

Title 19 General Plans

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19.02.010: Title:

This title shall be known, cited, and referred to as the General Plans Ordinance of Salt Lake City. All references to the various parts of this title shall be considered as references to corresponding numbers, sections, and chapters.

19.02.020: Authority:

The city council of Salt Lake City adopts this title pursuant to the Municipal Land Use Development and Management Act, title 10, chapter 9a, of the Utah Code Annotated or its successor, and such other authorities and provisions of Utah statutory and common law that are relevant and appropriate.

19.02.030: Purpose:

The purpose of this title is to carry out the purposes of the Municipal Land Use Development and Management Act, title 10, chapter 9a, of the Utah Code Annotated or its successor. This title is also intended to:

- A. Define the general plan of the city, including the required and desired elements that collectively establish the general plan of the city.**
- B. Provide guidance on the future growth of the city.**
- C. Assist in consideration of decisions to amend sections of city code that relate to the development of land.**
- D. Identify issues that may arise as the city changes over time, including projections related to population growth, housing, natural resource consumption and availability, air quality, water quality, protection of sensitive lands, and access to necessary services and amenities to maintain quality of life.**
- E. Establish a process for adopting and amending any aspect of the adopted general plan.**

19.02.040: General Plan Defined: The general plan of Salt Lake City consists of the following plans:

- A. Plan Salt Lake or its successor as the overarching vision plan for the city.**

B. Element Plans: The following types of plans are considered element plans and are part of the general plan:

- 1. Community plans and associated corridor, small area, station area, or block plans, as the land use plans for the city, that include a future land use map or description of future development characteristics that provide direction for future changes to the zoning code.**
- 2. Any adopted moderate income housing plan that includes policies related to housing.**
- 3. Transportation Plan, including any plan that guides future decision making regarding any aspect of the transportation network in the city.**
- 4. Public Lands and/or Open Space Plans, including any plan that includes policies for the creation or expansion of parks, trails, natural lands, or other public spaces.**
- 5. Historic Preservation Plan, including any plan that guides future decision making regarding the preservation of historic buildings, structures, and places.**
- 6. Water Use and Preservation Plan and any other plan regarding the future use or conservation of water.**
- 7. Any other plan that is determined necessary to carry out the purpose of this chapter and the purpose of Utah Code 10-9a part 4 or its successor.**

C. Separate Plans: The city council may adopt separate, individual plans to collectively fulfill the General Plan requirements of Utah Code 10-9a part 4.

D. Implementation Plans: Plans created by the city to implement the general plan, manage improvements to existing public lands, or construct existing public facilities are not considered to be an element of the general plan and are not subject to the adoption processes required by this title. Implementation plans required in Utah Code to be part of the general plan are subject to the adoption process required by Utah Code and this title.

19.02.050: Linking Plans: If separate plans are adopted, each separate plan should indicate how the plan relates to the other plans.

19.02.060: Effect of Adopted General Plan:

A. All general plans recommended by the planning commission and adopted by the city council, or for an area of the City, shall serve as an advisory guide for:

- 1. Amendments to Title 21A Zoning, including amendments to the zoning map.**
- 2. Decisions related to the allocation of resources related to the development of land.**
- 3. Decisions related to processes or applications identified in Titles 20 Subdivisions and 21A Zoning as indicated in those titles.**

B. Complying with any portion of a general plan shall be required when specified in Title 20 Subdivisions or Title 21A Zoning.

C. Public Uses to Conform to General Plan: After the city council has adopted a general plan, no dedicated street, park, or other public way, ground, place, or space, no publicly owned building or structure, and no public utility, whether publicly or privately owned, may be constructed, or authorized until and unless it conforms to the current general plan.

1. A public use is considered to conform to the general plan when:
 - a. The use is consistent with the designation on the future land use map; or
 - b. The use is described in specific policies within the general plan or general plan elements.
2. The future land use map shall take precedence over any policy within the general plan when determining if a public use conforms to the general plan.

19.04 General Plan Requirements

19.04.010 General Plan Required

19.04.020 Required Elements

19.04.030 Role of Plan Salt Lake

19.04.010: General Plan Required:

The general plan of Salt Lake City shall include the entirety of the city as required by the Utah Code Municipal Land Use Development and Management Act, title 10, chapter 9a, of the Utah Code Annotated or its successor.

19.04.020: Required Elements:

The general plan is required to include elements and components as required by Utah Code 10-9a-403 or its successor and any other applicable section of state code. The general plan may also include any elements that are deemed necessary by the city to address the purposes identified in this title.

19.04.030: Role of Plan Salt Lake:

Plan Salt Lake, or its successor, shall establish the purpose and goals of the general plan. All other elements that collectively comprise the city's general plan shall identify how the plan aligns with Plan Salt Lake and establish specific policies to achieve the purpose and goals of the general plan.

19.06 Process for General Plans and Amendments

19.06.010 Purpose

19.06.020 Initiation

19.06.030 When Required

19.06.040 Property Owner Initiated Petition Requirements

19.06.050 City Initiated Petition Requirements

19.06.060 Required Notice

19.06.070 Factors to Consider for Amendments to the General Plan

19.06.080 Development Agreements

19.06.090 Effect of Adoption

19.06.100 Limitations

19.06.010: Purpose:

The purpose of this chapter is to establish the minimum process requirements for:

A. Adopting a new general plan or element;

B. Adopting comprehensive updates to a general plan or element; and

C. Amendments to existing plans proposed by a property owner.

19.06.020: Initiation:

The creation of a new plan, a comprehensive update to an existing plan, or an amendment to an existing plan may be initiated by:

A. The mayor, by signing a document to initiate the process;

B. The city council, following the policies adopted by the council for such action; or

C. A property owner or the owner's designee when the amendment relates to the owner's properties. A property owner may only submit a petition to amend the general plan as it pertains to property that they own.

D. The planning commission may make a recommendation to the mayor or city council to initiate an amendment to an existing plan.

19.06.030: When Required:

A petition to amend or modify the adopted general plan shall be required as described in this section. The planning director shall determine if a petition to amend a general plan is required based on the guidance in this section.

A. New Plans and Comprehensive Updates: Petitions for a new general plan or a comprehensive update to an existing general plan are at the discretion of the city council or mayor.

B. Annexation Petitions: The below standards apply to petitions for annexation into Salt Lake City.

C. Property Owner Petitions: The below standards apply to petitions made by a property owner or owner's designee, including the city when a petition is property specific.

1. Petition Required: A petition to modify the general plan shall be required in the following instances:

a. Zoning Amendment: A petitioner is proposing a zoning amendment that includes an increase in the recommended density, scale, or intensity identified in the applicable future land use map or in the description of the desired future development characteristics found in the land use element of the general plan.

b. Specific Property: A petitioner is requesting to change the future land use map designation or description of the desired future development characteristics found in the land use element of the general plan that pertains to a specific property.

c. Public Facility or Space: A request that involves altering an identified transportation or public facility, building, open space, or other public space that is identified in the plan, for the purpose of expanding the petitioner's land or development right.

d. If the general plan does not describe the recommended density, land use intensity, or scale of development, any petition to change the zoning of the property shall include a petition to modify the general plan.

2. Petition Not Required: A petition to modify a general plan is not required in any of the following instances.

- a. The future land use map or a policy in an adopted plan specifically identifies privately owned land for future public use and the current zoning district of the property substantially interferes with the use of the property.
- b. The petition satisfies one of the following criteria:
 - i. A proposed zoning amendment includes a zoning designation that is generally consistent with either the future land use map or description of the desired future development characteristics found in the land use element of the general plan. To be considered consistent, the proposed zoning amendment shall fit within the recommended density, land use, land use intensity, and scale of future development identified in an applicable plan.
 - ii. A proposed zoning amendment includes a proposal to provide affordable housing that is consistent with the identified need for affordable housing in any housing plan adopted by the city or with any affordable housing policy within the general plan as defined in 19.02.040.
- c. When a petition for a general plan amendment is not required, a petition to amend Title 21A shall follow the process outlined in 21A.50.

19.06.040: Property Owner Initiated Petition Requirements:

After a petition has been submitted by a property owner to amend the general plan, the following steps, at a minimum, shall be required.

- A. Petition Requirements:** The petitioner shall submit a petition for an amendment to the general plan on a form approved by the zoning administrator and pay all required fees as shown on the Salt Lake City consolidated fee schedule. The petition shall include the following information:
 - 1. Legal description, address, and property tax identification number of the properties that are the subject of the proposed petition.
 - 2. Contact information, including address, phone, and email of the property owners or the property owner's authorized representative.
 - 3. Property owner signature or signed acknowledgment authorizing a designee to submit the petition.
 - 4. A description of the proposed modification to the general plan, including any changes to the future land use map, future land use designation, or description of scale and density/intensity of the proposed change. Any proposed amendment to the text of the plan shall include the exact proposed text and changes that are proposed in a strike and underline format.
 - 5. Maps that show the current use of the subject property and adjacent properties.
 - 6. When the property that is subject to the petition contains residential uses, the following information must be provided:
 - a. The current number of dwellings or any other residential use and any number of dwellings that have been demolished in the past 36 months.
 - b. The square footage and number of bedrooms for each dwelling unit;
 - c. The current cost of rent and the cost of rent for the previous 36 months;
 - d. The total number of households and people residing on the property.
 - 7. When a property contains nonresidential uses, the following information must be provided:

- a. Details on the nature of the existing and prior use for the past 10 years or, if 10 years of records are not available, for as long as the current owner has records of the use of the property;
 - b. Square footage of the leasable area;
 - c. Detailed list of current or prior occupants;
 - d. The current cost to lease and the cost to lease for the previous 36 months.
8. A written general description of any future development that is planned for the property including the anticipated use, density, scale of development, timing of development, and any additional land use applications that may be required to develop the site.
9. A written description regarding the proposed community benefit identified in 19.06.070.B. The description shall adequately describe the necessary details to demonstrate that the proposed community benefit is roughly proportionate to the potential increase in development right if the proposed amendment were to be adopted.
10. The application shall be accompanied by the applicable fees shown on the Salt Lake City consolidated fee schedule. The applicant shall also be responsible for payment of all fees established for providing the public notice required by Chapter 21A.10 of this title. Application and noticing fees for petitions filed by the city council, planning commission or the mayor shall not be required.

B. Process: A petition is subject to the following process:

- 1. Determining if Application is Complete:** After the petition is submitted and fees are paid, the planning director shall review the materials submitted with the petition to determine if all required materials have been submitted. If a required item is missing or deficient, the petitioner shall be notified of the deficiency and be given 30 days to submit the missing information or correct the deficient material. If not submitted within 30 days, the petition may be considered withdrawn and closed. A refund of any required fees will be provided minus the cost to review the petition for completeness.
- 2. Notice to Neighbors and Recognized Community Organizations:** After the application is found to be complete, a notice shall be sent to all neighbors and recognized community organizations as required by City Code section 21A.10.015. The notice shall include a minimum of 45-day public input period and any information required for public notice by Utah Code 10-9a or its successor and by this title.
- 3. Applicant Presentation to the Community:** The petitioner shall arrange for a public presentation of the proposal to the recognized community organization when the subject property is within a defined boundary of the recognized community organization. The presentation shall occur after the notice has been sent to the neighbors and recognized organization. The petitioner is responsible for presenting the proposal.
- 4. Additional Public Input:** The planning director may extend the public input period based on the level of controversy, or changes to the petition made by the applicant that include a future land use designation that increases the recommended densities or development intensity beyond the original request.
- 5. Early Planning Commission Public Hearing:** The planning director may schedule a public hearing to be held with the planning commission within the 45-day public notice period required by this Title. If a public hearing is held within 45 days, the planning commission shall continue

the public hearing to a future date that is after the required 45-day public input period required by this title.

6. **Planning Commission Public Hearing:** Prior to making a recommendation to the city council to consider a petition to amend the general plan, the planning commission shall hold a public hearing after the 45-day noticing period ends. All Planning Commission public hearings shall be noticed in accordance with Utah Code and in accordance with Chapter 21A.10.020.

19.06.050: City Initiated Petition Requirements:

This section applies to city-initiated petitions proposing new general plans or comprehensive updates to existing general plans. This section does not apply to petitions subject to 19.06.040. A petition to adopt a new general plan, or comprehensive update to a general plan, that is initiated by the mayor or city council shall include at a minimum the following procedural steps:

- A. Development of a written purpose and need statement that explains why the plan or amendment is being considered.
- B. Creation of a work plan that includes at a minimum the following information:
 1. Public engagement plan that provides multiple opportunities for the community and city boards or commissions to be included in determining how the plan can achieve the vision in Plan Salt Lake and purposes of this section.
 2. Identification of key points in the process for city council, mayor, and planning commission review and input regarding the progress, direction, and general content of the plan.
 3. The necessary steps to comply with the legally established adoption process.
 4. Identification of resources needed to create and adopt the plan or comprehensive update.
 5. A timeline for the project that is based on the available resources and steps necessary to adopt the plan or comprehensive update.
- C. Notice of intent to prepare a general plan or comprehensive update to the general plan shall be sent to the affected entities as required by Utah Code 10-9a-203 or its successor as well as posted on the city website and sent to all registered recognized organizations.
- D. After a complete public draft of a plan is created, the following steps shall be followed:
 1. A minimum review time of 45 days shall be provided for the community to provide input on the plan that complies with the notification requirements of 21A.10.015 or its successor.
 2. A minimum of one public hearing before the planning commission. The public hearing shall comply with all public notice requirements required under Utah Code.
 3. The historic landmark commission may make a recommendation for the city council to adopt, amend and adopt, or deny the proposed plan after a public hearing when the general plan amendment impacts an H Historic Preservation Overlay District.
 4. The planning commission shall make a recommendation for the city council to adopt, amend and adopt, or deny the proposed plan after a public hearing.
 5. The city council shall hold a public hearing prior to making a final decision regarding a proposed general plan or amendment to the general plan.

19.06.060: Required Notice:

A petition submitted under this title is subject to the following public notice:

- A. City Code: Public notice shall be provided as required by 21A.10.020.
- B. State Code: Public notice shall be provided as required by Utah Code 10-9a-203 and Utah Code 10-9a-204, or their successors, as applicable.

19.06.070: Factors to Consider for Amendments to the General Plan:

The intent of this section is to establish a list of factors that the planning commission and city council should consider when evaluating a proposed plan or plan amendment. Each factor should be considered with the understanding that not all factors will be applicable to all petitions.

- A. If an amendment is approved by the city council, no certificate of occupancy shall be issued until the property owner demonstrates compliance with the council approval, an applicable development agreement, and this chapter if required by the approval.
- B. **Consideration Factors:** In reviewing a proposal to modify the general plan, the planning commission and city council should consider, but are not limited to, the following factors:
 - 1. Whether the proposal is consistent with citywide policies.
 - 2. Whether the proposal is consistent with the goals, policies, or implementation actions of the general plan, including applicable element plans.
 - 3. Whether significant change has occurred that warrants the creation of a new plan or an update to an adopted plan.
 - 4. Whether the goals, policies, or implementation actions of the plan to be amended have been achieved, are no longer relevant to or capable of addressing the current issues or needs of the neighborhood or the city, or are no longer aligned with policies in citywide plans.
 - 5. For petitions submitted by a property owner, the extent, effectiveness, and proportionality of the public benefit proposed by the petitioner to the increase in development potential if the proposal were to be adopted by the city council.
 - 6. The potential for displacement of people who reside in any housing that is within the boundary of the proposed amendment and the plan offered by the petitioner to mitigate displacement.
 - 7. The potential for displacement of any business that is located within the boundary of the proposed amendment and the plan offered by the petitioner to mitigate displacement.
 - 8. The potential impacts to properties in the immediate vicinity of the proposal.
 - 9. The potential impacts on the city to provide safe drinking water, storm water, and sewer to the property based on the additional development potential of future development.
 - 10. The potential impacts to public safety resources created by the increase in development potential that may result from the proposed amendment.
 - 11. The potential impacts to any other city service, infrastructure, or resource that may be impacted by the increase in development potential that may result from the proposed amendment.
- C. **Community Benefit Requirement.** Each petition that is initiated by a private property owner shall identify the community benefit(s) provided by the proposal that would not otherwise be provided without the amendment as provided for in this section.

1. The proposed public benefit(s) shall be from one or more of the following categories:
 - a. Providing housing that aligns with the current or future needs of the community as determined by the General Plan. Needs could include the level of affordability in excess of the number of dwellings that exist on the site, size in terms of number of bedrooms, or availability of housing for purchase.
 - b. Providing commercial space for local businesses or charitable organizations.
 - c. Providing a dedication of public open space.
 - d. Providing a dedication or other legal form of protection from future development of land that is adjacent to a river, creek, wetland, floodplain, wildlife habitat, or natural lands.
 - e. Preserving historic structures.
 - f. Expanding public infrastructure that expands capacity for future development.
2. The proposed community benefit may be evaluated based on the following, if applicable:
 - a. For proposals that are intended to increase the housing supply, the level of affordability of the additional density that may be allowed if the proposal were to be adopted;
 - b. The percentage of space allocated to commercial use compared to the total ground floor area that could be developed on the site;
 - c. The size of the public open space compared to the total developable area of the lot, exclusive of setbacks, required landscaped yards, and any open space requirement of the proposed zoning district;
 - d. The relative size and environmental value of any land that is to be dedicated;
 - e. The historic significance of the structures proposed to be preserved;
 - f. The amount of development that could be accommodated due to the increase in public infrastructure capacity compared to the general need for the area;
 - g. The input received related to the community benefit during the 45-day engagement period.
 - h. Policies in the general plan that support the proposed community benefit;
3. The planning commission may make a recommendation to the city council regarding accepting the proposed public benefit.
4. The city council has final authority regarding requiring a public benefit. The city council may accept the proposed public benefit, modify the benefit, require a different public benefit, or waive the public benefit based on the merits of the proposal.
5. Any future development where a public benefit is required shall be subject to a development agreement to ensure that the agreed upon public benefit is provided prior to a certificate of occupancy being issued for any building within the future development.
6. A violation of the development agreement that includes not providing the agreed to public benefit shall require the property owner to pay a fine that is equal to the fair market value of the public benefit in the development agreement plus the fines identified in 21A.20.040.

D. Displaced Tenant Resulting from Demolition of Housing: If a proposed amendment submitted by a property owner includes the likely demolition of any dwelling, the city council may require the

petitioner to provide relocation assistance for the current tenant(s), or a replacement dwelling as required by this section for each demolished dwelling within a future development.

1. This subsection may be applied by the city council when a proposal for a property owner initiated general plan amendment is likely to result in an existing housing unit being demolished due to the increase in development rights that may result from the proposed amendment.
2. For the purpose of this section, any term that is used in the singular shall be interpreted to include the plural of the term.
3. A petitioner may not terminate a lease or evict a tenant for the purpose of evading the obligation to provide tenant relocation assistance and other requirements set forth in this section.
- 4. Tenant Relocation Assistance:** When a petition is likely to result in the demolition of a dwelling unit, the property owner may be required to provide the tenant with relocation assistance to supplement the costs of leasing a comparable replacement dwelling. The rental relocation assistance includes the following:
 - a. Moving expenses based on a reasonable estimate provided by the tenant, up to a maximum of \$1,500.
 - b. Application fees for the replacement housing.
 - c. The deposit that the displaced tenant would have to pay to secure replacement housing.
 - d. Monthly Rental Assistance payment. The rental assistance payment is based on the difference, if any, between the cost of the monthly rent of the demolished housing and a comparable unit. The rental payment total amount paid shall not be more than \$7,200.
 - e. If the property owner relocates the displaced tenant into an existing unit that is owned by the applicant within Salt Lake City at the same rental rate that the displaced tenant was paying and without an additional applicant fee or deposit, then paragraphs b, c, and d above do not apply.
 - f. Any and all payments should be received by the tenant 24 hours in advance of leaving the unit to be demolished.
 - g. Tenant Relocation Assistance Exemptions: If the project is receiving identified federal funds and subject to the Uniform Relocation Assistance (URA) and Real Property Acquisition Policies Act of 1970, as amended, 42. U.S.C 4601-4655, The relocation assistance rules for the developer/tenant under that act will govern and the Tenant Relocation Assistance outlined in this section will not apply. The developer shall inform the city if they are subject to URA and details of assistance to be provided. Tenants who receive tenant relocation assistance from this section are not eligible to receive relocation benefits from the City.

E. Demolished Unit Replacement. The future development may be required to replace the demolished housing unit within the new development. The replacement housing unit shall have the same number of bedrooms. In addition, the applicant shall propose one of the options listed in this section. The city council has the authority to waive or modify this requirement.

- a. The replacement unit shall be rented at the same amount as the demolished unit with no more than a 3% annual increase on the rental rate for a period of 20 years.

b. The applicant may propose a payment to the city in lieu of the rental restriction on the new unit to go toward the city's housing fund to offset the loss of affordable housing. The payment shall be equal to the monthly rent of the unit prior to demolition multiplied by the number of months between the time the unit is vacated prior to demolition until a Certificate of Occupancy for the replacement dwelling is issued.

F. If a housing unit is demolished or neglected to the point of being uninhabitable at any time during the five years prior to a petition for a plan amendment being submitted or is placed on the city's boarded building inventory, the city council may require this section to apply to tenants that were displaced by the demolition or require the tenant relocation amount to be paid to the City for the purpose of other tenant relocation assistance.

19.06.080 Development Agreements: The petitioner may be required by the city council to enter into a development agreement as indicated in this section.

A. The city council may consider applying requirements through an appropriate legal agreement with a petition for a zoning amendment when the city council determines that such an agreement is necessary to increase the benefit of the proposed zoning amendment and/or to address potential impacts to city services, surrounding land uses, public safety, and the health of current and future residents, business owners, and visitors to the city. The agreement may modify any applicable requirement of this title provided the modification was proposed to and considered by the planning commission as required for any zoning amendment. Agreements that constrain the development potential or land uses of the subject property compared to what is authorized in the proposed zoning district are not required to be reviewed by the planning commission prior to consideration of the agreement.

B. The petitioner shall enter into a development agreement with the city if the city council requires any or all of the following: a community benefit, tenant relocation assistance, or replacement of demolished housing units. The development agreement shall include the following information.

1. The details of the public benefit, relocation assistance, timeline for replacement of demolished units, fee payment requirements or installments, or any other requirement of the city council in sufficient detail to ensure that the requirements of the development agreement can be administered and enforced for the life of the agreement.

2. Direction regarding how the development agreement will be enforced, including necessary notice of any violation, a timeframe for curing the violation, penalties for any violation that may be assessed if the violation is not cured, and any other necessary provisions to ensure that the agreement is followed.

3. The timeframe that the development agreement shall be effective and a provision that automatically terminates the development agreement after the timeframe expires.

4. The development agreement shall be recorded on the title of the property with the Salt Lake County Recorder as well as on the title of any other property that is part of the approved community benefit, tenant relocation assistance, or other requirement imposed by the city council.

19.06.090: Effect of Adoption: The adoption of a plan or modification to a plan shall establish applicable policies related to the subject matter of the plan and may be used as a guide in making decisions related to any component of the plan as required by state code or elsewhere in this title.

19.06.100: Limitations: A petition to amend any aspect of the city's general plan is subject to the following limitations:

- A.** If the petitioner chooses to modify a petition after the planning commission has made a recommendation, the petitioner may withdraw the application and submit a new application, including fee, and start a new process as required by this chapter.
- B.** A modification by the applicant to a petition in a manner that increases the density or development potential in relationship to the original proposal prior to the planning commission recommendation shall start the public engagement process over.
- C.** No application for a general plan amendment shall be considered by the City Council or the Planning Commission within one year of a final decision of the City Council upon a prior application covering substantially the same subject or substantially the same property. This provision shall not restrict the Mayor, the City Council, or the Planning Commission from proposing any general plan amendments at any time.
- D.** A petition that is withdrawn for reasons other than those listed in this section and before the first public hearing is held shall be closed with no action. Once a petition is closed after it is withdrawn, it cannot be reopened, and a new application will be required.

19.07: Appeals: An appeal of final decisions related to general plan amendments made by the city council may be appealed in accordance with Utah Code. Recommendations from the planning commission, the administration of the city, or any other entity are advisory in nature and not subject to appeal.

19.08: Definitions: All terms used in this title shall be as defined in Utah Code 10-9a or Title 21A zoning. Utah Code 10-9a will take precedence followed by Title 21A. Any term not defined in Utah Code 10-9a or in Title 21A shall be as defined in Merriam-Webster online dictionary.