

PUBLIC HEARING AND PLANNING COMMISSION MEETING

Thursday, June 26, 2008 7:00 p.m.

Public Safety Building

3925 W Cedar Hills Drive, Cedar Hills, Utah

NOTICE is hereby given that the Planning Commission of the City of Cedar Hills, Utah, will hold a Public Hearing in connection with their Regular Planning Commission Meeting on Thursday, June 26, 2008, beginning at 7:00 p.m.

PLANNING COMMISSION MEETING

1. Call to Order

PUBLIC HEARINGS

2. Amendments to the City Code, Title 10, Chapter 6A, Section 2, Use Requirements - Sexually Oriented Businesses

SCHEDULED ITEMS

3. Approval of Minutes from the May 29, 2008, Public Hearing and Regular Planning Commission Meeting
4. Review/Recommendation on Final Plat for the Dimond Subdivision
5. Review/Recommendation on The Charleston at Cedar Hills Assisted Living Center Site Plan and Exterior Elevations
6. Review/Recommendation on Amendments to the City Code Title 3, Chapter 1, Business Licensing and Title 10, Chapter 6A, Section 2, Use Requirements - Sexually Oriented Businesses
7. Discussion Regarding a Library/Community Center
8. Committee Assignments and Reports

ADJOURNMENT

9. Adjourn

Posted this 25th day of June, 2008.

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Kim E. Holindrake, City Recorder

- Supporting documentation for this agenda is posted on the City's Web Site at [www.cedarhills.org](http://www.cedarhills.org).
- In accordance with the Americans with Disabilities Act, the City of Cedar Hills will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by contacting the City Recorder at least 48 hours in advance of the meeting to be held.
- The order of agenda items may change to accommodate the needs of the Planning Commission and the staff.

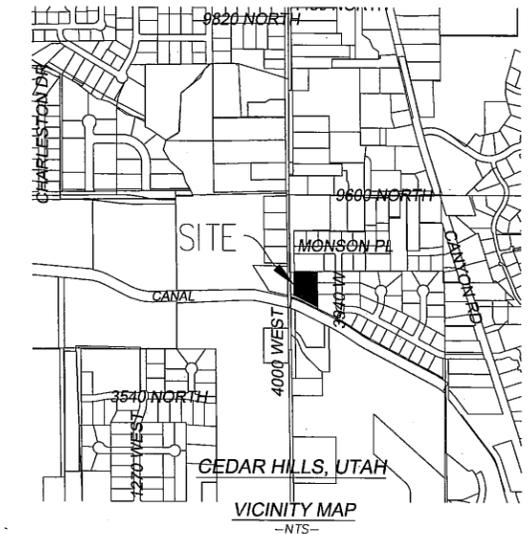
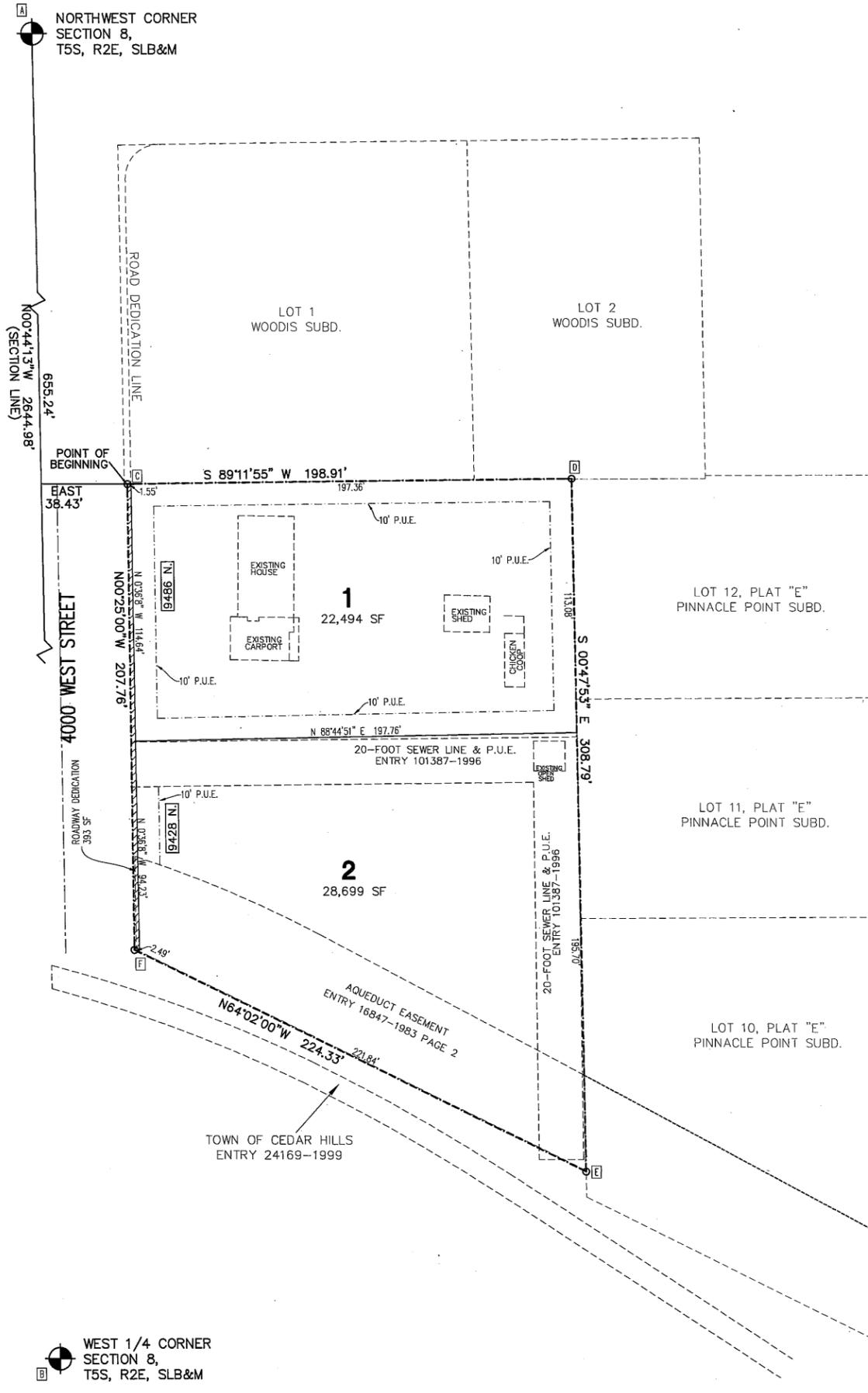


# CITY OF CEDAR HILLS

<b>TO:</b>	Planning Commission
<b>FROM:</b>	David H. Bunker, City Engineer
<b>DATE:</b>	6/26/2008

## City Council Agenda Item

<b>SUBJECT:</b>	Diamond Subdivision Final Plat
<b>APPLICANT PRESENTATION:</b>	Excel Engineering
<b>STAFF PRESENTATION:</b>	Greg Robinson
<b>BACKGROUND AND FINDINGS:</b> The Diamond Subdivision is a proposed two lot subdivision located at 4000 West and 9486 North. The subdivision will consist of the existing home (to remain) and an additional lot to the south. Improvements including curb & gutter, walk, asphalt, utilities and drainage improvements with appropriate drainage calculations will be required for both lots. Water rights for the additional lot will also be required.	
<b>PREVIOUS LEGISLATIVE ACTION:</b> Planning Commission granted preliminary approval May, 2008.	
<b>FISCAL IMPACT:</b> N/A	
<b>SUPPORTING DOCUMENTS:</b> Plans for the subdivision have been submitted.	
<b>RECOMMENDATION:</b> Staff recommends the planning commission review and recommend approval of the proposed two lot subdivision and final plat with the conditions as outlined above.	
<b>MOTION:</b> To recommend/not recommend approval of the Diamond Subdivision Final Plat subject to, . . .	

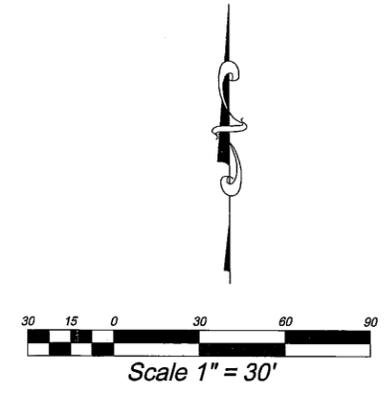


- NOTES:**
- 5/8" REBAR WITH PLASTIC CAPS STAMPED "RLS 176695" TO BE SET AT EACH LOT CORNER AND CURB PLUGS TO BE SET IN THE TOP BACK CURB AT THE EXTENSION OF THE SIDE LOT LINES.
  - CURRENT ZONING FOR THIS PROPERTY IS PR 2.2
  - BUILDING SETBACKS PER PR 2.2 ZONE:  
FRONT = 30 FEET  
REAR = 25 FEET  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

**STATE PLANE COORDINATES**

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

USPCS-27, CENTRAL ZONE, SCALE FACTOR=0.9997



**SURVEYOR'S CERTIFICATE**

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

DATE \_\_\_\_\_ (SEE SEAL BELOW)

**BOUNDARY DESCRIPTION**

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

AREA = 1.1843 ACRES  
NUMBER OF LOTS=2

**OWNER'S DEDICATION**

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

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

**ACKNOWLEDGMENT**

STATE OF UTAH, S.S.  
COUNTY OF UTAH

ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_, PERSONALLY APPEARED BEFORE ME THE SIGNERS OF THE FOREGOING DEDICATION WHO DULY ACKNOWLEDGE TO ME THAT THEY DID EXECUTE THE SAME.

MY COMMISSION EXPIRES \_\_\_\_\_ NOTARY PUBLIC (SEE SEAL BELOW)

**ACCEPTANCE BY LEGISLATIVE BODY**

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

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

MAYOR - Michael C. McGee

APPROVED \_\_\_\_\_  
ENGINEER (SEE SEAL BELOW)

ATTEST \_\_\_\_\_  
CLERK RECORDER (SEE SEAL BELOW)

**PLANNING COMMISSION APPROVAL**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_, BY THE CITY OF CEDAR HILLS PLANNING COMMISSION.

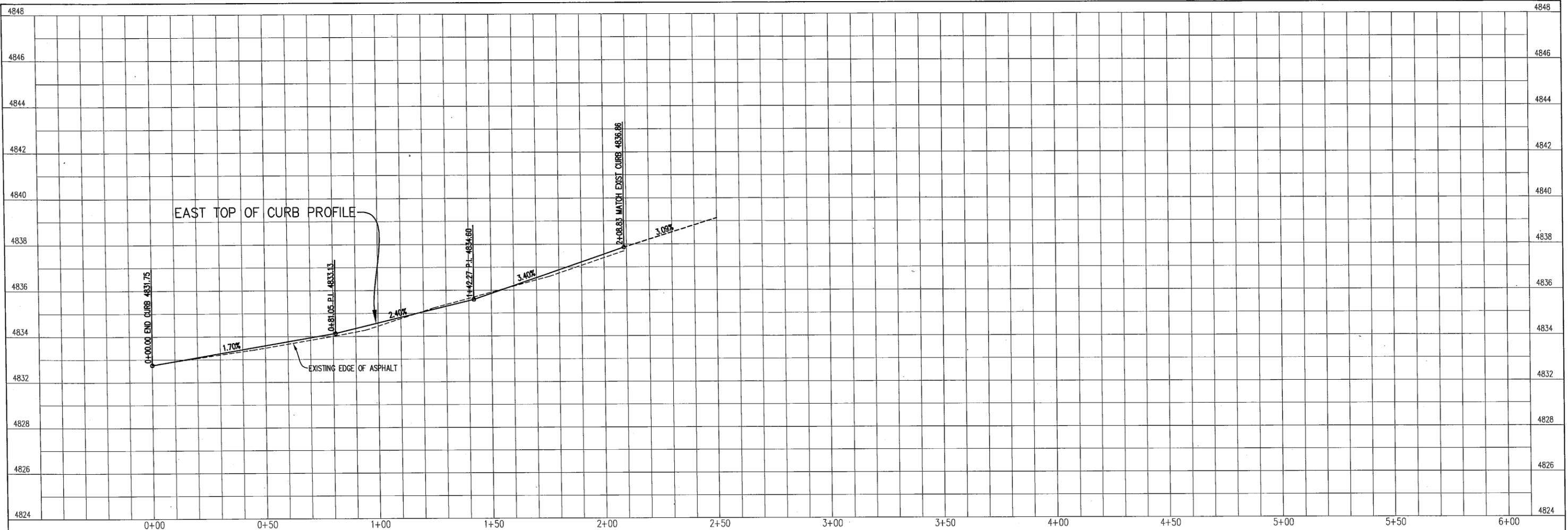
DIRECTOR - SECRETARY \_\_\_\_\_ CHAIRPERSON, PLANNING COMMISSION \_\_\_\_\_

PLAT "A"  
**DIMOND SUBDIVISION**  
SUBDIVISION

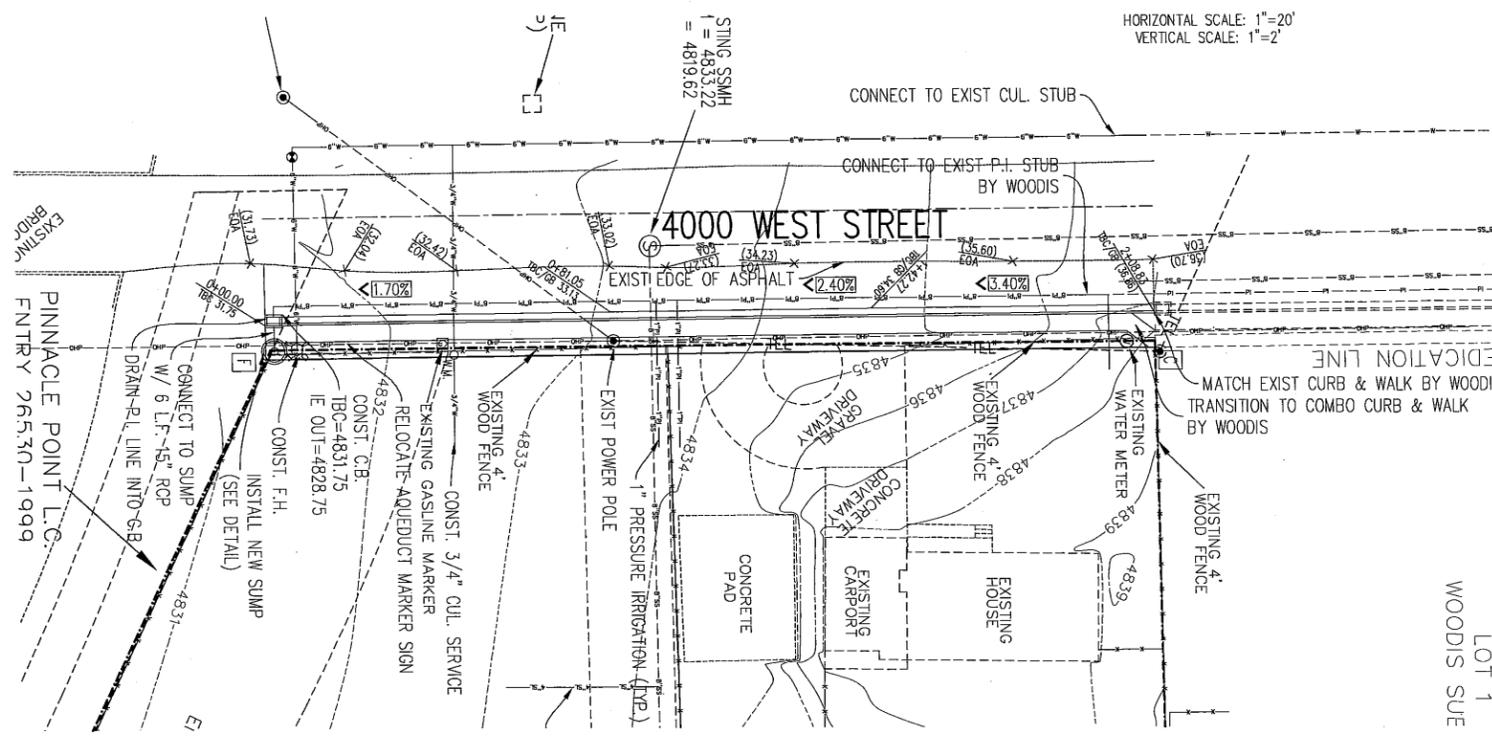
CEDAR HILLS, \_\_\_\_\_ UTAH COUNTY, UTAH  
SCALE: 1" = 30 FEET

Surveyor's Seal	Notary Public Seal	City Engineer's Seal	Clerk-Recorder Seal
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HORIZONTAL SCALE: 1"=20'  
VERTICAL SCALE: 1"=2'

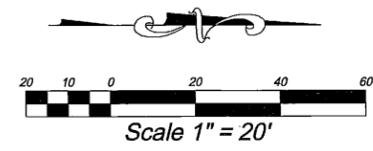


**NOTES TO CONTRACTOR**

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

**LEGEND**

	FIRE HYDRANT
	CULINARY WATER VALVE
	PROPOSED ELEVATION
	EXISTING ELEVATION
	GRADE LABEL



**4000 WEST**

**REVISIONS**

Rev.	Date	Description	App'd

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

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

CURRENT PROPERTY ZONING: PR2.2

**DIMOND SUBDIVISION**

CEDAR HILLS SUBDIVISION UTAH

4000 WEST PLAN/PROFILE

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



# CITY OF CEDAR HILLS

<b>TO:</b>	Planning Commission
<b>FROM:</b>	David H. Bunker, City Engineer
<b>DATE:</b>	6/26/2008

## City Council Agenda Item

<b>SUBJECT:</b>	Charleston Assisted Living Center Addition
<b>APPLICANT PRESENTATION:</b>	Richardson Design Partnership
<b>STAFF PRESENTATION:</b>	Greg Robinson
<b>BACKGROUND AND FINDINGS:</b> <p>The Charleston Assisted Living Facility is currently a 50+ bed facility. An expansion is planned for 14 more beds and approximately 3000 s.f. of common area. The proposed expansion was planned for at the initial construction of the facility. However, the proposed expansion is larger than what was initially shown to the city. The setbacks on the east side of the expansion are 10 feet at the most narrow point. Fire chief approval will be necessary, as access to the back of the units will be limited. Access to the rear of the building will be required to be maintained on the south side.</p> <p>The elevations for the addition should match the front façade, including brick location and color. Additional items include, an update to the storm drain calculations should be submitted, additional water rights and impact fees will be calculated and required to be submitted.</p>	
<b>PREVIOUS LEGISLATIVE ACTION:</b> None.	
<b>FISCAL IMPACT:</b> N/A	
<b>SUPPORTING DOCUMENTS:</b> Plans for the addition have been submitted	
<b>RECOMMENDATION:</b> Staff recommends the planning commission review and recommend approval of the proposed expansion with the conditions as outlined above.	
<b>MOTION:</b> To recommend/not recommend approval of the Charleston Assisted Living Center Addition subject to, . . .	



**(A) FRONT ELEVATION**  
SCALE: 1/8" = 1'-0"



**(B) LEFT SIDE ELEVATION**  
SCALE: 1/8" = 1'-0"



**(C) RIGHT SIDE ELEVATION**  
SCALE: 1/8" = 1'-0"



**(D) REAR ELEVATION**  
SCALE: 1/8" = 1'-0"



**THE RICHARDSON  
DESIGN  
PARTNERSHIP,  
L.L.C.**

310 South 600 East  
Salt Lake City, Utah 84102  
P: 801.355.6868  
F: 801.355.6880



THE GRAPHIC MATERIAL AND DESIGN ON THIS SHEET ARE PREPARED BY OTTO GEHRING, A PROFESSIONAL ARCHITECT LICENSED IN THE STATE OF UTAH. THE ARCHITECT'S OFFICE IS THE RICHARDSON DESIGN PARTNERSHIP, L.L.C. LICENSE NO. 2787340. THE ARCHITECT'S OFFICE IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED ON THIS SHEET. THE ARCHITECT'S OFFICE IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED ON THIS SHEET.

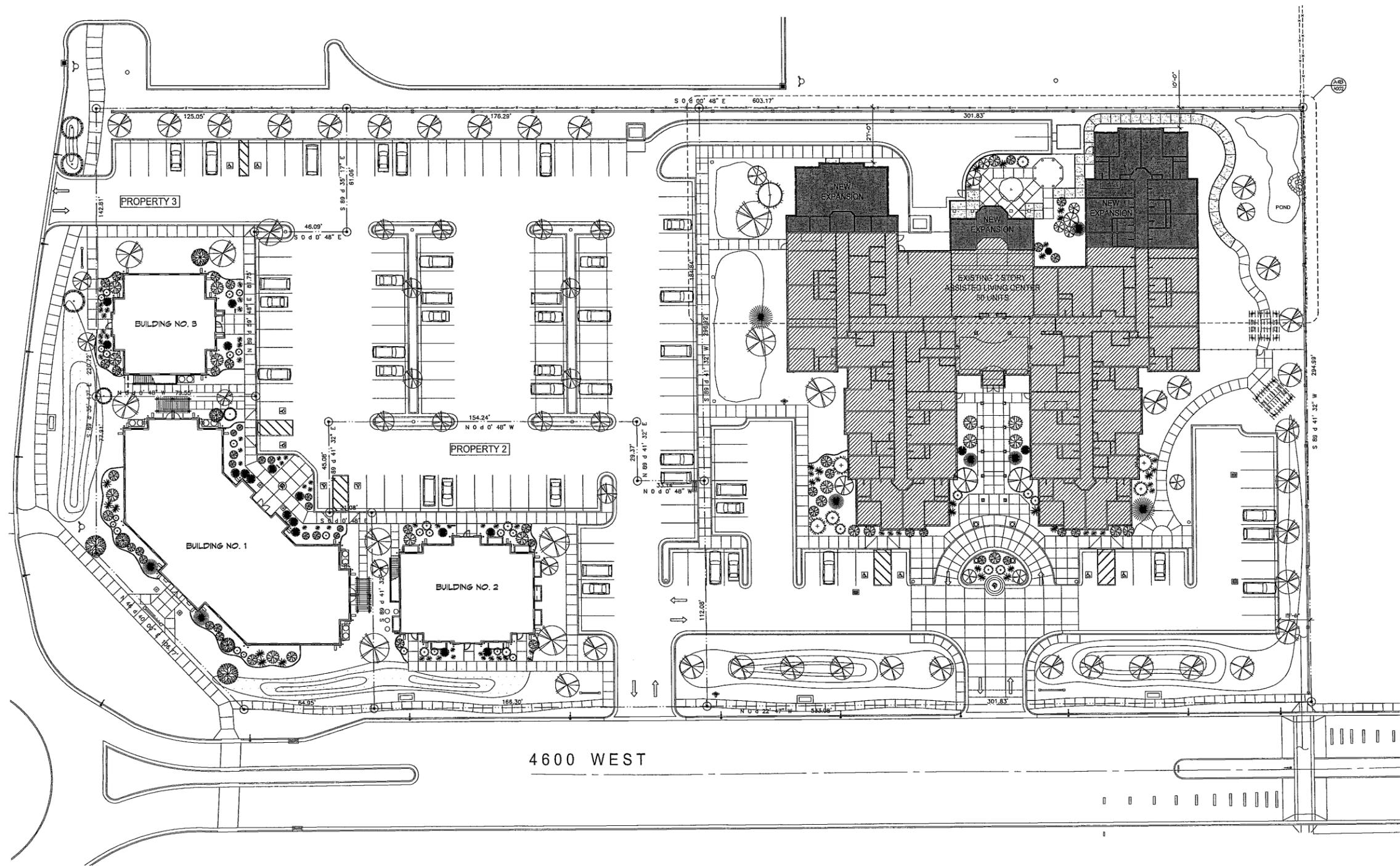
A New Addition for:  
**THE CHARLESTON AT CEDAR HILLS**  
4600 West Cedar Hills Drive  
Cedar Hills, Utah

PROJECT:

DATE	DESCRIPTION
5/30/08	CD

COLOR EXTERIOR  
ELEVATIONS  
PROJECT P. 06-08-08  
CHECKED BY: AF

**A201**



**A OVERALL SITE PLAN**  
SCALE 1" = 20'-0"



**THE RICHARDSON  
DESIGN  
PARTNERSHIP,  
L.L.C.**

310 South 600 East  
Salt Lake City, Utah 84142  
P: 801.399.6868  
F: 801.399.6860



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A New Addition for  
**THE CHARLESTON AT CEDAR HILLS**  
4600 West Cedar Hills Drive  
Cedar Hills, Utah

DATE	DESCRIPTION
5/20/08	CD

**OVERALL  
SITE PLAN**  
PROJECT # 08-03-01  
DRAWN BY: AT  
CHECKED BY: .  
**A001**



THE  
RICHARDSON  
DESIGN  
PARTNERSHIP,  
L.L.C.

910 South 600 East  
Salt Lake City, Utah 84102  
P: 801.355.8868  
F: 801.355.8860



THE LAYOUT, AREA AND DIMENSIONS SHOWN ON THIS PLAN ARE APPROXIMATE. THE EXACT AREA AND DIMENSIONS SHALL BE DETERMINED BY SURVEY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE EXACT AREA AND DIMENSIONS OF THE SITE AND THE LOCATION OF ALL UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

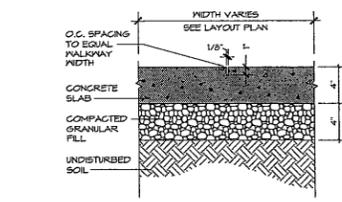
A New Addition for  
**THE CHARLESTON AT CEDAR HILLS**  
4600 West Clear Hills Drive  
Cedar Hills, Utah

DATE	DESCRIPTION
7/20/08	CD

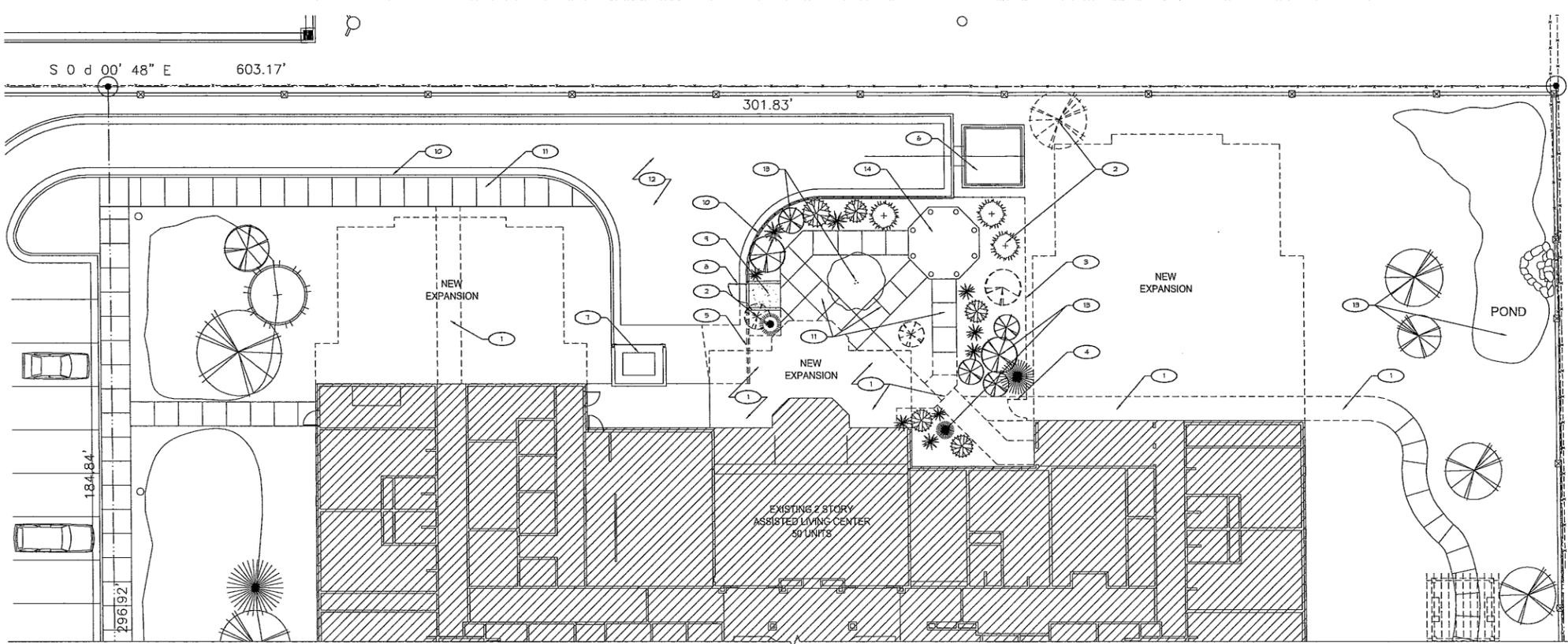
ENLARGED  
SITE PLAN  
PROJECT # 08-10-01  
DRAWN BY: ATF  
CHECKED BY:  
**A002**

**SHEET NOTES:**

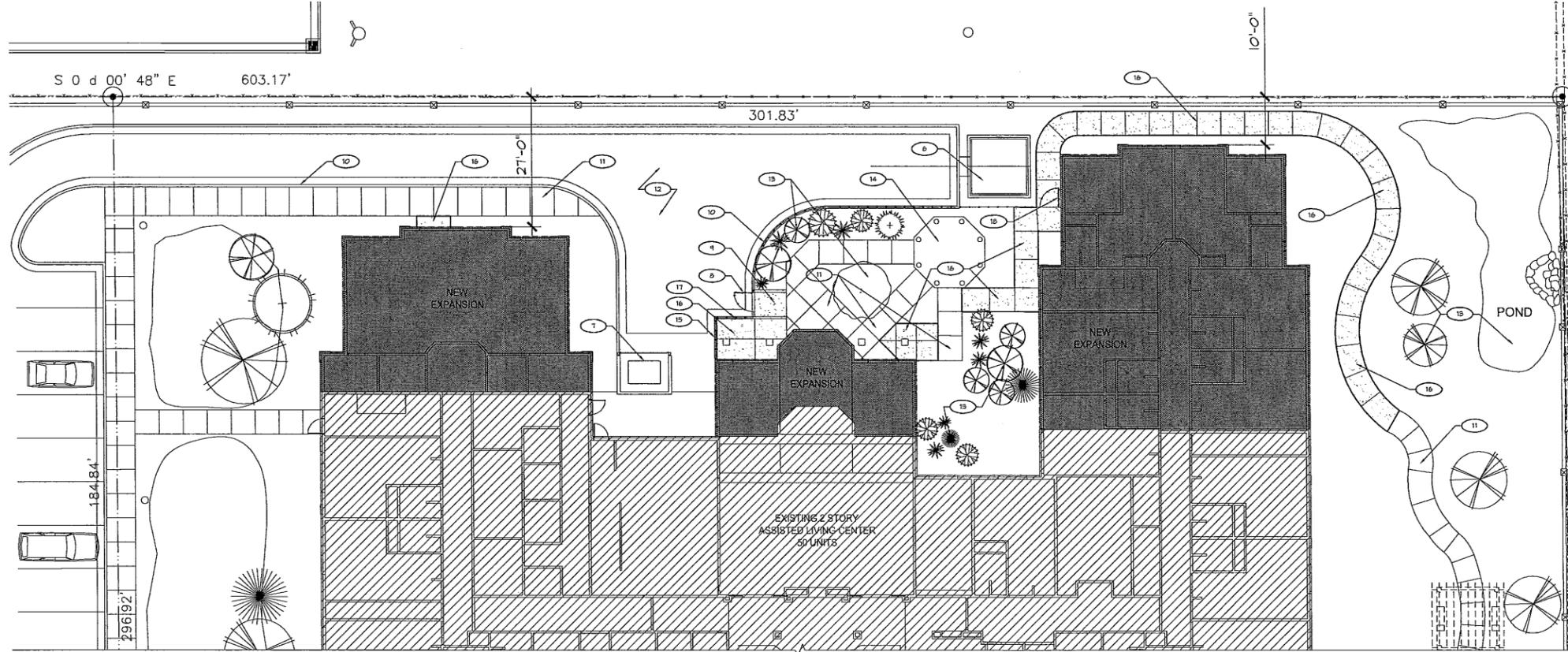
- 1 DEMO EXISTING CONCRETE SIDEWALK AS REQUIRED FOR NEW EXPANSION
- 2 REMOVE EXISTING LANDSCAPING AS REQUIRED FOR NEW EXPANSION - SALVAGE TREES AND SHRUBS FOR RELOCATION PER OWNER DIRECTION
- 3 REMOVE EXISTING FENCING AS REQUIRED FOR EXPANSION AND RELOCATED AS NOTED
- 4 REMOVE AND RELOCATE EXISTING GATE
- 5 DEMO EXISTING CURB AND GUTTER AS REQUIRED FOR NEW EXPANSION
- 6 EXISTING SHED TO REMAIN
- 7 EXISTING TRASH ENCLOSURE TO REMAIN
- 8 EXISTING MAN GATE TO REMAIN
- 9 EXISTING RAMP TO REMAIN
- 10 EXISTING CURB, GUTTER AND FENCING TO REMAIN
- 11 EXISTING CONCRETE SIDEWALK TO REMAIN
- 12 EXISTING ASPHALT TO REMAIN
- 13 EXISTING LANDSCAPING TO REMAIN
- 14 EXISTING GAZEBO TO REMAIN
- 15 NEW CONCRETE CURB AND GUTTER
- 16 NEW CONCRETE SIDEWALK - SEE DETAIL 1/A002
- 17 RELOCATED FENCING
- 18 RELOCATED MAN GATE



**1 CONCRETE SIDEWALK SECTION**  
NOT TO SCALE



**A SITE DEMOLITION PLAN**  
SCALE 3/32" = 1'-0"



**B ENLARGED SITE PLAN**  
SCALE 3/32" = 1'-0"



**THE RICHARDSON DESIGN PARTNERSHIP, L.L.C.**

910 South 600 East  
Salt Lake City, Utah 84102  
P: 801.355.8888  
F: 801.355.8880



THE RICHARDSON DESIGN PARTNERSHIP, L.L.C. IS AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER. ALL CONTRACTORS AND SUBCONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING NECESSARY PERMITS AND LICENSES FROM THE APPROPRIATE AGENCIES. THE ARCHITECT ASSUMES NO LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHERS.

- SHEET NOTES:**
- HANDRAIL 36" A.F.F. - MATCH EXISTING
  - MECHANICAL EQUIPMENT - SEE MECHANICAL DRAWINGS
  - NEW ELEVATOR AND EQUIPMENT - SEE B/A303
  - STAIRS - SEE A303
  - 1 HR RATED - 5/8" RECESSED FIRE EXTINGUISHER CABINET - SEE C/A111
  - ROOF DRAIN SEE 1/A401
  - ROOF PARAPET
  - WOOD TRELLIS - SEE B/A302
  - PRE-MANUFACTURED CONCRETE SPLASH BLOCK
  - NEW COLUMN FOR NEW TRELLIS - SEE STRUCTURAL DRAWINGS

- GENERAL NOTES:**
- SEE SHEET A111 FOR DOOR SCHEDULE
  - SEE SHEET A112 FOR WINDOW SCHEDULE
  - SEE SHEET A111 FOR WALL/FLOOR TYPES
  - REFER TO SHEET A103 FOR ENLARGED UNIT PLANS
  - ALL GRID LINES TO FACE OF FOUNDATION U.N.O.
  - SEE SHEET A002 FOR SITE WORK.
- LEGEND:**
- 1 HR FIRE SEPARATION - SEE WALL TYPE PG ON SHEET A111

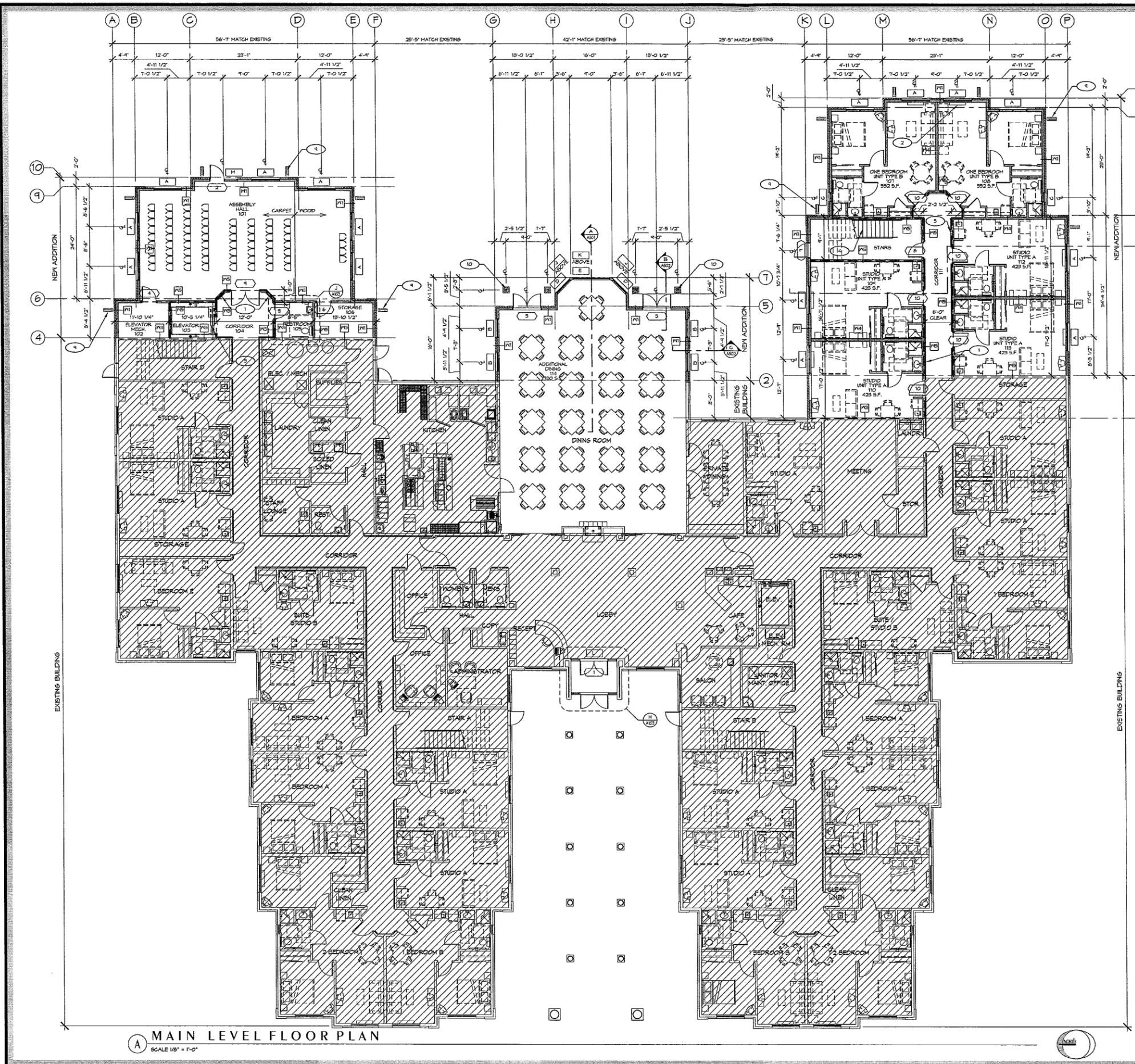
NEW ADDITION PROJECT INFORMATION				
ROOM	TYPE	No.	UNIT SIZE	TOTAL SIZE
<b>FIRST FLOOR</b>				
101 (1 BEDROOM)	B	1	552 SQ FT	
106 (1 BEDROOM)	B	1	552 SQ FT	
104 (STUDIO)	A	1	423 SQ FT	
110 (STUDIO)	A	1	423 SQ FT	
111 (STUDIO)	A	1	423 SQ FT	
112 (STUDIO)	A	1	423 SQ FT	
COMMON AREA			2,954 SQ FT	
				5,415 SQ FT
<b>SECOND FLOOR</b>				
201 (1 BEDROOM)	A	1	558 SQ FT	
202 (1 BEDROOM)	A	1	558 SQ FT	
207 (1 BEDROOM)	B	1	556 SQ FT	
208 (1 BEDROOM)	B	1	556 SQ FT	
204 (STUDIO)	A	1	418 SQ FT	
210 (STUDIO)	A	1	418 SQ FT	
211 (STUDIO)	A	1	418 SQ FT	
212 (STUDIO)	A	1	418 SQ FT	
COMMON AREA			782 SQ FT	
				4,612 SQ FT
<b>TOTAL ADDITION</b>		<b>14</b>		<b>10,027 SQ FT</b>

EXISTING UNIT SUMMARY				
UNIT	TYPE	No.	UNIT SIZE	TOTAL SIZE
1 BEDROOM	A	8	510 SQ. FT.	4,080 SQ. FT.
1 BEDROOM	B	4	513 SQ. FT.	2,052 SQ. FT.
1 BEDROOM	C	2	412 SQ. FT.	824 SQ. FT.
1 BEDROOM	D	2	520 SQ. FT.	1,040 SQ. FT.
1 BEDROOM	E	4	525 SQ. FT.	2,100 SQ. FT.
2 BEDROOM	A	4	730 SQ. FT.	2,920 SQ. FT.
STUDIO	A	23	412 SQ. FT.	9,064 SQ. FT.
STUDIO / SUITE	B	4	480 SQ. FT.	1,920 SQ. FT.
<b>UNIT TOTALS</b>		<b>50</b>		<b>24,120 SQ. FT.</b>

A New Addition for:  
**THE CHARLESTON AT CEDAR HILLS**  
1000 S. Cedar Hills Drive  
Cedar Hills, Utah  
PROJECT

DATE	DESCRIPTION
5/30/08	CD
-	-
-	-

**MAIN LEVEL FLOOR PLAN**  
PROJECT # 08-16-01  
DRAWN BY: AT  
CHECKED BY: [Signature]  
SHEET #



**MAIN LEVEL FLOOR PLAN**  
SCALE 1/8" = 1'-0"



**THE RICHARDSON DESIGN PARTNERSHIP, L.L.C.**

510 South 600 East  
 Salt Lake City, Utah 84102  
 P: 801.355.8858  
 F: 801.355.6880



A New Addition for  
**THE CHARLESTON AT CEDAR HILLS**  
 4800 West Clear Hills Drive  
 Cedar Hills, Utah

DATE: 5/30/08  
 DESCRIPTION: CD

PROJECT # 06-11010  
 DRAWN BY: AT  
 CHECKED BY: [Signature]  
**A102**

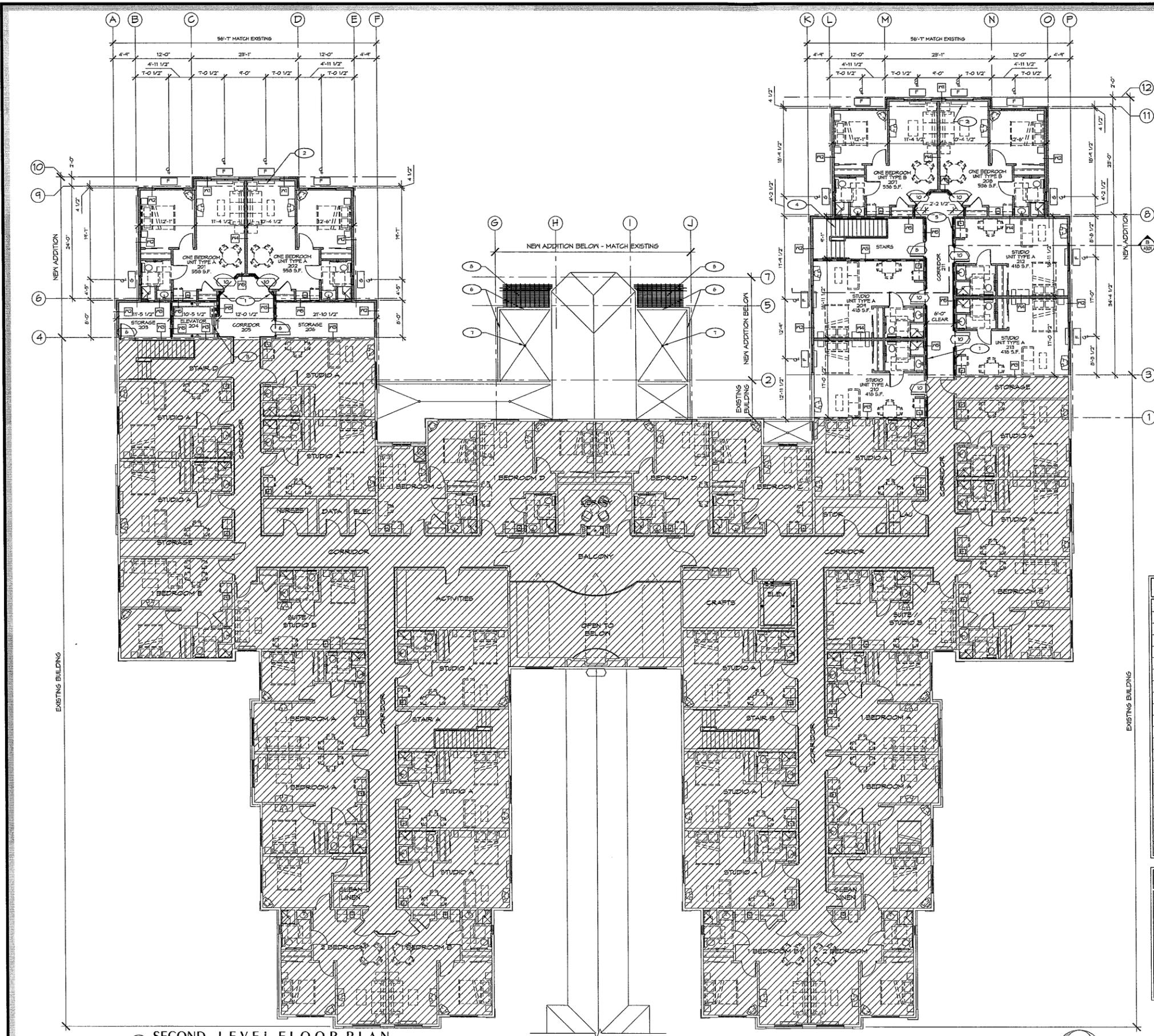
- SHEET NOTES:**
- HANDRAIL 36" A.F.F. - MATCH EXISTING
  - MECHANICAL EQUIPMENT - SEE MECHANICAL DRAWINGS
  - NEW ELEVATOR AND EQUIPMENT - SEE B/A309
  - STAIRS - SEE A303
  - 1 HR RATED - SEMI RECESSED FIRE EXTINGUISHER CABINET - SEE C/A111
  - ROOF DRAIN SEE 1/A401
  - ROOF PARAPET
  - WOOD TRELLIS - SEE B/A302
  - PRE-MANUFACTURED CONCRETE SPLASH BLOCK
  - NEW COLUMN FOR NEW TRELLIS - SEE STRUCTURAL DRAWINGS

- GENERAL NOTES:**
- SEE SHEET A111 FOR DOOR SCHEDULE
  - SEE SHEET A112 FOR WINDOW SCHEDULE
  - SEE SHEET A111 FOR WALL / FLOOR TYPES
  - REFER TO SHEET A103 FOR ENLARGED UNIT PLANS
  - ALL GRID LINES TO FACE OF FOUNDATION UNL.O.
  - SEE SHEET A002 FOR SITE WORK.

**LEGEND:**  
 --- 1 HR FIRE SEPARATION - SEE WALL TYPE MS ON SHEET A111

NEW ADDITION PROJECT INFORMATION				
ROOM	TYPE	No.	UNIT SIZE	TOTAL SIZE
<b>FIRST FLOOR</b>				
107 (1 BEDROOM)	B	1	552 SQ. FT.	
108 (1 BEDROOM)	B	1	552 SQ. FT.	
104 (STUDIO)	A	1	429 SQ. FT.	
110 (STUDIO)	A	1	429 SQ. FT.	
111 (STUDIO)	A	1	429 SQ. FT.	
112 (STUDIO)	A	1	429 SQ. FT.	
COMMON AREA			2,394 SQ. FT.	
				5,419 SQ. FT.
<b>SECOND FLOOR</b>				
201 (1 BEDROOM)	A	1	556 SQ. FT.	
202 (1 BEDROOM)	A	1	556 SQ. FT.	
207 (1 BEDROOM)	B	1	536 SQ. FT.	
208 (1 BEDROOM)	B	1	536 SQ. FT.	
204 (STUDIO)	A	1	419 SQ. FT.	
210 (STUDIO)	A	1	419 SQ. FT.	
211 (STUDIO)	A	1	419 SQ. FT.	
212 (STUDIO)	A	1	419 SQ. FT.	
COMMON AREA			752 SQ. FT.	
				4,612 SQ. FT.
TOTAL ADDITION		14		10,109 SQ. FT.

EXISTING UNIT SUMMARY				
UNIT	TYPE	No.	UNIT SIZE	TOTAL SIZE
1 BEDROOM	A	8	510 SQ. FT.	4,080 SQ. FT.
1 BEDROOM	B	4	919 SQ. FT.	2,052 SQ. FT.
1 BEDROOM	C	2	472 SQ. FT.	944 SQ. FT.
1 BEDROOM	D	2	520 SQ. FT.	1,040 SQ. FT.
1 BEDROOM	E	4	525 SQ. FT.	2,100 SQ. FT.
2 BEDROOM	A	4	730 SQ. FT.	2,920 SQ. FT.
STUDIO	A	22	412 SQ. FT.	9,064 SQ. FT.
STUDIO / SUITE	B	4	480 SQ. FT.	1,920 SQ. FT.
UNIT TOTALS	-	50		24,120 SQ. FT.



**SECOND LEVEL FLOOR PLAN**  
 SCALE 1/8" = 1'-0"



# CITY OF CEDAR HILLS

<b>TO:</b>	Planning Commission
<b>FROM:</b>	Brad Kearl-Zoning Administrator
<b>DATE:</b>	June 26, 2008

## Planning Commission Agenda Item

<b>SUBJECT:</b>	Sexually Oriented Business
<b>APPLICANT PRESENTATION:</b>	
<b>STAFF PRESENTATION:</b>	Brad Kearl
<b>BACKGROUND AND FINDINGS:</b> Currently the City of Cedar Hills does not have an Ordinance concerning Sexually Oriented Businesses. Staff feels it is prudent to review and approve this Ordinance as soon as possible in order to avoid potential future problems and lawsuits.	
<b>PREVIOUS LEGISLATIVE ACTION:</b> NONE	
<b>FISCAL IMPACT:</b> NONE	
<b>SUPPORTING DOCUMENTS:</b> See attached proposed Ordinances, Title 10 and Title 3.	
<b>RECOMMENDATION:</b> Recommend approval to the City Council.	
<b>MOTION:</b> To recommend that Ordinances, Title 10 and Title 3, be approved by the City Council.	

**ORDINANCE NO.**

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

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

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

**PART I  
TITLE, PURPOSE AND APPLICABILITY**

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

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

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

**PART II  
DEFINITIONS**

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

**ADULT BOOKSTORE OR ADULT VIDEO STORE:** A commercial establishment which:

- A. Excludes minors from the premises; and

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

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

ADULT MOTION PICTURE THEATER: A commercial establishment that:

- A. Excludes all minors from the premises; and
- B. As its principal business, shows, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions that are primarily characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

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

- A. Holds itself out as such a business; or
- B. Excludes minors from the premises; and
- C. As its principal business, features persons who appear in live performances in a state of semi-nudity or that are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities.”

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SPECIFIED SEXUAL ACTIVITIES:** Acts of:

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

3. The breast or breasts of a human female,
- K. Flagellation, torture or sadomasochistic abuse by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of the one so clothed.

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

**SECTION 1. STATUTORY PROVISIONS**

- A. Obscenity: Notwithstanding anything contained in this Ordinance, nothing in this Ordinance shall be deemed to permit or allow the showing or display of any matter that is contrary to applicable Federal or State statutes prohibiting obscenity.
- B. Lewdness: Notwithstanding anything contained in this Ordinance, nothing in this Ordinance shall be deemed to permit or allow conduct or the showing or display of any matter that is contrary to the provisions of Utah Code Annotated section 76-5-401 et seq.

**SECTION 2. LOCATION AND NAME RESTRICTIONS**

- A. Zoning: It is unlawful for any sexually oriented business to do business at any location within the City not zoned for such business.
- B. Premises Licensed: It is unlawful to conduct business under a license issued pursuant to this Ordinance at any location other than the licensed premises. Any location to which telephone calls are automatically forwarded by such business shall require a separate license.
- C. Name: It is unlawful for any sexually oriented business to do business in the City under any name other than the business name specified in the application.
- D. Zoning: It is unlawful for any sexually oriented business or its employee(s) to do business at any location within the City not specifically and expressly zoned for such business and/or use.
- E. No sexually-oriented business shall operate within 600 feet of any of the following:
- 1) a residential zone boundary line as shown on the Zone Map of Cedar Hills;
  - 2) the property boundary of any church, public park, public library, or school.

**SECTION 3. LEGITIMATE AND ARTISTIC MODELING**

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

**SECTION 4. CATEGORIES OF LICENSES; NUMBER LIMITED**

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

3. Semi-nude entertainment businesses;
4. Semi-nude dancing agency.

## **SECTION 5. LICENSES REQUIRED**

### **A. Businesses; Exemptions:**

1. It is unlawful for any person to operate a sexually oriented business, as specified herein, without first obtaining a general business license and a sexually oriented business license. The sexually oriented business license shall specify the type of business for which it is obtained.
2. The provisions of this Ordinance shall not apply to any sex therapist or similar individual licensed by the State to provide bona fide sexual therapy or counseling, licensed medical practitioner, licensed nurse, psychiatrist, psychologist, nor shall it apply to any educator licensed by the State for activities in the classroom.

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

## **SECTION 6. APPLICATION; DISCLOSURES**

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

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

### **B. Corporations, Partnerships, Assumed Names:**

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

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3. All corporations, partnerships or non-corporate entities included on the application shall also identify each individual authorized by the corporation, partnership or non-corporate entity to sign the checks for such corporation, partnership or non-corporate entity.
- C. Personal Information: For all applicants or individuals, the application must also state:
1. Any other names or aliases used by the individual;
  2. The age, date and place of birth;
  3. Height;
  4. Weight;
  5. Color of hair;
  6. Color of eyes;
  7. Present business address and telephone number;
  8. Present residence and telephone number; and
  9. Social Security Number.
- D. Proof Of Age: Acceptable written or documented proof that any individual is at least twenty-one (21) years of age.
- E. Photographs; Fingerprints: Attached to the form, as provided above, two (2) color photographs of the applicant clearly showing the individual's face and the individual's fingerprints on a form provided by the Police Department. For persons not residing in the City, the photographs and fingerprints may be on a form from the law enforcement jurisdiction where the person resides. Fees for the photographs and fingerprints shall be paid by the applicant directly to the issuing agency.
- F. Health Certificate: For any individual applicant required to obtain a sexually oriented business employee license as an escort or a semi-nude entertainer, a certificate from the Utah County Health Department, stating that the individual has, within thirty (30) days immediately preceding the date of the original or renewal application, been examined and found to be free of any contagious or communicable diseases.
- G. Employment History: A statement of the business, occupation or employment history of the applicant for three (3) years immediately preceding the date of the filing of the application.

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

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

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

#### **SECTION 7. FEES**

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

#### **SECTION 8. BOND REQUIRED**

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

#### **SECTION 9. ISSUANCE CONDITIONS**

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

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

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

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

Sexually Oriented Business Ordinance

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

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

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

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

## **SECTION 10. TERM OF LICENSE**

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

## **SECTION 11. NOTICE OF CHANGE OF INFORMATION**

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

## **SECTION 12. TRANSFER LIMITATIONS**

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

## **SECTION 13. DISPLAY OF LICENSE**

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

## **SECTION 14. STATEMENT IN ADVERTISING**

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

## **SECTION 15. REGULATIONS AND UNLAWFUL ACTIVITIES**

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

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

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

**SECTION 16. OUTCALL SERVICES; OPERATION REQUIREMENTS**

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

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

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

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

## **SECTION 17. DESIGN OF PREMISES**

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

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

**B. Semi-Nude Entertainment Business:**

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

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

## **SECTION 18. ALCOHOL PROHIBITED**

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

## **SECTION 19. PROHIBITED ACTIVITIES**

- A. Semi-Nude Agencies:
  1. It is unlawful for any individual or entity to furnish, book or otherwise engage the services of a professional dancer, model or performer to appear in a state of semi-nudity for pecuniary compensation in or for any semi-nude entertainment business or adult theater if licensed pursuant to this Ordinance, unless such agency is licensed pursuant to this Ordinance.
  2. It is unlawful for any individual or entity to furnish, book or otherwise engage or permit any person to perform as a professional dancer, model or performer in a state of semi-nudity or nudity, either gratuitously or for compensation, in or for any business licensed pursuant to this Ordinance unless such person is licensed pursuant to this Ordinance.
- B. Performers: It is unlawful for any professional dancer, model or performer, while performing in any business licensed pursuant to this Ordinance, to:
  1. Touch in any manner any other person;
  2. Throw any object or clothing off the stage area;
  3. Accept any money, drink or any other object directly from any person;
  4. Allow another person to touch such performer or to place any money or object on the performer or within the costume or person or the performer;
  5. Place anything within the costume or adjust or move the costume while performing so as to render the performer in a state of nudity.
- C. Patrons: It is unlawful for any person or any patron of any business to touch in any manner any performer; to place any money or object on or within the costume or person

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

## **SECTION 20. DEFENSES TO PROSECUTION**

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

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

## **SECTION 21. SUSPENSION OR REVOCATION OF LICENSE**

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

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

**SECTION 22. VIOLATION; PENALTY:**

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

1. **Penalty For Violation Of Nuisance Ordinance:** Unless otherwise specifically authorized by statute, the City Council may provide a penalty for the violation of any City ordinance by a fine not to exceed the maximum Class B Misdemeanor fine under Utah Code Annotated section 76-3-301, or by a term of imprisonment up to six (6) months, or by both the fine and the term of imprisonment. The City Council may prescribe a minimum penalty for the violation of any City ordinance and may impose a civil penalty for the unauthorized use of City property, including, but not limited to, the use of parks, streets and other public grounds or equipment. Rules of civil procedure shall be substantially followed.
- D. **Employee Violations:** Every act or omission by an employee constituting a violation of the provisions of this Ordinance shall be deemed the act or omission of the sexually oriented business licensee and/or operator. If such act or omission occurs either with the authorization, knowledge or approval of the licensee and/or operator, or as a result of the licensee's and/or operator's negligent failure to supervise the conduct of the employee, the sexually oriented business licensee shall be punishable for such act or omission in the same manner as if the licensee committed the act or caused the omission.
  - E. **Responsibility For Conduct:** A sexually oriented business licensee and/or operator shall be responsible for the conduct of all employees while on the licensed premises and any act or omission of any employee constituting a violation of the provisions of this Ordinance shall be deemed the act or omission of the licensee and/or operator for the purposes of determining whether the licensee's license shall be revoked, suspended or renewed.

## **PART IV**

### **PENALTY AND ADOPTION**

- A. **CONFLICTING PROVISIONS**  
Whenever the provisions of this Ordinance conflict with the provisions of any other Ordinance, resolution or part thereof, the more stringent shall prevail.
- B. **PROVISIONS SEVERABLE**  
This Ordinance and the various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid it is hereby declared that the remainder of the ordinance shall not be affected thereby.
- C. **AMENDMENT TO BE ADDED TO ZONING ORDINANCE**

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

**D. PENALTY**

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

**E. EFFECTIVE DATE**

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

**PASSED AND ORDERED POSTED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2008.**

Mike McGee, Mayor

ATTEST:

Kim E. Holindrake, City Recorder

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 10, CHAPTER 6, OF THE CITY CODE OF THE CITY OF CEDAR HILLS, UTAH, REGARDING USE REQUIREMENTS IN PLANNED COMMERCIAL DEVELOPMENT PROJECTS.**

WHEREAS, pursuant to Utah Code Annotated § 10-9a-501, the City Council of the City of Cedar Hills may adopt ordinances to govern the use and development of land within the City; and

WHEREAS, the City Council, following receipt of a recommendation from the Planning Commission, has determined that it is in the best interest of the public health, prosperity, comfort, and convenience of the City of Cedar Hills, and the residents thereof, to enact certain amendments to Title 10 of the City Code dealing with Planned Commercial Development Projects;

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

**PART I  
AMENDMENTS**

**SECTION 1.** Title 10, Chapter 6, Article A, Section 2, of the City Code, entitled Planned Commercial Development Projects, Use Requirements, is hereby amended by adding the following use:

10-6A-2      USE REQUIREMENTS:

	Neighborhood	Office/	
<u>Use</u>	<u>Retail</u>	<u>Retail</u>	<u>Office</u>
Sexually-Oriented Business	C	C	-

**PART II  
PENALTY AND ADOPTION**

**A.      CONFLICTING PROVISIONS**

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

**B.      PROVISIONS SEVERABLE**

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

**C.      AMENDMENT TO BE ADDED TO CITY CODE**

The City Council hereby authorizes and directs that insert pages reflecting the provisions enacted

hereby shall be made and placed in the City Code, Title 10.

**D. PENALTY**

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

**E. EFFECTIVE DATE**

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

**PASSED AND ORDERED POSTED BY THE CITY COUNCIL OF CEDAR HILLS, UTAH, THIS  
19th DAY OF FEBRUARY, 2008.**

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Michael C. McGee, Mayor

ATTEST:

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Kim E. Holindrake, City Recorder