

Exhibit “B”

15A-37-02 “A” Definitions

Alcohol or Tobacco Specialty Store - A commercial establishment ~~in which that, through signage, floor space allocation and sales revenue, demonstrates it is substantially engaged in the offer and sale of alcohol and/or tobacco products, and any one or more of the following factors:~~

- i. The sale of alcohol or tobacco products accounts for more than 35% of the total annual gross receipts for the establishment, except as allowed within this Title such as Alcoholic Beverage State Liquor Store and Alcoholic Beverage Package Agency; ~~or;~~
- ii. ~~20% or more of the public retail floor space is allocated to the offer, display, or storage of tobacco products; or Food and beverage products, excluding gasoline sales, is less than 45% of the total annual gross receipts for the establishment; and~~
- iii. ~~20% or more of the total shelf space (retail display or storage areas) is allocated to the offer, display, or storage of tobacco products; or The establishment is not licensed as a pharmacy under Title 58, Chapter 17b, Pharmacy Practice Act.~~
- iv. ~~If less than 80% of the total shelf space (retail display or storage areas) is allocated to the offer, display, or storage of other items, products and merchandise unrelated to tobacco products; or~~
- v. ~~The retail space features a self-service display for tobacco products (as defined in Utah State Code); or~~
- ~~iii.vi.~~ The name of the business or marketing of the business evidences the establishment as a retail alcohol or tobacco specialty store.

Tobacco product means:

- i. Any cigar, cigarette, chewing tobacco, or electronic cigarette as defined in ~~Section 76-10-104~~ Utah State Code.
- ii. Any substitute for a tobacco product, including flavoring, or additives to tobacco; and
- iii. Tobacco paraphernalia as defined in Utah State Code ~~Section 76-10-104.1~~.

15A-08-02 Permitted Land Use Matrix by the Commercial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development Districts

C. Explanatory Notes for Land Use Matrix.

10. This use is not permitted if any part of the proposed/existing building containing the use is within:
 - a. 1,000 feet from any community location (such as public or private kindergarten, elementary, middle, junior high, or high school; licensed child care facility or preschool, trade or technical school, a church, public library, public playground, public park, youth center or other space used primarily for youth oriented activities, a public recreational facility, or a public arcade). Distance requirements from structures for this use shall be measured in a straight line, without regard to intervening structures or zoning districts, from the property line of the community location, or other alcohol or tobacco specialty store.
 - b. 600 feet of any other alcohol or tobacco specialty store and from an agricultural or residential use or residential zoning boundary, beginning at the property line of such

use. Distance requirements from zoning districts for this use shall be measured in a straight line, without regard to intervening structures or zoning districts, from the zoning boundary of a residential or agricultural district to the structure of the alcohol or tobacco specialty store.

b.c. 150 feet for the 9000 South Street gateway, as it begins at the western most boundary continuing east to State Street. The distance shall be measured in a straight line from the right-of-way boundary to the property line of the alcohol or tobacco specialty store.

~~1,000 feet from any community location such as public or private kindergarten, elementary, middle, junior high, or high school; licensed child care facility or preschool, trade or technical school, a church, public library, public playground, public park, youth center or other space used primarily for youth oriented activities, a public recreational facility, or a public arcade); within; 600 feet of any other alcohol or tobacco specialty store and from an agricultural or residential use or residential zoning boundary, beginning at the property line of such use; within 150 feet for the 9000 South Street gateway, as it begins at the western most boundary continuing east to State Street, the distance shall be measured from the right of way boundary. Distance requirements from structures for this use shall be measured in a straight line, without regard to intervening structures or zoning districts, from the property line of the community location, or other alcohol or tobacco specialty store. Distance requirements from zoning districts for this use shall be measured in a straight line, without regard to intervening structures or zoning districts, from the zoning boundary of a residential or agricultural district to the structure of the alcohol or tobacco specialty store.~~