SYMBOLS:**

6 **10-10-3: USE REGULATIONS:**

7 **10-10-4: LANDSCAPING REQUIREMENTS:**

8 **10-10-5: HOME OCCUPATIONS:**

9 **10-10-6: DOMESTIC FARM ANIMALS:**

10 **10-10-1: PURPOSE:**

11 The purpose of the following districts is:

12  
13 A. Residential District R1-12: To provide areas for low density, single-family residential  
14 neighborhoods of spacious and uncrowded character.

15 B. Residential District R1-10: To provide areas for medium low density, single-family residential  
16 neighborhoods where low and medium costs of development may occur.

17 C. Multiple Residential District RM-7: To provide areas for medium residential density with the  
18 opportunity for varied housing styles and character.

19 D. Residential District R1-7: To provide areas for medium low density, single-family or dual-family  
20 residential neighborhoods where low and medium costs of development may occur.

21 E. Multiple Residential District RM-20: To provide areas for medium high residential density with the  
22 opportunity for varied housing styles and character. (Ord. 03-3, 4-15-2003; amd. Ord., 7-12-  
23 2007)

24 **10-10-2: CODES AND SYMBOLS:**

25  
26 In section 10-10-3 of this chapter, uses of land or buildings which are allowed in various districts are  
27 shown as permitted uses, indicated by a "P" in the appropriate column, or as conditional uses,  
28 indicated by a "C" in the appropriate column. If a use is not allowed in a given district, it is either not  
29 named in the use list or it is indicated in the appropriate column by a numeral to show the linear or  
30 square feet required, or by the letter "A". If the regulation does not apply, it is indicated in the  
31 appropriate column by a dash. (Ord. 03-3, 4-15-2003; amd. Ord., 7-12-2007)

32 **10-10-3: USE REGULATIONS:**

33  
34 No building, structure or land shall be used and no building or structure shall be hereafter erected,  
35 structurally altered, enlarged or maintained in a Single-Family Residential District or Multiple  
36 Residential District, except as provided in this title:

	Zone				
	R1-12	R1-10	R1-7	RM-7	RM-20
Accessory buildings and uses	P	P	P	P	P
Residential accessory swimming pool	P	P	P	P	P
Community (HOA) swimming pool	P	P	P	P	P
Temporary model homes, sales pavilions, or construction office trailers for a period not to exceed three (3) years and to be removed within thirty (30) of final occupancy of the last dwelling in the development.	P	P	P	P	P
In home child daycare for 5 to 8 children (see subsection 10-10-5E of this chapter for supplemental regulations).	P	P	P	P	P
Preschool for up to 8 children (see subsection 10-10-5F of this chapter for supplemental regulations).	P	P	P	P	P
Domestic farm animals.	P	P	P	P	P
The tilling of the soil, the raising of crops, horticulture and gardening.	P	P	P	P	P
Assisted living center. If the assisted living center is an apartment building, the facility shall not exceed the density allowed in the base zoning district. If the assisted living center is a rooming house, for the purpose of calculating the density allowed under the base zoning district, 4 boarders shall constitute 1 dwelling unit.	P	P	P	P	P
Single-family dwelling.	P	P	P	P	P
Two-family dwelling.	-	-	P	P	P
Three-family dwelling.	-	-	-	P	P
Four-family dwelling.	-	-	-	P	P
Multiple-family dwelling (more than 4).	-	-	-	P	P
Accessory dwelling units, in accordance with section 10-1-44 of this title.	P	P	P	P	P

	Zone				
	R1-12	R1-10	R1-7	RM-7	RM-20
A two-family dwelling on a corner lot requires 2 front and 2 rear yards.	-	-	A	A	A
Residential facilities (group homes) for persons with a disability and the elderly	P	P	P	P	P
Home occupation.	P	P	P	P	P
Hospital: medical or dental clinic accessory to a hospital and located on the same premises.	-	-	-	C	C
Household pets.	P	P	P	P	P
Mobile home developments, including mobile homes parks or subdivisions.	-	-	-	C	-
Private educational institution having a curriculum similar to that ordinarily given in public schools.	-	-	-	C	C
Private recreational grounds and facilities not open to the general public, and to which admission charge is made.	C	C	C	C	C
Professional offices when harmonious with the general character of the district where located.	-	-	-	C	C
Publicly owned cemeteries, essential services, streets, recreational trails, parks and golf courses, utilities, schools and rights of way.	P	P	P	P	P
Substation transmission lines 50 kV or greater capacity and railroad rights-of-way.	C	C	C	C	C
Land excavations in association with an approved building permit or subdivision.	P	P	P	P	P
Subdivisions.	P	P	P	P	P
Planned unit developments.	P	P	P	P	P
Single-family dwelling lot:	12,000	10,000	7,000	7,000	7,000

	Zone				
	R1-12	R1-10	R1-7	RM-7	RM-20
Two-family dwelling lot	-	-	10,000	10,000	10,000
Three-family dwelling lot	-	-	-	-	13,000
Four-family dwelling-lot	-	-	-	-	15,000
Single family, attached developments density: PUDs, multi-family buildings, or multiple building development on a single lot, under a common development plan (net acreage)			8 d.u./net ac. *single family and two family only	8 d.u./net ac.	20 d.u./net ac.
Minimum lot area in square feet for all main uses or buildings other than dwelling shall be:	-	-	5,000	3,500	3,500
The minimum width for any lot measured at the setback line, except as modified by planned unit developments:	90	80	60	70	70
The minimum width of any lot at the street right-of-way line , except as modified by planned unit development:	45	45	45	45	45
The minimum depth for the front yard for main building:	25	25	25	25	25
Lots having an average slope of 15 percent or more	20	20	20	20	20
Maximum front yard setback	100	100	40	40	40
Accessory buildings may have the same minimum front yard depth as main buildings if they have the same side yard required for main buildings; otherwise they shall be set back t from the rear of the main building:	6	6	6	6	10
The minimum depth for the back yard: (corner lot rear yard setback: 20 feet)	25	25	25	20	20
Accessory buildings (may be reduced to one (1) foot if all roof drainage stays on the lot, the walls of the building have a one (1) hour fire rating with no windows	3	3	3	3	3

	Zone				
	R1-12	R1-10	R1-7	RM-7	RM-20
or doors adjacent to the property line, and the building is a minimum of ten (10) feet from any dwelling on adjacent lot.					
Swimming Pools (community or HOA pools shall be setback 15 feet)	5	5	5	5	5
The minimum side yard for any dwelling:	8	8	8	8	8
Total width of the 2 required side yards:	20	20	20	20	20
Other main buildings:	20	15	15	15	15
Total width of the 2 required side yards for other main buildings :	40	35	45	45	45
The minimum side yard in feet for an accessory building: (may be reduced to one (1) foot if all roof drainage stays on the lot, the walls of the building have a one (1) hour fire rating with no windows or doors adjacent to the property line, and the building is a minimum of ten (10) feet from any dwelling on adjacent lot.)	3	3	3	3	3
Swimming pool (community or HOA pools shall be setback 15 feet)	5	5	5	5	5
The maximum height for all buildings and structures. See section 10-1-25 of this title.	35	35	35	35	35
The maximum coverage by buildings:	30	35	35	50	50
The maximum coverage for any rear yard area by accessory buildings:	25	25	25	25	25
The minimum depth of a lot, except as may be modified by planned unit development:	110	110	100	95	100

Improvements Required To Be Completed (C) Or In Progress and Bonded (B)  
Before A Building Permit May Be Issued \*

\*Multi-family developments or common planned development sites shall be required to have street/site paving complete in addition to the internal improvements required below prior to issuance of any building permit(s).

Improvements are to be in compliance with standards adopted by the Municipality.

	ZONES				
	R1-12	R1-10	R1-7	RM-7	RM-20
Street grading	C	C	C	C	C
Street base	C	C	C	C	C
Street paving	B	B	B	B	B
Curb and gutter	C	C	C	C	C
Sidewalk	B	B	B	B	B
Surface drainage facilities	C	C	C	C	C
Wastewater disposal facilities	C	C	C	C	C
Culinary water facilities	C	C	C	C	C
Firefighting facilities	C	C	C	C	C
Street name signs	B	B	B	B	B
Street monuments	B	B	B	B	B
Streetlights	B	B	B	B	B
Address numbers	B	B	B	B	B
Public utilities (power, gas, telephone, cable TV, etc.)	B	B	B	B	B

38

39 (Ord. 03-3, 4-15-2003; amd. Ord. 07-03, 1-9-2007; Ord., 7-12-2007; Ord. 2011-03, 5-3-2011; Ord.  
40 2014-15, 9-2-2014; Ord. 2018-11, 10-2-2018; Ord. 2018-12, 10-2-2018; Ord. 2018-14, 11-20-2018)

41 **10-1-46: DEFINITIONS:**

42 ACRE, NET: A measurement of the developable portion of an area, after excluding the area required  
43 for public or private streets or access ways, including adjacent park strip and sidewalk(s).

44 DENSITY: A measure of the number of dwelling units per acre of area. It shall be expressed dwelling  
45 units per acre (DU/acre). Unbuildable land (as defined by the Planning Commission) is land with a  
46 slope greater than thirty percent (30%), subject to inundation or other geological hazards.

47 DENSITY, GROSS: A measure of the number of dwelling units per acre of developable, including  
48 any area designated as a public or private street or access way, including adjacent park strip and  
49 sidewalk.

50 DENSITY, NET: A measure of the number of dwelling units per acre of developable land, which shall  
51 not include any area designated as a public or private street or access way, including adjacent park  
52 strip and sidewalk.

53 DWELLING: Any building or portion thereof designed or used as the principal residence or sleeping  
54 place of one or more persons or families, but not including a tent, a recreational coach, hotel, motel,  
55 hospital or nursing home.

56

57 DWELLING, ATTACHED: A building containing multiple single family dwelling units, sharing a  
58 common wall at the property line.

59

60 DWELLING, FOUR-FAMILY: A building containing only four (4) dwelling units.

61

62 DWELLING, MULTIPLE-FAMILY: A building containing more than one dwelling unit.

63

64 DWELLING, SINGLE-FAMILY: A building containing only one dwelling unit.

65

66 DWELLING, THREE-FAMILY: A building containing only three (3) dwelling units.

67

68 DWELLING, TWO-FAMILY: A building containing only two (2) dwelling units.

69

70 DWELLING UNIT: One or more rooms in a dwelling, apartment complex, hotel or motel, providing  
71 complete, independent living facilities for a single person or family, including permanent provisions  
72 for living, sleeping, eating, cooking and sanitation.



# CITY OF NORTH SALT LAKE COMMUNITY & ECONOMIC DEVELOPMENT

---

10 East Center Street, North Salt Lake, Utah 84054  
(801) 335-8700  
(801) 335-8719 Fax

## MEMORANDUM

**TO:** Honorable Mayor and City Council  
**FROM:** Sherrie Llewelyn, Community Development Director  
**DATE:** February 4, 2020  
**SUBJECT:** Consideration of ORD2020-07 amending Title 9, Chapter 8 pertaining to the adoption of the International Fire Code (IFC)

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### RECOMMENDATION

The Development Review Committee recommends approval to the City Council for the proposed amendment Title 9, Chapter 8 Fire Code and Regulations with the following findings:

1. The proposed amendment is required to comply with the State Fire Code; and
2. Changed or changing conditions make the proposed amendment reasonably necessary to carry out the "purposes" stated in this title.

### BACKGROUND

The South Davis Metro Fire Agency has reviewed the city code adopting the International Fire Code. The fire marshal identified several deficiencies in the current title that require updating.

### REVIEW

The proposed amendments to Title 9 Chapter 8, Fire Code and Regulations are as follows:

1. Specify that the current edition of the IFC as adopted by the state is adopted by the city. (The current code specifically calls out the 2012 edition, this change will assure that the most recent version is always adopted without amending the city code);
2. Provide for penalties for violation of the fire code;
3. Updates the name of the Fire Authority (currently referred to as Agency);
4. Corrects spelling errors; and
5. Amends the requirement for fire sprinkling of residential homes in conformance with state code.

### POSSIBLE MOTION

I move that the City Council approve **ORD2020-07** amending City Code, Title 9, Chapter 8 Fire Code and Regulations with the following findings:

1. The proposed amendment is required to comply with the State Fire Code; and
2. Changed or changing conditions make the proposed amendment reasonably necessary to carry out the "purposes" stated in this title.

#### Attachments

- 1) ORD2020-07
- 2) Proposed Amendments (redline version)
- 3) Proposed Title 9, Chapter 8 (without redlines)

**ORDINANCE NO. 2020-07**

**AN ORDINANCE OF THE CITY OF NORTH SALT LAKE  
AMENDING TITLE 9, CHAPTER 8 OF THE CITY CODE  
RELATED TO ADOPTION OF THE INTERNATIONAL FIRE  
CODE.**

**WHEREAS**, the City of North Salt Lake is an incorporated city in Davis County Utah;  
and

**WHEREAS**, the City Council of North Salt Lake finds it necessary to update the ordinance  
relating to the adoption of the most recent International Fire Code;

**WHEREAS**, the City Council of North Salt Lake finds it necessary to amend the city code  
related to fire sprinkler requirements to conform to Utah State Code; and

**WHEREAS**, the City Council finds that it is in the public interest that the North Salt Lake City  
Code, Title 9, Chapter 8 be amended at this time.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE  
CITY OF NORTH SALT LAKE, STATE OF UTAH, AS FOLLOWS:**

**Section 1.** Pursuant to Utah Code 15A-5-101, Title 9, Chapter 8 of the City Code is  
hereby amended as attached in Exhibit A.

**Section 2. Severability.** If any section, part or provision of this Ordinance is held  
invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of  
this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

**Section 3. Effective Date.** This Ordinance shall become effective upon publication or  
posting.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH SALT LAKE, STATE OF UTAH, THIS 4<sup>th</sup> DAY OF FEBRUARY, 2020.**

**CITY OF NORTH SALT LAKE**

By: \_\_\_\_\_  
Len Arave, Mayor

**ATTEST:**

\_\_\_\_\_  
City Recorder

City Council Vote as Recorded:

<u>Name</u>	<u>Vote</u>
Council Member Gordon	_____
Council Member Horrocks	_____
Council Member Baskin	_____
Council Member Mumford	_____
Council Member Porter	_____

**Chapter 8**  
**FIRE CODE AND REGULATIONS**

**9-8-1: FIRE CODE ADOPTED:**

**9-8-2: ADMINISTRATION AND ENFORCEMENT:**

**9-8-3: REGULATIONS AND PROHIBITIONS:**

**9-8-4: LIQUEFIED PETROLEUM GAS STORAGE:**

**9-8-5: RESIDENTIAL AUTOMATIC FIRE SPRINKLER SYSTEM REQUIREMENTS:~~FIRE SPRINKLER SYSTEM REQUIREMENTS:~~**

**9-8-1: FIRE CODE ADOPTED:**

A. International Fire Code: For the purpose of prescribing regulations governing conditions hazardous to life and property from fire and explosion, the City of North Salt Lake hereby adopts the currently adopted Utah State Fire Code, including all of the provisions of Utah Code, Title 15A, Chapter 5, Parts 1-3 and Appendices A, B, C and D of the currently adopted edition of the International Fire Code. The fire code is hereby incorporated as if set out at length herein, and from the effective date hereof, the provisions thereof shall be controlling within the corporate limits of the city.

~~A. International Fire Code: For the purpose of prescribing regulations governing conditions hazardous to life and property from fire and explosion, the 2012 edition of the international fire code (IFC), including the international fire code standards, is hereby adopted as recommended by the International Code Council, Inc., and the International Conference Of Building Officials, and as adopted by the state fire prevention board, including appendices A, B, C and D thereof, with such amendments as set forth in subsection C of this section. The IFC is hereby incorporated as if set out at length herein, and from the effective date hereof, the provisions thereof shall be controlling within the corporate limits of the city. (Ord. 07-15, 6-5-2007; amd. Ord. 2013-15, 7-16-2013)~~

B. Copy On File: Pursuant to Utah Code Annotated section 10-3-711, as amended, a copy of the code has been filed for use and examination by the public in the office of the city recorder prior to the adoption date hereof.

C. Amendments:

Section ~~109.3110.4~~ of the International Fire Code~~international fire code~~ is amended to read as follows:

**110.4 Violation penalties.** Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do

~~work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a class B misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not exceeding six (6) months, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~  
~~**109.3 Penalties.** Any person convicted of violating any provision of the IFC shall be guilty of a class B misdemeanor and such violations shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment for a term not longer than six (6) months, or by both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~  
~~(Ord. 07-15, 6-5-2007)~~

## **9-8-2: ADMINISTRATION AND ENFORCEMENT:**

- A. Agency Fire Authority: The city is a participant member of the South Davis Metro Fire Agency Service Area (the agencyfire authority), a separate legal entity duly organized and created under the laws of the state by interlocal cooperation agreement entered into by participating entities of the agencyfire authority. The agencyfire authority shall provide all fire, emergency medical, and other emergency first responder services for the city in accordance with the terms and conditions of the interlocal cooperation agreement entered into by the participating entities, as amended (the interlocal agreement).
- B. Delegation Of Authority: The city hereby delegates all power and responsibility for fire suppression, prevention, investigation, enforcement, emergency medical, and other emergency and first responder services within the jurisdiction of the city to the agency and hereby recognizes the agencyfire authority as the governmental and political subdivision for such purposes consistent and in accordance with the interlocal agreement and the fire code.
- C. Fire Code Official: The agencyfire authority shall serve as the fire code official for the city, as more particularly described in section 104 of the fire code.
- D. Fire Board Of Appeals: The fire board of appeals as created and maintained by the agencyfire authority shall hear and decide appeals of orders, decisions or determinations made by the agencyfire authority's fire code official relative to the application and interpretation of the fire code within the jurisdiction of the city.
- E. Appeals: Any person adversely affected by an order, decision or determination made by the fire code official in the application and interpretation of the fire code within the jurisdiction of the city may appeal such order, decision or determination to the agencyfire authority's fire board of appeals in accordance with the agencyfire authority's rules and regulations regarding the same and in accordance with applicable provisions of the fire code. (Ord. 05-2, 2-1-2005)

### **9-8-3: REGULATIONS AND PROHIBITIONS:**

- A. Interference With Firefighter In Discharge Of Duties: Every person at the scene of any fire who disobeys the lawful orders of any public officer or firefighter, or offers any resistance to or interference with the efforts of any firefighter, or company of firefighters to extinguish the same, or engages in any disorderly conduct calculated to prevent the same from being extinguished, or who forbids, prevents or dissuades others from assisting to extinguish the same, is guilty of a class B misdemeanor and subject to penalty as provided in section 1-4-1 of this code. (1989 Code § 10-134; amd. 2012 Code)
- B. Unlawful Interference With Apparatus, Water, Etc.: Any person who shall ~~wilfully~~willfully injure, deface or destroy any engine, hose or other fire apparatus belonging to the city or Fire Authority, or who shall ~~wilfully~~willfully break or injure any water pipe, or interfere with the water or its source of supply, shall be deemed guilty of a class B misdemeanor and subject to penalty as provided in section 1-4-1 of this code. (1989 Code § 10-135; amd. 2012 Code)
- C. Persons Present At Fire Subject To Orders: Every person eighteen (18) years or older present at a fire shall be subject to the orders of the officer in command and shall render assistance in the manner directed by the officer in command. (1989 Code § 10-138)
- D. False Alarm: It shall be unlawful for any person to turn in or report to the South Davis Metro Fire Agency Service Area a false alarm or report of a fire or to tamper or remove any part of the fire alarm system as provided in Utah Code Annotated section 76-9-105. (1989 Code § 10-139; amd. 2012 Code)

### **9-8-4: ~~LIQUIFIED LIQUEFIED~~ PETROLEUM GAS STORAGE:**

- A. The storage of ~~liquified~~liquefied petroleum gases regulated by the International Fire Code, as adopted by the city, shall be prohibited and unlawful except in those zoning use districts established under title 10 of this code, the land use management act, which specifically authorizes such use. Such districts authorizing such storage as a permitted use and their boundaries constitute the limits referred to in ~~chapter 38 of~~ the international fire code, as adopted. Where zoning allows such uses by right, the use shall conform ~~with~~to the technical requirements of said ~~chapter 38 of the~~ international fire code.
- B. A violation of any provision of this section shall be a class B misdemeanor, subject to penalty as provided in section 1-4-1 of this code. (Ord. 99-10, 7-6-1999; amd. 2012 Code)

### **9-8-5: RESIDENTIAL AUTOMATIC FIRE SPRINKLER SYSTEM REQUIREMENTS: FIRE SPRINKLER SYSTEM REQUIREMENTS:**

A. Residential Automatic Fire Sprinkler Ordinance: As described in Utah Code Title 15A-5-203, the city adopts by ordinance the requirements of an automatic residential fire sprinkler system if any of the following conditions exist:

a. The structure:

i. is located in an urban-wildland interface area as provided in the Utah Wildland Urban Interface Code adopted as a construction code under the State Construction Code; and

ii. does not meet the requirements described in Utah Code, Subsection 65A-8-203(4)(a) and Utah Administrative Code, R652-122-1300, Minimum Standards for County Wildfire Fire Ordinance;

b. the structure is in an area where a public water distribution system with fire hydrants does not exist as required in Utah Administrative Code, R309-550-5, Water Main Design;

c. the only fire apparatus access road has a grade greater than 10% for more than 500 continual feet;

d. the total floor area of all floor levels within the exterior walls of the dwelling unit exceeds 10,000 square feet; or

e. the total floor area of all floor levels within the exterior walls of the dwelling unit is double the average of the total floor area of all floor levels of unsprinkled homes in the subdivision that are no larger than 10,000 square feet.

f. Exception: A single family dwelling does not require a fire sprinkler system if the dwelling:

i. is located outside the wildland urban interface;

ii. is built in a one-lot subdivision; and

iii. has 50 feet of defensible space on all sides that limits the propensity of fire spreading from the dwelling to another property.”

~~A. Fire suppression sprinkler systems meeting the requirements of the international fire code shall be required in any structure over six thousand two hundred (6,200) total square feet, except for type V-N construction (see subsections D, E and F of this section).~~

~~B. Dwellings which are separated by one or more four (4) hour area separation walls constructed in accordance with the international building code, without openings and which are provided with a thirty inch (30") parapet, may, at the discretion of the fire chief, be considered separate fire areas for purposes of this section. However, no area may exceed six thousand two hundred (6,200) square feet.~~

~~C. If any one separate fire area within a dwelling exceeds six thousand two hundred (6,200) square feet, the entire building must have fire sprinklers installed.~~

- ~~D. Fire suppression sprinkler systems meeting the requirements of the international fire code shall be required in any structure of type V-N construction over six thousand two hundred (6,200) square feet.~~
- ~~E. Type V-N construction dwellings which are separated by one or more four (4) hour area separation walls constructed in accordance with the international building code, without openings and which are provided with a thirty inch (30") parapet, may, at the discretion of the fire chief, be considered separate fire areas for purposes of this section. However, no area may exceed six thousand two hundred (6,200) square feet under this section.~~
- ~~F. If any one separate fire area within a dwelling of type V-N construction exceeds six thousand two hundred (6,200) square feet, the entire building must have fire sprinklers installed.~~
- ~~G. Fire suppression sprinkler systems meeting the requirements of the international fire code shall be required in accordance with section 1003 of the international fire code, which requires the installation of fire suppression sprinkler systems to comply with the international building code standard 9-1 (which is national fire protection association [NFPA] standard 13 by reference with exceptions).~~
- ~~H. Residential fire suppression sprinkler systems meeting the requirements of the international fire code shall be allowed for use in residential dwelling units in accordance with section 907 of the international fire code, which requires that installation of fire suppression sprinkler systems in group R-occupancies four (4) stories or less to comply with the international building code standard 9-3 (which is NFPA standard 13R by reference with exceptions). NFPA 13D shall be allowed for use in single family dwellings.~~
- ~~I. Recognizing the expertise of the South Davis Metro Fire Agency in the areas of fire suppression sprinkler systems selection, installation, acceptance inspection, and acceptance testing, the international building code standard and NFPA standard 13, adopted by the city as a reference standard, and reaffirmed with the following amendment which shall read: "Authority having jurisdiction is the fire chief or the duly appointed fire marshal" as provided by the NFPA definition of "authority having jurisdiction". (Ord. 01-1, 2-6-2001, eff. 2-7-2001; amd. 2012 Code)~~

**Chapter 8**  
**FIRE CODE AND REGULATIONS**

**9-8-1: FIRE CODE ADOPTED:**

**9-8-2: ADMINISTRATION AND ENFORCEMENT:**

**9-8-3: REGULATIONS AND PROHIBITIONS:**

**9-8-4: LIQUEFIED PETROLEUM GAS STORAGE:**

**9-8-5: RESIDENTIAL AUTOMATIC FIRE SPRINKLER SYSTEM REQUIREMENTS:**

**9-8-1: FIRE CODE ADOPTED:**

- A. International Fire Code: For the purpose of prescribing regulations governing conditions hazardous to life and property from fire and explosion, the City of North Salt Lake hereby adopts the currently adopted Utah State Fire Code, including all of the provisions of Utah Code, Title 15A, Chapter 5, Parts 1-3 and Appendices A, B, C and D of the currently adopted edition of the International Fire Code. The fire code is hereby incorporated as if set out at length herein, and from the effective date hereof, the provisions thereof shall be controlling within the corporate limits of the city.
- B. Copy On File: Pursuant to Utah Code Annotated section 10-3-711, as amended, a copy of the code has been filed for use and examination by the public in the office of the city recorder prior to the adoption date hereof.
- C. Amendments:

Section 110.4 of the International Fire Code is amended to read as follows:

**110.4 Violation penalties.** Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a class B misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not exceeding six (6) months, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

- 9-8-2: ADMINISTRATION AND ENFORCEMENT:**
- A. Fire Authority: The city is a participant member of the South Davis Metro Fire Service Area (the fire authority), a separate legal entity duly organized and created under the laws of the state by interlocal cooperation agreement entered into by participating entities of the fire authority. The fire authority shall provide all fire, emergency medical, and other emergency first responder services for the city in accordance with the terms and conditions of the

interlocal cooperation agreement entered into by the participating entities, as amended (the interlocal agreement).

- B. Delegation Of Authority: The city hereby delegates all power and responsibility for fire suppression, prevention, investigation, enforcement, emergency medical, and other emergency and first responder services within the jurisdiction of the city to the agency and hereby recognizes the fire authority as the governmental and political subdivision for such purposes consistent and in accordance with the interlocal agreement and the fire code.
- C. Fire Code Official: The fire authority shall serve as the fire code official for the city, as more particularly described in section 104 of the fire code.
- D. Fire Board Of Appeals: The fire board of appeals as created and maintained by the fire authority shall hear and decide appeals of orders, decisions or determinations made by the fire authority's fire code official relative to the application and interpretation of the fire code within the jurisdiction of the city.
- E. Appeals: Any person adversely affected by an order, decision or determination made by the fire code official in the application and interpretation of the fire code within the jurisdiction of the city may appeal such order, decision or determination to the fire authority's fire board of appeals in accordance with the fire authority's rules and regulations regarding the same and in accordance with applicable provisions of the fire code. (Ord. 05-2, 2-1-2005)

### **9-8-3: REGULATIONS AND PROHIBITIONS:**

- A. Interference With Firefighter In Discharge Of Duties: Every person at the scene of any fire who disobeys the lawful orders of any public officer or firefighter, or offers any resistance to or interference with the efforts of any firefighter, or company of firefighters to extinguish the same, or engages in any disorderly conduct calculated to prevent the same from being extinguished, or who forbids, prevents or dissuades others from assisting to extinguish the same, is guilty of a class B misdemeanor and subject to penalty as provided in section 1-4-1 of this code. (1989 Code § 10-134; amd. 2012 Code)
- B. Unlawful Interference With Apparatus, Water, Etc.: Any person who shall willfully injure, deface or destroy any engine, hose or other fire apparatus belonging to the city or Fire Authority, or who shall willfully break or injure any water pipe, or interfere with the water or its source of supply, shall be deemed guilty of a class B misdemeanor and subject to penalty as provided in section 1-4-1 of this code. (1989 Code § 10-135; amd. 2012 Code)
- C. Persons Present At Fire Subject To Orders: Every person eighteen (18) years or older present at a fire shall be subject to the orders of the officer in command and shall render assistance in the manner directed by the officer in command. (1989 Code § 10-138)

D. False Alarm: It shall be unlawful for any person to turn in or report to the South Davis Metro Fire Service Area a false alarm or report of a fire or to tamper or remove any part of the fire alarm system as provided in Utah Code Annotated section 76-9-105. (1989 Code § 10-139; amd. 2012 Code)

**9-8-4: LIQUEFIED PETROLEUM GAS STORAGE:**

A. The storage of liquefied petroleum gases regulated by the International Fire Code, as adopted by the city, shall be prohibited and unlawful except in those zoning use districts established under title 10 of this code, the land use management act, which specifically authorizes such use. Such districts authorizing such storage as a permitted use and their boundaries constitute the limits referred to in the international fire code, as adopted. Where zoning allows such uses by right, the use shall conform to the technical requirements of said international fire code.

B. A violation of any provision of this section shall be a class B misdemeanor, subject to penalty as provided in section 1-4-1 of this code. (Ord. 99-10, 7-6-1999; amd. 2012 Code)

**9-8-5: RESIDENTIAL AUTOMATIC FIRE SPRINKLER SYSTEM REQUIREMENTS:**

A. Residential Automatic Fire Sprinkler Ordinance: As described in Utah Code Title 15A-5-203, the city adopts by ordinance the requirements of an automatic residential fire sprinkler system if any of the following conditions exist:

a. The structure:

- i. is located in an urban-wildland interface area as provided in the Utah Wildland Urban Interface Code adopted as a construction code under the State Construction Code; and
- ii. does not meet the requirements described in Utah Code, Subsection 65A-8-203(4)(a) and Utah Administrative Code, R652-122-1300, Minimum Standards for County Wildfire Fire Ordinance;

b. the structure is in an area where a public water distribution system with fire hydrants does not exist as required in Utah Administrative Code, R309-550-5, Water Main Design;

c. the only fire apparatus access road has a grade greater than 10% for more than 500 continual feet;

d. the total floor area of all floor levels within the exterior walls of the dwelling unit exceeds 10,000 square feet; or

e. the total floor area of all floor levels within the exterior walls of the dwelling unit is double the average of the total floor area of all floor levels of unsprinkled homes in the subdivision that are no larger than 10,000 square feet.

- f. Exception: A single family dwelling does not require a fire sprinkler system if the dwelling:
  - i. is located outside the wildland urban interface;
  - ii. is built in a one-lot subdivision; and
  - iii. has 50 feet of defensible space on all sides that limits the propensity of fire spreading from the dwelling to another property.”



## CITY OF NORTH SALT LAKE

---

10 East Center Street  
North Salt Lake, Utah 84054  
(801) 335-8700  
(801) 335-8719 Fax

Len Arave  
Mayor

Ken Leetham  
City Manager

### MEMORANDUM

**TO:** Honorable Mayor and City Council

**FROM:** Ken Leetham, City Manager

**DATE:** February 4, 2020

**SUBJECT:** Formal ratification of Kimball letter of commitment for tax increment revenue (TIF) sharing related to the acquisition of property at 170 South Redwood Road.

---

#### **RECOMMENDATION**

I recommend formal ratification of the terms of the attached letter of commitment and term sheet related to the acquisition of property located at 170 South Redwood Road.

#### **BACKGROUND**

You may recall that Council members consented to this letter of approval shortly after the January 21 City Council meeting. After offering the Council's original terms, I reported to the Council via email (see attached) that the Kimballs had rejected the original conditions. I then obtained the individual consent of each Council member prior to signing and submitting to Kimballs the attached letter of commitment. If you need any reminder of the details of this item, please refer to the confidential email that I sent to the City Council on January 22, 2020 on this subject.

This formal item on the City Council agenda is to ratify those individual approvals so that there is a formal record of the Council's final decision regarding this matter.

#### **PROPOSED MOTION**

I move that the City Council ratify the terms contained in the letter of commitment dated January 23, 2020 together with the associated term sheet.



## CITY OF NORTH SALT LAKE

---

10 East Center Street  
North Salt Lake, Utah 84054  
(801) 335-8700  
(801) 335-8719 Fax

Leonard Arave  
Mayor

Ken Leetham  
City Manager

January 23, 2020

Ryan Kimball  
NSL Legacy, LLC  
Salt Lake City, UT

Dear Ryan,

I received approval from the City Council of North Salt Lake to offer to reimburse you or NSL Legacy, LLC if you will execute and close on the real estate purchase agreement dated November 1, 2019 with the Kellys for the 2.5 acres located at 170 South Redwood Road. The City will reimburse you up to \$770,000 from any tax increment revenue (TIF) that you generate on any portion of the approximately 70 acres owned by Kimball Investment Company, LLC, NSL Legacy, LLC or any of their affiliates and successors.

There is no condition on the City's commitment that you create any specific land uses or achieve any taxable value benchmarks and our commitment is solely contingent upon you or your successors producing sufficient taxable value anywhere within your project area to generate the TIF revenue that will be used to reimburse you.

The City has asked that you be willing to formalize this commitment in a follow-up agreement which contains generally the terms found in the attached term sheet. In addition to those described terms, the Council would also ask that all above-ground improvements on the Kelly properties be demolished within 18 months of you taking possession of the property. They have also asked, generally, that you establish some architectural and urban design standards that would produce high quality buildings such as those proposed and shown on your approved concept plan. Finally, the City will also be assigning the contract rights to you upon your satisfactory completion and acceptance of a Phase I and possibly Phase II environmental study so that you may work directly with the Sellers to close on the transaction.

I am very excited that you are willing to enter into this agreement and acquire the Kelly parcels. I believe that this will achieve many City objectives and be a great addition to your project area. I also thank you for your hard work and commitment to improving this part of the City. Please let me know if you need any further assistance.

Sincerely,

Ken Leetham  
City Manager

## Term Sheet for Kelly transaction

January 23, 2020

### Kimball Obligations

- 1) Provide 100% of the funds to close the transaction entered into by the City and Kellys. The agreed upon purchase price is \$2,070,000.
- 2) Agree to take possession of the property for the purpose of demolition of existing above-ground improvements and preparation of the property to be used for the purposes described in the concept plan approval previously granted by the City; namely, hotels, retail stores, restaurants, office buildings and other appropriate non-residential and non-industrial land uses.
- 3) Agree to construct the future access road through the subject property, at its own expense, if needed and as required by future development plans.
- 4) Agree that any reimbursements related to this sale will come only from Tax Increment Revenue generated from within the boundaries of the approximately 70 acres owned by Kimballs, its affiliates or successors located generally in the southwest quadrant of the intersection of Center Street and Redwood Road and that the City will not be obligated to reimburse Kimball in any other manner or from any other source of revenue. Monies procured by Kimballs from the State or County are allowed in addition to any City reimbursement.
- 5) Agree that the reimbursement will be a simple reimbursement without an interest component.
- 6) Agree that it will cooperate with the City, or its representatives, in order to effectuate the assignment its purchase contract with the Kellys to the Kimballs in a manner, subject to the City Attorney's approval, that will result in the City never being in the chain-of-title.
- 7) Agree that it will work quickly to complete a Level 1 Environmental investigation, at its own expense, in order that the Closing on the property may happen as soon as possible.

### City Obligations

- 1) Agree to reimburse Kimballs \$770,000 from the Tax Increment Revenue generated from within the boundaries of the approximately 70 acres owned by Kimball or Kimball Investments located generally in the southwest quadrant of the intersection of Center Street and Redwood Road.
- 2) Agree to coordinate, as needed, with the sellers (Kelly) in order to facilitate a Level 1 and, if required, Level 2, Environmental review of the subject property in order that this investigation is completed prior to Closing on the transaction.

## Term Sheet for Kelly transaction

January 23, 2020

### Kimball Obligations

- 1) Provide 100% of the funds to close the transaction entered into by the City and Kellys. The agreed upon purchase price is \$2,070,000.
- 2) Agree to take possession of the property for the purpose of demolition of existing above-ground improvements and preparation of the property to be used for the purposes described in the concept plan approval previously granted by the City; namely, hotels, retail stores, restaurants, office buildings and other appropriate non-residential and non-industrial land uses.
- 3) Agree to construct the future access road through the subject property, at its own expense, if needed and as required by future development plans.
- 4) Agree that any reimbursements related to this sale will come only from Tax Increment Revenue generated from within the boundaries of the approximately 70 acres owned by Kimballs, its affiliates or successors located generally in the southwest quadrant of the intersection of Center Street and Redwood Road and that the City will not be obligated to reimburse Kimball in any other manner or from any other source of revenue. Monies procured by Kimballs from the State or County are allowed in addition to any City reimbursement.
- 5) Agree that the reimbursement will be a simple reimbursement without an interest component.
- 6) Agree that it will cooperate with the City, or its representatives, in order to effectuate the assignment its purchase contract with the Kellys to the Kimballs in a manner, subject to the City Attorney's approval, that will result in the City never being in the chain-of-title.
- 7) Agree that it will work quickly to complete a Level 1 Environmental investigation, at its own expense, in order that the Closing on the property may happen as soon as possible.

### City Obligations

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- 2) Agree to coordinate, as needed, with the sellers (Kelly) in order to facilitate a Level 1 and, if required, Level 2, Environmental review of the subject property in order that this investigation is completed prior to Closing on the transaction.