

TITLE 10
ZONING REGULATIONS

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CHAPTER 1
GENERAL PROVISIONS

SECTION:

- 10-1-1: Title
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10-1-1: **TITLE:** This title shall be known as and shall be entitled *THE DEVELOPMENT CODE OF EAST CARBON CITY, UTAH*, and may be so cited and pleaded. (Ord. 38, 9-7-1977)

10-1-2: **INTENT AND PURPOSE:** It is the intent and purpose of the city council to avail itself of the powers granted under Utah Code Annotated title 10, chapter 9, as amended, in a manner that will promote the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of the city, and to this end:

- A. To encourage and facilitate orderly growth and development in the city.
- B. To secure economy in city expenditures and to facilitate adequate provision for transportation, water, sewerage, parks, schools and other public requirements.
- C. To lessen congestion in the streets, prevent the overcrowding of land, and provide adequate light and air.

- D. To secure safety from fires, floods, traffic hazards and other dangers.
- E. To stabilize and improve property values.
- F. To protect the tax base.
- G. To promote the development of a more attractive and wholesome and serviceable city.
- H. To create conditions favorable to prosperity, civic activities, and recreational, educational and cultural opportunities. (Ord. 38, 9-7-1977)

10-1-3: **DECLARATION:** In establishing the zones, the boundaries thereof, and other regulations and restrictions applying within each of the zones, due and careful consideration was given, among other things, to the suitability of the land for particular uses, and to the character of the zone, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city. (Ord. 38, 9-7-1977)

10-1-4: **APPLICABILITY:** The regulations and restrictions as set forth in this title shall be so interpreted and construed as to further the objectives and purposes thereof. (Ord. 38, 9-7-1977)

10-1-5: **INTERPRETATION:** In interpreting and applying this title, the provisions thereof shall be held to be the minimum requirements needed to promote the public health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of the city. It is not intended by the adoption of this title to repeal, abrogate, annul or in any way impair or interfere with any existing ordinances, codes, regulations, standards or other provisions of laws, except those which are specifically repealed under the terms of this title. Nor is it intended by this title to interfere with or abrogate or annul any easement, covenant or other agreement between parties; provided, however, that where this title imposes a greater restriction than is required by any ordinance, code, regulation, standard or other provision of law or by any easement, covenant or private agreement, the provisions of this title shall govern. (Ord. 38, 9-7-1977)

10-1-6: **AMENDMENTS TO TITLE AND MAP:** This title, including the map, may be amended, but all proposed amendments shall be submitted first to the planning commission for its recommendations, which recommendations shall be submitted to the city council for its consideration within thirty (30) days. (Ord. 38, 9-7-1977)

- A. **Written Petition Required:** Any person seeking an amendment of this title or map shall submit to the planning commission a written petition designating the change desired and the reasons therefor, and shall pay a filing fee in such amount as established by resolution of the city council to the city treasurer. Upon receipt of the petition and the payment of the filing fee, the planning commission shall consider the request and shall certify its recommendations to the city council with respect to the request within thirty (30) days from receipt of the request. Failure on the part of the planning commission to certify its recommendations to the city council within said thirty (30) day period, shall be deemed to constitute recommendation of approval unless a longer period is granted by the city council. The fee required herein shall not be returned to the applicant. The planning commission or city council may also initiate amendments to this title. (Ord. 38, 9-7-1977; amd. 2005 Code)
- B. **Intent With Respect To Amendments:** All amendments to this title shall be made in accordance with the comprehensive plan of land use. It is hereby declared to be public policy that this title shall not be amended unless it can be shown that changed or changing conditions make the proposed amendment reasonably necessary to the promotion of the purposes of this title.
- C. **Public Hearing Required Before Amending; Notice:** Amendments to this title may be adopted only after a public hearing in relation thereto before the city council, at which hearing parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation within the city at least fifteen (15) days prior to the date of the hearing. (Ord. 38, 9-7-1977)

10-1-7: **SEVERABILITY:** This title and the various parts, sections and clauses, except for provisions relating to large scale developments, are hereby declared to be severable. If any part, section, paragraph, sentence, clause or phrase, except those relating to large scale developments, is adjudged unconstitutional or invalid, it is hereby declared that the remainder of the title shall not be affected thereby. The city council hereby declares that it would have passed this title and each part, section,

paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one or more portions thereof be declared invalid; provided, however, if any part, section, paragraph, clause or phrase relating to large scale developments is adjudged unconstitutional or invalid, it is hereby declared that all parts, sections, paragraphs, clauses and phrases relating to large scale developments shall be declared invalid. (Ord. 38, 9-7-1977)

10-1-8: **PENALTY:** Any person, firm or corporation violating any of the provisions of this title shall be guilty of a class C misdemeanor and, upon conviction thereof, shall be subject to penalty as provided in section 1-4-1 of this code. (Ord. 38, 9-7-1977; amd. 2005 Code)

CHAPTER 2
DEFINITIONS

SECTION:

10-2-1: **Definitions**

10-2-1: **DEFINITIONS:** For purpose of this title, certain words and phrases require specific definition of meaning. Words and phrases used in the present tense include the future; the singular word or number includes the plural and the singular.

It is the intent of this section in setting forth the meaning of certain words and phrases to facilitate understanding of said terms and phrases in the sense intended by the city council.

AGRICULTURE: The growing of soil crops in the customary manner in the open. It shall not include livestock raising activities; nor shall it include retailing of products on the premises.

APARTMENT HOUSE: See definition of Dwelling, Multiple-Family.

**BACHING
APARTMENT:** A dwelling unit occupied by four (4) or more unrelated individuals.

BOARDING HOUSE: A dwelling containing not more than one kitchen where for compensation, meals are provided pursuant to previous arrangements on a daily, weekly or monthly basis as distinguished from a hotel, cafe or rooming house.

BUILDING: Any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

BUILDING, ACCESSORY:	A subordinate building, the use of which is incidental to that of the main building.
BUILDING, MAIN:	One or more of the principal buildings upon a lot. Garages, carports and other buildings which are attached to a dwelling or other main building or which are situated within ten feet (10') of a main building shall be considered as a part of the main building.
BUILDING, PUBLIC:	A building owned and operated or owned and intended to be operated by a public agency of the United States of America, of the state of Utah, or any of its subdivisions.
CARPORT:	A structure not completely enclosed by walls for the shelter of automobiles.
COMMON AREA:	An area designed to serve two (2) or more dwelling units in separate ownership with convenient access to the area.
COMPREHENSIVE PLAN (MASTER PLAN):	A coordinated plan which has been prepared and adopted for the purpose of building development, including, but not limited to, a plan or plans of land use, resources, circulation, housing, and public facilities and grounds.
CONDITIONAL USE (SPECIAL EXCEPTION):	A use which has been specifically permitted by the terms of this title and which requires special consideration by the board of adjustment, before a permit therefor may be issued by the zoning administrator or building inspector.
CONDOMINIUM:	The ownership of a single unit in a multi-unit project, together with an undivided interest in common in the common areas and facilities of the property.
CONDOMINIUM PROJECT:	A plan or project whereby two (2) or more units, whether contained in existing or proposed apartments, commercial or industrial buildings or structures or otherwise, are separately offered or proposed to be offered for sale.

	<p>"Condominium project" shall also mean the property when the context so requires.</p>
DENSITY:	<p>The number of dwelling units per acre of land.</p>
DOCUMENTATION, DECLARATION:	<p>The legal instruments required under the provisions of this title and applicable state law for approval of large scale development.</p>
DRIVE IN, RETAIL:	<p>Any form of merchandising, serving or dispensing of goods in which the customer is served while in his automobile.</p>
DWELLING, CARETAKER'S:	<p>A dwelling which is occupied by an individual or family whose livelihood is derived primarily from watching or taking care of a farm, industry or other use which is located on the same premises as the dwelling.</p>
DWELLING, CONVENTIONAL:	<p>A dwelling which is constructed in compliance with the provisions of the building code, mechanical code, electrical code and plumbing code, as adopted by the city.</p>
DWELLING, MULTIPLE-FAMILY:	<p>A building containing three (3) or more dwelling units.</p>
DWELLING, ONE-FAMILY:	<p>A detached residence designed for or occupied by one family.</p>
DWELLING, TWO-FAMILY:	<p>A building containing two (2) dwelling units.</p>
DWELLING UNIT:	<p>One or more rooms in a building designed for living purposes (bathing, eating and sleeping) and occupied by one family.</p>
ENVIRONMENTAL IMPACT STATEMENT:	<p>A statement which indicates or describes the impact that the development will likely have on the natural features of the immediate area, and which describes the measures that will be taken to lessen the occurrence of adverse conditions with respect to:</p>

- A. Control of erosion within the area.
- B. Reseeding of cuts and fills.
- C. Provision for potable water and irrigation water.
- D. Disposition of any geologic hazards or soil conditions which may cause injury to persons or injury or damage to improvements which may be constructed in the development, such as buildings, water and sewer lines, and streets.
- E. Prevention of fire and control of dust.
- F. Prevention of the accumulation of weeds and debris.
- G. Disposal of surface water and disposition of flood hazards.
- H. Costs of services or facilities (both off site and on site) which may devolve upon the public as a result of the construction of the project as planned.

FAMILY:

An individual or two (2) or more persons related by blood, marriage or adoption, living together in a single dwelling unit and maintaining a common household. A family may include two (2), but not more than two (2), nonrelated persons living with the residing family. The term "family" shall not be construed to mean a group of nonrelated individuals, a fraternity, club or institutional group.

FAMILY DAYCARE CENTER:

A dwelling unit wherein ordinary care and supervision are provided during customary daytime periods by the resident family to nonrelated persons. To qualify, said dwelling must be approved by the state division of social services or other appropriate state agency.

**FENCE, SIGHT
OBSCURING:**

A fence having a height of at least six feet (6') above grade which permits vision through not more than ten percent (10%) of each square foot more than eight inches (8") aboveground.

**FINAL PLAT, RECORD
OF SURVEY MAP:**

A plat or plats of survey of land within a subdivision or other large scale development, which has been prepared in accordance with applicable city standards and/or state statutes for the purposes of recording in the office of the county recorder.

FLOOD CHANNEL:

A natural or artificial watercourse with definite bed and banks to confine and conduct floodwater.

FLOOR AREA:

The sum of the areas of the several floors of the building, including basements, mezzanines and penthouses of headroom height (6 feet), measured from the exterior walls or from the centerline of walls separating buildings. The floor area does not include unoccupied features such as pipe trenches, exterior terraces or steps, chimneys, roof overhangs, etc.

FOSTER CARE HOME:

A dwelling unit wherein room, board, care and supervision are provided by the resident family under the approval and supervision of the state division of social services or other placement agency licensed by the state to provide for children who are unrelated to the resident family.

GRADE OF BUILDING:

A. For buildings fronting on one street only; the elevation of the sidewalk or centerline of street, whichever is higher, at right angles to the midpoint of the fronting walls.

B. For buildings fronting on more than one street; the average of the elevations of the sidewalk or centerline of street out from the midpoint of the fronting walls.

C. For buildings having no walls fronting the streets; the average level of the sidewalk or centerline of surrounding streets, whichever is higher.

D. For streets and driveways; grade shall mean the ratio of vertical distance to horizontal distance along such a street or driveway expressed in either percentage or degree.

- GRAZING:** The act of eating herbage growing from the ground.
- GUEST:** A person staying or receiving services for compensation at a hotel, motel, boarding house, rooming house or rest home, or similar use.
- HEIGHT OF BUILDING:** The weighted average vertical distance from the grade of the building to the top of the building walls.
- HOME OCCUPATION:** Any occupation conducted within a dwelling and carried on by persons residing in the dwelling.
- HOUSEHOLD PETS:** Animals or fowl ordinarily permitted in the house and kept for company or pleasure, including, but not limited to, dogs, cats, canaries and chinchillas.
- INFORMATION BROCHURE:** A written statement setting forth the organizational structure of the homeowners' association, and the rights and obligations of the developers, homeowners' association, the lot or homeowners and the city.
- JUNKYARD; SALVAGE YARD:** A place where scrap, waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled or stored, including auto wrecking yards, house wrecking yards, used lumberyards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment, but not including places where such uses are conducted entirely within a

completely enclosed building or where salvaged materials are kept incidental to manufacturing operations conducted on the premises.

LAND USE PLAN: A plan adopted and maintained by the planning commission, which shows how the land should be used; an element of the comprehensive plan.

LANDSCAPING: Landscaping shall mean the application or use of some combination of planted trees, shrubs, vines, ground cover, flowers or lawns. It also means the combination of rocks and such structural features as fountains, pools, art works, screens, walls, fences or benches.

LODGING HOUSE: A building containing sleeping rooms that are rented to guests on a daily or weekly or monthly basis.

LOT, CORNER: A lot abutting on two (2) intersecting or intercepting streets where the interior angle of intersection or interception does not exceed one hundred thirty five degrees (135°).

LOT, INTERIOR: A lot other than a corner lot.

LOT LINE, FRONT: The front boundary line of a lot bordering on the street.

LOT LINE, REAR: A lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or gore shaped lot, the rear lot line shall be a line within the lot, parallel to and at the maximum distance from the front lot line, having a length of at least ten feet (10').

LOT LINE, SIDE: Any lot boundary line not a front lot line or a rear lot line.

LOT, ZONING: A parcel of land which is occupied or is to be occupied by a building or group of buildings which:

A. Complies with all existing area, frontage, width, setback and supplementary requirements of the zone in which it is located.

B. Has frontage on a city street which street has been accepted by the city council, has been improved in accordance with city standards and is in use by the public or has frontage on a private right of way within an approved large scale development.

C. Is shown as a separate lot in an approved subdivision plat or large scale development plan, which plat or plan has been approved in accordance with the applicable ordinances or which is exempted from compliance with said ordinances.

MANUFACTURED HOUSING:

A dwelling constructed in accordance with the HUD code for manufactured housing.

MASTER PLAN:

See definition of Comprehensive Plan.

MOBILE HOME:

A dwelling unit which is designed to be transported, after fabrication, on its own wheels or on detachable wheels and which is designed and intended for permanent occupancy as an independent dwelling unit, but which does not comply with the city's adopted building, mechanical, electrical and plumbing codes, or the HUD code for manufactured housing.

MOBILE HOME PARK:

An area or tract of land used to accommodate two (2) or more mobile homes.

NONCONFORMING BUILDING:

A building, structure, or portion thereof, which does not conform to the regulations of this title applicable to the zone or district in which such building is situated, but which legally existed prior to the effective date hereof.

NONCONFORMING LOT OF RECORD:

A parcel of land which does not conform to the area, frontage and/or width requirement for a zoning lot, but which was shown on the records

- of the county recorder as an independent lot prior to the effective date hereof.
- NONCONFORMING USE:** A legal use of premises which does not conform to the regulations of this title, but which existed at the effective date hereof.
- OFF SITE:** Shall mean of or pertaining to the territory outside of the boundaries of a particular project.
- ON SITE:** Shall mean of or pertaining to the territory within the boundaries of a particular project.
- OPEN SPACE:** Land which is open from the ground upward and which is not covered by dwellings or other buildings, or by pavement or other impervious material.
- OPEN SPACE PRESERVATION AGREEMENT:** An agreement between the city and a property owner in which the property owner agrees for himself and his successors and assigns to refrain from constructing dwellings and other buildings on a specific parcel of land for a specific period of time.
- PARKING SPACE:** A space, not less than twenty feet (20') in length and not less than eight and one-half feet ($8\frac{1}{2}'$) in width for the parking of a mobile vehicle, exclusive of driveways and ramps.
- PERSON:** An individual, corporation, partnership, association, trustee or other legal entity.
- PLANNED UNIT DEVELOPMENT:** A tract of land which is planned and developed as a single entity wherein the requirements applying to all dwellings and other buildings and improvements are modified to conform to the approved plan.
- PLANTING PLAN:** A plan showing the location and dimensions of plants, irrigation equipment, curbs and other protective features around the edge of the planting beds and the location and species of plants to be planted.

PREMISES:	A zoning lot, together with buildings and structures located thereon.
PUBLIC PARKS AND PLAYGROUNDS:	Shall mean a tract of land which is owned by the public and which has been partially or totally developed or designated for recreational purposes.
RECREATIONAL VEHICLE:	A vehicle used, designed or maintained primarily as a temporary dwelling for travel, vacation or recreation purposes, having a width of not more than eight feet (8') and length of not more than forty feet (40') and which can be driven or pulled upon the highways without a special permit.
RECREATIONAL VEHICLE COURT:	An area or tract of land used to accommodate two (2) or more recreational vehicles or camper units for a short period of time (less than 30 days).
REQUIRED YARD:	The yard resulting from the application of the minimum setback requirements within the zone.
REST HOME:	A dwelling for the care and keeping of elderly or infirm people affected with infirmities or chronic illness. To qualify, said dwelling must be approved to operate by the state division of social services or other state agency.
SALVAGE YARD:	See definition of Junkyard.
SETBACK:	The shortest distance between the property line and outside surface of the foundation, wall or main frame of the building.
SIGN:	Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including a flag pole.
SIGN, ACCESSORY:	A sign which directs attention to a business or profession conducted on the premises.

SIGN, AREA OF:

The area of a sign shall be considered to include all lettering, working and accompanying designs or symbols, together with any background material or freestanding supports. Where a sign consists of individual letters attached to or painted on a building or wall or window, the area of the sign shall be considered to be that of the smallest rectangle which encompasses all the letters or symbols.

**SIGN,
FREESTANDING:**

A sign which is not attached to or part of a building.

**SIGN,
NONACCESSORY;
BILLBOARD:**

A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than on the premises, and only incidentally on the premises, if at all.

SLOPE:

The average grade of the surface of land expressed either in percentage or in degrees.

SOLID WASTE:

Any garbage, refuse or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial or agricultural operations and from community activities. The term shall include city solids and waste, as defined in section 3001(b)(3)(A) of the resource conservation and recovery act, ash residues from the combustion of coal and fossil fuel and cement kiln waste, and special wastes, as defined by the rules and regulations promulgated by the Utah solid and hazardous waste committee (automobile bodies, furniture, appliances, tires, water and sewer treatment sludge), but shall not include infectious or hazardous waste as defined by the rules and regulations of said committee.

**SOLID WASTE
DISPOSAL:**

The handling, storage, processing and disposal of solid wastes by landfilling, resource recovery or equivalent method.

**SOLID WASTE
DISPOSAL FACILITY:**

A facility or part of a facility at which solid waste is received from off site sources and placed into or on land, and at which the waste will remain after closure of the facility, including all contiguous land and structures, other appurtenances and improvements on the land used, for treating, storing, recovery or disposing of solid wastes. A facility may consist of several treatment, storage, recovery or disposal operational units (e.g., landfills, incinerators, recovery site, container storage areas or combinations of them).

**SOLID WASTE
INCINERATOR
FACILITY:**

A facility or part of a facility at which solid waste is received from off site sources and treatment of waste occurs as a result of the incineration process.

SPECIAL EXCEPTION:

See definition of Conditional Use.

STORY:

That portion of a building included between the surface of a floor and the ceiling next above it.

STREET, MAJOR:

A road which has been designated on the city master plan as a collector, arterial or other principal thoroughfare as distinguished from a minor street.

STREET, MINOR:

Any dedicated street serving as the principal means of access to property, which street is not shown on the major street plan as a principal thoroughfare.

STREET, PUBLIC:

A roadway which has been designated as a Federal or state highway or which has been designated as a city street.

SUBDIVISION:

Any land that is divided, resubdivided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots or other division of land for the purpose, whether immediate or future, for offer, sale, lease or development, either on the installment plan or upon any and

all other plans, terms and conditions. See also Utah Code Annotated section 10-9-103.

**UNNECESSARY
HARDSHIP:**

A general restriction placed upon a lot with respect to setback or area where, by reason of exceptional narrowness, shallowness, shape or topography of such lot, a literal enforcement of the general restrictions would result in an unfairness to the owner compared to the owners of other lots in the same zone and which literal enforcement would be unnecessary in order to achieve the intent of the zone.

VARIANCE:

A reduction of a setback or an area requirement as distinguished from a special exception.

YARD:

The open space area on a lot or parcel, except for permitted projections and landscaping; encompassing the territory between the outer wall of the building and the closest opposite property line and extending the full width or depth, as appropriate, of the lot or parcel. (Ord. 38, 9-7-1977; amd. Ord. 89-07-25, 7-25-1989; Ord. 92-3, 3-24-1992; 2005 Code)

CHAPTER 3

ADMINISTRATION AND ENFORCEMENT

SECTION:

- 10-3-1: Zoning Administrator
- 10-3-2: Building Permits
- 10-3-3: Certificate Of Zoning Compliance
- 10-3-4: Permits; Compliance Required
- 10-3-5: Violation; Responsibility

10-3-1: **ZONING ADMINISTRATOR:**

A. Powers And Duties:

1. It shall be the duty of the zoning administrator to enforce all of the provisions of this title, entering actions in the courts when necessary; and his failure to do shall not legalize any act in violation of such provisions.

2. Upon appeal to the board of adjustment, planning commission or city council of any matters on which said board, commission or council is required to pass, the zoning administrator shall forthwith transmit all papers, records and other pertinent data pertaining to the appeal thereto as required by the terms of this title. The zoning administrator shall also act as the secretary of the board of adjustment and shall maintain a record of all actions of said board as required by the terms of this title, in the office of the city recorder for a period of time not less than five (5) years from the final date of any action pertaining thereto.

- B. Referral To City Attorney: Whenever it becomes necessary to enter actions in the court in order to obtain compliance with one or more provisions of this title, the zoning administrator shall first refer such matters to the city attorney and shall thereafter follow the instructions of the city attorney with respect thereto. (Ord. 38, 9-7-1977; amd. 2005 Code)

10-3-2: BUILDING PERMITS:

- A. Application: Any person, partnership, firm or corporation desiring to construct, remodel or move a building or structure within the territory shown on the official zone maps to the extent of one hundred dollars (\$100.00) or more in replaceable value shall make application therefor to the zoning administrator before commencing construction thereon.
- B. Plans Required: All applications for building permits shall be accompanied by plans which have been drawn to scale showing the actual dimensions of the lot to be built upon, the size and location of existing buildings, buildings to be erected, and the location and layout of proposed off street parking areas. Planting plans shall be required in connection with commercial buildings where yards or open space are required in connection with such commercial buildings. All plans, except for single- and two-family dwellings, shall be prepared by persons who are qualified to prepare such plans as provided by state law. A careful record of such application and plans shall be kept in the office of the zoning administrator for a period of at least five (5) years from the date of receipt thereof.
- C. Qualification Of Parcel As Lot: No building permit authorizing the use of land, or the construction or alteration, or moving, of a building or structure on a lot shall be issued unless the parcel upon which the use is to be conducted and/or the building constructed, altered or moved shall qualify as a zoning lot, as defined in section 10-2-1 of this title.
- D. Denial Of Permit; Recovery Of Damages: Any person purchasing a lot or parcel of land who may be injured as the consequence of a denial of a building permit, which purchase was made pursuant to inaccurate, incorrect, untrue or fraudulent information on the part of the seller or his agent, may recover damages from the seller or his agent by civil action. However, the city shall not be civilly liable for any damages that may occur as a consequence of the denial of a building permit based upon such information. (Ord. 38, 9-7-1977)

10-3-3: CERTIFICATE OF ZONING COMPLIANCE:

- A. Required: It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or to change the occupancy of any building or premises, until a certificate of zoning compliance shall have been issued therefor by the zoning administrator or

building inspector stating that the proposed use of the building or land conforms to the requirements of this title. No nonconforming structure or use shall be changed or extended until a certificate of zoning compliance shall state specifically wherein the nonconforming use differs with the provisions of this title. The zoning administrator may permit the occupancy of a building prior to the completion of all required work, provided a bond or other assurance has been posted with the city recorder in an amount equal to the cost of completing said required work as determined by the city council. The zoning administrator or building inspector shall maintain a record of all certificates of zoning compliance for a period of five (5) years and a copy shall be furnished upon request to any applicant.

- B. **Failure To Comply:** Failure to obtain a certificate of zoning compliance shall constitute a violation of this title. (Ord. 38, 9-7-1977)

10-3-4: PERMITS; COMPLIANCE REQUIRED:

- A. **Permits To Comply With Title:** From the time of the effective date hereof, permits shall not be granted for the construction or alteration of any building or structure, or for the moving of a building or structure onto a lot, or for the change in use of any land, building or structure, if such construction, alteration, moving or change in use would be a violation of any of the provisions of this title, nor shall any sewer or water service line or electric utilities be installed to serve the premises if such use would be a violation of this title.
- B. **License Or Permit To Comply With Title:** No license or permit shall be issued by any official or employee vested with the duty and authority to issue licenses or permits which would not be in conformance with the provisions of this title. Any license or permit so issued shall be null and void.
- C. **Construction And Use To Comply With Application:** Permits for excavations, buildings and certificates of zoning compliance issued on the basis of plans and specifications approved by the zoning administrator authorizes only the use, arrangement and construction set forth in such approved plans and application, and no other use, arrangement or construction. Use, arrangement or construction at variance with that authorized shall be deemed to be a violation of this title. (Ord. 38, 9-7-1977)

10-3-5: **VIOLATION; RESPONSIBILITY:** It shall be the responsibility of the owner and any and all builders, contractors, subcontractors, real estate agents and any other persons having to do with the establishment of any use of land or the erection, altering or relocation of any building to make sure that a proper permit has been obtained before work is begun. Any person doing any work on a project for which a proper permit has not been obtained shall be deemed guilty of a violation of this title. (Ord. 38, 9-7-1977)

CHAPTER 4

BOARD OF ADJUSTMENT

SECTION:

- 10-4-1: Created; Members; Terms
- 10-4-2: Organization; Meetings; Records
- 10-4-3: Powers And Duties
- 10-4-4: Appearances Before Board
- 10-4-5: Recourse From Decision Of Board

10-4-1: **CREATED; MEMBERS; TERMS:** There is hereby created a board of adjustment, which shall consist of five (5) members, each to be appointed by the city council for a term of five (5) years; provided, that the term of one member shall expire each year. One member, but not more than one member of the planning commission shall be a member of the board of adjustment. Any member may be removed for cause by the city council upon written charges and after a public hearing, if such public hearing is requested. Vacancies shall be filled for the unexpired term of any member whose term has not been completed. (Ord. 38, 9-7-1977)

10-4-2: **ORGANIZATION; MEETINGS; RECORDS:** The board of adjustment shall organize and elect a chairperson and adopt rules in accordance with the provisions of this title. Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson or, in his absence, the acting chairperson, shall conduct all meetings and may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such facts, and shall keep records of its examinations and other official acts, all of which shall be filed immediately in the office of the board and shall be a public record. "Roberts' Rules Of Order" shall be followed in the conduct of meetings whenever applicable. (Ord. 38, 9-7-1977)

10-4-3: POWERS AND DUTIES:

- A. Generally Described: The board of adjustment shall have judicial power to interpret the provisions of this title. It shall also have administrative duties to grant variance and special exceptions or conditional use permits, as follows:

1. Interpret Ordinance And Map:

a. Intent: It is the intent of this provision to provide a way whereby applicants who believe that the zoning administrator is in error or does not interpret the provisions of this title correctly, to obtain relief from such error in an expeditious and inexpensive manner without having to resort to the courts.

b. Duty To Interpret: The board of adjustment shall hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made in the enforcement of this title. The board of adjustment shall also interpret the zone map and boundaries thereof in cases of dispute or disagreement.

2. Grant Variances: The board of adjustment may authorize, upon appeal, variances from the terms of this title pertaining to area and width of lot, size of yards, and height and size of buildings, where owing to special conditions, peculiar to the property, a literal enforcement of the provisions of this title would result in a hardship which is unnecessary in carrying out the intent of this title. Before any variance may be granted, however, it must be shown that:

a. The variance will not substantially affect the comprehensive plan of zoning and that adherence to the strict letter of this title will cause difficulties and hardships upon the petitioners, which are unnecessary in order to carry out the purposes of this title.

b. Special circumstances are attached to the property covered by the application that do not apply to other property in the same zone.

c. That because of said special circumstances, property covered by the application is deprived of privileges possessed by other properties in the same zone; and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.

d. That the difficulties and hardships were not created by an act of the appellant subsequent to the effective date of the regulation appealed from.

3. Grant Certain Special Exceptions (Conditional Uses):

a. Intent: There are certain uses which are not permitted within particular zones unless they are made to comply with conditions which are compatible with other uses in the same zone. It is the intent of this provision to authorize the board of adjustment to use its discretion prescribing these conditions. However, the board of adjustment may not authorize a special exception or use unless such use is specifically permitted by the terms of this title.

b. Power To Prescribe Conditions In Connection With Special Exceptions (Conditional Uses): The board of adjustment shall hear and decide requests for "special exceptions" but only when authorized by the terms of this title to do so. In deciding whether or not to grant a special exception, the board shall be guided by the conditions set forth in this title with respect thereto, which conditions shall be deemed to be the minimum standards which must be complied with.

- B. **Attach Reasonable Conditions:** The board of adjustment may attach reasonable conditions or requirements to the grant of a variance, special exception or conditional use which the petitioner must comply with as a condition of the grant or approval. A time limit of one year shall be attached to the exercise or nonexercise of any grant unless specifically extended by action of the board.
- C. **Reverse Or Affirm Enforcing Officer:** In performing the duties and powers as set forth herein, the board of adjustment is hereby empowered to reverse or affirm wholly or partly, or modify, the order, requirement, decision or determination of the enforcing officer and may make such order or requirement as ought to be made; provided, however, that in interpreting and applying the provisions of this title, the requirements contained herein shall be deemed to be the minimum requirements for the purpose set forth.
- D. **Authority Limited:** The powers and duties of the board of adjustment are limited to judicial and administrative matters as set forth in this title. The board of adjustment shall not have the authority to amend this title, nor to correct what it may consider to be an unwise requirement. Nevertheless, the board of adjustment shall have powers and duties as set forth in this title and within the limitations

and intent of the provisions of this title shall perform its duties and shall have the power to perform those acts as herein set forth.

- E. **Vote:** The concurring vote of three (3) members of the board shall be necessary to decide upon any matter upon which it is required to pass. (Ord. 38, 9-7-1977)

10-4-4: APPEARANCES BEFORE BOARD:

- A. **Application; Fee:** Any citizen or person, or any officer or department of the city, may appeal to the board of adjustment by filing a request in writing with the zoning administrator and by paying a fee in such amount as established by resolution of the city council, provided such appeal is made within thirty (30) days from the grant or refusal of a building permit by the zoning administrator. The request to appear before the board of adjustment shall be made on forms furnished by the zoning administrator. (Ord. 38, 9-7-1977; amd. 2005 Code)

B. **Procedure:**

1. **Review; Decision Time Limit:** Upon receipt of the application, the zoning administrator shall forthwith transmit to the board of adjustment all papers constituting the record upon which the action appealed from was taken. The board of adjustment shall review the application and shall return the same to the zoning administrator with its decision pertaining thereto within thirty (30) days. Failure to return said application within thirty (30) days shall constitute approval.

2. **Stay Of Proceedings:** An appeal stays all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the board of adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by restraining order which may be granted by the board of adjustment or by the district court on application and notice to the zoning administrator and on due cause shown.

3. **Hearing; Notice:** The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof by publication of a notice at least five (5) days prior to the date of hearing, as well as notice by mail to adjacent property owners, and

decide the same within a reasonable time. Any party may appear at the hearing, in person, or by agent or by attorney.

- C. Action Of Board: The board of adjustment shall make determination in harmony with the provisions of this title and shall notify the zoning administrator of the action taken. (Ord. 38, 9-7-1977)

10-4-5: **RECOURSE FROM DECISION OF BOARD:** Any person aggrieved by any decision of the board of adjustment may have and maintain a plenary action for relief therefrom in any court of competent jurisdiction; provided, that petition for such relief is presented to the court within thirty (30) days after the filing of such decision to the office of the board of adjustment. (Ord. 38, 9-7-1977)

CHAPTER 5

ZONES ESTABLISHED

SECTION:

- 10-5-1: Zones Established
- 10-5-2: Official Zone Map
- 10-5-3: Boundaries Of Zones
- 10-5-4: Regulations Within Zones; Applicability

- 10-5-1: **ZONES ESTABLISHED:** In order to carry out the purpose of this title, the city is hereby divided into zones as follows:

- A & G-1 agricultural and grazing zone
- R-1-10,000 residential zone
- R-1-7,500 residential zone
- R-1-6,000 residential zone
- R-2-7,500 residential zone
- CC-1 central commercial zone
- GC-1 general commercial zone
- I-1 light industrial zone
- I-2 general industrial zone
- FPO-1 floodplain overlay zone

(Ord. 38, 9-7-1977)

10-5-2: **OFFICIAL ZONE MAP:**

- A. Identification; Attestation: The location and boundaries of each of the zones are shown on the official zone map of the city, and said map is hereby declared to be an official record and a part of this title as if the matters and other information set forth by said map were fully described herein. Said official map shall be identified by the signature of the mayor, attested to by the city recorder and recorded in the office of the city recorder. Whenever amendments or changes are made in zone boundaries, such amendments or changes shall be

made by the zoning administrator on the official zone map promptly. No amendment or change shall become effective until after it has been properly noted and attested to on the official zone map.

- B. Changes: No changes of any nature shall be made in the official zone map except in conformance with the procedure set forth in this title. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this title and punishable as provided in this title.
- C. Final Authority: Regardless of the existence of purported copies of the official zone map which may from time to time be made or published, the official zone map which shall be located in the office of the city recorder shall be the final authority in determining current status. (Ord. 38, 9-7-1977)

10-5-3: **BOUNDARIES OF ZONES:** Where uncertainty exists with respect to the boundaries of various zones, the following rules shall apply:

- A. Where the indicated boundaries on the zone map are approximately street or alley lines, said street or alley shall be construed to be the zone boundaries.
- B. Where the indicated boundaries are approximately lot lines, said lot lines shall be construed to be the zone boundaries unless otherwise indicated.
- C. Where land has not been subdivided into lots and blocks, the zone boundaries shall be determined by use of the scale of measurement shown on the map.
- D. Where other uncertainty exists, the board of adjustment shall interpret the map. (Ord. 38, 9-7-1977)

10-5-4: **REGULATIONS WITHIN ZONES; APPLICABILITY:**
Regulations and restrictions governing the use of land, buildings or structures, the size of yards, courts and other open spaces, density of population, location, size and height of buildings and structures and the maintenance of premises shall apply within the several zones as hereinafter set forth. (Ord. 38, 9-7-1977)

CHAPTER 6
AGRICULTURAL ZONES

ARTICLE A. A & G-1 AGRICULTURAL AND GRAZING ZONE

SECTION:

- 10-6A-1: Intent
10-6A-2: Permitted Uses
10-6A-3: Area, Setback And Size Requirements
10-6A-4: Special Provisions

10-6A-1: **INTENT:** This zone covers that portion of the city which is most appropriately suited to raising of agricultural products and the grazing of livestock. The zone consists of tracts of the irrigated cropland and open range surrounding the urbanized portions of the community. It is the intent of this zone to promote the continued use of land for agricultural and grazing purposes. In order to accomplish the objectives of the comprehensive plan and this title, the following regulations shall apply in the A & G-1 zone. (Ord. 38, 9-7-1977)

10-6A-2: **PERMITTED USES:** The following buildings, structures and uses of land shall be permitted upon compliance with the requirements set forth in this title:

Accessory uses and activities which are necessary and clearly incidental to a principal use permitted in the zone, including, but not limited to, roads, driveways, utility easements and facilities.

Agriculture.

Animals and fowl, domestic, the raising, care and keeping of for family food consumption and for the pleasure, but not for custom or commercial use. Also barns, corrals, pens and coops for the care

and keeping of such livestock; provided, that no such facility shall be located closer than one hundred feet (100') to an existing dwelling¹.

Caretaker dwellings when incidental to and located on the same parcel of land as a principal use permitted in the zone, subject to the approval of the city council.

Electric substations and utility transmission facilities.

Grazing of livestock.

Public agency parks and recreation areas.

Sewage treatment plants, solid waste transfer stations and/or solid waste drop box facilities.

Shooting ranges.

Subsurface mining activity, but not including waste dumps, loading facilities and other portal facilities. (Ord. 38, 9-7-1977; amd. Ord. 93-1, 4-14-1993)

10-6A-3: **AREA, SETBACK AND SIZE REQUIREMENTS:** There shall be no area frontage setback and size of buildings requirements, except that all buildings shall be located at least thirty feet (30') back from any public street or sixty five feet (65') back from the centerline of any public street, whichever is the greater distance, except that all buildings situated adjacent to a state or federally designated highway shall be set back at least fifty feet (50'). (Ord. 38, 9-7-1977)

10-6A-4: **SPECIAL PROVISIONS:** All buildings and uses within the zone shall comply with the applicable supplementary development standards as set forth in chapters 12, 13, 15, 16, 17, 18, 19, 20 and 21 of this title. (Ord. 38, 9-7-1977)

1. See also section 10-15-13 of this title.

CHAPTER 7

RESIDENTIAL ZONES

ARTICLE A. R-1-10,000 RESIDENTIAL ZONE

SECTION:

- 10-7A-1: Intent
10-7A-2: Permitted Uses
10-7A-3: Area, Setback And Size Requirements
10-7A-4: Special Provisions

10-7A-1: **INTENT:** The R-1-10,000 residential zone covers that portion of the city which is most appropriately suited for the development of one-family detached dwellings on individual lots. The zone is characterized by spacious lots, uncrowded buildings, attractively landscaped yards and open spaces, and a favorable environment for family life. Uses such as apartment houses and commercial and industrial uses are not permitted in the zone. (Ord. 38, 9-7-1977)

10-7A-2: **PERMITTED USES:** The following buildings, structures and uses of land shall be permitted upon compliance with requirements set forth in this title:

Agriculture, including the raising of row crops, grains and fruit.

Churches, not including temporary revival tents or buildings.

Electrical substation, subject to the provisions of section 10-15-18 of this title.

Family care homes, foster care homes.

Fences, walls and hedges, subject to the provisions of section 10-15-15 of this title.

Group care homes, rest homes and daycare centers when approved by the city council. In approving the use, the city council may attach reasonable conditions in excess of those required within the zone, including, but not limited to, an increase in minimum lot size, additional setbacks, parking.

Home occupations, subject to the provisions of chapter 13 of this title, as applicable.

Household pets.

Medical and dental professional offices when conducted within a dwelling.

One-family dwellings.

Planned unit developments subject to the provisions of chapter 14 and article 14A of this title.

Public agency parks and public agency recreation grounds, but not privately owned amusement parks or recreation grounds.

Public and parochial schools and grounds.

Public buildings and grounds, including solid waste transfer stations and/or solid waste drop box facilities.

Residential accessory buildings and structures, such as private garage or carport for the storage of automobiles owned by persons residing on the premises; green houses and gardening sheds for private use only; private bath houses and swimming pools; tennis courts; arbors; and similar structures which are customarily used in conjunction with, and are incidental to a dwelling.

Residential condominium projects containing only those uses which are otherwise permitted in the zone, and subject to the provisions of chapter 14 and article 14B of this title.

Signboard not exceeding eight (8) square feet in area pertaining to the lease or sale of the property.

Temporary building or yard for storage of construction materials and equipment incidental and necessary to construction of houses, utilities or other community facilities, provided such temporary building or yard is located on the same tract of land on which the

houses, utilities or other community facilities are to be constructed. A permit therefor shall be issued only to the contractor or builder and shall be valid for not more than one year, at the expiration of which time said building or yard shall be removed from the premises and said use discontinued.

Temporary occupancy of a dwelling as an office when used in connection with the sale of property within a subdivision under construction, provided the temporary office is located on the same tract of land as the subdivision. A permit therefor shall be valid for not more than one year, at the expiration of which time said use shall be discontinued. (Ord. 38, 9-7-1977; amd. Ord. 93-1, 4-14-1993; 2005 Code)

10-7A-3: AREA, SETBACK AND SIZE REQUIREMENTS:

- A. Area Requirements: The minimum area of a zoning lot within the zone shall be as follows:

Use	Area Required
One-family dwellings	10,000 square feet
Churches	2 acres
For other uses, there shall be no minimum area requirement.	

- B. Frontage Requirements: The minimum frontage requirements of a zoning lot within the zone shall be as follows. All frontage shall be measured thirty feet (30') back from the front lot line.

Use	Width
One-family dwellings	Interior lot - 90 feet Corner lot - 100 feet
Churches	250 feet
For other uses, there shall be no minimum frontage requirement.	

C. Setback Requirements: The minimum setback requirements shall be as follows:

1. Front Setback:

a. Main Buildings: All dwellings and other main buildings and structures shall be set back not less than thirty feet (30') from the front lot line.

b. Accessory Buildings: All accessory buildings shall be set back not less than ten feet (10') to the rear of the closest rear wall line of the main building and not less than ten feet (10') from any side wall of the main building. Where no main building exists on a lot, a detached accessory building shall be set back not less than sixty feet (60') from the front lot line.

2. Side Setback; Interior Lots:

a. Main Buildings: All dwellings and other main buildings shall be set back not less than eight feet (8') from either side lot line and the combined total distance of the two (2) side setbacks shall be not less than twenty two feet (22'), except that where a carport or garage is attached to a side of a dwelling, the required side setback for said carport or garage may be reduced to not less than six feet (6'), as measured from the side lot line to the closest part of the building, and the combined required distance of both side yards shall be reduced to not less than fourteen feet (14').

b. Accessory Buildings: All accessory buildings shall be set back not less than five feet (5') from the lot line, except that no minimum side setback shall be required when all the following conditions are met:

(1) The accessory building is located more than ten feet (10') from any existing dwelling on the same or an adjacent lot;

(2) The accessory building contains no openings on the side contiguous to the lot line;

(3) The outermost point of the roof shall be at least six inches (6") from the closest property line;

(4) The accessory building shall have fire resistive walls rated at two (2) hours or more.

3. Side Setback; Corner Lot:

a. **Side Abutting A Street:** All dwellings and other main and accessory buildings shall be set back not less than twenty feet (20') from the side lot line which abuts on a street.

b. **Interior Side:** Same as required for interior lots (see subsection C2 of this section).

4. Rear Setback; Interior Lots:

a. **Main buildings:** All dwellings or other main buildings shall be set back not less than thirty feet (30') from the rear lot line.

b. **Accessory Building:** Same as required under side setbacks; interior lots (see subsection C2 of this section).

5. Rear Setback; Corner Lots:

a. **Main Buildings:** All dwellings and other main buildings shall be set back not less than thirty feet (30') from the rear lot line, except that where a carport or garage is attached to the rear of the dwelling, the required rear setback for said carport or garage may be reduced to not less than six feet (6') as measured from the rear lot line to the closest part of the building.

b. **Accessory Building:** All accessory buildings shall be set back not less than five feet (5') from the rear lot line, except that no minimum rear setback shall be required when all the following conditions are met:

(1) The accessory building is located more than ten feet (10') from any existing dwelling on the same or an adjacent lot;

(2) The accessory building contains no openings on the side contiguous to the lot line;

(3) The outermost point of the roof shall be at least six inches (6") from the closest property line;

(4) The accessory building shall have fire resistive walls rated at two (2) hours or more;

(5) The accessory building will be set back not less than fifty feet (50') from the side lot line abutting the street. (Ord. 38, 9-7-1977)

- D. **Height Of Buildings:** The maximum height of any building (measured from finished grade to the square of the building) shall be twenty feet (20') or two (2) stories. Where the ground or the square of the building is uneven in height, the average elevation thereof shall apply. Roofs above the square, chimneys, flag poles, television antennas, church towers, and similar structures not used for human occupancy, are excluded in determining height. (Ord. 38, 9-7-1977; amd. 2005 Code)
- E. **Size Of Dwellings:** The ground floor area of any one-family dwelling shall not be less than one thousand (1,000) square feet of living area, exclusive of open porches, carports and garages, and similar add-ons.
- F. **Width Of Buildings:** The total length or total width of any dwelling or church shall be not less than twenty four feet (24') as measured from outside wall to outside wall, exclusive of any carport, garage, shed or similar add-on. (Ord. 38, 9-7-1977)

10-7A-4: **SPECIAL PROVISIONS:** Special provisions shall apply in this zone in order to protect its essential characteristics and to promote superior residential amenities:

- A. **Refuse And Debris Accumulation:** The space required around buildings and structures shall be kept free from refuse and debris.
- B. **Water Supply; Building Construction:** All buildings used for human occupancy shall be furnished with the public water supply and shall be constructed in accordance with the adopted building, plumbing, electrical, fire prevention and similar codes.
- C. **Supplementary Development Standards:** All buildings and uses within this zone shall comply with all applicable supplementary development standards as set forth in chapters 12, 13, 15, 16, 17, 18, 19, 20 and 21 of this title.
- D. **Landscaping:** At least seventy percent (70%) of the area contained within a required front yard or side yard adjacent to a street shall be landscaped. (Ord. 38, 9-7-1977)

CHAPTER 7

RESIDENTIAL ZONES

ARTICLE B. R-1-7,500 RESIDENTIAL ZONE

SECTION:

- 10-7B-1: Intent
10-7B-2: Permitted Uses
10-7B-3: Area, Setback And Size Requirements
10-7B-4: Special Provisions

10-7B-1: **INTENT:** The R-1-7,500 residential zone covers that portion of the city which is appropriately suited for the development of one-family detached dwellings on individual lots. It is characterized by individual dwellings on moderate sized lots, uncrowded dwellings, attractively landscaped yards, open spaces and a favorable environment for family life. The zone is intended to have a density slightly greater than the R-1-10,000 zone, but to maintain a residential character comparable to that zone. Accordingly, high density apartment structures and commercial and industrial structures are not permitted in the zone. (Ord. 38, 9-7-1977)

10-7B-2: **PERMITTED USES:** The following buildings, structures and uses of land shall be permitted upon compliance with requirements set forth in this title:

Any use permitted in the R-1-10,000 zone. (Ord. 38, 9-7-1977)

10-7B-3: **AREA, SETBACK AND SIZE REQUIREMENTS:**

A. **Area Requirements:** The minimum area of a zoning lot within the zone shall be as follows:

(see following page)

Use	Area Required
One-family dwellings	7,500 square feet
Churches	2 acres
For other uses, there shall be no minimum area requirement.	

- B. **Frontage Requirements:** The minimum frontage requirements of a zoning lot within the zone shall be as follows: All frontage shall be measured thirty feet (30') back from the front lot line.

Use	Width
One-family dwellings	Interior lot - 75 feet Corner lot - 85 feet
Churches	250 feet
For other uses, there shall be no minimum frontage requirement.	

- C. **Setback Requirements:** The minimum setback requirements shall be the same as required in the R-1-10,000 zone.
- D. **Height Of Buildings:** Same as required in the R-1-10,000 zone.
- E. **Size Of Dwellings:** Same as required in the R-1-10,000 zone.
- F. **Width Of Buildings:** The total length or total width of any dwelling or church shall be not less than twenty feet (20') as measured from outside wall to outside wall, exclusive of any carport, garage, shed or similar add on. (Ord. 38, 9-7-1977)

10-7B-4: **SPECIAL PROVISIONS:** Same as required in the R-1-10,000 zone. (Ord. 38, 9-7-1977)

CHAPTER 7

RESIDENTIAL ZONES

ARTICLE C. R-1-6,000 RESIDENTIAL ZONE

SECTION:

- 10-7C-1: Intent
10-7C-2: Permitted Uses
10-7C-3: Area, Setback And Size Requirements
10-7C-4: Special Provisions

10-7C-1: **INTENT:** The R-1-6,000 residential zone covers that portion of the city which is most appropriately suited for the development of one-family detached dwellings on individual lots. The zone generally includes the built up section of the city. It is characterized by individual dwellings on smaller lots with attractively landscaped yards and a favorable environment for family life. The zone is intended to have a density slightly greater than in the R-1-7500 zone, but to maintain a residential character which is comparable to that zone. Accordingly, multiple-family dwellings and commercial and industrial structures are not permitted in the zone. (Ord. 38, 9-7-1977)

10-7C-2: **PERMITTED USES:** The following buildings, structures and uses of land shall be permitted upon compliance with requirements set forth in this title:

Any use permitted in the R-1-10,000 zone.

One-family dwellings, manufactured housing units, subject to the provisions of subsection 10-15-19A and chapter 21 of this title. (Ord. 38, 9-7-1977; amd. Ord. 92-3, 3-24-1992)

10-7C-3: **AREA, SETBACK AND SIZE REQUIREMENTS:**

- A. **Area Requirements:** The minimum area of a zoning lot within the zone shall be as follows: All frontage shall be measured twenty feet (20') back from the front lot line.

Use	Area Required
One-family dwellings and manufactured housing units	6,000 square feet or when located within the Dragerton or Columbia subdivision, the amount of area contained within an existing lot of record
Churches	1 acre
For other uses, there shall be no minimum area requirement.	

- B. **Frontage Requirements:** The minimum frontage requirements of a zoning lot within the zone shall be as follows:

Use	Width
One-family dwellings and manufactured housing units	Interior lot; 60 feet Corner lot; 70 feet or When located within the Dragerton or Columbia subdivision, the frontage contained in an existing lot of record
Churches	100 feet
For other uses, there shall be no minimum frontage requirement.	

(Ord. 38, 9-7-1977; amd. 2005 Code)

- C. **Setback Requirements:**

1. **Front Setback:**

a. **Main Buildings:** All dwellings and other main buildings and structures shall be set back not less than fifteen feet (15') from the front lot line. (Ord. 42, 12-21-1977)

b. **Accessory Buildings:** All accessory buildings shall be set back not less than ten feet (10') to the rear of the closest rear wall line of the main building and not less than ten feet (10') from any side wall of the main building. Where no main building exists on a lot, a detached accessory building shall be set back not less than sixty feet (60') from the front lot line.

2. Side Setback; Interior Lots:

a. **Main Buildings:** All dwellings and other main buildings shall be set back not less than six feet (6') from either side lot line and the combined total distance of the two (2) side setbacks shall be not less than sixteen feet (16'), except that where a carport or garage is attached to a side of a dwelling, the required side setback for said carport or garage may be reduced to not less than one foot (1') as measured from the side lot line to the closest part of the building and the combined required distance of both side yards shall be reduced to not less than seven feet (7').

b. **Accessory Buildings:** All accessory buildings shall be set back not less than five feet (5') from the lot line, except that no minimum side setback shall be required when all the following conditions are met:

- (1) The accessory building is located more than ten feet (10') from any existing dwelling on the same or an adjacent lot;
- (2) The accessory building contains no openings on the side contiguous to the lot line;
- (3) The outermost point of the roof shall be at least six inches (6") from the closest property line;
- (4) The accessory building shall have fire resistive walls rated at two (2) hours or more. (Ord. 38, 9-7-1977)

3. Side Setback; Corner Lot:

a. **Side Abutting A Street:** All dwellings and other main and accessory buildings shall be set back not less than fifteen feet (15') from the side lot line which abuts on a street. (Ord. 42, 12-21-1977)

b. **Interior Side:** Same as required for interior lots (see subsection C2 of this section). (Ord. 38, 9-7-1977)

4. Rear Setback; Interior Lots:

a. **Main Buildings:** All dwellings or other main buildings shall be set back not less than ten feet (10') from the rear lot line. (Ord. 42-12-21-1977)

b. **Accessory Building:** Same as required under side setbacks; interior lots (see subsection C2 of this section). (Ord. 38, 9-7-1977)

5. Rear Setback; Corner Lots:

a. **Main Buildings:** All dwellings and other main buildings shall be set back not less than ten feet (10') from the rear lot line, except that where a carport or garage is attached to the rear of the dwelling, the required rear setback for said carport or garage may be reduced to not less than four feet (4') as measured from the rear lot line to the closest part of the building. (Ord. 42, 12-21-1977)

b. **Accessory Building:** All accessory buildings shall be set back not less than five feet (5') from the lot line, except that no minimum rear setback shall be required when all the following conditions are met:

(1) The accessory building is located more than ten feet (10') from any existing dwelling on the same or an adjacent lot;

(2) The accessory building contains no openings on the side contiguous to the lot line;

(3) The outermost point of the roof shall be at least six inches (6") from the closest property line;

(4) The accessory building shall have fire resistive walls rated at two (2) hours or more; and

(5) The accessory building will be set back not less than forty feet (40') from the side lot line abutting the street.

D. Height Of Buildings: Same as required in the R-1-10,000 zone. (Ord. 38, 9-7-1977)

E. Size Of Dwellings: The ground floor area of any one-family dwelling shall not be less than seven hundred twenty (720) square feet of living area, exclusive of open porches, carports and garages, and similar add-ons. (Ord. 38-2-80, 12-16-1980)

- F. **Width Of Buildings:** The total length or total width of any dwelling, manufactured housing unit or church shall be not less than twenty feet (20') as measured from outside wall to outside wall, exclusive of any carport, garage, shed or similar add-on. (Ord. 38, 9-7-1977; amd. 2005 Code)

10-7C-4: **SPECIAL PROVISIONS:** Same as required in the R-1-10,000 zone. (Ord. 38, 9-7-1977)

CHAPTER 7

RESIDENTIAL ZONES

ARTICLE D. R-2-7,500 RESIDENTIAL ZONE

SECTION:

- 10-7D-1: Intent
10-7D-2: Permitted Uses
10-7D-3: Area, Setback And Size Requirements
10-7D-4: Special Provisions

10-7D-1: **INTENT:** The R-2-7,500 residential zone covers the portion of the city which is most appropriately suited for medium density residential development and is characterized by mixtures of one-, two- and multiple-family dwellings, and mobile home parks. The zone is intended to provide a location for medium density residential development, but to maintain a suitable environment for family life. Accordingly, retail commercial and industrial activities are not permitted within the zone. (Ord. 38, 9-7-1977)

10-7D-2: **PERMITTED USES:** The following buildings, structures and uses of land shall be permitted in this zone upon compliance with requirements set forth in this title:

Any use permitted in the R-1-10,000 zone.

Baching apartments.

Boarding and rooming houses.

Mobile home parks subject to the provisions of chapter 20 of this title.

One-family dwellings, manufactured housing units subject to the provisions of subsection 10-15-19A and chapter 21 of this title.

Two-family and multiple-family dwellings. (Ord. 38, 9-7-1977; amd. Ord. 92-3, 3-24-1992; 2005 Code)

10-7D-3: AREA, SETBACK AND SIZE REQUIREMENTS:

- A. **Area Requirements:** The minimum area of a zoning lot within the zone shall be:

Use	Area Required
One-family dwellings, manufactured housing units	7,500 square feet
Two-family dwellings	9,500 square feet
Multiple-family dwellings	9,500 square feet for the first 2 units, plus 2,200 square feet for each additional unit
Mobile home parks	As set forth in chapter 20 of this title

(Ord. 38, 9-7-1977; amd. 2005 Code)

- B. **Frontage Requirements:** The minimum frontage requirement for a zoning lot within the zone shall be as follows: Frontage shall be measured thirty feet (30') back from front lot line.

Use	Width
One-family dwelling	Interior lot; 75 feet Corner lot; 85 feet
Two-family dwelling	Interior lot; 85 feet Corner lot; 95 feet
Multiple-family dwelling	Same as required for two-family dwelling, plus 5 feet for each additional dwelling unit in excess of two-dwelling units
All other uses shall comply with the requirements for one-family dwellings.	

C. Setback Requirements: The minimum setback requirements shall be as follows:

1. Front Setback:

a. All dwellings and other main buildings shall be set back from the front lot line a distance of two feet (2') for each one foot (1') of height of said building or thirty feet (30'), whichever is greater.

b. All accessory buildings shall be set back not less than ten feet (10') from the rear of the main building. Where no main building exists on a lot, accessory buildings shall be located at least sixty feet (60') from the front lot line.

2. Side Setback; Interior Lots:

a. Dwellings: All one- and two-family dwellings, the same as required in the R-1-7,500 zone. For multiple-family dwellings and other main buildings, the building shall be set back from the side property not less than one foot (1') for each one foot (1') of building height or eight feet (8'), whichever is greater.

b. Accessory Buildings: Same as required in the R-1-7,500 zone.

3. Side Setback; Corner Lot:

a. Side Abutting A Street: All dwellings and other main buildings shall be set back from the side lot line which abuts on a street a distance of two feet (2') for each one foot (1') of height of said building or thirty feet (30'), whichever is greater.

b. Interior Side: Same as required for interior lots (see subsection C2 of this section).

4. Rear Setback; Interior Lots: Same as required in the R-1-7,500 zone.

5. Rear Setback; Corner Lots: Same as required in the R-1-7,500 zone. (Ord. 38, 9-7-1977)

D. Height Of Buildings: The maximum height of any building (measured from grade to the square of the building) shall be thirty feet (30') or three (3) stories, and the minimum height of any dwelling shall be eight feet (8'). Where the ground or square of the building is uneven in height, the average elevation thereof shall apply. Roofs above the

square, chimneys, flag poles, television antennas, church towers and similar structures not used for human occupancy are excluded in determining height. (Ord. 38, 9-7-1977; amd. 2005 Code)

- E. Size Of Dwellings: The ground floor area of any one-family dwelling or manufactured housing unit shall be not less than eight hundred (800) square feet of living area. Each additional dwelling unit shall contain not less than six hundred (600) square feet of living area, exclusive of garages, open porches, carports and similar add-ons. (Ord. 38, 9-7-1977; amd. Ord. 38-2-80, 12-16-1980)
- F. Width Of Building: The total length or total width of any dwelling, manufactured housing unit or church shall be not less than twenty feet (20') as measured from outside wall to outside wall, exclusive of any carport, garage, shed or similar add on. (Ord. 38, 9-7-1977; amd. 2005 Code)

10-7D-4: **SPECIAL PROVISIONS:** Same as required in the R-1-10,000 residential zone. (Ord. 38, 9-7-1977)

CHAPTER 8

COMMERCIAL ZONES

ARTICLE A. CC-1 CENTRAL COMMERCIAL ZONE

SECTION:

- 10-8A-1: Intent
10-8A-2: Permitted Uses
10-8A-3: Area, Setback And Size Requirements
10-8A-4: Special Provisions

10-8A-1: **INTENT:** This zone covers the portion of the city which is most appropriately suited for retailing and commercial purposes. The area covered by the zone includes the present central business area of the city. Representative of the uses within the zone are banks, office buildings, eating places and a wide variety of retail and service commercial establishments. It is the intent of this zone to promote the continued use and improvement of the retail commercial function. In order to accomplish the objectives and purposes of this title and to carry out the intent thereof, the following regulations shall apply in the CC-1 central commercial zone. (Ord. 38, 9-7-1977)

10-8A-2: **PERMITTED USES:** The following buildings, structures and uses of land shall be permitted upon compliance with the requirements set forth in this title:

Automotive service establishments, including gasoline dispensing stations, car wash, storage garages and minor automotive repair establishments, and parking lots and similar services.

Commercial condominium projects, subject to the provision of article 14B of this title.

Eating establishments, private clubs and lodges.

Engraving and printing establishments.

Funeral establishments.

General retail stores and shops providing goods and services at retail in the customary manner, including food, drugs, apparel, jewelry, home furnishings, sporting goods, notions, books, hardware, building materials, garden supplies, variety merchandise, and similar goods and services.

Motels and hotels.

Offices, medical clinics and banks.

Personal service establishments, including beauty and barber shops, photography, shoe repair, appliance repair, self-service laundry and similar services.

Public parks and buildings.

Recreational enterprises, including bowling alleys and recreation centers.

Signs, accessory.

Other uses similar to the foregoing uses which are interpreted by the planning commission to be in harmony with the intent of the zone. (Ord. 38, 9-7-1977)

10-8A-3: **AREA, SETBACK AND SIZE REQUIREMENTS:** There shall be no minimum requirements for area, frontage, setback, height of building, size of building and width of building. (Ord. 38, 9-7-1977; amd. 2005 Code)

10-8A-4: **SPECIAL PROVISIONS:**

- A. **Storage:** Storage space for merchandise, materials, products and equipment (except for vehicles in running order), shall be contained within a building having walls which are impervious to sight.
- B. **Refuse, Debris And Junk:** The entire lot shall be kept free from refuse, debris and junk.

- C. **Noise, Fumes And Similar Emissions:** No noise, fumes, smoke, dust, vibration or intermittent light shall be emitted from the premises which is deleterious to surrounding property values.
- D. **Gasoline Service Station Pumps; Setback:** All gasoline service station pumps shall be set back at least twenty feet (20') from all property lines.
- E. **Obstruction To Sight Distance:** No wall, fence, opaque hedge or screening material shall be placed in such a manner which would restrict the sight distance for vehicular traffic in the public right of way.
- F. **Water Supply; Building Construction:** All buildings used for human occupancy shall be furnished with the public water supply and shall be constructed in accordance with the adopted building, plumbing, electrical, fire prevention and similar codes.
- G. **Supplementary Development Standards:** All buildings and uses within this zone shall comply with all applicable supplementary development standards as set forth in chapters 12, 13, 15, 16, 17, 18, 19, 20 and 21 of this title. (Ord. 38, 9-7-1977)

CHAPTER 8

COMMERCIAL ZONES

ARTICLE B. GC-1 GENERAL COMMERCIAL ZONE

SECTION:

- 10-8B-1: Intent
10-8B-2: Permitted Uses
10-8B-3: Area, Setback And Size Requirements
10-8B-4: Special Provisions

10-8B-1: **INTENT:** The intent in establishing this zone is to establish an area for wholesaling and retailing activities and services, along with limited fabrication and processing of goods and materials where no fumes, glare, dust, noise, smoke or vibration are emitted beyond the premises. While primacy is given to wholesaling and retailing activities, motels and recreational vehicle courts are also characteristic of the uses in this zone. (Ord. 38, 9-7-1977)

10-8B-2: **PERMITTED USES:** The following buildings, structures and use of land shall be permitted upon compliance with requirements set forth in this title:

Any use permitted in the CC-1 zone, subject to the same conditions and standards.

Buildings, accessory.

Fences, walls and hedges, subject to conditions as set forth in section 10-15-15 of this title.

Manufacturing, compounding and processing when a part of and incidental to a permitted primary use, provided no noise, fumes, glare, dust, smoke or vibration is emitted beyond the premises.

Plumbing shops, carpenter shops, hardware and retail lumberyards.

Recreational vehicle courts subject to the provisions of chapter 19 of this title.

Signs, accessory.

Used car sales lots and farm equipment sales establishments.

Warehouse, trucking and storage buildings.

Welding and sheet metal shops.

Other uses similar to the foregoing uses which are interpreted by the planning commission to be in harmony with the intent of the zone. (Ord. 38, 9-7-1977)

10-8B-3: AREA, SETBACK AND SIZE REQUIREMENTS: Same as required in the CC-1 zone. (Ord. 38, 9-7-1977)

10-8B-4: SPECIAL PROVISIONS:

- A. **Storage:** Storage space for merchandise, materials, products and equipment (except for vehicles in running order), shall be contained within a building having walls which are impervious to sight or shall be enclosed within a solid fence or wall, impervious to sight, of not less than six feet (6') in height. There shall be no area or enclosure regulations for used car lots or storage lots for vehicles in running order in the GC-1 general commercial zone.
- B. **Refuse, Debris And Junk:** The entire lot shall be kept free from refuse, debris and junk.
- C. **Noise, Fumes And Similar Emissions:** No noise, fumes, smoke, dust, vibration or intermittent light shall be emitted from the premises which is deleterious to surrounding property values.
- D. **Gasoline Service Station Pumps; Setback:** All gasoline service station pumps shall be set back at least twenty feet (20') from all property lines.
- E. **Obstruction To Sight Distance:** No wall, fence, opaque hedge or screening material shall be placed in such a manner which would

restrict the sight distance for vehicular traffic in the public right of way.

- F. Water Supply; Building Construction: All buildings used for human occupancy shall be furnished with a public water supply and shall be constructed in accordance with the adopted building, plumbing, electrical, fire prevention and similar codes.
- G. Supplementary Development Standards: All buildings and uses within this Zone shall comply with all applicable supplementary development standards as set forth in chapters 12, 13, 15, 16, 17, 18, 19, 20 and 21 of this title. (Ord. 38, 9-7-1977)

CHAPTER 9

INDUSTRIAL ZONES

ARTICLE A. I-1 LIGHT INDUSTRIAL ZONE

SECTION:

10-9A-1:	Intent
10-9A-2:	Permitted Uses
10-9A-3:	Area, Setback And Size Requirements
10-9A-4:	Special Provisions

10-9A-1: **INTENT:**

- A. The I-1 light industrial zone has been established for the purpose of providing a location where light manufacturing, processing, warehousing and storage activities can be conducted without encroachment from incompatible uses and with minimum undesirable effects on surrounding areas of the community.
- B. Other objectives of the zone are to promote the economic well-being of the community, to broaden the tax base, and to discourage the mixing of undesirable industrial, commercial and residential uses.
- C. The zone is characterized by a mixture of light manufacturing, processing and warehousing establishments, each of which is served by adequate streets and utilities and located in an area that is readily accessible to major transportation facilities.
- D. Uses which generate excessive noise, vibration, smoke, odor, dust or fumes, or danger of explosion, have been excluded from the zone; also because uses within the zone are generally incompatible with residential and general retail commercial functions, dwellings and most retail commercial uses are not permitted in the I-1 light industrial zone. (Ord. 38, 9-7-1977)

10-9A-2: **PERMITTED USES:** The following buildings, structures and uses of land shall be permitted upon compliance with the requirements of this title and after approval has been given by the planning commission:

Manufacturing, processing, packaging, warehousing and storage of goods and materials and structures related thereto when approved by the planning commission. (Ord. 38, 9-7-1977)

10-9A-3: **AREA, SETBACK AND SIZE REQUIREMENTS:**

- A. **Area Requirements:** The minimum area of a zoning lot shall be seven thousand (7,000) square feet.
- B. **Frontage Requirements:** The minimum frontage requirement for a zoning lot within the zone shall be fifty feet (50'). Each lot shall abut a public street which, in the opinion of the planning commission, is capable of accommodating the type and amount of vehicular traffic anticipated within the zone.
- C. **Setback Requirements:**
1. **Front Setback:** All structures shall be set back not less than thirty feet (30') from the front lot line.
 2. **Side Setback; Interior Lots:** None required, except that where a side yard contains a driveway, it shall be wide enough to accommodate a driveway of not less than twelve feet (12') in width for one-way traffic and twenty feet (20') in width for two-way traffic.
 3. **Side Setback; Corner Lot:**
 - a. **Side Abutting A Street:** All structures shall be set back not less than thirty feet (30').
 - b. **Interior Side:** Same as required for interior lots (see subsection C2 of this section).
 4. **Rear Setback:**
 - a. **Interior Lot:** None.
 - b. **Corner Lots:** Same as required for side setback; interior lots (see subsection C2 of this section).

- D. **Height, Size And Width Of Building:** No minimum requirements. (Ord. 38, 9-7-1977)

10-9A-4: SPECIAL PROVISIONS:

- A. **Noise, Fumes And Similar Emissions:** All establishments shall be operated in a manner that no noise, vibration, smoke, odor, dust or fumes is emitted which is discernable beyond the boundary of the zone, except for customary vehicular noise.
- B. **Plan Submission:** Prior to granting approval of any use or structure, a site plan showing the lot boundaries and the location of all buildings, structures, driveways, parking areas, loading areas and facilities, outside storage areas, fences, walls and landscaped areas, shall be submitted to and approved by the planning commission. Said plan shall be in conformance with all applicable requirements. Subsequent occupancy of any building or area within the zone shall also require approval by the planning commission.
- C. **Off Street Parking:** Adequate off street parking shall be provided. Up to fifty percent (50%) of the required front and side yard areas may be used to supply the off street parking requirements.
- D. **Landscaping:** All front and side yard areas adjacent to streets shall be landscaped except for permitted driveways and off street parking areas.
- E. **Obstruction Of Sight Distance:** No wall, fence, opaque hedge or screening material shall be placed in such a manner which would restrict the sight distance for vehicular traffic in the public right of way.
- F. **Parking On Lot Or Parcel; Loading Space:** Adequate off street parking and loading space to accommodate employees and customers shall be provided on the same lot or parcel as the principal use.
- G. **Water Supply; Building Construction:** All buildings used for human occupancy shall be furnished with a public water supply and shall be constructed in accordance with the adopted building plumbing, electrical, fire prevention and similar codes.
- H. **Activities Within Enclosed Building; Storage:** All manufacturing and processing activities shall be conducted entirely within an enclosed

building. All open storage areas shall be enclosed by a security fence of not less than six feet (6') in height.

- I. **Supplementary Development Standards:** All buildings and uses within this zone shall comply with all applicable supplementary development standards as set forth in chapters 12, 13, 15, 16, 17, 18, 19, 20 and 21 of this title. (Ord. 38, 9-7-1977)

CHAPTER 9

INDUSTRIAL ZONES

ARTICLE B. I-2 GENERAL INDUSTRIAL ZONE

SECTION:

- 10-9B-1: Intent
10-9B-2: Permitted Uses
10-9B-3: Area, Setback And Size Requirements
10-9B-4: Special Requirements

10-9B-1: **INTENT:** The I-2 general industrial zone covers the portion of the city which is primarily suited for industrial and manufacturing uses. The I-2 general industrial zone has been established for the primary purpose of providing a location where general manufacturing, processing, warehousing and fabrication of goods and materials can be carried on most appropriately and with minimum conflict or deleterious effects upon surrounding properties. Other objectives in establishing the zone are to promote the economic well-being of the people and to broaden the tax base. Because of the adverse effects which occur when permitted to commingle, dwellings, schools, churches and most general retail and service commercial establishments are excluded from the I-2 general industrial zone. (Ord. 38, 9-7-1977)

10-9B-2: **PERMITTED USES:** The following buildings, structures and uses of land shall be permitted in this zone upon compliance with the requirements set forth herein:

Accessory buildings and parking lots incidental and accessory to other permitted uses.

Agriculture and grazing activities.

Asphalt and concrete mixing plants, coal yards, earth moving equipment and equipment storage facilities, public buildings and

public utility buildings, craft shops, tire recapping establishments, billboards, accessory signs.

Automobile wrecking and salvage yards, when surrounded by a well maintained sight obscuring fence constructed to a height of at least eight feet (8') so that the material stored in the enclosure cannot be observed from any street adjacent to the yard.

Fences, walls and hedges.

Manufacturing, compounding, processing, packaging, fabrication and warehousing of goods and materials, except for the processing of animal byproducts and for livestock feed yards, and except for steel manufacturing, oil refineries, wallboard manufacturing and similar establishments which emit offensive fumes, smoke, noise, odor, etc.

Mines, gravel pits, sand pits, clay pits, rock quarries, rock crushers and buildings and structures in connection therewith; also railroads and railroad maintenance yards.

Mining equipment and supply storage areas. Mineral storage areas and loading facilities.

Solid waste disposal facilities and solid waste incineration facilities (nonhazardous wastes only). Also, facilities for the recovery of resource materials deposited in such disposal facilities, all subject to the following conditions and criteria:

Receipt of evidence of approval of facility and management plan by the Utah solid and hazardous waste committee and any other applicable approval agency.

Receipt of approval, by the city council, of a site plan and conditional use permit for the proposed facility, in accordance with the provisions of section 10-15-20 of this title.

All such facilities approved pursuant to this title shall be operated in compliance with the terms of the site plan and any conditions attached to the conditional use permit at the time of approval by the city. Upon approval of the site plan and conditional use permit, the applicant shall be eligible to acquire an annual facility operation license (business license).

Issuance of the license shall be conditioned upon continued compliance with the terms of approval and may be refused or

revoked only upon a determination made by the city council, following notice and hearing on the matter, that the facility is not in compliance with the provisions of this title or conditions attached at the time of approval.

Utility transmission lines and substations, water treatment plants, pumping plants, power plants.

Other uses ruled by the planning commission to be similar to uses specifically permitted in the zone and which will harmonize with the objectives and characteristics of the zone. (Ord. 38, 9-7-1977; amd. Ord. 89-07-25, 7-25-1989; Ord. 92-3, 3-24-1992)

10-9B-3: AREA, SETBACK AND SIZE REQUIREMENTS:

- A. **Area Requirements:** There shall be no area requirements, except that an area sufficient to accommodate setback requirements, off street parking, loading and unloading and vehicular access shall be provided and maintained.
- B. **Frontage Requirements:** No requirements except that each use shall be located on a lot abutting a public street.
- C. **Setback Requirements:**
 - 1. **Front Setback:** No requirements, except that all buildings shall be set back not less than thirty feet (30') from the right of way line of a public street.
 - 2. **Side And Rear Setbacks:** No requirements except that when located adjacent to a residential zone, all buildings shall be set back not less than ten feet (10').
 - 3. **Side Setbacks; Corner Lots:** For the interior side, the setback shall be the same as for interior lots. For the side abutting on a street, all buildings shall be set back not less than thirty feet (30').
- D. **Height Of Buildings:** No requirements. (Ord. 38, 9-7-1977)

10-9B-4: SPECIAL REQUIREMENTS:

- A. **Obstruction Of Sight Distance:** No wall, fence, opaque hedge or screening material shall be placed in such a manner which would

restrict the sight distance for vehicular traffic in the public right of way.

- B. **Parking On Lot Or Parcel; Loading Space:** Adequate off street parking and loading space to accommodate employees and customers shall be provided on the same lot or parcel as the principal use.
- C. **Site Plan:** Prior to the construction of any building, structure, fence or wall, a site plan must be submitted to and approved by the planning commission.
- D. **Water Supply; Building Construction:** All buildings used for human occupancy shall be furnished with a public water supply and shall be constructed in accordance with the adopted building plumbing, electrical, fire prevention and other similar codes.
- E. **Supplementary Development Standards:** All buildings and uses within this zone shall comply with all applicable supplementary development standards as set forth in chapters 12, 13, 15, 16, 17, 18, 19, 20 and 21 of this title. (Ord. 38, 9-7-1977)

CHAPTER 10
OVERLAY ZONES

ARTICLE A. FPO-1 FLOODPLAIN OVERLAY ZONE¹

SECTION:

- 10-10A-1: Intent
- 10-10A-2: Permitted Uses
- 10-10A-3: Official Floodplain Overlay Map
- 10-10A-4: Development Standards

10-10A-1: **INTENT:**

- A. The FPO-1 floodplain overlay zone has been established to provide an environment in and around floodplains which will protect life and minimize property losses, and more specifically to:
1. Protect human life and health;
 2. Minimize public and private property damage;
 3. Minimize surface and ground water pollution which affects human, animal or plant life;
 4. Warn individuals against constructing buildings in high flood hazard areas; and
 5. Control development which will, when acting alone or in combination with similar development, create an additional burden to the public to pay the costs of rescue, relief, emergency preparedness measures, sandbagging, pumping, and temporary dikes or levees.

1. See also title 12 of this code.

- B. Regulations in this zone shall be in addition to the regulations established under the provisions of the underlying zone, and property within the FPO-1 floodplain overlay zone shall be developed only in conformance with the provisions hereinafter set forth. In order to accomplish the intent of this title, the following regulations shall apply. (Ord. 38, 9-7-1977)

10-10A-2: PERMITTED USES:

- A. Specified; Conditional Use Permit: Uses permitted in the FPO-1 floodplain overlay zone are those permitted in the underlying zone, except that all uses involving construction of permanent buildings or structures or placement of fill materials shall require the issuance of a conditional use permit by the board of adjustment. It is hereby declared to be public policy that all uses established in the FPO-1 zone shall meet the conditions and standards set forth in this article.
- B. Findings For Issuance Of Conditional Use Permit: The board of adjustment, prior to issuing a conditional use permit in the FPO-1 zone, shall make the following findings: (Ord. 38, 9-7-1977; amd. 2005 Code)
1. The proposal conforms to the legislative intent of this title.
 2. All proposals for new construction or for substantial improvement to existing structures within the FPO-1 floodplain overlay zone are adequately protected against flood damage; are designed (or modified) and anchored to prevent flotation, collapse or lateral movement of the structure; and that construction methods and practices be utilized that will minimize flood damage.
 3. Such new constructions or improvements to existing structures are provided with water supply systems, when appropriate, which are designed to minimize or eliminate infiltration of floodwaters into the system and discharges from the system into floodwater.
 4. New construction or substantial improvements of existing structures in the areas of special flood hazard have the lowest floor (including basements) elevated to, or above, the level of the 100-year flood; or be floodproofed to the standards set forth herein.
 5. Any conditional use does not propose any fill or encroachments within the designated floodway that would impair its ability to carry and discharge the water resulting from the 100-year flood, except

where the effect on flood heights is fully offset by stream improvements. (Ord. 38, 9-7-1977)

10-10A-3: **OFFICIAL FLOODPLAIN OVERLAY MAP:**

- A. Lands To Which FPO-1 Zone Applies: The FPO-1 floodplain overlay requirements shall be applied to all lands within the city that have been shown as being located within the boundaries of the floodplain on the official zone map of the city.
- B. Rules For Interpretation Of Floodplain Boundaries:
1. The boundaries of the floodplain shall be determined by scaling distances on the official zone map.
 2. Where interpretation is needed as to the exact location of the boundaries of the floodplain as shown on the official zone map (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the planning commission shall make the necessary interpretation.
 3. Any person contesting the location of the zone boundary shall be given a reasonable opportunity to present his own technical evidence if he so desires.
 4. The planning commission shall use the flood insurance administration reports as a guide in the interpretation of boundaries, or it may use its own observation of flood boundaries.
- C. Warning And Disclaimer Of Liability:
1. The degree of flood protection required by this title is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study.
 2. Larger floods may occur on rare occasions or flood heights may be increased by manmade or natural causes, such as bridge and culvert openings restricted by debris.
 3. This title does not imply that areas outside of the boundaries of the floodplain or land uses permitted within such zones will be free from flooding or flood damages.

4. This title shall not create liability on the part of the city or any officer or employee thereof for any flood damages that result from reliance on this title or any administrative decision lawfully made thereunder. (Ord. 38, 9-7-1977)

10-10A-4: DEVELOPMENT STANDARDS: Development standards in the FPO-1 zone shall be the same as those required by the underlying zone except for the following which shall be applied in addition to the provisions of the underlying zone:

A. Fill:

1. Any fill proposed to be deposited in the floodway must be shown to have some beneficial purpose and the amount thereof not greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner with the conditional use permit application, showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials.

2. Such fill, or other materials, shall be protected against erosion by installation of riprap, vegetative cover or bulkheading.

B. Building Or Structures (Temporary Or Permanent):

1. Buildings or structures shall have a low flood damage potential.

2. The buildings or structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters.

3. Whenever possible, buildings or structures shall be constructed with longitudinal axis parallel to the direction of flood flow.

4. So far as practicable, buildings or structures shall be placed approximately on the same flood flow lines as those of adjoining structures.

5. Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids or toxic materials which could be hazardous to public health, safety and welfare shall be accomplished in a manner which will assure that the facilities are situated at elevations above the height associated with a regulatory protection elevation or adequately floodproofed to prevent flotation of

storage containers, or damage to storage containers which could result in the escape of toxic materials into floodwaters.

6. The floors of all buildings and structures (including basement floors) must be constructed at an elevation of at least one foot (1') above the level of the elevation of a line extending through the building site at right angles to the stream flow from one side of the floodplain to the other. Said construction shall also conform to the following additional flood protection standards.

7. Buildings or structures shall be firmly anchored to prevent flotation which may result in damage to other structures or restriction of bridge openings and other narrow sections of the stream or river.

8. Service facilities, such as heating and air conditioning equipment, shall be constructed at or above the regulatory flood protection elevation for the particular area, or shall be floodproofed.

9. Walls shall be reinforced to resist water pressures.

10. Paints, membranes or mortars shall be used to reduce seepage of water through walls.

11. Addition of mass or weight shall be made to structures to resist flotation.

12. Buildings and structures shall be constructed to resist rupture or collapse caused by water pressure or floating debris.

13. Location of all electrical equipment, circuits and installed electrical appliances shall be made in a manner which will assure that they are not subject to flooding. (Ord. 38, 9-7-1977)

CHAPTER 11

NONCONFORMING BUILDINGS AND USES

SECTION:

- 10-11-1: May Be Continued
- 10-11-2: Enlargement; Limitations
- 10-11-3: Restoration Of Damaged Buildings
- 10-11-4: Discontinuance Or Abandonment
- 10-11-5: Changes In Use
- 10-11-6: Reclassification Of Territory
- 10-11-7: Prior Granted Permits
- 10-11-8: Contiguous Lots In Same Ownership; Exceptions
- 10-11-9: Uses Prohibited Unless Expressly Permitted

10-11-1: **MAY BE CONTINUED:** Nonconforming buildings or structures or uses of land may be continued to the same extent and character as that which legally existed on the effective date of the applicable regulations. Repairs may also be made to a nonconforming building or to a building housing a nonconforming use. (Ord. 38, 9-7-1977)

10-11-2: **ENLARGEMENT; LIMITATIONS:** Nonconforming uses within a building may be expanded within the same building in which said nonconforming use is located; provided, that:

- A. No structural changes are made in the building.
- B. Such increase or expansion is required to comply with an order to improve issued by a health or safety official acting in his official capacity.
- C. The board of adjustment has approved such increase or expansion. (Ord. 38, 9-7-1977)

10-11-3: **RESTORATION OF DAMAGED BUILDINGS:** A nonconforming building or structure and a building or structure occupied by a nonconforming use which is damaged or destroyed by fire, flood or other calamity or act of nature may be restored, and the building or structure or use of such building, structure or part thereof may be continued or resumed; provided, that such restoration is started within a period of one year from the date of destruction and is diligently prosecuted to completion. Such restoration shall not increase the floor space devoted to the nonconforming use over that which existed at the time the building became nonconforming. (Ord. 38, 9-7-1977)

10-11-4: **DISCONTINUANCE OR ABANDONMENT:**

A. Reoccupancy Of Discontinued Structures; Conditions: A nonconforming building or structure or portion thereof, or a lot occupied by a nonconforming use which is, or which hereafter becomes, abandoned or discontinued for a continuous period of one year or more shall not thereafter be occupied, except by a use which conforms to the regulations of the zone in which it is located, provided the city council, subject to the prior recommendation of the planning commission, may authorize subsequent occupancy of a nonconforming commercial structure located in a residential zone which has been discontinued for a period longer than set forth herein, provided the proposed use complies with the following:

1. The proposed commercial use and the general character of its operation will not have the effect of changing the residential character in the immediate vicinity of the proposed use.
2. The lot upon which the structure exists abuts upon and has direct access to a city street.
3. All activities of the proposed use will be conducted entirely within the building and all on site storage will be within said building.
4. The structure is not readily adaptable for use as a dwelling or other conforming use and that occupancy will not require significant modification to accommodate the proposed commercial use.
5. The proposed commercial activity shall consist primarily of the processing or fabrication of a product or the providing of a service. It shall not consist of an establishment primarily for the retail sale of goods. Any sale of goods or services produced off the premises shall constitute a clearly incidental part of the operation.

6. Signs shall be limited to one unlighted identification sign having an area of not more than five (5) square feet. Also, the building and grounds shall contain no structural or graphic elements which have the effect of drawing attention to the commercial use.

7. The physical appearance, traffic, times of operation and other activities in connection with the use and structure shall not be contrary to the intent of the zone and will not depreciate surrounding values or decrease the quality of life within the vicinity.

8. A site plan drawn to scale showing the location of the structure, its relationship to dwellings on the same and adjacent properties, and provisions for safe vehicular access and adequate off street parking shall be submitted with the application.

- B. **May Attach Conditions; Business License:** In order to achieve the objectives of the zone and to protect adjacent properties, the city may, in approving reoccupancy, attach conditions to the operation of the use and any such use shall be operated in compliance with the conditions hereinabove set forth and any conditions which may be attached as part of the approval. Upon approval, the applicant shall be eligible for a business license to operate. Issuance of the business license shall be conditioned upon continued performance of the conditions of approval and said license shall be refused or revoked upon failure of the owner and/or operator to maintain the structure or use in accordance therewith.
- C. **Validity Of Approval:** The approval shall be valid for the remainder of the license year in which it is first granted. Thereafter, the approval will be automatically extended for successive one year periods provided: 1) the character of the use remains substantially the same as initially approved; and 2) the use has remained active as evidenced by the acquisition of a valid business license for the previous year. (Ord., 5-14-1985)

10-11-5: CHANGES IN USE:

- A. **To Conforming Use:** Any nonconforming building or use which has been changed to a conforming building or use shall not thereafter be changed back to a nonconforming use. (Ord. 38, 9-7-1977)
- B. **Another Nonconforming Use Prohibited:** A nonconforming use of a building or lot shall not be changed to another nonconforming use whatsoever. Changes in use shall be made only to a conforming use;

provided, that this subsection shall not apply to uses approved in accordance with section 10-11-4 of this chapter. (Ord. 38, 9-7-1977; *amd.* Ord., 5-14-1985)

10-11-6: **RECLASSIFICATION OF TERRITORY:** The provisions pertaining to nonconforming uses of land and buildings shall also apply to land and buildings which hereafter become nonconforming due to an amendment in this title or map. (Ord. 38, 9-7-1977)

10-11-7: **PRIOR GRANTED PERMITS:** Authorization granted by the city to construct a building or structure, or to change the use of land, shall not be denied or abridged in the event that construction has taken place thereon to the extent of one thousand dollars (\$1,000.00), or more, in replaceable value by the date on which this title or an amendment thereto shall become effective; provided, however, that such authorization to construct a building or structure shall be denied if construction would not have complied with all applicable laws and ordinances existing prior to the date of this title, or amendment. Replaceable value shall be construed to mean the expenditure necessary to duplicate the material and labor at market prices. (Ord. 38, 9-7-1977)

10-11-8: **CONTIGUOUS LOTS IN SAME OWNERSHIP; EXCEPTIONS:** Where two (2) or more contiguous parcels are owned by the same person at the time of the passage hereof, the land included in the parcels shall be considered to be an undivided parcel; provided, however, that this provision shall not apply to lots in large scale developments and lots in condominium projects which have received the approval of the planning commission and the plat thereof has been recorded in the office of the county recorder. (Ord. 38, 9-7-1977)

10-11-9: **USES PROHIBITED UNLESS EXPRESSLY PERMITTED:** Uses of land which are not expressly permitted within a zone are hereby declared to be expressly prohibited therein, except as may be permitted by action of the planning commission or city council, pursuant to express authority given under terms of this title. Any person who may obtain state or federal property by purchase, lease or other arrangement must utilize such properties in accordance with the provisions of the title. Neither the planning commission, board of adjustment or zoning administrator shall permit a use within a zone which is not expressly permitted by the terms of this title. (Ord. 38, 9-7-1977)

CHAPTER 12
TEMPORARY USES

SECTION:

- 10-12-1: Intent
10-12-2: Permitted Temporary Uses
10-12-3: Application For Temporary Use Permit
10-12-4: Approval Required

10-12-1: **INTENT:** The following regulations are provided to accommodate certain uses which are temporary or seasonal in nature and are therefore not listed as regular permitted uses. (Ord. 38, 9-7-1977)

10-12-2: **PERMITTED TEMPORARY USES:** Certain uses may be permitted on a temporary basis in any zone when approved by the city council. Said temporary uses may include, but will not be limited to:

Carnivals and circuses.

Christmas tree sales lots.

Flower stands.

Political rallies.

Promotional displays.

Rummage and garage sales.

Tents for religious services. (Ord. 38, 9-7-1977)

10-12-3: **APPLICATION FOR TEMPORARY USE PERMIT:** Prior to the establishment of any temporary use, an application for a temporary use permit shall be submitted to and approved by the city council. Said application shall contain the following information:

- A. A description of the proposed use.
- B. A description of the property to be used, rented or leased for the temporary use, including all information necessary to accurately portray the property.
- C. Sufficient information to determine the yard requirements, sanitary facilities and availability of parking space to service the proposed use. (Ord. 38, 9-7-1977)

10-12-4: **APPROVAL REQUIRED:**

- A. Findings: The city council may approve said application in granting a temporary use permit if city council makes the following findings:
 - 1. The proposed use is listed as a permitted temporary use or, in the opinion of the city council, is similar to those uses permitted.
 - 2. The proposed use will not create excessive traffic hazards or other unsafe conditions in the area, and that where special traffic control is required, it will be provided at the expense of the applicant.
 - 3. The proposed use shall occupy the site for a period not to exceed ten (10) days; except for Christmas tree lots which shall not exceed forty (40) days.
 - 4. The applicant will have sufficient liability insurance for the requested use or event.
 - 5. The applicant shall provide, at his own expense, for the restoration of the site to its original condition, including cleanup and replacement of facilities as may be necessary.
- B. Attach Conditions; Bond: The city council may approve a use upon a finding that the above requirements will be met. In granting approval, the city council may attach additional conditions as it deems appropriate to ensure that the use will not pose any detriment to persons or property, such as limitations on hours of operation or a shorter time period than the maximum specified. The city council

may also require a bond to ensure that necessary cleanup or restoration work will be performed.

- C. **Authority Of City Recorder To Issue Permits:** The city council may, by resolution, authorize the city recorder to issue temporary use permits for certain temporary uses without city council review when, in the opinion of the city recorder, such proposed temporary use will meet the above criteria and will be of such a scope as to not require special handling or cleanup. (Ord. 38, 9-7-1977)

CHAPTER 13
HOME OCCUPATIONS

SECTION:

- 10-13-1: Application And Approval Required
- 10-13-2: Conditions May Be Imposed
- 10-13-3: Continuing Obligation
- 10-13-4: Validity Of Permit

10-13-1: **APPLICATION AND APPROVAL REQUIRED:** Home occupations may be permitted by the planning commission following receipt of an application for such use and subject to the following conditions:

- A. **Permitted Use:** A home occupation is permitted in the zone.
- B. **Conducted Within Dwelling:** The home occupation is conducted entirely within a dwelling and is carried on in the dwelling only by members of the residing family.
- C. **Accessory Buildings Not Used:** The home occupation does not involve the use of any accessory buildings or yard space for storage or activities outside of the dwelling.
- D. **Display Of Goods:** The home occupation shall contain no facilities for the display of goods or services. Any sale of goods and services shall constitute a clearly incidental part of the operation of the home occupation.
- E. **Commercial Vehicles:** No commercial vehicles are used except one delivery truck which does not exceed three-fourths ($\frac{3}{4}$) ton rated capacity.
- F. **Use Incidental:** The home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the building from that of a dwelling.

- G. Signs: Signs are limited to one nonlighted sign not larger in area than two hundred twenty six (226) square inches.
- H. Percentage Of Use: Not more than the equivalent of twenty five percent (25%) of the ground floor area of the dwelling is devoted to the home occupation.
- I. Business License Acquisition: The owner of a home occupation shall purchase a business license to operate within the city.
- J. Entrance: Entrance to the home occupation from outside shall be the same entrance normally used by the residing family except when required otherwise by regulation of the state health department or other public agency.
- K. Physical Appearance: The physical appearance, traffic and other activities in connection with the home occupation are not contrary to the intent of the zone in which the home occupation is located and do not depreciate surrounding values as determined by the planning commission. (Ord. 38, 9-7-1977)

10-13-2: **CONDITIONS MAY BE IMPOSED:** In order to achieve the objectives of the zone and to protect adjacent properties, the planning commission may, in approving a home occupation, attach conditions to the operation of a home occupation. (Ord. 38, 9-7-1977)

10-13-3: **CONTINUING OBLIGATION:** All home occupations shall be operated in compliance with the conditions set forth in this chapter and any other conditions attached as part of the approval. (Ord. 38, 9-7-1977)

10-13-4: **VALIDITY OF PERMIT:** A permit for home occupations shall be valid for a period of one year and will be automatically renewed annually; provided, that operation of the home occupation is substantially the same as approved by the planning commission. (Ord. 38, 9-7-1977)

CHAPTER 14

LARGE SCALE DEVELOPMENTS¹

SECTION:

- 10-14- 1: Intent And Purpose
- 10-14- 2: Minimum Requirements
- 10-14- 3: Types Permitted
- 10-14- 4: Procedure
- 10-14- 5: Planning, Design And Documentation
- 10-14- 6: Construction Requirements
- 10-14- 7: Guarantee Of Performance
- 10-14- 8: Continuing Obligation
- 10-14- 9: Standards May Be Increased
- 10-14-10: Sales Under Condominium Ownership Act
- 10-14-11: Recording Unapproved Plan, Plat Or Documents Prohibited
- 10-14-12: Standards And Specifications; Variances

10-14-1: **INTENT AND PURPOSE:** The intent and purpose of the large scale development regulations shall be to:

- A. Provide a means for encouraging the orderly development of the city.
- B. Permit maximum use of water, soil and other natural resources, consistent with the need to conserve and protect such resources.
- C. Promote the efficient use of land.
- D. Facilitate a more economic arrangement of buildings, circulation systems, land use, drainage and utilities.
- E. Provide greater variety in building sites and living accommodations in a more wholesome environment than would otherwise be possible under conventional land development procedures.

1. See severability clause at section 10-1-7 of this title.

- F. Ensure high quality construction within the development.
- G. Establish the rights, duties and responsibilities of land developers with respect to the development of land. (Ord. 38, 9-7-1977)

10-14-2: **MINIMUM REQUIREMENTS:** The requirements and conditions set forth in this chapter pertaining to each type of large scale development are the minimum requirements which must be imposed in order to achieve the intent and purposes as herein set forth. In the event that a developer does not desire to comply with the requirements and conditions relating to a large scale development, he may develop his land in accordance with the regulations and restrictions which apply to land within the zone that surrounds his large scale development. (Ord. 38, 9-7-1977; amd. 2005 Code)

10-14-3: **TYPES PERMITTED:** The following types of large scale developments may be constructed, but may be located only in the zone in which such development is listed as a permitted use:

- A. Planned unit developments¹.
- B. Condominium projects². (Ord. 38, 9-7-1977)

10-14-4: **PROCEDURE:** Any person wishing to obtain approval to construct a large scale development shall comply with the following procedure:

- A. **Initial Conference With Zoning Administrator:** The developer shall obtain from the zoning administrator, information concerning the procedures, requirements and documents relating to the approval of a large scale development.
- B. **Developer Prepares Application For Preliminary Plan Approval:** The developer shall complete an application for preliminary plan approval on forms furnished by the zoning administrator and shall prepare a preliminary plan. Said preliminary plan shall include all of the maps, statements, documents and other information required under the

1. See article A of this chapter.
2. See article B of this chapter.

preliminary plan requirements of the applicable type of large scale development. (Ord. 38, 9-7-1977)

C. Submission Of Application And Preliminary Plan; Fee:

1. The developer shall submit four (4) copies of the application for approval and all maps, charts, statements, documents and other information required under the applicable preliminary plan requirements, together with a review fee in such amount as established by resolution of the city council. (Ord. 38, 9-7-1977; amd. 2005 Code)

2. In order for the development to be placed on the agenda, the application must be submitted to the zoning administrator at least fifteen (15) days prior to the regularly scheduled meeting at which the application is to be considered.

D. Review By Planning Commission:

1. The planning commission shall review the preliminary plans, documents and statements and shall act to approve or disapprove the proposal or approve it subject to modification.

2. The action of the planning commission shall be communicated to the city council within thirty (30) days following receipt of the application.

3. Approval by the planning commission shall not constitute final approval of the project but shall be deemed as a positive recommendation to the city council that a public hearing on the proposed project be advertised and held.

E. Planning Commission Submits Plans To City Council: Upon approval of the preliminary plan, documents and statements by the planning commission, two (2) copies shall be submitted for review by the city council.

F. Review By City Council; Public Hearing: The city council shall review the preliminary plans, documents and statements and shall advertise and hold a public hearing on the proposed project. Said hearing shall be called in the same manner as an amendment to this title¹.

1. See section 10-1-6 of this title.

G. Action Of City Council:

1. Following the public hearing, the city council shall act upon the preliminary plans, documents and statements to approve, disapprove or approve subject to modification.

2. If disapproved, no further action is required.

3. If approved subject to modification, the plans, documents and statements shall be returned to the planning commission with instructions that the developer should modify the plans, documents and statements in accordance with changes recommended and resubmit the modified proposal to the planning commission for their review and recommendation.

4. If approved, the preliminary plans, documents and statements shall be returned to the planning commission with instruction to authorize the developer to proceed to prepare and submit the final plans, documents and statements.

5. Upon passage of a motion to approve the preliminary plan, the city shall be committed to grant final approval of the final plans, documents and statements.

6. The preliminary plans and documents shall be valid for twelve (12) months from the date of action by the city council. The time limit may be extended for an additional year upon approval by the planning commission. Any extension of time shall be officially requested in writing and submitted to the planning commission office thirty one (31) days prior to the end of the twelve (12) month preliminary approval period. No construction shall be permitted until final plans have been approved by the city council.

H. Final Plans, Plats, Documents And Statements:

1. After receiving authorization to proceed, the developer shall prepare and submit to the planning commission:

a. Application for final approval.

b. Two (2) linen or reproducible tracings and four (4) copies of the final plat where required.

c. Four (4) copies of the final plans.

d. Three (3) copies of the final documents and statements.

e. Three (3) copies of an itemized estimate of the cost of constructing the required improvements.

f. Evidence of payment of review and recording fee.

2. All submissions shall be prepared in accordance with city standards. In order for the development to be placed on the agenda, the final plans, plat and documents must be submitted to the planning commission office at least seven (7) days prior to the meeting at which the plans are to be considered.

I. Planning Commission Action:

1. When the plans, plat, documents, cost estimates and other materials required for approval have been completed in final form, the developer may make application to the planning commission, and the planning commission will grant final approval after reviewing the final plan and ascertaining that:

a. The final plans conform substantially with those given preliminary approval.

b. The final plat complies with the requirements and standards relating to the applicable type of large scale development.

c. The final documents comply with the ordinances relating to the applicable type of large scale development.

d. The estimates of cost of constructing the required improvements are realistic.

e. Tax liabilities of the common open space (wherever a large scale development involves the reservation of common open space) have been determined.

2. Upon a finding of approval, the chairperson shall be authorized to sign required final plats.

J. Construction Of Required Improvements; Performance Guarantee: Upon approval of the final plans, plats and documents by the planning commission, the developer shall construct the required improvements or post performance guarantees in accordance with the provisions of section 10-14-7 of this chapter.

- K. **Action By City Council:** After the planning commission has approved the final plans, plat, documents, cost estimates and tax liabilities of the common open space, where applicable, a copy of the same shall be submitted to the city council for its approval. The city council will review said plans, plat, documents, cost estimates and tax liabilities and, subject to a properly presented motion by a member of the city council, approve said plans; execute all appropriate documents, agreements and final plats; and accept all public dedications. Final approval by the city council shall be by adoption and publication of an ordinance amending the official zone map to show and identify the area included within the development. Upon adoption and publication of the ordinance, the specific requirements of the underlying zone shall be considered modified in conformance with the said plans, plats, documents and agreements as approved by the city council.
- L. **Recording Of Plats And Documents:** Upon passage and publication of the amending ordinance, the city shall record all final plats and legal documentation in the office of the county recorder.
- M. **Amendments:** The plans, plats, documents and statements may be amended by following the same procedure required for initial approval. No change shall be made which is contrary to the intent of the city land use plan or the standards and requirements of this title. Any amendment of a recorded final plat which also qualifies as a subdivision shall not be approved or recorded until the existing recorded plat has been vacated. (Ord. 38, 9-7-1977)

10-14-5: **PLANNING, DESIGN AND DOCUMENTATION:** The layout and design of all large scale developments and all plans, plats, documents, agreements, statements and other required submissions shall be prepared in accordance with city standards as directed by the planning commission. (Ord. 38, 9-7-1977)

10-14-6: **CONSTRUCTION REQUIREMENTS:**

- A. **Conformance With Plans:** All individual large scale developments shall be constructed in accordance with the approved final plans and all final plans, plats, documents and agreements shall be binding on the developer, his successors, grantees and assignees, and shall limit the use of the land in the development as set forth in the approved plans, documents and agreements. In the event that the developer performs construction work which is not in accordance

with approved final plans, the city engineer or other authorized representative shall cause further work to be discontinued and the city council shall obtain compliance or shall revoke all permits relating thereto.

- B. Time Period For Construction Of Improvements: All improvements required under the terms of the applicable type of large scale development shall be constructed within the time period specified for the duration of the guarantee of performance, except that the city council, upon recommendation of the planning commission, *may* require the developer to install the landscaping on all or part of the common open space or to construct other specific required improvements on all or part of an approved large scale development within a time period which is less than the maximum time period specified, but which shall not be less than six (6) months from the date of said approval. If no development has occurred pursuant to the adopted plan within twelve (12) months after the date of final approval, the city council may revoke any building permits issued and initiate proceedings to repeal all approvals for the project.
- C. Stage Construction Permitted: Development may be carried out in progressive stages, provided assurance is given to the city council that the requirements and intent of this title with respect to each stage, shall be fully complied with. Each stage shall be considered as a separate application.
- D. Quality Of Construction: The developer shall be responsible for the quality of all materials and workmanship. (Ord. 38, 9-7-1977)

10-14-7: **GUARANTEE OF PERFORMANCE:**

A. Bonds Or Other Financial Guarantees:

1. Type And Amount Of Guarantee: The type of performance guarantee submitted by the developer shall be in the form of: a) a cash deposit; b) a bond; or c) a mortgage, executed in the favor of the city on real property which is unrelated to the proposed project. The amount of the guarantee shall be in an amount or value equal to one hundred ten percent (110%) of the cost of the required improvements.

2. Duration:

a. The duration of the bond or other assurance shall be for two (2) years from the effective date of the ordinance approving the large scale development.

b. An extension of time may be granted by the city council upon application by the developer, provided such application is submitted at least sixty (60) days prior to the expiration of the bond, and provided the issuer of the bond is willing to extend the time of the assurance.

c. The city council may, upon appeal of the developer, grant a limited extension of the time limit, not to exceed ninety (90) days, without the necessity of filing the sixty (60) day notice as required above, when it is determined by the city council that failure to perform is due to conditions beyond the control of the developer.

3. Default: In the event the developer is in default or fails or neglects to satisfactorily install the required improvements within two (2) years from the date of approval of the ordinance by the city council, or to obtain an extension of the time limit, or to pay all liens in connection with the development, the city council may declare the bond or other assurance forfeited, and the city may install or cause the required improvements to be installed using the proceeds from the collection of bonds or other assurance to defray the expense thereof.

4. Final Disposition And Release: The subdivider shall be responsible for the quality of all materials and workmanship. At the completion of the work, or not less than ten (10) days prior to the release date of the bond or other assurance, whichever is first, the city engineer shall make a preliminary inspection of the improvements and shall submit a report to the city council setting forth the conditions of such facilities. If all liens are paid, and other conditions thereof are found to be satisfactory, the city council shall authorize release of the bond or other assurance. If the condition of material or workmanship shows unusual depreciation or does not comply with the acceptable standards of durability or if any outstanding liens are not paid, the city council may declare the subdivider in default.

B. Final Approval Withheld Pending Construction:

1. Duration Of Period: The period of time for which final approval may be withheld from a large scale development plan shall be not more than one hundred eighty (180) days. An extension of the time, not to exceed ninety (90) days, may be granted upon application for an extension of the developer to the approving authority submitted at least sixty (60) days prior to the scheduled action date.

2. Inspection Of Improvements:

a. Upon notification of completion of required improvements or not less than ten (10) days prior to the scheduled date for action on a withheld large scale development plan, whichever is first, the city engineer shall make a preliminary inspection of the improvements and shall submit a report to the city council setting forth the condition of such facilities. If all liens are paid and the condition of said improvements are found to be satisfactory, the city council shall authorize the mayor to grant final approval for said large scale development to execute all required signatures and to publish the amending ordinance as required by law.

b. If the developer fails to construct the required improvements within the specified time, or fails to obtain an extension of said time limit, or if the condition of material or workmanship shows unusual depreciation or does not comply with acceptable standards of durability or if any outstanding liens are not paid, the city council may:

(1) Require that said improvements be constructed or reconstructed prior to authorizing the recording of any ordinance, or issuance of any building permits; or

(2) Refuse to authorize the publishing and/or recording of any ordinances or documents and to withhold all occupancy and building permits. (Ord. 38, 9-7-1977)

10-14-8: **CONTINUING OBLIGATION:** It shall be the obligation and duty of the developer or his successors or assignees to carry out the conditions made applicable to the development plans, documents and agreements. In case of failure or neglect to comply with any and all of the conditions and regulations as herein established, and as specifically made applicable to a large scale development, neither the city engineer, building inspector, zoning administrator, nor the planning commission, shall

issue a certificate of zoning compliance therefor. Such failure or neglect to comply with the construction and ongoing requirements as herein set forth or to maintain the buildings and premises in accordance with conditions of approval of the plans, documents and agreements, or to maintain the impound account as required, shall also be deemed to be a violation of this title and a breach of agreement between the developer, his successors or assignees, and the city. (Ord. 38, 9-7-1977)

10-14-9: **STANDARDS MAY BE INCREASED:** The planning commission may increase standards where it is determined that such increased standards are necessary in order to ensure that the development will mesh harmoniously with adjoining or nearby uses of property and are necessary to carry out the intent of this chapter. (Ord. 38, 9-7-1977)

10-14-10: **SALES UNDER CONDOMINIUM OWNERSHIP ACT:** Where all or part of a large scale development is to be sold under the provisions of the condominium ownership act as set forth in Utah Code Annotated title 57, chapter 8, as amended, said development shall be submitted and approved in accordance with the provisions of chapter 14, article B of this title. This requirement shall be in addition to all other requirements. (Ord. 38, 9-7-1977)

10-14-11: **RECORDING UNAPPROVED PLAN, PLAT OR DOCUMENTS PROHIBITED:** It shall be unlawful to record any plan, plat, documents or statements for a large scale development, or any amendment thereto, in the office of the county recorder unless the same shall bear thereon final approval of the planning commission and city council as required by the terms of this title. Any owner or agent of any owner of land which is located within a purported large scale development who transfers or sells any land or structure in such purported large scale development before the plan is given final approval by the planning commission and city council and recorded in the office of the county recorder shall be guilty of a class C misdemeanor, subject to penalty as provided in section 1-4-1 of this code, for each lot or parcel of land or structure so transferred or sold. (Ord. 38, 9-7-1977; amd. 2005 Code)

10-14-12: **STANDARDS AND SPECIFICATIONS; VARIANCES:** The planning commission shall have the responsibility for preparing standards, specifications and typical examples for the design,

quality and content of all required plans, plats, improvements and legal documents. Said standards and specifications shall be adopted by resolution by the city council. Said requirements shall be considered minimum and shall apply to all large scale developments under all ordinary circumstances; provided, however, that where the developer can show that a provision of these standards and specifications would cause unnecessary hardship if strictly adhered to and where, because of topographical or other conditions peculiar to the site, in the opinion of the board of adjustment, a departure may be made without destroying the intent of such provisions, the board of adjustment may authorize a variance. Any variance so authorized shall be stated on the final plat and the reasons for such departure shall be entered in writing in the minutes of the board of adjustment. (Ord. 38, 9-7-1977; amd. 2005 Code)

CHAPTER 14

LARGE SCALE DEVELOPMENTS

ARTICLE A. PLANNED UNIT DEVELOPMENTS

SECTION:

- 10-14A-1: Intent
10-14A-2: Permitted Uses
10-14A-3: Area, Density And Dwelling Units Per Building
10-14A-4: Approval Procedure
10-14A-5: Required Improvements
10-14A-6: Documentation Requirements

10-14A-1: **INTENT:** The intent of this article is to establish guidelines dealing specifically with design, construction and operation of planned unit developments. These provisions shall be supplemental and in addition to the general requirements for large scale developments contained in chapter 14 of this title. (Ord. 38, 9-7-1977)

10-14A-2: **PERMITTED USES:** Uses permitted in planned unit developments shall be limited to the following:

Agriculture.

Churches and other structures for religious worship.

Common areas and recreational facilities, including golf courses, swimming pools, tennis courts, clubhouses, recreational buildings, landscape parks, and similar recreation facilities for the use and enjoyment of all residents.

Driveways, streets, fences, walls, utility systems and facilities, common storage areas, ponds, landscape features and similar uses and structures incidental to the main use.

Family daycare centers, foster care homes and family care homes.

One-, two- and multiple-family dwellings, including residential condominium projects depending on the zone in which the development is located.

Residential accessory structures.

Schools, primary and secondary. (Ord. 38, 9-7-1977)

10-14A-3: AREA, DENSITY AND DWELLING UNITS PER BUILDING:

The area, density and maximum number of dwelling units within a building shall be in accordance with the following schedule:

Zone	Minimum Area In Development (In Acres)	Maximum Number Of Dwelling Units Per Acre	Maximum Number Of Dwelling Units Per Building
R-1-10,000	4	45	1
R-1-7,500	4	6	1
R-1-6,000	3	10	1
R-2-7,500	3	12	4

(Ord. 38, 9-7-1977)

10-14A-4: APPROVAL PROCEDURE: Any person, partnership, firm or corporation wishing to obtain approval to construct a planned unit development shall follow the procedure outlined in section 10-14-4 of this title. (Ord. 38, 9-7-1977)

10-14A-5: REQUIRED IMPROVEMENTS:

A. Specified: The following improvements shall be constructed by the developer in each planned unit development, in accordance with city standards:

1. Streets, driveways and parking areas which shall be graded, graveled and hard surfaced.

2. Curbs, gutters and walkways.

3. Drainage and flood control structures and facilities.
 4. Both off site and on site water mains.
 5. Both off site and on site sewer mains.
 6. Fire hydrants.
 7. Permanent survey monuments.
 8. Gas, electric and telephone lines (which shall be placed underground).
 9. Landscaping in the common area.
 10. Sprinkling or other suitable irrigation systems.
 11. Fences, walls and all other common areas, facilities, systems and structures proposed for the development as shown on the final plans.
 12. Common storage area.
 13. Street lighting.
- B. Other Improvements Not Required: Developers may install other improvements; however, the construction of other improvements shall not be required as a condition of approval of a planned unit development. (Ord. 38, 9-7-1977)

10-14A-6: **DOCUMENTATION REQUIREMENTS:** The following documents shall be prepared and submitted by the developer for each planned unit development:

- A. Articles of incorporation for property owners' association.
- B. Corporation bylaws.
- C. Covenants, conditions, restrictions and management policies.
- D. Management agreement.
- E. Open space easement. (Ord. 38, 9-7-1977)

CHAPTER 14

LARGE SCALE DEVELOPMENTS

ARTICLE B. CONDOMINIUM PROJECTS

SECTION:

- 10-14B-1: Intent
- 10-14B-2: Permitted Uses
- 10-14B-3: Approval Procedure
- 10-14B-4: Standards And Conditions
- 10-14B-5: Supplementary Requirements

10-14B-1: **INTENT:** The intent of this article is to establish guidelines dealing specifically with design, construction and operation of condominium projects. These provisions shall be supplemental and in addition to the general requirements for large scale developments contained in chapter 14 of this title and also the requirements of Utah Code Annotated title 57, chapter 8, as amended. (Ord. 38, 9-7-1977)

10-14B-2: **PERMITTED USES:** Uses permitted within a condominium project shall be limited to those uses specifically permitted within the zone in which the project is located. (Ord. 38, 9-7-1977)

10-14B-3: **APPROVAL PROCEDURE:**

- A. **Planned Unit Development:** Where a condominium project qualifies as a planned unit development, approval of said project shall follow the procedure outlined for a planned unit development (see section 10-14-4 of this title).
- B. **Exception To Procedure:** Where a condominium project is of a type other than a planned unit development, all required documentation shall be referred to and approved by the planning commission and city council and recorded in the office of the county recorder. The

procedure to be followed shall be similar to that for planned unit developments except that public hearings shall not be required. (Ord. 38, 9-7-1977)

10-14B-4: **STANDARDS AND CONDITIONS:** All condominium projects shall conform to all applicable requirements for such projects as set forth under Utah Code Annotated title 57, chapter 8, as amended. Such projects shall also conform to the following additional requirements as applicable:

- A. Where the condominium project qualifies as a planned unit development, said project shall conform to the requirements for a planned unit development as set forth in this title.
- B. Where the condominium project does not qualify as a planned unit development, said project shall conform to all applicable requirements for the zone in which it is located and all documentation requirements identified for planned unit developments (section 10-14-6 of this title) as applicable. (Ord. 38, 9-7-1977)

10-14B-5: **SUPPLEMENTARY REQUIREMENTS:** It shall be unlawful to record any record of survey map or declaration of a condominium project in the office of the county recorder unless the same shall bear thereon final approval of the planning commission and city council as required by the terms of this title, and any record of survey map or declaration so recorded without such approval shall be null and void. Any owner, or agent of any owner, of land which is located within a purported condominium project who transfers or sells any land, structure or condominium unit in such purported condominium project before obtaining final approval by the planning commission and city council on the record of survey map and declaration and recording the same in the office of the county recorder shall be guilty of a class C misdemeanor, subject to penalty as provided in section 1-4-1 of this code, for each lot, parcel of land, structure or condominium unit so transferred or sold. (Ord. 38, 9-7-1977; amd. 2005 Code)

CHAPTER 15

SUPPLEMENTARY DEVELOPMENT STANDARDS

SECTION:

- 10-15- 1: Intent
- 10-15- 2: Yard Space For One Building Only
- 10-15- 3: Sale Or Lease Of Required Space Prohibited
- 10-15- 4: Every Dwelling To Be On Zoning Lot
- 10-15- 5: Area Of Accessory Buildings
- 10-15- 6: Accessory Building Prohibited As Living Quarters
- 10-15- 7: Storage Of Junk And Debris Prohibited
- 10-15- 8: Yards Unobstructed; Exceptions
- 10-15- 9: Exception To Front And Side Setback Requirements
- 10-15-10: Zoning Classification Of Annexed Territory
- 10-15-11: Effect Of Street Plan
- 10-15-12: Additional Height Allowed For Public Buildings
- 10-15-13: Location Of Barns
- 10-15-14: Drainage
- 10-15-15: Fences, Walls And Hedges
- 10-15-16: Pollution Prevention
- 10-15-17: Concessions In Public Parks And Playgrounds
- 10-15-18: Utility Buildings And Structures In Residential Zones
- 10-15-19: Recreational Vehicles, Mobile Homes And Manufactured Housing On Individual Lots
- 10-15-20: Site Plan And/Or Conditional Permit Review

10-15-1: **INTENT:** The intent of this chapter is to provide for several miscellaneous land development standards which are applicable in more than one zone. The requirements of this chapter shall be in addition to development standards contained within the various zones. Where the provisions of this chapter may be in conflict with other provisions of this title, the more stringent shall prevail. (Ord. 38, 9-7-1977)

10-15-2: **YARD SPACE FOR ONE BUILDING ONLY:** All required yards shall be situated on the same lot as the building or structure to which it applies. No required yard area or other open space around an existing building which is needed to comply with the setback or open space requirements of this title shall be considered as providing the required yard area or setback or open space for any other building; and no required setback, yard area or other required open space on an adjoining lot may be considered as providing the setback yard or open space on the lot where a building is to be erected or constructed. (Ord. 38, 9-7-1977)

10-15-3: **SALE OR LEASE OF REQUIRED SPACE PROHIBITED:** No space needed to meet the area, frontage, width, coverage, off street parking, frontage on a public street, or other requirement of this title for a lot or building may be sold, bequeathed or leased apart from such lot or building unless other space so complying is provided, nor shall any land be sold which will result in an existing or future lot for dwelling purposes that does not comply with all of the provisions of this title. (Ord. 38, 9-7-1977)

10-15-4: **EVERY DWELLING TO BE ON ZONING LOT:** Only one building which contains a dwelling shall be located and maintained on a zoning lot, as defined in section 10-2-1 of this title, except for dwellings within a large scale development. (Ord. 38, 9-7-1977)

10-15-5: **AREA OF ACCESSORY BUILDINGS:** Accessory buildings shall cover not more than twenty five percent (25%) of the required rear yard area. (Ord. 38, 9-7-1977)

10-15-6: **ACCESSORY BUILDING PROHIBITED AS LIVING QUARTERS:** Living and sleeping quarters shall not be permitted in any accessory building in any residential zone. (Ord. 38, 9-7-1977)

10-15-7: **STORAGE OF JUNK AND DEBRIS PROHIBITED:** No yard or other open space shall be used for the storage of junk, debris or obsolete vehicles; and no land shall be used for such purposes, except as specifically permitted herein. (Ord. 38, 9-7-1977)

10-15-8: **YARDS UNOBSTRUCTED; EXCEPTIONS:** Every part of a required yard shall be open to the sky and unobstructed except for permitted accessory buildings and except for ordinary and customary projection of sills, belt courses, cornices and other ornamental features and unenclosed steps and unwalled stoops, porches and carports, which may project up to four feet (4') into a required yard. Canopies over gasoline pumps may extend into a required yard but not closer than three feet (3') to the property lines. (Ord. 38, 9-7-1977)

10-15-9: **EXCEPTION TO FRONT AND SIDE SETBACK REQUIREMENTS:** The setback from the street for any dwelling located between two (2) existing dwellings may be the same as the average for said two (2) existing dwellings, provided the existing dwellings are on the same side of the street, and are located within one hundred fifty feet (150') of each other. (Ord. 38, 9-7-1977)

10-15-10: **ZONING CLASSIFICATION OF ANNEXED TERRITORY:** All land annexed to the city subsequent to the effective date hereof shall be classified as R-1-10,000 residential zone, except that the city council may assign a zone classification other than R-1-10,000 at the time of annexation when: a) the proposed alternate zone classification was included as part of the policy declaration; and b) the ordinance of annexation contains a provision specifically assigning a zone classification to the territory. (Ord. 89-07-25, 7-25-1989)

10-15-11: **EFFECT OF STREET PLAN:** Wherever a front or side setback is required for a building, which building abuts on a proposed street which has not been constructed but which has been designated by the planning commission as a future street, the depth of such front or side setback shall be measured from the planned street lines. (Ord. 38, 9-7-1977)

10-15-12: **ADDITIONAL HEIGHT ALLOWED FOR PUBLIC BUILDINGS:** Public buildings and churches may be erected to any height, provided the building is set back from required building setback lines a distance of at least one foot (1') for each additional foot of building height above the maximum height otherwise permitted in the zone in which the building is located. (Ord. 38, 9-7-1977)

10-15-13: LOCATION OF BARN¹: No barn, corral or coop shall be constructed closer than one hundred feet (100') to any existing dwelling nor shall any corral, pen or coop be constructed or maintained closer than twenty feet (20') to any open waterway that drains into a natural stream. Surface drainage from corrals, pens or coops shall not be permitted to drain into a waterway that drains into a natural stream. (Ord. 38, 9-7-1977)

10-15-14: DRAINAGE: Surface water from rooftops shall not be allowed to drain onto adjacent lots or streets, except after written agreement between the two (2) parties. (Ord. 38, 9-7-1977)

10-15-15: FENCES, WALLS AND HEDGES:

- A. No fence, wall or hedge shall exceed seven feet (7') in height; provided, however, that in any required front yard or side yard which fronts on a street, no obstructive wall or hedge shall exceed three feet (3') in height, and no obstructive fence shall exceed four feet (4') in height. (Ord. 38-2-80, 12-16-1980)
- B. Irrespective of any other provisions of this or other codes, before commencing construction, plans for all sight obscuring fences and walls shall first be submitted to and approved by the planning commission. All such sight obscuring fences and walls shall be constructed of substantial material and the design and construction of said fence or wall shall be consistent with the quality of dwellings and other improvements within the surrounding area as determined by the planning commission. No fence shall be constructed which prohibits direct and convenient access to a fire hydrant or which obstructs the proper and efficient operations of a hydrant. (Ord. 38, 9-7-1977)

10-15-16: POLLUTION PREVENTION: Any use shall be prohibited which omits or discharges gasses, fumes or other pollutants into the atmosphere in amounts which exceed the standards as prescribed by the state air conservation board, the board of health, or such appropriate body as may be appointed by the city council. Any use shall also be prohibited which emits or discharges liquids or solid material onto the soil or water in amounts which result in pollutants entering any water or drainage

1. See also section 10-6A-2 of this title.

system in amounts exceeding the standards prescribed by the state water pollution control board or the state board of health. (Ord. 38, 9-7-1977)

10-15-17: CONCESSIONS IN PUBLIC PARKS AND PLAYGROUNDS:
Concessions, including, but not limited to, amusement devices, recreational buildings and refreshment stands, may be permitted in a public agency park or playground when approved by the city council. (Ord. 38, 9-7-1977)

10-15-18: UTILITY BUILDINGS AND STRUCTURES IN RESIDENTIAL ZONES: Utility buildings and structures such as electric buildings and substations may be constructed in all residential zones, but only after approval has been given by the board of adjustment as a special exception. The board of adjustment may require conditions which are reasonably necessary to protect surrounding property values and residential amenities. (Ord. 38, 9-7-1977)

10-15-19: RECREATIONAL VEHICLES, MOBILE HOMES AND MANUFACTURED HOUSING ON INDIVIDUAL LOTS:

A. Prohibited; Exceptions:

1. **Recreational Vehicle, Mobile Home:** It shall be unlawful to place any recreational vehicle or mobile home on any lot or parcel of land and to use the same for human habitation, except when located in an approved recreational vehicle court or when placed on a lot which has been approved as a temporary housing site during the period of major construction activity in the city, in accordance with subsection B of this section. (Placement and occupancy of recreational vehicles on individual lots is permitted only on a temporary basis. See subsection A2d of this section.)

2. **Manufactured Housing:** It shall be unlawful to place a manufactured housing unit on any lot or parcel and to use the same for human habitation except in compliance with one of the following:

a. When located in a licensed mobile home park.

b. When temporarily located on a lot on which a permanent building is being constructed, but not to exceed one year; and provided, that the unit is connected to approved water and sewer

facilities and that a bond or other financial guarantee, in an amount set by the city council, is posted with the city to guarantee the removal of the temporary housing unit from the lot upon completion of the permanent building.

c. When placed on a parcel which qualifies as a zoning lot and subject to the following conditions:

(1) The unit qualifies as a "manufactured housing" unit, as defined in section 10-2-1 of this title.

(2) The unit meets all area, size and other requirements for dwellings within the zone and will be placed in compliance with the setback, utility and other applicable zone provisions.

(3) The unit will be permanently connected to the city water and sewer utility system or approved individual facilities where connection to the city systems is not possible.

(4) The unit shall be placed on permanent footing and foundations and a continuous perimeter enclosure designed and constructed in accordance with the applicable provisions of chapter 5 of that certain publication entitled guidelines for housing installations, as published by the International Conference of Building Officials, which publication is by this reference adopted for the city, except that appendix A of said publication (pier construction and ground anchor systems) shall not be applicable within the city.

(5) The unit shall be placed on the tax rolls of the county as evidenced by a letter or other proof by the county assessor.

d. When placed on a lot which has been approved as a temporary housing site, in accordance with subsection B of this section. It is the intent of the city council in adopting this section that the use of existing vacant lots for temporary occupancy is permitted only for the current period of major construction activity in the city area. The provisions authorizing use of vacant lots for temporary location for mobile homes as provided under this subsection are to be repealed when the need for temporary construction housing is no longer necessary.

B. Temporary Placement; Terms And Conditions:

1. Intent: It is the intent of this subsection to provide a means to more adequately facilitate the expected demand for temporary housing during the period of major construction activity in the city area in a manner that will not be detrimental to the community or its permanent residents.

2. Permitted Placement: Pursuant to authorization set forth under subsections A1 and A2d of this section, recreational vehicles, mobile homes and manufactured housing units may be temporarily placed upon any lot or parcel located within any zone which permits dwellings and may be occupied for dwelling purposes, during the period of major construction activity in the city area, subject to compliance with the following conditions and procedures:

a. The lot upon which a recreational vehicle, mobile home or manufactured housing unit is proposed to be placed shall qualify as a "temporary housing lot", as set forth below and shall have been approved as set forth under subsection B3 of this section.

(1) The lot or parcel shall have no other dwelling or structure intended for human occupancy, whether occupied or unoccupied.

(2) The lot or parcel shall exist as a separate parcel on the records of the county recorder.

(3) The lot or parcel shall qualify as a zoning lot, as defined in section 10-2-1 of this title.

(4) The lot or parcel shall be served by the city water and sewer system and facilities for the connection to the electric power, water and sewer systems meeting minimum state standards for mobile home parks shall have been installed.

(5) Regardless of size of parcel, not more than one temporary housing unit shall be placed on each temporary housing lot.

b. The recreational vehicle, mobile home or manufactured housing unit proposed to be placed on the temporary housing lot shall meet the following conditions:

(1) The unit proposed to be placed upon the lot shall be a manufactured housing unit or mobile home or a travel trailer,

fifth wheel or similar recreational vehicle designed to be parked and remain stationary during the entire period of occupancy. Pickup campers (mounted or unmounted), vans or similar vehicles not intended to remain stationary shall not be permitted for placement on a temporary housing lot.

(2) The temporary housing unit shall be designed for connection to electric power, water and sewer facilities and shall be connected to such facilities.

(3) The temporary housing unit shall be placed *on the parcel* in accordance with the setback requirements for permanent dwellings in the zone.

3. Procedure For Approval Of A Lot:

a. The owner of any lot or parcel of land meeting the qualifications set forth under subsection B1 of this section and desiring to secure its approval as a temporary housing lot shall submit an application for approval to the city. The application shall consist of:

(1) A plan of the lot showing the size and layout of the parcel, the location of the electric power, water and sewer connection facilities, location of off street parking, location of any existing structures on the parcel and any other significant condition.

(2) Evidence of payment of the application, inspection and permit fee in the amount set by the city council.

(3) A request for utility services for the lot and payment of the applicable utility connection turn on fees, and security deposits in accordance with city policies, to be made on forms furnished by the city. Said request shall be made by the owner of the lot who shall be responsible for ensuring payment of all water and sewer charges incurred by any tenant of the temporary housing lot.

(4) A cash bond, in an amount set by the city council, to secure the timely removal of any structure and the restoration and cleanup of the premises at such time as the provisions of this subsection expire, or the temporary housing lot permit expires or is revoked. Any portion of cash bond not expended is to be refunded upon proof that restoration and cleanup have been completed.

b. Upon receipt of the application and supporting materials, the city council shall consider the request and shall act to grant or deny the application. If granted, the permit shall be valid for a period of one year from the date of approval unless revoked by subsequent action for noncompliance with the terms of this subsection, and may be subsequently renewed for successive one year periods upon payment of the license renewal fee and a determination that the lot is occupied in accordance with terms and conditions of the initial approval. (Ord. 38, 9-7-1977)

4. Administration:

a. For purposes of licensure, the permit issued hereunder shall be considered as a business license of the city and shall be administered in accordance with the city business license regulations, including, but not limited to the provisions relating to revocation.

b. Compliance with the terms of this subsection shall be the responsibility of the owner of the lot. (Ord. 92-3, 3-24-1992)

10-15-20: **SITE PLAN AND/OR CONDITIONAL PERMIT REVIEW:**

Wherever the terms of this title require submission and approval of a site plan and/or conditional use permit by the planning commission, city council, board of adjustment or other review agency, such review shall be conducted in accordance with the following provisions:

- A. Designated Review Agency To Approve: The designated review agency, shall have the function, duty and power to approve or disapprove a project plan and to attach such modifications or conditions as may be deemed appropriate to improve the layout, to ensure that the project will not pose any detrimental effect to persons or property, or to protect the health, safety and general welfare of the citizens of the city.
- B. Application Required: Application for site plan and/or conditional use permit approval shall be submitted in writing and shall be accompanied by such maps, drawings and document as are necessary to accurately and fully describe the proposed project, including, as applicable:

1. A layout plan showing the location of all existing and proposed buildings and structures on the site, with full dimensions showing the distance between buildings and distances from buildings to adjacent

property lines. Also, the location of all parking spaces, driveways and points of vehicular ingress and egress, fences, walls, hedges, and other significant structures or areas.

2. Preliminary elevations of main buildings showing the general appearance and types of external materials to be used. Also typical detail or cross sections where applicable.

3. The locations of solid waste receptacles and trash pick up areas, where applicable.

4. Evidence of satisfaction of all applicable water supply, sewage disposal and fire protection requirements.

5. Copies of all documents from other review or approval agencies (i.e., health department, UDOT).

6. Such other data as may be required by the city in order to determine the impact of the proposed project and facilitate the establishment of appropriate conditions.

- C. Appeals Permitted: Any person aggrieved by a determination of the designated review agency may request a hearing before the city council who shall have the authority to reverse, affirm or modify any decision of said agency; provided, any such appeal shall be filed within ten (10) days of the determination of the designated review agency.
- D. Issuance Of A Permit: A building permit shall not be issued for any building or structure or external alterations thereto until the provisions of this section have been complied with. Any construction not in conformance with an approved site plan shall be considered a violation of this title. Any building permit issued shall ensure that development is undertaken and completed in conformity with the plans as approved. (Ord. 89-07-25, 7-25-1989)

CHAPTER 16
OFF STREET PARKING

SECTION:

- 10-16-1: Intent
 10-16-2: Number Of Required Parking Spaces
 10-16-3: Location And Control Of Facilities; Special Exceptions
 10-16-4: Design And Operation
 10-16-5: Landscaping Required
 10-16-6: Continuing Obligation

10-16-1: **INTENT:** The following regulations are established to increase safety and lessen congestion in the public streets, to provide adequately for parking needs associated with the development of land and increased automobile usage, to set standards for off street parking according to the amount of traffic generated by each use, and to reduce the on street storage of vehicles. (Ord. 38, 9-7-1977)

10-16-2: **NUMBER OF REQUIRED PARKING SPACES:** The following required off street parking spaces for the particular use are the minimum requirements:

<u>Use</u>	<u>Number Of Parking Spaces Required</u>
Baching apartments and boarding and rooming houses	1 space per occupant.
Churches	1 parking space per 3 seating spaces.
Commercial recreation	1 space per 2 patrons.
Convalescent, nursing homes and other such institutions	1 visitor space per 3 patient beds, plus 1 space for each employee.

<u>Use</u>	<u>Number Of Parking Spaces Required</u>
Drive-ins (retail)	12 spaces or sufficient off street parking spaces to accommodate all patrons, whichever is greater. No patron may be served in automobiles which are parked on public streets.
Government buildings	1 space per each employee, plus 1 space per 200 square feet of floor area.
Industrial, manufacturing, wholesale establishments	1 parking space per 2 employees based on the largest shift.
Medical clinics	4 spaces per doctor, 1 space per nondoctor employee.
Mortuaries	30 spaces or 1 space per 25 feet of floor space in assembly rooms.
Motels	1 space per room, plus 1 space per employee.
Multiple-family dwellings	1½ spaces per dwelling unit.
One-family dwelling	2
Private clubs and lodge halls	1 space per 2 persons.
Professional offices not specifically mentioned	1 space per 200 square feet of office area.
Restaurants, taverns and lounges	1 space per 200 square feet of floor area.
Retail stores and other shops	5½ spaces per 1,000 square feet of floor area.
Theaters, auditoriums, sport arenas and places of assembly	1 space per 2 persons.
Two-family dwellings	4

<u>Use</u>	<u>Number Of Parking Spaces Required</u>
Uses not mentioned	To be determined by board of adjustment as special exception to this title.

(Ord. 38, 9-7-1977)

10-16-3: LOCATION AND CONTROL OF FACILITIES; SPECIAL EXCEPTIONS: The off street parking facilities required by this title shall be located on the same lot or parcel of land as the use they are intended to serve, except that in cases of practical difficulty for uses other than dwellings, the board of adjustment may approve a substitute location which meets the following conditions as a special exception to this title:

- A. All or part of the substitute location must be on an adjacent lot, or within two hundred feet (200') from the main use measured along or across a public street.
- B. The substitute lot must be in the same possession as the use it is intended to serve and must be maintained as long as the use or structure exists. Such possession may be by deed or long term lease and should run concurrently with the building or use. Where one or more parcels or tracts of land are not a part of the plot on which the principal use is situated, the applicant for a permit for the principal use shall submit with his application for a building permit an instrument duly executed and acknowledged, which subjects said parcels or tracts of land to parking uses in connection with the principal use for which it is made available. The applicant shall deposit the necessary recording fee and, upon the issuance of a building permit, the building inspector shall cause said instrument to be recorded in the office of the county recorder. (Ord. 38, 9-7-1977)

10-16-4: DESIGN AND OPERATION: Off street parking facilities shall be designed and operated in accordance with city standards. (Ord. 38, 9-7-1977)

10-16-5: LANDSCAPING REQUIRED: In residential zones, all off street parking lots for five (5) or more vehicles shall be bordered by a curb and hedge as directed by the building inspector. A landscaped strip at least three feet (3') in width may be substituted in lieu of a hedge. (Ord. 38, 9-7-1977)

10-16-6: **CONTINUING OBLIGATION:** The required off street parking and loading facilities shall be a continuing obligation of the property owner so long as the use requiring vehicle parking or vehicle loading facilities continues. It shall be unlawful for an owner of any building or use to discontinue or dispense with the required vehicle parking or loading facilities without providing other vehicle parking or loading area which meets the requirements of this title. (Ord. 38, 9-7-1977)

CHAPTER 17
MOTOR VEHICLE ACCESS

SECTION:

10-17-1: Standards

10-17-1: **STANDARDS:** Access to all lots and parcels of land having frontage on a public street shall be controlled as follows:

- A. **Distance In Commercial Zones:** Driveways in commercial zones shall be not closer to each other than twenty feet (20') unless a greater distance is required elsewhere in this title.
- B. **Width:** Each driveway shall be not more than thirty feet (30') in width in any commercial or industrial zone measured at right angles to the centerline of the driveway, except as increased by permissible curb return radii. In residential zones, driveways shall be not more than twenty feet (20') in width.
- C. **Corner Lots:** On corner lots, no driveway shall be closer than twenty five feet (25') to the point of intersection of the front property line with the side property line which abuts upon a street. (Ord. 38, 9-7-1977)

CHAPTER 18
LANDSCAPING

SECTION:

- 10-18-1: Intent
10-18-2: Required Landscaping

10-18-1: **INTENT:** The purpose of the landscaping standards and requirements shall be to enhance, conserve and stabilize property values by encouraging pleasant and attractive surroundings and thus create the necessary atmosphere for the orderly development of a pleasant community. Landscaping also contributes to the relief of heat, noise and glare through the proper placement of green plants and trees. (Ord. 38, 9-7-1977)

10-18-2: **REQUIRED LANDSCAPING:**

- A. **Scope Of Requirements:** Where landscaping is required, such landscaping shall comply with the requirements of this title for the specific use and location.
- B. **Maintenance:** Required landscaped areas shall be maintained in a neat, clean, orderly and healthful condition. This is meant to include proper pruning, mowing lawns, weeding, removal of litter, fertilizing, replacement of dead plants and the regular watering of all plantings.
- C. **Screening Requirements:** Where landscaped screening is required, said screening shall consist of evergreen shrubs, closely spaced and maintained at substantially the specified height of said required screening. When not otherwise specified, natural screening shall be maintained at a height of from four (4) to six feet (6').
- D. **Plot Plan Required:** Where landscape plans are required to be submitted to the planning commission, said plan shall consist of a plot plan showing the proposed landscape development, watering

system and use of the property. The same plot plan used to show parking layout or other requirements for the issuance of a building permit may be used to show the type and size of plant materials, structures and other features to be included, provided the features are detailed adequately. The planning commission or its authorized representatives may disapprove such plans if it determines that such plans are not adequate or if they are inconsistent with the purpose of this title. (Ord. 38, 9-7-1977)



CHAPTER 19

RECREATIONAL VEHICLE COURTS

SECTION:

10-19-1: Conditions Of Approval

10-19-1: **CONDITIONS OF APPROVAL:** Recreational vehicle courts may be constructed upon approval of the planning commission, subject to the following conditions:

- A. **Permitted Use:** Recreational vehicles courts are listed as a permitted use within the zone.
- B. **Area:** The proposed site contains an area of at least one acre.
- C. **Plan Approval:** A plan showing the design and layout of the proposed court shall have been submitted to and approved by the planning commission. Said plan shall be prepared in accordance with city standards as directed by the planning commission. The planning commission may attach reasonable stipulations on the construction and operation as a condition of approval.
- D. **Service Facilities:** All recreational vehicle courts shall provide adequate service facilities and shall comply with section V-3 and section II-7 of the "Code Of Camp, Trailer Court, Hotel, Motel And Resort Sanitation Regulations" of the state division of health.
- E. **Compliance With Plan And Stipulations:** Adequate assurance shall be given that the court will be constructed and operated in accordance with plan and stipulations attached.
- F. **License Required:** All annual license to operate shall be obtained from the city. It shall be unlawful to operate a recreational vehicle court without first obtaining a license from the city, and said license shall be refused or revoked upon failure of the owner or operator to maintain the court in accordance with the standards and requirements as set forth at the time of approval. (Ord. 38, 9-7-1977)

CHAPTER 20
MOBILE HOME PARKS

SECTION:

- 10-20- 1: Intent
- 10-20- 2: Permitted In Certain Zones
- 10-20- 3: Permitted Uses
- 10-20- 4: Plans Required
- 10-20- 5: Design Criteria
- 10-20- 6: Standards And Conditions
- 10-20- 7: Planning Commission Review
- 10-20- 8: License Required
- 10-20- 9: Space For One Home; Time Limitation
- 10-20-10: Improvements Required; Guarantee

10-20-1: INTENT:

- A. It is the intent of these mobile home park provisions to provide a mechanism whereby the mobile home as a dwelling type can be made to provide housing for families under healthful circumstances, with little or no loss to individual or community values. The mobile home park is a special residential facility specifically designed to accommodate mobile homes and other movable dwellings that meet the plumbing, heating and electrical system requirements as set forth in the state code for mobile homes.
- B. Anyone desiring to undertake a development under these provisions must keep the fact foremost in mind that the recreational, commercial or other activities are merely incidental to the primary residential purpose. (Ord. 38, 9-7-1977)

10-20-2: PERMITTED IN CERTAIN ZONES: In zones in which mobile home parks are permitted, the owner of a tract of land containing the required area may construct a mobile home park thereon upon compliance with the regulations and restrictions in this title. (Ord. 38, 9-7-1977)

10-20-3: **PERMITTED USES:** Permitted uses shall be limited to the following:

Accessory uses, including swimming pools, carports, storage buildings for personal and household items, convenience establishments, childcare centers, club houses, recreation buildings and private golf courses.

Mobile homes which comply with the state mobile homes code.

Modular housing units. (Ord. 38, 9-7-1977)

10-20-4: **PLANS REQUIRED:** Preliminary plans of mobile home parks shall be submitted to the planning commission. Said plans shall show the following information:

- A. Proposed layout of the park.
- B. Types of mobile homes and other buildings and structures and the location of said mobile homes and structures on the mobile home site.
- C. Location and size of existing and proposed water and sewer lines and other utilities.
- D. Typical cross sections of roads.
- E. Location and dimensions of curbs and sidewalks.
- F. Drainage features, showing how the surface drainage will be handled.
- G. Layout of a typical mobile home space.
- H. General planting plans showing the areas to be landscaped and the types of plants and architectural features to be used.
- I. Tabulations showing:
 - 1. Total number of acres in the proposed development.
 - 2. Number of mobile homes.
 - 3. Number of mobile homes per acre.

4. Number of off street parking spaces.
5. Percentage of the area to be devoted to off street parking.
6. Percentage of area to be devoted to roadways.
7. Percentage of area to be devoted to parks, playgrounds and other common facilities.
8. Any other data or information required by the planning commission. (Ord. 38, 9-7-1977)

10-20-5: **DESIGN CRITERIA:**

- A. Architecture: There shall be architectural unity and harmony within the development and with the surrounding area.
- B. Grouping, Spacing; Landscaping: Grouping and spacing of buildings shall provide for a restful and uncrowded environment. Landscaped area, rather than off street parking areas, shall be the dominant feature of the development. (Ord. 38, 9-7-1977)

10-20-6: **STANDARDS AND CONDITIONS:**

- A. Parks, Playgrounds: No less than ten percent (10%) of the gross area of the project shall be designated for parks and playgrounds for the use of occupants. The land covered by vehicular roads and off street parking and the yards surrounding mobile homes which constitute open space pertinent to individual mobile homes and areas devoted to service buildings, shall not be included in computing the required area for parks and playgrounds.
- B. Utilities: All mobile home buildings used for human occupancy when completed shall be served by a water system and sewage disposal system which have been approved by the city health authority.
- C. Acreage Required: Each mobile home park shall contain at least four (4) acres.
- D. Yard Landscaping: At least seventy percent (70%) of the required yards which abut upon public streets shall be landscaped.

- E. **Ownership:** The mobile home park shall be in one ownership and shall remain in one ownership.
- F. **Storage Area:** A combined area of at least one hundred (100) square feet for each mobile home space shall be provided for the storage of boats, campers, etc. Said storage must be enclosed within a fence of six (6) to eight feet (8') in height which fence shall be sight obscuring from public view.
- G. **Off Street Parking:** Off street parking space shall be provided at the rate of two (2) parking spaces per mobile home space contained within the park.
- H. **Lighting:** At least two (2) foot-candles lighting shall be required along all roadways.
- I. **Setback:** All mobile homes shall be set back at least ten feet (10') from all roadways which are part of the development and at least thirty feet (30') from any public street.
- J. **Roadway Width:** Roadways (curb to curb) must be of adequate width to accommodate anticipated traffic as follows:
1. **Minor Roadways:** For two-way traffic where parking is allowed on only one side of the roadway, at least thirty feet (30') in width.
 2. **Collector, Entrance:** For collector and entrance roadways and where parking is allowed on both sides, at least thirty six feet (36') in width.
- K. **Curbs:** Roll type curbs must border the sides of streets.
- L. **Privacy Landscaping:** A strip of land at least fifteen feet (15') wide surrounding the mobile home park (except along public streets) shall be landscaped to afford privacy to the development; provided, however, that a sight obscuring fence six feet (6') to eight feet (8') in height may be substituted for up to eight feet (8') of the required landscaped strip.
- M. **Fences, Walls; Height Limit:** Fences and walls within the front yard shall not exceed two feet (2') in height.
- N. **Distance Requirements:** No mobile home or add-on shall be located closer than fifteen feet (15') to the nearest portion of any other mobile home or add-on, except when a four (4) hour fire resistant

wall, having a height of at least eight feet (8') separates them, in which case the distance apart may be reduced to ten feet (10').

- O. **Additional Facilities And Buildings Permitted:** In addition to mobile homes, the development may include a laundrette, club house and other nonprofit or public recreation buildings.
- P. **Skirting:** All mobile homes shall be skirted around the entire structure, so as to conceal the space underneath.
- Q. **Density:** Permitted density within the mobile home park shall be not greater than six (6) units per acre of land contained within the development.
- R. **Surface Of Roads:** All roads shall be surfaced in accordance with city standards as directed by the planning commission or its authorized representative.
- S. **Underground Utilities:** All utilities shall be placed underground, except for transformers and other necessary appurtenances.
- T. **Code Compliance:** In addition to meeting the above requirements, all mobile home parks shall also conform to requirements set forth in the "Code Of Camp, Trailer Court, Hotel, Motel And Resort Sanitation Regulations" adopted by the state board of health, and to the city fire prevention code. (Ord. 38, 9-7-1977)

10-20-7: PLANNING COMMISSION REVIEW: The planning commission shall review the plan to determine compliance with any portion of the master plan that shall have been adopted by the planning commission. In considering approval of the development, the planning commission shall, among other things, make sure that such development will constitute a living environment of sustained desirability and stability, that it will not produce a volume of traffic beyond the stability of the surrounding street system, that requirements for utilities, off street parking, traffic circulation and other public needs will be adequately met and that the design criteria, standards and conditions, and intent of this chapter shall be complied with. (Ord. 38, 9-7-1977)

10-20-8: LICENSE REQUIRED: Prerequisite to the operation of any mobile home park shall be the obtaining of an annual license which shall be issued only after inspection by the zoning administrator. It shall be unlawful to operate a mobile home park without first obtaining a

license and said license shall be refused or revoked upon failure of the owner and/or operator to maintain the park in accordance with the standards and requirements as herein set forth. (Ord. 38, 9-7-1977)

10-20-9: **SPACE FOR ONE HOME; TIME LIMITATION:** Each space within a mobile home park shall be used for only one mobile home at the same time, and shall not be used as a transient mobile home site. No lot or space shall be rented or leased for a period of less than thirty (30) days. (Ord. 38, 9-7-1977)

10-20-10: **IMPROVEMENTS REQUIRED; GUARANTEE:** Prior to the assurance of a permit for the construction of a mobile home park, the developer shall:

- A. Estimate Submitted: Submit an estimate of the cost of constructing all required water mains, sewer mains, power lines, roadways (including subgrade, gravel, surfacing, and curb and gutters), and the required landscaping and walls, as prepared by an engineer registered to practice in the state.
- B. Bond: Submit a bond or other financial assurance in the amount of at least one hundred ten percent (110%) of the estimated cost of constructing said facilities to the city council. (Ord. 38, 9-7-1977)

CHAPTER 21

MOVED BUILDINGS

SECTION:

- 10-21-1: Intent
10-21-2: Standards And Procedures

10-21-1: **INTENT:** Since moved buildings have often been constructed in a time period prior to the adoption of a building code, and are frequently left in an unsafe and unattractive condition, extra precautions shall be taken to ensure that the buildings meet the building code and that the appearance of the premises is in keeping with buildings in the surrounding area. (Ord. 38, 9-7-1977)

10-21-2: **STANDARDS AND PROCEDURES:**

- A. **Preinspection Required:** No permit shall be issued for the moving of any building which has had prior use, from one site within the city to another site within the city, or from a site outside of the city to a site within the city, without a preinspection being made of the building by the building inspector prior to moving. (Ord. 38, 9-7-1977)
- B. **Fee Schedule:**
1. The fee schedule for this preinspection is as established by resolution of the city council.
 2. These preinspection fees shall be payable in advance of the inspection and prior to filing for appearance before the city council for which there shall be, in addition to the preinspection fees, a filing fee in such amount as established by resolution of the city council. (Ord. 38, 9-7-1977; amd. 2005 Code)
- C. **Application:** The following information shall be filed with the building inspector at the time the application is made:

1. Location and address of the old and new site.
 2. Plot plan of the new location, also showing adjacent lots on all sides of the property and indicating all structures and improvements on said lots.
 3. Plans and specifications for the proposed improvements at the new location, including plans for landscaping.
 4. Photographs of the buildings to be moved.
- D. **Submission To City Council For Approval:** The application shall then be submitted to the city council for approval.
- E. **Findings Of City Council:** Before the city council may approve an application for the moving of a building onto a lot within the city, it must find that:
1. The building will have no appreciable detrimental effect on the living environment and property values in the area into which the structure is to be moved.
 2. The building is consistent with the quality of buildings existing in the area into which the building is proposed to be moved.
 3. The building and the lot on which the building is to be located will conform to the requirements of this title and the building code.
 4. All required dedications and improvements for streets and other facilities shall be provided in conformity with city standards.
- F. **Standards Required Before Occupancy:** The building and grounds shall be brought up to the standards required of a new building before it is occupied.
- G. **Bond Required:**
1. Before a permit to move a building may be granted, the applicant shall post a bond or other assurance as determined by the city council to cover costs of bringing the buildings and grounds up to standard.
 2. In the event of failure to comply with conditions required by the city council, the city council may declare the bond or other assurance forfeited.

- H. **Restoration Of Old Site:** The bond shall also cover the costs involved in cleaning up the vacated site in the city, and restoring it to a safe and sightly condition. (Ord. 38, 9-7-1977)