

**CITY OF WASHINGTON TERRACE  
ORDINANCE 10-09**

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE, UTAH,  
AMENDING TITLE 17 OF THE MUNICIPAL CODE RELATING TO ZONING  
TO INCLUDE CHAPTER 17.82 TO ESTABLISH THE ZONING FOR  
SEXUALLY ORIENTED BUSINESSES**

**WHEREAS**, the City of Washington Terrace (hereafter “City”) is a municipal corporation, duly organized and existing under the laws of the state of Utah;

**WHEREAS**, Utah Code Annotated 10-8-84 and 10-8-60 allow municipalities in the State of Utah to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

**WHEREAS**, Title 10, Chapter 9a of the Utah Code Annotated authorized the City to regulate land use and development;

**WHEREAS**, the City Council desires to amend chapter 17 of the municipal code to establish zoning for sexually oriented businesses in regulation of time, place, and manner of the operation of applicable businesses, consistent with the United States and Utah Constitutions:

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Washington Terrace, Utah, as follows:

**Chapter 17.82  
SEXUALLY ORIENTED BUSINESSES**

**Sections:**

- 17.82.010. Purpose.**
- 17.82.020. Zoning and conditional use permit required.**
- 17.82.030. Effect on non-conforming businesses.**
- 17.82.040. Signs.**
- 17.82.050. Definitions.**
- 17.82.060. Site development standards.**
- 17.82.070 Severability.**
- 17.82. 080 Effective date**

17.82.010. Purpose.

The purpose and objective of this Chapter is to establish reasonable and uniform regulations to prevent the concentration of sexually-oriented businesses or their location in areas deleterious to the City, regulate the signage of such businesses, control the adverse effects of such signage, and prevent inappropriate exposure of the activities of such businesses to the community. This Chapter is to be construed as a regulation of

WTC ORD.10-09

time, place, and manner of the operation of applicable businesses, consistent with the United States and Utah Constitutions.

17.82.020. Zoning and conditional use permit required.

Sexually-oriented businesses shall only be allowed in the Commercial (C-2) Zone after a Conditional Use Permit has been duly approved by the Planning Commission.

17.82.030. Effect on non-conforming businesses.

All legally existing non-conforming Sexually-Oriented Businesses shall comply with the provisions of this Chapter or any amendments hereto within ninety (90) days Chapter is enacted or amended.

17.82.040. Signs.

In addition to the regulations of signage provided in the municipal code, the requirements of this Chapter apply. In the event that there is conflicting ordinances, the following more restrictive requirements for signs pertaining to sexually-oriented businesses shall prevail:

1. No more than one exterior sign shall be allowed.
2. No sign shall be allowed to exceed 18 square feet.
3. No animation shall be permitted on or around any sign, nor on any part of any building, structure, or premises.
4. No descriptive art or designs depicting any activity related to or inferring the nature of the business shall be allowed on any sign.
5. Signs shall contain alphanumeric copy only.
6. Only flat wall signs and/or awning signs shall be permitted.
7. Painted wall advertising shall not be allowed.
8. No signs or advertising of any kind is allowed on vehicles except a 3x3 foot sign that may be attached to the driver and passenger door identifying the name, address, and location of the sexually-oriented business.
9. Other than the signs specifically allowed by this Chapter, the Sexually-Oriented Business shall not attach, construct, or allow to be attached or constructed any temporary sign, banner, light, or other device designed to draw attention to the business location.

17.82.050. Definitions.

The definitions relating to a sexually-oriented businesses under this Chapter shall have the meanings as set forth in Title 5.

17.82.060 Site development standards.

1. Setbacks. In addition to setbacks provided in municipal code for businesses under Title 5, and for buildings in the commercial zones, the following additional setbacks apply and the more restrictive governs:
  - 1,000 feet from any school, public building, public park, library, hospital, or church;
  - 1,000 feet from any residential use or any agricultural, or open space, or residential zoning boundary;
  - 1,000 feet from any other sexually-oriented business.

WTC ORD.10-09

50 feet from a road, and 50 feet from the rear property line for any building. Distance requirements between structures and uses specified in this Section shall be measured in a straight line, without regard to intervening structures or zoning districts, from the property boundaries of subject location being measured from to the structure of the sexuality-oriented business.

2. Design standards. 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 shall not contain any audio/video equipment or merchandise of any kind. 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 which 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 architectural drawings of any building must conform to Title 5 and also show marked internal dimensions, all overhead lighting fixtures, and ratings for illumination capacity.

e. It shall be the duty of the licensee and the licensee's employees to ensure that the views from the manager's station remains 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 which has been designated as an area in which patrons will not be permitted.

f. 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.

3. Exterior of sexually-oriented businesses.

a. Building shall be natural looking, earth-tone in color, and compatible with surrounding buildings and uses in appearance.

b. It is unlawful for an owner or operator of a sexually oriented business to allow the merchandise or activities of the establishment to be visible from any point outside the establishment.

c. It is unlawful for the owner or operator of a sexually oriented business to allow the exterior portion of the sexually oriented business to have flashing lights, or any words,

WTC ORD.10-09

lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent permitted by the provisions of the municipal code.

d. It is unlawful for the owner or operator of a sexually oriented business to allow exterior portions of the establishment to be painted any color other than a single achromatic color. This provision shall not apply to a sexually oriented business if the establishment is a part of a commercial multi-unit center and the exterior portions of each individual unit in the commercial multi-unit center, including the exterior portions of the business, are painted the same color as one another or are painted in such a way so as to be a component of the overall architectural style or pattern of the commercial multi-unit center.

17.82.070 Severability.

If any one or more provision, section, subsection, sentence, clause, phrase or word of this chapter or the application thereof to any person or circumstance is found by a court of competent jurisdiction to be illegal or unconstitutional, the same is hereby declared to be severable and the balance of this chapter shall remain effective notwithstanding such illegality or unconstitutionality. The City Council hereby declares that it would have passed this chapter and each provision, section, sentence, clause, phrase, or word thereof, irrespective of the fact that any one or more provision, section, subsection, sentence, clause, phrase or word be declared illegal or unconstitutional.

17.82.080 Effective date. This Ordinance shall take effect immediately upon its passage and posting.

PASSED AND ADOPTED by the City Council on this \_day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
MARK C.ALLEN, Mayor,  
City of Washington Terrace, Utah

ATTEST:

\_\_\_\_\_  
AMY RODRIGUEZ, City Recorder

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the City Recorder of the City of Washington Terrace, Utah, hereby certify that foregoing ordinance was duly passed and published, or posted at 1)\_\_\_\_\_ 2)\_\_\_\_\_ and 3)\_\_\_\_\_ on the above referenced dates.

\_\_\_\_\_  
City Recorder DATE: \_\_\_\_\_