

No. 199

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ORDINANCE NO. 149
ZONING ORDINANCE

An Ordinance establishing zones within Heber City, Utah; regulating and restricting within said zones the use, location, height, and size of buildings and structures, the use of land, the size of lots, yards and other open spaces; providing methods of administration and enforcement; providing penalties for the violation thereof; repealing all other ordinances and parts of ordinances in conflict herewith.

BE IT ORDAINED BY THE CITY COUNCIL OF HEBER CITY, UTAH:

02.0100 TITLE, INTENT, AND PURPOSE

This Ordinance shall be known as, and shall be entitled THE ZONING ORDINANCE OF HEBER CITY, UTAH, and may be so cited and pleaded. It is the intent and purpose of the City Council of Heber City, Utah, to promote the health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of the city by guiding development within said city in accordance with a comprehensive plan which plan has been designed:

- 1) To encourage and facilitate orderly growth and development in the area.
- 2) To promote safety from fires, floods, traffic hazards, and other dangers.
- 3) To promote sanitation and health of the inhabitants.
- 4) To discourage undue scattering of population and unnecessary expenditures of the monies for excessive streets, water and sewer lines, and other public requirements.
- 5) To stabilize and improve property values.
- 6) To protect the residents from objectionable noise, odor, dust, fumes, and other deleterious substances or conditions.
- 7) To promote a more attractive and wholesome environment.

02.0200 APPLICATION

The regulations and restrictions as set forth in this ordinance shall be so interpreted and applied as to further the purposes of this Ordinance.

02.0300 DECLARATION

In establishing the zones, the boundaries thereof, and 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.

02.0400 INTERPRETATION

In interpreting and applying this Ordinance, the provisions thereof shall be held to be the minimum requirements adopted for the protection of the public health, safety, comfort, convenience, and general welfare. Except as specifically herein provided, it is not intended by the adoption of this Ordinance to repeal, abrogate, amend, or in any way to impair or interfere with any existing provisions of law or ordinance, or any rules, regulations, or permits previously adopted or issued or which shall be adopted or issued pursuant to law relating to the erection, construction, establishment, moving, alteration or enlargement of any building or improvement; nor is it intended by this Ordinance to interfere with or abrogate or amend any contract, covenant, or other agreement between parties, provided, however, that in cases in which this Ordinance imposes a greater restriction than is imposed or required by other existing provisions of law or ordinance, then in such case the provisions of this Ordinance shall control.

02.0500 DEFINITIONS

02.0501 Title

It is the intent of the city council to define certain words and phrases as a means of facilitating understanding of terms which may not be universally understood in the sense that the city council intends that they should be understood. Words used in the present Ordinance include the future, the singular includes the plural and the plural the singular.

02.0502 Agriculture

Agriculture shall mean 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.

02.0503 Apartment House (Multiple Dwelling)

Any building or portion thereof which is designed, built, rented, or leased, let, or hired out to be occupied or which is occupied as the home or residence of three (3) or more families living independently of each other and doing their own cooking within the premises.

02.0504 Boarding House--Lodging House

A building 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.

09.0505 Building

Any structure built for the support, shelter, or enclosure of person, article, chattels, or property of any kind.

1. Building, accessory

A minor built building, the use of which is incidental to that of the main building.

2. Building, main

One or more of the principal buildings upon a lot.

3. Building, line

A line designating the minimum distances which buildings must set back from a street or lot line.

09.0506 Garage

A structure not completely enclosed by walls for the shelter of automobiles.

09.0507 Clinic

A building used for the diagnosis and treatment of ill, infirm, and injured persons, but which building does not provide board, room, or regular hospital care and services.

09.0508 Club

A building used, occupied, and operated by an organized association of persons for social, fraternal, religious, or patriotic purposes, whose activities are confined to the members and their guests, but shall not include any corporation, group or association, the principal activity of which is to conduct a business usually and ordinarily carried on as a business.

09.0509 Garage Area

An area designed to house two or more building units or separate uses with convenient access to the area.

09.0510 Comprehensive Plan

A coordinated plan, which has been prepared and adopted for the purpose of guiding development, including but not limited to, a plan or plans of land use, circulation, housing, and public facilities and grounds.

09.0511 Conditional Use

Generally, a use which requires approval of the planning commission, board of adjustment, or other authority, by the zoning administrator or some other official. This shall require individual consideration of surrounding conditions and circumstances to carry out the intent and purpose of the land use plan. A use for which a conditional use permit is required by this ordinance.

02.0512 Convenience Establishments

Establishments which are designed and intended to serve the daily or frequent trade or service needs of surrounding population. Such establishments include grocery stores, variety stores, drug stores, coin-operated laundry and dry-cleaning establishments, beauty shops, barber shops, or combination thereof, but do not include repair garages, automobile sales yards, clothing stores, or drive-ins where customers consume food on the premises outside of buildings.

02.0513 Convelescent Home

See "Rest Home."

02.0514 Court Apartment--(Dwelling group)

One or more dwellings, (other than mobile home parks), arranged around two or three sides of a court which opens onto a street, may include single-family, two-family, or multiple-family dwellings.

02.0515 Curb Cut

A cut in the curb line for the passage of vehicles.

02.0516 Density

Density of population measured by the number of dwelling units per acre of land.

02.0517 Drive-in-retail

Any form of merchandising, serving, or dispensing of goods in which the customer is services while in his automobile.

02.0518 Dwelling

A. Dwelling Unit

One or more rooms in a building designed for living purposes, having one kitchen or set of cooking facilities, and an independent water closet and bathing facilities.

B. Dwelling, One-Family

A building containing one (1) dwelling unit which is designed for or occupied by one (1) family.

C.. Dwelling, Two-Family

A building containing two (2) separate dwelling units each of which is designed for or occupied by one (1) family.

D. Dwelling, Multiple-Family

A building containing three (3) or more separate dwelling units each of which is designed for or occupied by one (1) family.

E. Dwelling, Caretaker's

A dwelling which is occupied by a person whose function it is to watch or take care of a business or industry which is located on the same premises as the dwelling.

F. Dwelling, Bachelor's

A dwelling unit which is occupied by three (3) or more non-related adults.

02.0519 Environmental Impact Statement

A statement prepared by an engineer, geologist, or other person qualified by training or experience, as determined by the Planning Commission, 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:

- a) Control of erosion within the subdivided area,
- b) Reseeding of cuts and fills,
- c) Provision for potable water,
- d) Disposition of any geologic hazards or soil conditions which may be constructed in the development, such as buildings, water, and sewer lines, and streets.
- e) Provision for the proper disposal of solid and liquid wastes that will likely come from the occupants of the development when it is fully developed.
- f) Prevention of the destruction of vegetation or else the establishing of new vegetation.
- g) Prevention of the accumulation of weeds and debris.
- h) Disposal of surface water and disposition of flood hazards.

02.0520 Family

An individual or two 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, but not more than two non-related persons living as guests with the residing family. The term family shall not be construed to mean a group of unrelated individuals, a fraternity, club, or institutional group.

02.0511 Fence, Sight Obstructing

A fence having a height of at least six (6) feet above grade which permits vision through not more than ten per cent of each square foot more than eight (8) inches above ground.

02.0512 Floor Area

The floor area of a building is the sum of the areas of the several floors of the building, including basements, mezzanines, and porches, of less than height, measured from the exterior walls or from the center line of walls separating buildings. The floor area does not include unoccupied features such as pipe trenches, exterior terraces, or steps, chimneys, roof overhangs, etc.

02.0513 Fractional Numbers or Measurements

In determining the requirements of this Ordinance, whenever a fraction of a number or a unit is one-half or more, and whenever a fraction of a number or a unit resulting from a computation is one-half or more, said fraction shall be considered as a whole number or a unit, where the fraction is less than $\frac{1}{2}$, said fraction shall not be included in determining requirements.

02.0514 Garage, Front

A building or part thereof designed for the parking or temporary storage of automobiles of the occupants of the premises.

02.0515 Grade

- A. For the buildings fronting one street--the elevation of the sidewalk or center line of street, whichever is higher, at right angles to the mid-point of the fronting wall.
- B. For the buildings fronting more than one street--the average of the elevation of the sidewalk or center line of street, at right angles to the mid-point of the fronting wall.
- C. For the buildings having no wall fronting the street--the average level of the sidewalk or center line of surrounding streets, whichever is higher.

02.0516 Guest

A person staying or receiving services for compensation at a hotel, motel, boarding house, rooming house or rest home, or similar use.

02.0517 Height of Building

The vertical distance from the grade to top of the building walls. Where the building walls vary in height along a side, the height of the building shall be determined by multiplying the length of each section of said wall by its height and dividing the sum derived therefrom by the total length of said wall.

02.0520 Home Occupation

Any occupation conducted within a dwelling and carried on by persons residing in the dwelling.

02.0529 Job Yard

A place where scrap, waste, discarded, or salvaged materials are to be piled, sold, exchanged, held, piled, dismantled, or handled or stored, including auto wrecking yards, boat wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such 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.

02.0530 kennel

Feed or buildings used in the keeping of four or more dogs over four months old.

02.0531 Landscaping

Landscaping shall mean some combination of planted trees, shrubs, vines, ground cover, flowers, or lawns. In addition, the combination or design may include rocks and such structures as fountains, pools, art works, screens, walls, fences, or terraces, and such objects shall not meet the requirements of this Ordinance. The selected combination of objects for landscaping purposes shall be changed in a maximum number as determined by the zoning administrator.

02.0532 Land Use Plan

A plan adopted and maintained by the city council which shows the land should be used as a part of the master plan.

02.0533 Large Scale Development

A development that contains two or more units, buildings on a zoning lot and which development is planned and developed as a single entity.

02.0534 Livestock Grazing

A place or pen where livestock are kept on a seasonal basis as part of an agricultural enterprise or operation as distinguished from a livestock feed yard.

02.0535 Living Open Space

Living open space is that portion of the yards on a zoning lot which is not used by automotive vehicles, but reserved for outdoor living space, recreational space, and landscaping.

02.0536 Lodging House

See "Boarding House."

02.0537 Lot

A single parcel or tract of land.

A. Lot, corner

A lot situated at a junction of two public streets or situated on a curved street or way the radius of which is thirty-five (35) feet or less and where the angle formed by the intersection of the tangent is one hundred five (105) degrees or less.

B. Lot, interior

A lot other than a corner lot.

C. Lot of record

A lot designated on a subdivision plat or deed, duly recorded pursuant to statute in the county recorder's office. A lot of record may or may not coincide with a zoning lot.

D. Lot, zoning

A parcel of land, composed of one or more recorded lots, occupied or to be occupied by a principal building or buildings or principal use or uses along with permitted accessory buildings or uses, meeting all the requirements for area, buildable area, frontage, width, yards, setbacks, and any other requirements set forth in this Ordinance.

02.0538 Manufactured Home

A dwelling unit which meets the uniform building code for permanent structures designed to be transported after fabrication and which is ready for occupancy as an independent unit except for connection to utilities and location on a foundation.

02.0539 Mobile Home

A vehicular or portable structure which is constructed for movement on the public highways; which has been constructed in accordance with the requirements of the building code for mobile homes as adopted by the City Council, but which has not been constructed in accordance with uniform building codes.

02.0540 Mobile Home Park

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

02.0541 Motel--tourist home--motor hotel

Shall mean one or more buildings containing individual sleeping rooms or living units designed for use by automobile tourists or transients with garage attached or parking space conveniently located to each unit.

02.0542 Non-Conforming Buildings

A building, structure, or portion thereof, which does not conform to the regulations of this Ordinance applicable to the zone or district in which such building is situated but which was in existence on the effective date of this Ordinance.

02.0543 Non-Conforming Use

A use of premises which does not conform to the regulations of this Ordinance, but which was in existence on the effective date of this Ordinance.

02.0544 Nursery Day Care

A zone or building in which children are kindred or kept for compensation. Does not include overnight accommodations for such children as does a foster home or an orphanage.

02.0545 Parking Space

Space within a building or parking area, including of driveways, ramps, columns, office and waiting areas, for the parking of a motor vehicle, not less than twenty (20) feet in length and not less than eight and five tenths (8.5) feet in width.

02.0546 Pens

An enclosure for animals in which no feed is provided except that which the animals obtain by grazing.

02.0547 Planned Unit Development

A tract of land which is planned and developed as a single entity wherein the requirements applying to all buildings and improvements are modified to conform to the approved plan.

02.0548 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.

02.0549 Premises

A zoning lot together with buildings and structures located thereon.

02.0550 Residence Occupation

An occupation established on the premises owned by a dwelling, by persons residing on the premises.

02.0551 Public Parks and Pleasuregrounds

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.

02.0552 Rest Home--Nursing Home--Convalescent Home

A building for the care and keeping of elderly or infirm people afflicted with infirmities or chronic illness.

02.0553 Salvage Yard

See "Junk Yard."

02.0554 Setback

The shortest distance between the property line and the foundation, wall, or main frame of the building.

02.0555 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.

A. Sign, Accessory

A sign which directs attention to a business or profession conducted on the premises.

B. Sign, Area of

The area of a sign shall be considered to include all lettering, wording, and accompanying designs or symbols together with any background material whether painted or applied. 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.

C. Sign, Non-Accessory--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.

02.0556 Special Exceptions--Conditional Use

A use which is not specifically permitted in a zone, such as an industrial use in a residential zone, but which is permitted as a special exception to the ordinance subject to compliance with conditions prescribed by the board of adjustment.

02.0557 Street, Major

One of the principal thoroughfares, as shown or designated on the Major Street Plan.

02.0558 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.

02.0559 Subdivision

The term "subdivision" means the division of a tract or lot or parcel of land into three or more lots, plots, sites, or other division of land for the purpose, whether immediate or future, of sale or of building development.

02.0560 Recreational Vehicle--Camper--Travel Trailer--Motor Home--Vacation Vehicle

A vehicular unit, other than a mobile home, primarily designed as a temporary dwelling for travel, recreational and vacation use, which is either self-propelled or is mounted on or pulled by another vehicle; including but not limited to: a travel trailer having a width of eight (8) feet or less and a length of thirty-two (32) feet or less, a camping trailer having a width of eight (8) feet or less and a length of thirty-two (32) feet or less, a truck camper, and motor home comprised of a self propelled vehicle primarily designed as a temporary dwelling for travel, recreational use, and vacation use.

02.0561 Recreational Vehicle Court--Vacation Vehicle Court

An area or tract of land used to accommodate two or more recreational vehicles.

02.0562 Variance

A waiver of specific regulations of this Ordinance granted by the Board of Adjustments in accordance with the provisions set forth in this Ordinance for the purpose of assuring that no property because of special circumstances applicable to it shall be deprived of privileges commonly enjoyed by other properties in the same zone.

02.0563 Yard

An open space on the same lot with a building unoccupied or unobstructed from the ground upward, except as otherwise provided in this Ordinance.

A. Yard, Front

The minimum horizontal distance between the street line and the front line of the building or any projection thereof, excluding non-enclosed steps. On a corner lot, the front yard may be applied to either street.

B. Yard, Rear

An open, unoccupied space on the same lot as a building, measured from the rear line of the building (exclusive of steps) and the rear lot line, and extending for the entire width of the lot. In case of a corner lot where the building facade faces on the side street, the rear yard may be established from the side of the house to the side property line.

9. Yard, Rear
The open space around buildings which is required by the terms of this Ordinance.

10. Yard, Side
A yard between the building and the side line of the lot and extending from the front yard to the rear yard.

02.0600 SUPPLEMENTARY REQUIREMENTS AND PROCEDURES APPLICABLE WITHIN ZONES

02.0601 Intent

The intent of this section is to accumulate water use building, regulations which apply to two or more zones, rather than to repeat them several times.

02.0602 Yard Space For One Building Only

No required yard or other open space around an existing building, or which is hereafter provided around any building, which is needed to comply with the provisions of this Ordinance shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing the yard or open space on the lot where a building is to be erected or established.

02.0603 Every Dwelling To Be On Single Lot

Only one building which contains a dwelling shall be located and maintained on a zoning lot as defined in this Ordinance, except for dwellings within a planned unit development, mobile home park, or other large-scale development.

02.0604 Gain Or Lease Of Required Space Prohibited

No space needed to meet the width, yard, area, coverage, parking, or other requirements of this Ordinance for a lot or building may be sold or leased apart from such lot or building unless other space so complying is provided.

02.0605 Yards To Be Unobstructed Projections

Every part of a required yard shall be open to the sky and unobstructed except for permitted accessory bulk signs and except for ordinary and customary projections of sills, half courses, cornices, and other ornamental features and unenclosed steps and unsharpened porches, and eaves, which may project up to three feet over a required yard, if projection into a required court which is provided in connection with a court apartment shall be considered except for ordinary sills, half courses, and cornices which may extend into the court not more than sixteen inches.

02.0606 Area of Accessory Buildings

Accessory buildings in any residential zone shall cover not more than twenty-five per cent of the zone yard.

02.0607 Accessory Buildings Prohibited in Residential Districts

Living and sleeping quarters in any building other than the main residential building is prohibited.

02.0608 Kitchen Units in Hotels and Motels

Lot area per dwelling unit shall apply to hotels and motels for those units that include kitchen facilities.

02.0609 Storage of Commercial Vehicles in Residential Zones Prohibited

The storage and/or continuous parking of trucks having a rated capacity of one and one-half (1½) tons or greater and construction equipment such as bulldozers, graders, compressors, etc., shall not be permitted in any residential zone, provided that construction equipment may be stored on a lot during construction of a building thereon, but not to exceed one year.

02.0610 Storage of Junk and Debris in Residential Zones Prohibited

No yard or other open space surrounding an existing building in any residential zone, or which is hereafter provided around any building in any residential zone, 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.

02.0611 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 (1) foot for each additional foot of building height above the maximum height otherwise provided in the zone in which the building is located.

02.0612 Minimum Height of Dwelling and Fences

No dwelling shall be erected which has a ceiling height of less than 7'6" or one story above grade, whichever is greater. No fence or wall shall be constructed higher than four feet above the ground in any required front or side yard that fronts on a street except that in agricultural zones such fences may be constructed to a height of 6 feet.

02.0613 Location of Ponds

No barn, corral, or coop shall be constructed closer than 100 feet from any existing dwelling or public street, nor shall any corral, pen, or coop be constructed or maintained closer than 20 feet to any open waterway that drains into a natural stream. Surface drainage from corrals or coops shall not be permitted to drain into a waterway that drains into a natural stream.

02.0615

Whenever a front or side yard is required for a building, such building shall not be placed so close to adjacent lots or streets as to obstruct the view of the street.

02.0616 Width of Front Yard

In all cases which require a front yard, no structures under construction shall be placed so close to adjacent lots or streets as to obstruct the view of the street. The width of the front yard shall be determined by the zoning ordinance and a line connecting the corners of the lot shall be drawn from the lot line to the street line.

02.0617 Width of Front Yard

Whenever a front or side yard is required for a building, such building shall not be placed so close to adjacent lots or streets as to obstruct the view of the street. The width of the front yard shall be determined by the zoning ordinance and a line connecting the corners of the lot shall be drawn from the lot line to the street line.

02.0618 Exception to Front and Side Yard Requirements

The setback from the street for any dwelling located behind an existing building in any residential zone may be the same as the average for all the existing dwellings, provided the building is located on the same side of the street and is located within one hundred fifty (150) feet of such other.

02.0619 Concessions in Public Parks and Playgrounds

Concessions, including but not limited to amusement devices, recreational buildings, and refreshment stands, shall be permitted on a public park or playground when approved by the city council.

02.0620 Swamp Disposal

Where domestic sewage disposal facilities are used which are not connected to a public sewer, approval of such facilities shall be obtained from the health department before a building permit shall be issued therefor.

02.0621 Location of Sewage Pumps

Gasoline pump islands shall be not less than 12 feet (12) feet from any street line to which the pump island is vertical and twelve (12) feet from any street line to which the pump island is parallel and not less than twelve (12) feet from any residential zone boundary line. If the pump island is set in an angle on the property, it shall be so located that no portion of the island shall project over the property line. In no case shall pumps be set closer than twelve (12) feet from any street line or from the front (10)

feet from any side or rear property line. Lids from which gasoline is dispensed to customers at retail shall be not less than 75 by 100 feet in size. Canopies over pump islands may extend to within five feet to the property lines.

02.0621 Offstreet Parking and Loading

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 efficient parking according to the amount of traffic generated by each use, and to reduce the onstreet storage of vehicles.

A. Number of Spaces--The following required offstreet parking spaces for the particular use are minimum requirements:

1. Residential structures, not including boarding and rooming houses and bachelor dwellings, shall have parking spaces per dwelling unit as follows:
 - (a) one-family dwellings, one vehicle space
 - (b) two-family dwellings, two spaces
 - (c) multiple-family dwellings, one and one-half (1 1/2) spaces per dwelling unit.

As a means of encouraging the occupants of multiple dwellings to use the required offstreet parking space in preference to onstreet parking space, entrances to buildings containing multiple dwellings shall be provided in locations that are as direct and convenient to the required offstreet parking spaces as are the fronting streets.

2. Boarding houses and bachelor dwellings shall have one parking space for each one hundred (100) square feet of floor space devoted to bedrooms or one (1) space for each ten persons domiciled in the premises, whichever is greater.
3. Hospitals shall have one (1) visitor parking space per one (2) patient beds, plus one (1) parking space for each employee at work in the hospital during daylight hours.
4. Convalescent, nursing, and other such institutions shall have one (1) visitor parking space per three (3) patient beds, plus one (1) parking space for each employee at work in the home during daylight hours.
5. Hotels and motels shall have one (1) parking space per room or suite, plus one (1) parking space for each employee at work on the premises during daylight hours.
6. Private clubs and lodge halls shall have one (1) parking space per two (2) persons based on the design capacity of the facility.

7. Commercial recreation uses shall have one (1) parking space per two (2) patrons, based on the design capacity of the facility.
8. Churches shall have one (1) parking space per three (3) seating spaces in the main assembly room.
9. Theaters, auditoriums, sports arenas, and places of assembly shall have one (1) parking space per two (2) people based on the design of the structure.
10. Mortuaries or funeral parlors shall have thirty (30) parking spaces or one space for each twenty-five square feet of floor space in all assembly rooms, whichever is greater.
11. Medical clinics shall have four (4) parking spaces per staff doctor, plus one (1) parking space for each non-doctor employee at work on the premises during daylight hours.
12. Restaurants, taverns, and lounges shall have one (1) parking space per two hundred (200) square feet of floor area.
13. Banks, professional offices, and other business buildings not specifically mentioned elsewhere in this sub-section shall have one (1) parking space per two hundred (200) square feet of office floor area.
14. Government buildings shall have one parking space per each employee plus one space for each two hundred (200) square feet of floor area in the building.
15. Retail stores, and personal service shops and other business buildings not specifically mentioned elsewhere in this sub-section shall have parking space at the rate of five and one-half (5 1/2) spaces per one thousand (1000) square feet of floor area, except that in any zone designated as central commercial zone, parking space may be reduced to three (3) spaces per one thousand (1000) square feet of floor space.
16. Drive-ins (retail) shall have at least twelve (12) offstreet parking spaces or sufficient offstreet parking spaces to accommodate all patrons or customers, whichever is greater. No patron or customer may be served in automobiles which are parked on public streets.
17. Industrial, manufacturing, and wholesale establishments shall have one (1) parking space per two (2) employees based on the largest shift.
18. Uses not mentioned
The required offstreet parking for any building, structure or use of land of a type which is not listed in this part shall be determined by the Board of Adjustment. The Board of Adjustment shall be guided by comparison with the requirements for similar uses which are listed.

B. Location and Control of Parking Facilities

The offstreet parking facilities required by this Ordinance shall be located on the same lot or parcel of land as the use they are intended to serve.

C. Computation of Required Parking Spaces

For the purpose of computing offstreet parking spaces which are required by this Ordinance, the following rules shall apply:

1. Floor area shall mean gross floor area, unless otherwise specified for a particular use.
2. In stadiums, sports arenas, churches, and other places of assembly in which benches or pews are used in place of seats, each eighteen (18) inches of length of such benches or pews shall be counted as one (1) seat.

D. Combined Parking Areas

The required offstreet parking and loading facilities may be provided collectively for two (2) or more buildings or uses, provided that the total number of parking spaces shall be not less than the sum of the requirements for each of the individual uses.

E. Mixed Uses

In the event that two (2) or more uses occupy the same zoning lot, or parcel of land, the total requirements for offstreet parking and offstreet loading space shall be the sum of the requirements of the various uses computed separately.

F. Access to Parking Facilities

1. Access driveways shall be provided for ingress to and egress from all parking and loading facilities. Each parking and loading space shall be easily accessible to the intended user.
2. Forward travel to and from parking facilities from a dedicated street or alley shall be required for all uses, except for parking which has been provided in connection with one and two-family dwellings. The parking area shall be adequate to facilitate the turning of vehicles to permit forward travel upon entering a street.
3. Access to all offstreet parking facilities shall be designed in a manner which will not interfere with the movements of vehicular and pedestrian traffic.

G. Circulation Within a Parking Area

Circulation within a parking area shall comply with the following requirements:

1. Parking area with more than one (1) aisle must be so arranged that a car need not enter the street to reach another aisle within the same parking area.
2. Directional signs shall be required to differentiate between entrance and exit access points to the street.

H. Location of Parking Facilities Restricted

Parking and loading facilities may be located any place on the premises except for areas that are required to be landscaped. Offstreet parking space which is required in connection with a use shall be constructed to be part of that use and shall not be located within a zone unless expressly permitted therein.

I. Lighting of Parking Areas

Any lighting used to illuminate offstreet parking facilities or vehicle sales areas shall be so arranged as to reflect the light away from the adjoining premises in any residential zone.

J. Continuing Obligation

The required offstreet 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 disperse with the required vehicle parking or loading facilities without providing other vehicle parking or loading area which meets the requirements of this Ordinance.

K. Plot Plan Approval Required

At the time a building permit is requested for any building or structure, or at the time the use of land is changed which requires additional offstreet parking space, a plot plan shall be submitted showing the location and layout of such required space along with access aisles, roadways, curbs and curb cuts. The Zoning Administrator shall disapprove such plans if he finds that the required spaces are not usable for standard-sized automobiles or do not comply with the requirements for offstreet parking as set forth in this Ordinance.

L. Landscaping Required Surrounding Offstreet Parking Space

All offstreet parking lots designed for five or more vehicles shall be bordered by a curb and/or a landscaped strip at least eight (8) feet in width.

11. Offstreet Loading Space Required

For every building having a gross floor area of five thousand (5,000) square feet or more to which goods, material, merchandise, or supplies are received or distributed by vehicle, there shall be provided at least one offstreet loading space. One (1) additional loading space shall also be provided for each additional twenty-thousand (20,000) square feet of gross floor area of such building or for each vehicle which must be loaded or unloaded at the same time, whichever requirement is greater. Each required offstreet loading space shall be not less than ten (10) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height.

02.0622 Motor Vehicle Access

Access to all lots and parcels of land having frontage on a public street shall be controlled as follows:

1. Access shall be by not more than two driveways from any one street, except as may be permitted by the board of adjustment, when it can be shown that additional driveways will promote traffic safety.
2. Driveways shall be not closer to each other than twenty (20) feet.
3. Each driveway shall be not more than thirty (30) feet in width in any commercial or industrial zone measured at right angle to the center line of the driveway. In residential zones, driveways shall be not more than twenty (20) feet in width except when approved for large-scale developments.
4. On corner lots, no driveway shall be closer than fifty (50) feet to the point of intersection of the front property line with the side property line which abuts upon a street.
5. Where there is no existing curb and gutter or sidewalk, a curb or fence may be required by the city.

02.0623 Landscaping Required

At least seventy per cent (70%) of the area contained within a required front or side yard adjacent to a street in any residential or residential-agricultural zone shall be landscaped. Also other landscaping shall be required in other zones as specified.

02.0624 The purpose of the landscaping requirements in this Ordinance 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.

A. Scope of Requirements

Where landscaping is required, such landscaping shall comply with the requirements set forth in the Ordinance 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 (6) feet.

D. Plot Plan Required

Where landscaping is required in this Ordinance, a plot plan showing the proposed landscape development, watering system and use of the property shall be submitted to the Zoning Administrator. The same plot plan used to show parking layout or other requirements for the issuance of a building permit may be used to show landscaping providing all proposed landscaping is detailed adequately on said plot plan. The Zoning Administrator may disapprove such plans if he determines that they are not consistent with the requirements and purposes of this Ordinance.

E. Non-Conforming Status

Any use of property, which, on the effective date of this Ordinance, is non-conforming only as to the regulations relating to landscaping may be continued in the same manner as if the landscaping were conforming.

02.0625 Signs

Advertising signs shall be regulated as follows:

A. Signs in Residential Zones

No advertising signs of any kind shall be allowed in any residential zone, except signs pertaining to the sale or lease of residential property, and except for name plates or signs indicating the existence of an office of a professional person and a home occupation.

B. Setback

All advertising signs shall be set back from public streets a distance at least equal to the distance that buildings are required to be set back within the zone in which said signs are located.

C. Screening Requirements

Except in those zones where non-accessory signs are permitted, all signs shall display thereon only information pertaining to products or services sold on the premises.

D. Permits Required

Regardless of cost, no sign shall be erected or placed within the city without first making application for an obtaining a building permit therefor, except temporary window and political posters, temporary signs pertaining to the sale of adjacent property, and name plates or identification signs indicating the existence of an approved home occupation or professional office. In addition to the requirements of this Ordinance, all signs located within six hundred and sixty (660) feet of the right-of-way line of a federally designated highway shall conform to the standards and regulations for such signs established by the State of Utah. Any approval or permits required by said regulations shall be in addition to the building permit hereinabove required and construction or placement of a sign shall not be commenced until all approvals and permits have been obtained.

02.0626 Pollution Prevention

Any use which emits or discharges gases, fumes, dust, glare, noise, or other pollutants into the atmosphere in amounts which exceed the standards as prescribed by the Utah State Air Conservation Board or the Board of Health and any use which emits or discharges liquids or solid material onto the soil or water in amounts which results in pollutants entering ground water in amounts exceeding the standards prescribed by the Utah State Water Pollution Control Board or the Board of Health, shall be prohibited.

02.0627 ^{vehicles} Recreational and mobile home Prohibited -- Exceptions

It shall be unlawful to place any recreational vehicle on any lot or parcel of land in the area covered by the zone map and to use the same for human habitation, except when located in a recreational vehicle tent.

It shall be unlawful to place a mobile home on any lot or parcel of land in an area covered by the zoning map and to use the same for human habitation except in compliance with one or more of the following conditions:

- A. When temporarily located on a lot on which a building is being constructed provided the mobile home is connected to approved water and sewer facilities and is not located thereon for more than one year from the date of the issuance of the building permit for the building.

B. When placed on a licensed mobile home park.

C. When placed on a zoning lot that complies with the regulations of the zone in which the mobile home is located provided:

1. the mobile home and site comply with the use, width, location, height, size of building, and special provision requirements for structures within the zone,
2. the mobile home complies with the building code, *of Hobbs City.*
3. the mobile home is placed upon a permanent foundation, and
4. the mobile home has been approved by the board of adjustment as a moved-in building as provided for in Section 02.0628-G of this Ordinance.

02.0628 Conditional Uses

The following uses shall be permitted only after approval as set forth herein:

A. Home Occupations

The Board of Adjustment may grant a permit for a home occupation subject to the following conditions:

1. Home occupations are permitted in the zone.
2. The home occupation is conducted entirely within a dwelling and is carried on in the dwelling only by members of the residing family.
3. The home occupation does not involve the use of any accessory buildings or yard space for storage or activities outside of the dwelling.
4. No commercial vehicles are used except one delivery truck which does not exceed three-fourths ton rated capacity.
5. The home occupation is clearly incidental to 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.
6. Signs are limited to one non-flashing sign not larger in area than two-hundred twenty-six (226) square inches. If lighted, the light shall be diffused or shielded.
7. Not more than the equivalent of twenty-five per cent (25%) of the ground floor area of the dwelling is devoted to the home occupation.
8. The home occupation shall be registered with the city license division or department.

9. Entrances to the home occupation from outside shall be the same entrances normally used by the residing family except when required otherwise by regulation of the state health department or other public agency.
10. In the opinion of the Board of Adjustment, the physical appearance, traffic, and other activities in connection with the home occupation is not contrary to the objectives and characteristics of the zone in which the home occupation is located and does not depreciate surrounding residential values.

B. Premises Occupation

The Board of Adjustment may grant a premises occupation subject to the following conditions:

1. A premises occupation is permitted in the zone.
2. No commercial vehicles are used except one delivery truck which does not exceed three-fourths ton rated capacity.
3. Signs are limited to one non-flashing sign not larger in area than two hundred twenty-six (226) square inches. If lighted, the light shall be diffused or shielded.
4. The premises occupation shall be registered with the license Division or Department.
5. The physical appearance, traffic and other activities in connection with the premises occupation are not contrary to the objectives and characteristics of the zone in which the premises occupation is located and do not depreciate surrounding values as determined by the Board of Adjustment.
6. The floor area of any accessory building devoted to the premises occupation shall not exceed six hundred (600) square feet.
7. There shall be no outside storage of materials or products in connection with the premises occupation.

C. Small Lots

Where a parcel of land at the time of the adoption of this Ordinance is at least one and eight-tenths times as wide and one and eight-tenths times as large in area as required for a lot in the zone, the Board of Adjustment may permit the division of a parcel into two lots, provided:

1. Such division will not cause undue concentration of buildings.

2. The characteristics of the zone in which the lot is located will be maintained.
3. In the opinion of the Board of Adjustment, values in the area will be safeguarded.

D. Utility Buildings and Structures Permitted

Water, sewer, and electric buildings and structures may be constructed in all residential zones subject to the approval of the Board of Adjustment. The Board of Adjustment may require conditions which are reasonably necessary to protect surrounding property values and accident-prone accidents.

E. Dwelling Sites to Have Easement on a Public Street

Except as otherwise provided for in this Ordinance, at least one side of each lot used as a dwelling site shall abut upon a street which has been designated or dedicated to the public for street purposes and the length of such abutting side measured at the setback line shall be at least as great as the width required for dwelling sites in the zone in which such dwelling site is located.

F. Uses Prohibited in Zones Unless Expressly Permitted

Uses of land which are not expressly permitted within a zone are expressly prohibited therein, except, as may be permitted by action of the Board of Adjustment pursuant to express authority under the terms of this Ordinance. The Board of Adjustment shall not permit a use within a zone which is not expressly permitted by the terms of this Ordinance unless it can be shown that the use is similar to other uses permitted in the zone. Where the Board of Adjustment determines a use to be similar, such use shall thereafter be deemed to be a permitted use as if it were listed therein on the effective date of this Ordinance.

G. Moved Buildings

No building shall be moved within the city which building has had prior use, without an application being filed therefore with the Zoning Administrator. Said application shall contain the following information:

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 treatment then required by the Zoning Administrator.

4. Certification by the Zoning Administrator that the structure is sound enough to be moved and that the condition, location, and use of the building will comply with the Zoning Ordinance and all other applicable codes and ordinances.

The application must then be approved by the Board of Adjustment. Before approving said application and authorizing the issuance of a permit, the Board must find:

- A. That 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.
- B. That the building is in conformity with the quality of buildings existing in the area into which it is proposed to be moved.
- C. That said building and the lot on which the building is to be located will conform to the requirements of the Zoning Ordinance and other applicable codes, ordinances, and regulations.
- D. That its location on the lot does not in any substantial way adversely affect buildings or uses in abutting properties.
- E. That all landscaping, walkways and masonry work about the premises and the required dedications and improvements for streets and facilities and buildings shall be provided in conformity with the standards of the city.
- F. That a bond or other assurance has been posted as a guarantee that the building and grounds will be improved as stipulated by the Board of Adjustment before the building is occupied and that the vacated site will be restored to a safe and slightly condition. The amount of the bond or other assurance shall be at least equal to the cost of employing a contractor to make the improvements to the buildings and premises as required by the Board of Adjustment. The requirements of this provision shall also apply to the moving of mobile homes, demountable homes, manufactured homes, and similar movable structures except when being moved from outside the city into a mobile home park.

H. Transitional Use

Uses which are permitted on either portion of a lot which lot is divided by a zone boundary line or which is coterminous with a zone boundary line may be permitted to extend to the entire lot, but not more than one hundred (100) feet beyond the boundary line of such zone in which such use is permitted. Before a permit for such a use may be granted, however, the Board of Adjustment must find that the comprehensive plan of zoning will be maintained and that a more harmonious mixing of uses will be achieved thereby.

I. Flood Protection

No building or structure shall be constructed within the flood channels of any natural stream or wash. No building or structure shall be constructed within one hundred (100) feet from the banks of any flood channel or natural stream or wash except that the Board of Adjustment may permit the construction of a building or structure within one hundred (100) feet from the bank of such flood channels where the natural terrain and soils provide a flood free building site and where the petitioners take adequate measures to prevent **damage** to buildings resulting from a fifty (50) year or more frequency flood.

02.0700 GENERAL PROVISIONS

02.0701 Intent

The intent of this section is to accumulate provisions applying to all land and buildings within the incorporated area of the city into one section rather than to repeat them several times.

02.0702 Non-conforming Buildings and Uses

In view of the fact that no further development or change in use can be undertaken contrary to the provisions of this Ordinance, it is the intent of this Ordinance that non-conforming uses shall not be increased nor expanded except where a health or safety official, acting in his official capacity, requires such increase or expansion. Such expansion shall be no greater than that which is required to comply with the minimum requirements as set forth by the health or safety official. Nevertheless, a non-conforming building or structure or use of land may be continued to the same extent and character as that which legally existed on the effective day of the applicable regulations. Repair may also be made to a non-conforming building or to a building housing a non-conforming use.

A. Damaged Building May Be Restored

A non-conforming building or structure or a building or structure occupied by a non-conforming use which is damaged or destroyed by fire, flood, wind, earthquake, or other calamity or act of nature may be restored, and the occupancy or use of such buildings, structure, or part thereof which legally existed at the time of such damage or destruction 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 and provided that such restoration does not increase the floor space devoted to the non-conforming use over that which existed at the time the building became non-conforming.

B. Discontinuance or Abandonment

A non-conforming building or structure or portion thereof or a lot occupied by a non-conforming use which is, or hereafter becomes abandoned or is discontinued for a continuous period of one year or more shall not thereafter be occupied, except by a use which conforms to the use regulations of the zone in which it is located.

C. Change to a Conforming Use

A non-conforming use or building may be changed to a conforming use or building. Any non-conforming use or building which has been changed to a conforming use or building shall not thereafter be changed back to a non-conforming use.

D. Change to Another Non-Conforming Use Prohibited

A non-conforming use of a building or lot shall not be changed to another non-conforming use whatsoever. Changes in use shall be made only to a conforming use.

E. Reclassification of Territory

The provisions pertaining to non-conforming uses of land and buildings shall also apply to land and buildings which hereafter become non-conforming due to an amendment in the Zoning Ordinance.

F. Permit Granted Prior to Passage of this Ordinance or Amendment Thereto

Notwithstanding the issuance of a permit therefor, no building which becomes non-conforming upon the passage of this Ordinance or which becomes non-conforming due to an amendment to this Ordinance shall be built unless construction has taken place thereon to the extent of at least \$500 in replaceable value by the date on which this Ordinance or said amendment becomes effective. Replaceable value shall be construed to mean the expenditure necessary to duplicate the materials and labor at market prices.

02.0703 Non-conforming Lots of Record

Notwithstanding any other provision of this Ordinance, a one-family dwelling may be permitted on any lot of record in any zone in which dwellings are permitted, even though such lot fails to meet the area or width requirements for one-family dwellings within the zone, provided that where two or more contiguous lots of record having continuous frontages are owned by the same person at the time of the passage of the controlling ordinance, the land included in the lots shall be considered to be an undivided parcel and no portion of said parcel shall be used as a dwelling site or sold which does not meet the area and width requirements of the zone in which the lot is located. Yard dimensions and other requirements not involving area or width shall conform to the regulations of the zone in which the lot is located except when granted a variance by the Board of Adjustment.

02.0704 Annexations

All land hereafter annexed to the city shall be classified in the RA-2 Agricultural Zone until the Planning Commission shall submit its recommendations for the zoning of the land to the City Council and until the City Council shall hold a public hearing thereon as required for amendments to the Zoning Ordinance and map.

02.0705 Amendments to Ordinance and Map

This Zoning Ordinance, including the map, may be amended as hereinafter provided.

A. Intent with Respect to Amendments

It is hereby declared to be public policy that this ordinance shall not be changed except to correct manifest errors or to more fully carry out the intent and purpose of the Comprehensive Plan of the City and of this Ordinance.

B. Procedure

Any person seeking an amendment of this Zoning Ordinance 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 of \$25.00 to the city. Upon receipt of the petition and the paying 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 thirty (30) days shall be deemed to constitute 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 amendment to this ordinance.

C. Public Hearing Required Before Amending-Notice

Amendments to this Ordinance may be adopted only after a public hearing in relation thereto before the city council at which parties in interest and citizens shall have an opportunity to be heard. A notice of the time and place of such hearing shall be published in a newspaper of general circulation within the area in which newspapers are published or where no newspaper is published then by posting said notice in three public places within the city. Said notice shall be published or posted at least fifteen (15) days before the date of hearing, as required by law.

D. Before publishing any amendment to this ordinance which involves the creation of any new zone, said amendment should be submitted to the secretary of the Wasatch County Council of Governments for coordination and certification.

02.0800 ESTABLISHMENT OF ZONES

02.0801 Zones Established

In order to carry out the purposes of this Ordinance, Heber City, Utah, is hereby divided into zones as follows:

A-2	Agricultural Zone	R&D-1	Research & Development Zone
C-2	Commercial Residential Zone	R-1	Residential Zone
C-3	Central Commercial Zone	R-2	Residential Zone
C-4	General Commercial Zone	R-3	Residential Zone
I-1	Industrial Zone	RA-2	Residential Agricultural Zone

02.0802 Official Zone Map

The location and boundaries of each of the zones are shown on the Official Zone Map of Heber City, Utah, and said Map is hereby declared to be an official record and a part of this Ordinance.

Whenever amendments or changes are made in zone boundaries such amendments or changes shall be made 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.

No changes of any nature shall be made in the Official Zone Map except in conformity with the procedure set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided in this Ordinance.

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 _____ shall be the final authority in determining current zoning status.

02.0803 Boundaries of Zones

Where uncertainty exists with respect to the boundaries of various zones, the following rules shall apply:

- A. Where the intended boundaries on the zone map are approximately street or alley lines, said streets or alleys 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, the zone boundary shall be determined by the use of the scale of measurement shown on the map.
- D. Where other uncertainty exists, the board of adjustment shall interpret the map.

10.02.0900 REGULATIONS WITHIN ZONES

Within each of the zones, the use, location, height, and size of buildings and structures; the use of land and size of lots, yards, courts, and other open spaces; and the density of population are regulated as hereinafter set forth.

02.0902.00 A-2 AGRICULTURAL ZONE

02.0902.01 Objectives and Characteristics of Zone

The A-2 Agricultural Zone has been established for the primary purpose of providing a location where the cultivation of crops and the raising and keeping of livestock and related uses can be carried on and where such uses can be protected and encouraged. While dwellings and certain other uses are not related to agriculture are permitted, such development is not encouraged in the A-2 Agricultural Zone because of the conflict which occurs between farm and non-farm uses. For this reason, owners or developers of land should bear in mind that primacy is given in this zone to agriculture and livestock raising and any development should be undertaken in recognition thereof.

The A-2 Agricultural Zone is characterized by dwellings situated on large lots and tracts of land which are devoted to the growing of crops and the pasturing and care and keeping of animals and fowl. Caretaker or owner occupied dwellings situated on the large lots and tracts of land are also characteristic of this zone. In order to accomplish the objectives and purposes of this ordinance and to stabilize and protect the essential characteristics of the zone, the following regulations shall apply in the A-2 Agricultural Zone.

02.0902.02 Use Requirements

The following buildings, structures, and uses of land shall be permitted in the A-2 Agricultural Zone upon compliance with requirements set forth in this Ordinance:

- A. Agriculture.
- B. The raising, care, and keeping of animals and fowl in unlimited numbers, except for hogs in numbers exceeding twenty-five (25) head.
- C. Barns, corrals, pens, coops and feed storage buildings for the keeping of animals and fowl and the storage of farm products.
- D. One-family dwellings and buildings accessory thereto when located on a lot containing at least five (5) acres.
- E. Home occupations and premises occupations subject to Section 02.0628 of this ordinance when approved by the Board of Adjustment.
- F. Vegetable and fruit packing and processing plants, farm machinery storage sheds, fur farms, plant nurseries and animal hospitals.

- G. Day-care nurseries which have been approved by the State Division of Health and the State Welfare Department; also boys' ranches subject to approval of the State Welfare Department.
- H. Rest homes subject to approval of the County Health Department and the State Welfare Department.
- I. Public parks and playgrounds, hunting and fishing reserves, wildlife sanctuaries, and arboretums.
- J. Residential subdivisions in which all lots contain over five (5) acres of land, subject to the requirements set forth in the subdivision ordinance of Heber City, Utah. Also, planned unit developments when approved by the Planning Commission and Town Board. Density shall not exceed one dwelling unit per five acres of land.
- K. Kennels, riding academies, beehives and fisheries.
- L. Fences, walls, and hedges, railroad tracks.
- M. Water reservoirs, ponds, dams, water pumping plants and pipe lines, water facilities, public utility buildings and structures (except power plants), flood control structures, transmission lines, substations, also sewage treatment plants subject to review and approval of the State Division of Health.
- N. Temporary buildings and yards for the storage of construction materials and equipment incidental and accessory to construction of uses otherwise permitted in the zone. A permit therefor shall be valid for not more than one (1) year and shall not be renewable for more than two (2) successive periods of time at the same location.
- O. Schools, churches, monasteries and similar institutions.
- P. Cemeteries, public and private, subject to the laws of the State of Utah, when approved by the Board of Adjustment.
- Q. Accessory advertising signs not exceeding fifteen (15) square feet in area, provided such sign is maintained in good repair, also name plates not exceeding 226 square inches in area.
- R. Golf courses containing at least ten (10) acres. A golf club house may be permitted when part of a permitted golf course containing at least forty-five (45) acres of land.
- S. Other uses ruled by the Board of Adjustment to be similar to uses specifically permitted in the zone and which will harmonize with the objectives and characteristics of the A-2 Agricultural Zone.

02.0902.03 Area Requirements

Each dwelling, day-care nursery, rest home, or boys' ranch shall be located on a lot containing at least five (5) acres of land. For other uses, there shall be no area requirements.

02.0902.04 Width Requirements

The minimum width of any building site for a dwelling shall be three hundred thirty (330) feet. For uses other than dwellings, there shall be no width requirements.

02.0902.05 Location Requirements

- A. Front Setback--All buildings and structures shall be set back at least thirty (30) feet from the front lot line, or fifty-five (55) feet from the center line of the road.
- B. Side Setback--All dwellings shall be set back from the side property line a distance of at least ten (10) feet, and the total distance of the two side setbacks shall be at least twenty-four (24) feet. The minimum side setback for accessory buildings shall be the same as for main buildings, except that a three (3) foot side setback shall be required for accessory buildings which are located more than one hundred (100) feet from the front lot line and at least twelve (12) feet in the rear of any dwelling. On corner lots, the side setback from any street shall not be less than thirty (30) feet for both main and accessory buildings.
- C. Rear Setback--For interior lots, all dwellings and other main buildings shall be set back from the rear property line a distance of at least thirty (30) feet. Accessory buildings on interior lots shall be set back not less than ten (10) feet from the rear property line, except that no rear setback shall be required for accessory buildings having fire-resistive walls of two (2) hours or more. For corner lots, all dwellings and other main buildings shall be set back from the rear property line a distance of at least thirty (30) feet, except that for dwellings having an attached garage or carport, the setback shall not be less than twenty (20) feet. Accessory buildings on corner lots shall be set back from the rear property line a distance of not less than ten (10) feet.

02.0902.06 Special Provisions

The following special provisions shall apply in this zone in order to protect its essential characteristics and to promote the purposes of this ordinance.

- A. For the purpose of determining front, side, and rear setback requirements, any separate building situated within twelve (12) feet from a dwelling or other main building shall be considered as a part of the main building and not as an accessory building.

02.0902.07 See also Supplementary Requirements and Procedures Applicable Within Zones.

02.0912.00 C-2 ~~COMMERCIAL-RESIDENTIAL~~ ZONE

0912.01 Objectives and Characteristics of Zone

The objectives in establishing the C-2 Commercial-Residential zone are:
(1) to facilitate the development of attractive entrances to the city,
(2) to reduce the conflict between commercial and residential uses of land along principal highways adjacent to the central commercial districts,
(3) to facilitate the orderly expansion of commercial uses out from the central commercial district.

The C-2 Commercial-Residential zone is characterized by attractive and well maintained commercial and residential buildings set back from public streets and surrounded by landscaped yards. In order to accomplish the objectives and purposes of this Ordinance and to stabilize and protect the essential characteristics of the zone, the following regulations shall apply in the C-2 Commercial-Residential Zone:

0912.02 Use Regulations

The following uses shall be permitted in the C-2 Commercial-Residential Zone upon compliance with requirements set forth in this Ordinance.

- A. Retail establishments and service enterprises.
- B. Office buildings, clinics.
- C. Assembly of appliances from previously prepared parts.
- D. Auto body and fender shops, auto painting.
- E. Beer parlors and alcohol dispensing establishments.
- F. One and two-family dwellings, apartment houses.
- G. Electrical appliance shops (wholesale).
- H. Engraving and printing establishments.
- I. Fraternity buildings, clubs, lodges.
- J. Funeral establishments, mortuaries, wedding chapels.
- K. Garages and used car lots.
- L. Gymnasium or physiculture establishments.
- M. Home occupations (board of adjustment approval not required).
- N. Hospitals.
- O. Pawnshops.

- P. Hotels, cafes, food drive-ins, office
- Q. Parking lots (commercial) .
- R. Revival tents (temporary).
- S. Service stations.
- T. Schools and other public buildings.
- U. Secondhand stores.
- V. Accessory signs and billboards.
- W. Public Utility Building,
- X. Stone and monument sales establishments.
- Y. Taxidermy shops.
- Z. Tire recapping (all activities inside of a building).
- AA. Wholesale establishments with stock on premises but excluding establishments whose principal activity is that of a storage warehouse.
- BB. Recreation vehicle courts subject to requirements set forth in Section 02.1004 of this Ordinance.
- CC. Other uses similar to the foregoing uses which are ruled by the Board of Adjustment to be in harmony with the intent of this zone.

0912.03 Area, Width and Location Requirements

There shall be no area, width, and location requirements for commercial and service buildings and structures, except for gasoline pumps and except that all buildings and structures shall be set back at least thirty (30) feet from any public street.

For buildings arranged, intended, or designed primarily for residential use, area, width, and location requirements shall be the same as for dwellings in the R-3 zone, except that no area and width requirements shall apply to dwellings located above the ground floor when said ground floor is devoted exclusively to a commercial or service use permitted in the zone.

0912.04 Special Provisions

- A. A strip of land at least fifteen (15) feet in width adjacent to all public streets shall be landscaped as set forth in sections 02.0623 and 02.0624 of this Ordinance except for permitted driveways.

- B. No dust, odor, smoke, vibration, or intermittent light, glare or noise shall be emitted which is discernible beyond the premises except for normal traffic movements.
- C. Storage of all merchandise, material, and products shall be carried on within a building or within an area enclosed with a sight obscuring fence or wall except for vehicles in running order.
- D. All off-street parking shall be hard surfaced.

0912.05 Supplementary Regulations

See also supplementary requirements and measures applicable within Zones.

0914.01 Objectives and Characteristics of Zone

The C-3 Central-Commercial Zone has been established as a district in which the primary use of the land is for business purposes. The area covered by this zone is now and it is intended that it shall continue to be the dominant shopping and financial central of the city and surrounding territory. For this reason the zone has been located in the central part of the city where the street pattern makes the business buildings readily accessible to all parts of the city and surrounding region and where business and shopping activities can be carried on with maximum convenience. The C-3 zone is characterized by wide, clean, well-lighted streets, ample pedestrian ways, and vehicular parking lots for the convenience and safety of the public. Attractive, inviting and well-maintained shops, stores, offices and other buildings are also characteristic of this zone.

Representative of the uses in this zone are banks, hotels, office buildings, theaters, and a wide variety of retail outlets. In order to accomplish the objectives and purposes of this Ordinance and to promote the characteristics of this zone, the following regulations shall apply in the C-3 zone.

0914.02 Use Regulations

The following uses shall be permitted in the C-3 Central Commercial zone:

- A. Any use permitted in the C-2 Commercial-Residential zone except for the following uses:
1. Dwellings and apartment houses, provided that dwellings above the ground floor shall be permitted.
 2. Recreational vehicle courts,

0914.03 Area, Width, and Location Requirements

There shall be no area, width, and location requirements for commercial buildings and structures constructed in accordance with the building code, except for gasoline pumps.

0914.04 Special Provisions

- A. All merchandise, equipment, and other materials (except for seasonal items sold on a temporary basis such as nursery stock and Christmas trees and vehicles in running order) shall be stored within an enclosed building or shall be stored within an enclosed fence or wall at least six (6) feet in height.
- B. No dust, odor, smoke, vibration, or intermittent light, glare, or noise shall be emitted which is discernible beyond the premises except for normal traffic movements.
- C. All off-street parking shall be hard-surfaced.
- D. All buildings located adjacent to major streets shall have at least one entrance-way facing onto said street.

0914.05 Supplementary Regulations

See also supplementary requirements and procedures applicable within the

02.0916.00 C-4 GENERAL COMMERCIAL ZONE

0916.01 Objectives and Characteristics of Zone

The C-4 General Commercial Zone has been established as a district in which the primary use of the land is for business and light industrial purposes. While the area covered by this zone is now used as sites for dwellings, contractors yards, pasturing of animals, and for retail and highway services uses, it is intended that the future use of the land will be restricted to retail, wholesale, light industrial, and highway services uses.

The C-4 zone is characterized by wide, clean, well-lighted and landscaped streets, ample pedestrian ways, and large vehicular parking lots for the convenience and safety of the public. Long street frontages and low density commercial and industrial buildings are also characteristic of the zone.

In order to accomplish the objectives and purposes of this Ordinance and to promote the characteristics of this zone, the following regulations shall apply in the C-4 zone.

0916.02 Use Regulations

The following uses shall be permitted in the C-4 General Commercial Zone:

- A. Any use permitted in the C-3 zone.
- B. Auction Houses.
- C. Caretaker dwellings.
- D. Hay, grain, and livestock feed sales establishments.
- E. Manufacturing, compounding, and processing.
- F. Hotels, cafes, filling stations.
- G. Plumbing shops, carpenter shops, hardware and retail lumber yards.
- H. Pasturing of animals.
- I. Recreation vehicle courts, subject to requirements in Section 02.1004.
- J. Used-car sales lots and farmequipment sales establishments.
- K. Warehouses, trucking and storage buildings.
- L. Welding and sheet metal shops.
- M. Fences and walls.
- N. Accessory buildings.
- O. Accessory and non-accessory signs.

Other uses similar to the foregoing uses which are interpreted by the Board of Adjustment to be in harmony with the intent of the zone.

0916.03 Area, Width, and Location Requirements

Same as in the C-2 Commercial-Residential Zone.

0916.04 Special Provisions

Same as in the C-2 Commercial-Residential Zone.

0916.05 Supplementary Regulations

See also supplementary requirements and procedures applicable within the zone.

02.0933.00 I-1 INDUSTRIAL ZONE

02.0933.01 Objectives and Characteristics of the Zone

The I-1 Industrial Zone has been established for the primary purposes of providing a location where manufacturing, processing, warehousing and fabrication of goods and material 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.

This zone is characterized by a mixture of industrial, manufacturing and processing establishments with intermittent open land that is served by streets, power, water and other utilities and facilities or where such facilities can be readily provided.

In order to accomplish the objectives and purposes of this Ordinance and to stabilize and protect the essential characteristics of this zone, the following regulations shall apply in the I-1 Industrial Zone.

02.0933.02 Use Requirements

The following buildings, structures and uses of land shall be permitted in the I-1 Industrial Zone upon compliance with requirements as set forth in this Ordinance:

- A. Manufacturing, compounding, processing, packaging, fabrication and warehousing of goods and materials, except the processing of animal by-products and livestock feed yards, and except steel manufacturing and similar establishments which omit offensive fumes, smoke, noise, odor, etc.
- B. Asphalt and concrete mixing plants, coal yards, earth moving and equipment storage, gas and oil storage facilities, public buildings and public utility buildings, craft shops, tire recapping establishments, accessory signs.
- C. Caretakers' dwellings when incidental to and located on the same lot or parcel of land as a principal use permitted in the zone.
- D. Agriculture, farm machinery storage sheds, vegetable and fruit packing and processing plants, and livestock.
- E. Water wells, utility transmission lines, dams, pumping plants, power plants, sewage treatment plants subject to review and approval of the State Division of Health.
- F. Fences, walls, and hedges.
- G. Retail commercial uses and cafes.
- H. Accessory buildings and parking lots incidental and accessory to other permitted uses.

- I. Other uses ruled by the Board of Adjustment to be similar to uses specifically permitted in the zone and which will harmonize with the objectives and characteristics of the I-1 Industrial Zone.

02.0933.03 Area Requirements

There shall be no area requirements, except that an area sufficient to accommodate location requirements off-street parking, loading and unloading and vehicular access shall be provided and maintained.

02.0933.04 Width Requirements

No requirements

02.0933.05 Location Requirements

All buildings shall be set back at least fifty-five (55) feet from the center of any road or thirty (30) feet from the right-of-way line, whichever is the greater distance.

02.0933.06 Height and Size Requirements

No requirements

02.0933.07 Special Provisions

A landscaped strip of land at least fifteen (15) feet in width adjacent to the front property line shall be landscaped except across driveways. The front yard of any caretaker dwelling shall also be landscaped.

02.0933.08 See also Supplementary Requirements and Procedures Applicable Within Zones.

02.0941.00 R&D-1 RESEARCH & DEVELOPMENT ZONE

02.0941.00 OBJECTIVES AND CHARACTERISTICS OF ZONE

The R&D-1 Research & Development Zone has been established as a district in which the primary use of the land is for research and manufacturing purposes. While the land within this zone is relatively open and undeveloped, it is intended that the land will be developed and used for its primary purposes as the need for such uses arise.

This zone is characterized by attractively designed buildings and off-street parking lots situated among spacious lawns, trees, shrubs, and other landscape features. Most distinguishing about the zone is the park-like appearance of the grounds surrounding the buildings.

As a means of attracting research and manufacturing establishments and other permitted uses into this zone, regulations designed to encourage and maintain an attractive park-like environment have been adopted. Also, dwellings and other uses which tend to thwart or prevent the use of land for the purposes permitted in this zone have been excluded.

In order to accomplish the objectives and purposes of this Ordinance and to promote the characteristics of this zone, the following regulations shall apply in the R&D-1 Research & Development Zone.

02.0941.02 USE REQUIREMENTS

The following uses shall be permitted in the R&D-1 Zone:

- A. Public and private research establishments.
- B. Manufacturing, processing, and fabricating establishments, except those in which explosives or other dangerous materials are used.
- C. Laboratories, but not including activities which are hazardous by reason of explosion, fire or other danger.
- D. Office buildings which are incidental to and accessory to permitted uses.
- E. Parking lots incidental and accessory to permitted uses.
- F. Public buildings, public recreational buildings, public utilities buildings.
- G. Schools--academic and vocational.
- H. Churches.

- I. Caretaker dwellings which are incidental and necessary to a use otherwise permitted on the lot
- J. Accessory buildings.
- K. Non-flashing identification signs, for the purpose of identifying the premises, provided such signs are attached to a main building and do not extend more than four (4) feet from any part of said building.

02.0911.03 AREA REQUIREMENTS

No single RFD-1 Zone shall contain less than ten (10) acres; however, there shall be no requirements for individual buildings or lots within the zone, except that the area shall be sufficient to provide for setbacks, landscaping, and off-street parking.

02.0911.04 LOCATION REQUIREMENTS

All buildings shall be set back a distance of at least thirty (30) feet from public streets and at least fifteen (15) feet from any RFD-1 Zone boundary line, provided that the portion of any building having a height of greater than 30 feet from the front lot line, shall be set back from said front lot line an additional foot for every foot of height above thirty (30) feet.

02.0911.05 SPECIAL PROVISIONS

A. MAINTENANCE OF PREMISES

No dust, odors, smoke, vibration, intermittent light, glare, noise, fumes, ash or sound shall be emitted, which is discernible beyond the premises, except that which arises due to normal vehicular traffic movements.

B. STORAGE

All storage and activities, except loading and unloading and automobile parking, shall be conducted within a building or within a solid masonry or sight-obscuring metal fence enclosure of at least eight (8) feet in height. All waste materials shall be kept in approved containers and stored so that the containers cannot be seen from any public street.

C. LANDSCAPING

1. All land not covered by buildings or by off-street parking space shall be planted into lawn, trees, or shrubs, and otherwise landscaped and maintained in accordance with good landscape practice.
2. The required 30-foot setback space shall not be used for automobile parking, but shall be landscaped and maintained with lawns, trees, and shrubs, except for permitted driveways.

D. All buildings on any lot shall not occupy more than twenty (20) per cent of the total area of any lot.

02.0911.06 See also supplementary requirements and procedures applicable within the zones.

02.0950.00 R-1 RESIDENTIAL ZONE

02.0950.01 Objectives and Characteristics of Zone.

The objective in establishing the R-1 Residential Zone is to encourage the creation and maintenance of residential areas within the city which are characterized by large lots on which single-family dwellings are situated, surrounded by well-kept lawns, trees and other plantings. A minimum of vehicular and pedestrian traffic and quiet residential conditions favorable to family living and the rearing of children shall also be characteristic of this zone.

In order to accomplish the objectives and purposes of this ordinance and to promote the characteristics of this zone, the following regulations shall apply in the R-1 Residential Zone.

02.0950.02 Use Requirements

The following uses shall be permitted in the R-1 Residential Zone:

- A. One-family dwellings and the following accessory buildings and structures: private garage and/or carport for the storage of automobiles owned by persons residing on the premises; green houses for private use only; private swimming pools; pergolas and arbors.
- B. Planned unit developments subject to the requirements and conditions set forth in Section 02-1000 of this ordinance relating to large scale developments.
- C. Fences, walls and hedges which do not exceed seven (7) feet in height provided that no fence, wall or hedge shall exceed four (4) feet in height within the required front or side yard that fronts on a street.
- D. Customary household pets, including but not limited to cats, dogs and canaries; but not including the breeding of dogs and cats for sale.
- E. Public schools, public libraries, public parks, playgrounds, recreation buildings and churches, but not temporary revival tents or buildings.
- F. Agriculture and the pasturing of animals only.
- G. Temporary buildings and yards for the storage of materials and equipment incidental to the construction of dwellings and other permitted uses provided, however, that a permit for such temporary building shall not be effective for more than one year.
- H. Home occupations.

02.0950.03 Area Requirements

An area of not less than ten thousand (10,000) square feet shall be provided and maintained for each one-family dwelling and uses accessory thereto.

An area of not less than **four (4)** acres shall be provided and maintained for each planned unit development except that there shall be no area requirements for additions to an approved planned unit development. An area of not less than two (2) acres shall be provided and maintained for each main church building.

02.0950.04 Width Requirements

The minimum width of any building site for a dwelling shall be one hundred (100) linear feet.

02.0950.05 Location Requirements

- A. Front Setback--All buildings and structures shall be set back at least thirty (30) feet from the front lot line, or fifty-five (55) feet from the center line of the road.
- B. Side Setback--All dwellings shall be set back from the side property line a distance of at least ten (10) feet, and the total distance of the two side setbacks shall be at least twenty-four (24) feet. The minimum side setback for accessory buildings shall be the same as for main buildings, except that a three (3) foot side setback shall be required for accessory buildings which are located more than one hundred (100) feet from the front lot line and at least twelve (12) feet in the rear of any dwelling. On corner lots, the side setback from any street shall not be less than thirty (30) feet for both main and accessory buildings.
- C. Rear Setback--For interior lots, all dwellings and other main buildings shall be set back from the rear property line a distance of at least thirty (30) feet. Accessory buildings on interior lots shall be set back not less than ten (10) feet from the rear property line, except that no rear setback shall be required for accessory buildings having fire-resistive walls of two (2) hours or more. For corner lots, all dwellings and other main buildings shall be set back from the rear property line a distance of at least thirty (30) feet, except that for dwellings having an attached garage or carport, the setback shall not be less than twenty (20) feet. Accessory buildings on corner lots shall be set back from the rear property line a distance of not less than three (3) feet.

02.0950.06 Special Provisions

The following special provisions shall apply in this zone in order to protect its essential characteristics and to promote the purposes of this Ordinance.

- A. For the purpose of determining front, side and rear setback requirements, any separate building situated within twelve (12) feet from a dwelling or other main building shall be considered as a part of the main building and not as an accessory building.
- B. The ground floor area of all dwellings shall be at least one thousand two hundred (1,200) square feet.
- C. The maximum density in a planned unit development shall not exceed five dwelling units per acre of land contained within the development.
- D. All buildings for human occupancy shall be connected to the city's sewage collection system.

02.0950.07 See Supplementary Requirements and Procedures Applicable within Zones.

02.0954.00 R-2 RESIDENTIAL ZONE

02.0954.01 Objectives and Characteristics of Zone

The objective in establishing the R-2 Residential Zone is to provide a residential environment within the city which is characterized by smaller lots and somewhat denser residential environment than is characteristic of the R-1 Residential Zone. Nevertheless this zone is characterized by spacious yards and other residential amenities adequate to maintain desirable residential conditions. The principal uses permitted in this zone shall be one and two family dwellings and certain other public facilities needed to promote and maintain stable residential neighborhoods.

In order to accomplish the objectives and purposes of this Ordinance, and to promote the essential characteristics of this zone, the following regulations shall apply in the R-2 Residential Zone.

02.0954.02 Use Requirements

The following uses shall be permitted in the R-2 Residential Zone:

- A. Any use permitted in the R-1 Zone
- B. Two-family dwellings
- C. Child day care centers and foster family care homes

02.0954.03 Area Requirements

An area of not less than eight thousand (8,000) square feet shall be provided and maintained for each one-family dwelling and uses accessory thereto. For two family dwellings, child day care centers, and foster family care homes the building site shall contain at least ten thousand (10,000) square feet.

An area of not less than four (4) acres shall be provided and maintained for each planned unit development except that there shall be no area requirements for additions to an approved planned unit development. An area of not less than two (2) acres shall be provided and maintained for each main church building.

02.0954.04 Width Requirements

The minimum width of any building site for a dwelling shall be eighty (80) linear feet, except when a building site is situated in an approved large scale development permitted in the R-2 Zone.

02.0954.05 Location Requirements

Same as in the R-1 Zone.

02.0954.06 Special Provisions

The following special provisions shall apply in this zone in order to protect its essential characteristics and to promote the purposes of this Ordinance.

- A. For the purpose of determining front, side, and rear setback requirements, any separate building situated within twelve (12) feet from a dwelling or other main building shall be considered as a part of the main building and not as an accessory building.
- B. The ground floor area of all dwellings shall be at least seven hundred fifty (750) square feet.
- C. The maximum permitted density of planned unit developments and mobile home parks shall be eight (8) dwelling units per acre of land contained within the development.

02.0954.07 See also Supplementary Requirements and Procedures Applicable within Zones.

02.0956.00 R-3 RESIDENTIAL ZONE

02.0956.01 Objectives and Characteristics of Zone

The objective in establishing the R-3 Residential Zone is to provide appropriate locations within the city for high density residential development. In general this zone is located in the central part of the city, adjacent to commercial areas where the impact of vehicular travel and parking is consonant with adjacent use of land, and where multiple dwellings can best be supplied with necessary public facilities. This zone is characterized by more compact development and somewhat higher volumes of traffic than is characteristic of the R-1 and R-2 Zones.

Representative of the uses within the R-3 Zone are one, two, three, and four-family dwellings and apartment houses, and related community facilities. However, commercial and industrial uses are prohibited therein.

Owners and developers of property should bear in mind that privacy is given to multiple family dwellings, boarding houses, rest homes and other high density residential uses, and should develop and maintain their property in recognition thereof.

In order to accomplish the objectives and purposes of this ordinance, and to promote the characteristics of this Zone the following regulations shall apply in the R-3 Residential Zone:

02.0956.02 Use Requirements

The following uses shall be permitted in the R-3 Residential Zone:

- A. Any use permitted in the R-2 Residential Zone.
- B. Apartment houses and other multiple dwellings.
- C. Court apartments.
- D. Boarding and rooming houses.
- E. Clubs, and lodges (non-profit) not including those carried on primarily as a business.

02.0956.03 Area Requirements

An area of not less than sixty-five hundred (6,500) square feet shall be provided and maintained for each one-family dwelling and one thousand three hundred (1,300) additional square feet shall be provided for each additional dwelling unit. Schools, churches, boarding houses,

02.0956.03 Area Requirements (Continued)

and other main buildings shall have a building site area of at least sixty-five hundred (6,500) square feet plus five (5) additional square feet for each additional square foot of floor space in the building in excess of one thousand (1,000) square feet.

An area of not less than **four (4)** acres shall be provided and maintained for each planned unit development except that there shall be no area requirements for additions to an approved planned unit development. An area of not less than **two (2)** acres shall be provided and maintained for each main church building.

02.0956.04 Width Requirements

The minimum width of any building site for a one-family dwelling or other main building shall be 65 linear feet plus eight (8) additional linear feet for each additional dwelling unit measured at a distance of 30 feet back from the front lot line.

02.0956.05 Location Requirements

Same as in the R-1 Residential Zone.

02.0956.06 Special Provisions

The following special provisions shall apply in this **Zone** in order to protect its essential characteristics and to promote the purposes of this Ordinance.

- A. For the purpose of determining front, side and rear setback requirements, any separate building situated within twelve (12) feet from a dwelling or other main building shall be considered as a part of the main building and not as an accessory building.
- B. The maximum permitted density of planned unit developments shall be **ten (10)** units per acre of land contained within the development.

02.0956.07 See Supplementary Requirements and Procedures Applicable Within Zones.

02.0960.00 RA-2 RESIDENTIAL-AGRICULTURAL ZONE

02.0960.01 Objectives and Characteristics of the Zone

The RA-2 Residential-Agricultural Zone has been established for the primary purpose of providing a location where residential development associated with limited numbers of livestock can be maintained. This zone is currently characterized by large lots or tracts of land interspersed by dwellings, barns, corrals and agricultural service buildings used in connection with farming operations. While the zone is thus characterized, it is intended that the land within this zone shall be further developed into a residential environment exclusive of animals and fowl. Builders and developers of property should bear in mind therefore that privacy is given in this zone to residential development and that the raising of animals and fowl will likely be curtailed as residential development takes place.

In order to accomplish the objectives and purposes of this Ordinance and to stabilize and protect the essential characteristics of this zone, the following regulations shall apply in the RA-2 Residential-Agricultural Zone.

02.0960.02 Use Requirements

The following buildings, structures, and uses of land shall be permitted in the RA-2 Residential Agricultural Zone upon compliance with requirements as set forth in this Ordinance:

- A. Agriculture.
- B. One and two-family dwellings and buildings accessory thereto.
- C. Home occupations and premises occupations, subject to conditions set forth in Section 02.0628 of this Ordinance.
- D. Schools, churches, public parks and playgrounds, arboretums, public buildings.
- E. The raising, care and keeping of animals and fowl for family use and consumption.
- F. Farm machinery and farm products, storage sheds.
- G. Barns, corrals, pens, coops, sheds and feed storage buildings for the keeping of animals and fowl and the storage of farm products, provided uses for the care and keeping of livestock and fowl are located at least one hundred (100) feet distance from any existing dwelling and one hundred (100) feet from the front property lines. Also, small animal hospitals without outside runs.

- H. Mobile Home Parks and planned unit developments which are connected to a public sewer, subject to the requirements set forth in Section 02.1000 of this ordinance.
- I. Day-care nurseries which have been approved by the State Health Department and the State Welfare Department, also rest homes.
- J. Fences, walls, and hedges, railroad tracks.
- K. Water reservoirs, ponds, dams, water pumping plants and pipelines, flood control structures, public utility buildings (except power plants), water wells, utility transmission lines and substations, sewage treatment plants subject to review and approval by the State Division of Health.
- L. Accessory signs not exceeding fifteen (15) square feet in area pertaining to the sale of property or produce raised on the premises, also name plates not exceeding 226 square inches in area.
- M. Temporary buildings and yards for the storage of construction materials and equipment incidental and necessary to construction of uses otherwise permitted in the zone.
- N. Golf courses containing at least ten (10) acres. Golf club houses may be permitted when part of a permitted golf course containing at least forty-five (45) acres of land.
- O. Cemeteries, public and private, subject to the laws of the State of Utah when approved by the Board of Adjustment.
- P. Other uses ruled by the Board of Adjustment to be similar to uses specifically permitted in the zone and which will harmonize with the objectives and characteristics of the RA-2 Residential-Agricultural Zone.

02.0960.03 Area Requirements

Same as R-2.

02.0960.04 Width Requirements

Same as R-2.

02.0960.05 Location Requirements

- A. Front Setback--All buildings and structures shall be set back at least thirty (30) feet from the front lot line, or fifty-five (55) feet from the center line of any public street whichever is greater.

- B. Side Setback--All dwellings shall be set back from the side property line a distance of at least ten (10) feet, and the total distance of the two side setbacks shall be at least twenty-four (24) feet. The minimum side setback for accessory buildings shall be the same as for main buildings, except that a three (3) foot side setback shall be required for accessory buildings which are located more than one hundred (100) feet from the front lot line and at least twelve (12) feet in the rear of any dwelling. On corner lots, the side setback from any street shall not be less than thirty (30) feet for both main and accessory buildings.
- C. Rear Setback--For interior lots, all dwellings and other main buildings shall be set back from the rear property line a distance of at least thirty (30) feet. Accessory buildings on interior lots shall be set back not less than ten (10) feet from the rear property line, except that no rear setback shall be required for accessory buildings having fire-resistive walls of two (2) hours or more. For corner lots, all dwellings and other main buildings shall be setback from the rear property line a distance of at least thirty (30) feet, except that for dwellings having an attached garage or carport, the setback shall not be less than twenty (20) feet. Accessory buildings on corner lots shall be setback from the rear property line a distance of not less than three (3) feet.

02.0960.06 Size of Dwellings

The ground floor area of any one and two-family dwelling shall be not less than one thousand (1,000) square feet except as may be approved in a large scale development.

02.0960.07 Special Provisions

For the purpose of determining front, side, and rear setback requirements, any separate building situated within twelve (12) feet from a dwelling, or other main building shall be considered as a part of the main building and not as an accessory building.

The maximum density in a planned unit development shall not exceed five units per acre contained in the development.

02.0960.08 See also Supplementary Requirements and Procedures Applicable within the Zones.

02.1000 LARGE SCALE DEVELOPMENT

02.1000.01 Intent

The intent of this title is (1) to provide for the construction of certain large scale developments which will permit increased flexibility in land development, increased efficiency in the use of land and a more satisfactory living environment than can be obtained under traditional lot by lot development, and (2) to establish minimum standards and procedures for the construction and maintenance of such developments.

02.1000.02 Permitted Large Scale Developments

The following large scale developments shall be permitted upon compliance with the regulations set forth herein but only in the zones in which such large scale developments are specifically permitted.

- A. Mobile home parks
- B. Recreational vehicle courts.
- C. Planned unit developments

02.1002.01 Mobile Home Parks

Any person wishing to construct a mobile home park shall obtain, from the planning and zoning administrator, information pertaining to the city's plan of land use, streets, public facilities, and other requirements affecting the land within the development. Before a permit can be issued for any construction connected with a mobile home park, the preliminary plans, required documents pertaining to the development, and the final plan shall have been approved as hereinafter set forth.

02.1002.02 Preliminary Plans and Documents

The preliminary plan and documents shall be prepared and submitted as follows:

A. Plan Requirements

Three (3) copies of a preliminary plan must be submitted to the planning and zoning administrator at least two (2) weeks prior to the meeting of the planning commission at which the plan will be considered. The preliminary plan shall be drawn to a scale not smaller than one inch equals one hundred feet or as recommended by the planning and zoning administrator and shall show the following information:

1. The topography represented by contours shown at no greater intervals than two (2) feet when required by the planning commission.
2. The proposed street and mobile home space layout.
3. Proposed reservations for parks, playgrounds, and open spaces.
4. Size and character of recreation buildings and other structures associated with land and facilities to be used by the mobile home park occupants.
5. Layout of typical mobile home spaces.
6. Tabulations showing:
 - (a) area of land within the mobile home park
 - (b) number of mobile homes permitted
 - (c) number of mobile homes provided for in the mobile home park
 - (d) per cent of area to be devoted to parks and playgrounds
 - (e) number of offstreet parking spaces
7. Proposed location of offstreet parking spaces.
8. Areas to be landscaped.
9. Location of existing and proposed utility lines and easements, water and sewer lines, fire hydrants, storm drains and facilities, curbs, garbage pick-up stations and other improvements.
10. Draft of proposed documents including:
 - (a) management policies, covenants, and restrictions
 - (b) maintenance agreement
11. Typical street cross-sections.
12. Any other data that the planning commission may require.
13. Standards and Requirements

Mobile home parks shall conform to the following standards and requirements:

1. The area shall be in one ownership and shall remain in one ownership and the same shall not thereafter be subdivided.
2. The final plan must be prepared by an engineer, architect, or landscape architect licensed to practice in the State of Utah.
3. The minimum initial site size for a mobile home park shall be four (4) acres.
4. The mobile homes may be clustered and individual mobile home site sizes may be reduced below that required for single family dwellings within the zone in which the development is located provided that the gross density of mobile home units within the development does not exceed eight (8) units per acre and that all lots or spaces are served by an approved central utility water system and a central sewage disposal system which complies with the requirements of the Board of Health.
5. The land area which is not contained in individual lots, roads, or automobile parking areas shall be set aside and developed as parks, playgrounds and service areas for the common use and enjoyment of the occupants of the mobile home park.
6. No less than ten per cent of the gross area of the mobile home park shall be set aside for common use of the mobile home park occupants, which land shall be located in the central part of the park. The land covered by vehicular roadways, sidewalks, offstreet parking and landscaped areas surrounding individual mobile home spaces which are pertinent to each mobile home and the area devoted to club houses, storage yards and other service facilities shall not be construed as being part of the area required for parks and playgrounds.
7. No mobile home or add-on shall be located closer than fifteen (15) feet from the nearest portion of any other mobile home or add-on.
8. All area not covered by mobile homes, buildings, parking space, or driveways shall be planted in lawn, trees, and shrubs, or otherwise landscaped within two years from date of final approval of the park except that the area set aside for common use of the mobile home park occupants shall be landscaped before any of the mobile home spaces are occupied by mobile homes.

9. All offstreet parking space and driveways shall be hardsurfaced within two years from date of approval of the park or within one year from the date of occupancy of any of the mobile home sites, whichever is the shorter period of time.
10. A strip of land at least fifteen (15) feet wide surrounding the mobile home park, except along public streets, shall be left unoccupied by mobile homes and shall be planted and maintained in lawn, shrubs, and trees designed to afford privacy to the development, provided however that a eight obscuring fence six (6) feet to eight (8) feet in height may be substituted for up to eight (8) feet of the required landscaped strip.
11. All mobile homes shall be located at least thirty (30) feet back from any public street and the resulting set back space must be landscaped except over permitted roadways. The area between the curb and gutter along the public street and the sidewalk or street right-of-way line must also be landscaped.
12. All solid waste receptacles outside of the confines of a mobile home must be housed in a closed structure compatible in design and construction to the mobile homes and to any service buildings within the mobile home park. All common or jointly used solid waste receptacles shall be located in a manner that will allow for convenient pick-up of the contents. All patios, carports, and other add-ons must also be compatible in design and construction with the mobile home and with the service buildings as approved by the planning and zoning administrator.
13. Occupancy shall be by written lease which lease shall be made available to the officials of the municipality upon demand.
14. Roadways shall be of adequate width to accommodate anticipated traffic as follows:
 - (a) for minor roads: minimum of thirty-six (36) feet in width.
 - (b) for entrance streets: minimum of forty-two (42) feet in width. All streets shall be bordered by rolled curb or equivalent and shall be hardsurfaced.

15. There shall be no more than two (2) entrances from the mobile home park into any one street, which entrances shall be no closer than twenty-five (25) feet from each other, nor closer than **one hundred twenty (120) feet to the corner of an intersection.**
16. Access shall be provided to each mobile home stand by means of an access way reserved for maneuvering mobile homes into position and shall be kept free from trees and other immovable obstructions. Paving the access way shall not be required. Use of planks, steel mats, or other means during placement of a mobile home shall be allowed so long as the same are removed immediately after placement of the mobile home.
17. Offstreet parking shall be provided at the rate of two (2) parking spaces per mobile home space contained within the mobile home park. In no case shall the parking space be located greater than one hundred (100) feet away from the mobile home space it is designed to serve, except that one-fourth (1/4) of the required parking spaces may be located not more than three hundred (300) feet away from the mobile home space it is designed to serve.
18. Mobile home parks containing not less than twenty-five (25) mobile homes may include a laundrette for the convenience of the occupants of the park but not for the general public.
19. Yard lighting. A minimum of two-tenths (0.2) foot candles of light shall be required for protective yard lighting the full length of all driveways and walkways.
20. An area of at least 100 square feet for each mobile home space contained within the park shall be provided for the storage of boats, trailers, and campers. Said storage space shall be enclosed with a sight-obscuring fence of not less than six (6) feet nor more than eight (8) feet in height.
21. In addition to meeting the above requirements and conforming to the other laws of the municipality, all mobile home parks shall also conform to the requirements set forth in the CODE OF CAMP - TRAILER COURT, MOTEL, MOTEL, AND RESORT SANITATION REGULATIONS adopted by the Utah State Board of Health, and to the city's FIRE PREVENTION CODE, which codes are hereby adopted

by reference, three (3) copies of which are filed with the office of the city clerk for use of the public and all restrictions, regulations, and notations contained therein shall be made a part of this Ordinance as if fully set forth herein. In event of any conflict between said regulation or codes and this chapter, this chapter shall take precedence.

C. Documents

Documents shall also be submitted with the preliminary plan consisting of:

1. A declaration of management policies, covenants, and restrictions setting forth the responsibilities and duties of the renters or occupants within the mobile home park.
2. An agreement between the developers and the city stating among other things:
 - (a) that the developer will construct the project in accordance with approved plans,
 - (b) that in the event of failure or neglect on the part of the owners, successors, or assigns to maintain the common areas, landscaping and other improvements in good condition, the city may perform the necessary work and for the purpose may enter in upon the land and do said work and charge the cost thereof, including reasonable attorney's fees, against the owners or their successors or assigns,
 - (c) that the contract shall be binding upon the heirs, assigns, receivers, successors of the project for the life of the buildings or the project,
 - (d) any other conditions that the planning commission deems to be reasonably necessary to insure the maintenance of a neat, tidy, and attractive mobile home park and to carry out the intent of this Ordinance.

02.1002.03 Review and Approvals

The planning commission shall review the plan and proposed documents to determine compliance with all portions of the city's comprehensive plan.

In considering a plan for a mobile home park, the planning commission, among other things, shall make sure that such developments shall constitute a residential environment of sustained desirability and stability and that it will not adversely affect amenities in the surrounding area. The planning commission may require changes to be made in the plan as submitted. They may also require additional yards with greater amounts of landscaping or parking spaces. Said changes may be imposed as conditions of approval where it is determined by the planning commission that such changes are necessary to insure that the development will meet the intent of this ordinance and will mix harmoniously with adjoining or nearby uses.

The planning commission may call a public hearing before approving an application for a mobile home park. Notice of the hearing shall be given in a newspaper of general circulation in the area at least five (5) days prior to said hearing. If approved by the planning commission, the application, with the planning commission's recommendations, shall be submitted to the city council for its approval. An application denied by the planning commission may be appealed to the city council. Said appeal must be made in writing within ten (10) days after the denial is made by the planning commission. Approval of the preliminary plan shall be valid for a period of one year.

02.1002.04 Filing Fee

A fee of \$25.00, plus \$1.00 per unit contained in the preliminary plan, shall be submitted to the city clerk.

02.1002.05 Final Site Plan

Upon approval of the preliminary plan by the city council, the developer shall submit to the planning commission a final site plan of either the entire mobile home park or the first stage of such development that is to be constructed. Such plan shall be drawn to scale, and provide, in detail, the information required under Section 02.1002.02 A, B, and C of this Ordinance, along with a landscape planting plan which has been prepared by a landscape architect registered to practice in the State of Utah.

Copies of the final approved documents shall also be recorded in the office of the planning and zoning administrator. No building permit shall be issued for said mobile home park until final plans have been approved by the planning commission and the required documents have been recorded in the office of the city recorder and also until the bond required under the terms of this Ordinance has been properly posted with the city.

02.1002.06 Final Filing Fee

A final filing fee of \$10.00 shall be submitted to the city clerk for each final site plan.

02.1002.07 Stage Construction Permitted

Development may be carried out in progressive stages in which every such stage shall be so planned that the requirements and intent of this Ordinance shall be fully complied with at the completion of each stage. No final plan for the initial stage shall cover less than four (4) acres.

02.1002.08 Guarantee of Performance

A. Type and Amount of Guarantee

In order to insure that the mobile home park will be constructed in an acceptable manner, developers shall post a bond, mortgage, or other assurance acceptable to the city council in an amount equal to the estimated cost, plus ten (10) per cent, of constructing all required landscaping, road improvements, pedestrian ways, curb and gutters, hardsurfacing, water and sewer lines and other domestic sewage disposal facilities, and common facilities as shown on the final site plan. Estimates of costs shall be prepared by the developer's engineer and submitted prior to approval of the final site plan. Said estimates shall also be checked by the planning and zoning administrator prior to acceptance of the bond by the city.

B. Duration

The duration of the bond or other assurance shall be for two (2) years from the date of approval of the final site plan of the mobile home park by the planning commission. 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 termination date of the bond.

C. Default

In the event the developer defaults or fails or neglects to satisfactorily install the required improvements within two (2) years from the date of approval of the development by the planning commission, 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 the bond or other assurance to defray the expense thereof.

D. Final Disposition and Release

The developer 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, the city council shall cause an inspection of the improvements to be made. If the conditions of said facilities is found to be satisfactory, the city council shall release 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, the city council may declare the developer in default.

02.1002.09 Continuing Obligation

Any failure on the part of the developer or his assigns to maintain the mobile home park in accordance with the approved management policies, covenants, conditions, restrictions and agreements shall be, and the same is hereby declared to be a public nuisance endangering the health, safety, and general welfare of the public and a detriment to the surrounding area and that in addition to any other remedy provided by law for the abatement or removal of such public nuisance, the city may remove or abate the nuisance and charge the cost thereof, including reasonable attorney's fees to the owners as provided by Chapter 11 of Title 19, Utah Code Annotated, as amended.

02.1002.10 Development in Common Area

An open space easement covering all common area restricting the use of the land contained therein against future building or use, except that which is in accordance with an approved awarded plan, shall be conveyed to the city as part of the documentation.

02.1004.01 Recreational Vehicle Courts

Intent. The intent of this Section shall be to promulgate minimum regulations which are designed to facilitate the development of safe and sanitary accommodations for short-term occupants.

02.1004.02 Plan and Permit Requirements

Any person wishing to construct a recreational vehicle court shall prepare a plan therefore and submit the same to the planning and zoning administrator. Before a permit can be issued for any construction connected with a recreational vehicle court, the plans must be approved as hereinafter set forth. No construction connected with said recreational

vehicle court shall be commenced until a valid permit has been obtained therefor.

A. Said plan shall show the following information:

1. The topography represented by contours shown at no greater intervals than two (2) feet when required by the planning and zoning administrator.
2. The proposed street and recreational vehicle court layout.
3. Proposed reservations for parks, playgrounds, and open spaces, if any.
4. Size and character of service and recreation buildings and other structures associated with land and facilities to be used by the recreational vehicle court occupants.
5. Proposed landscape planting plan, including type and location of plant materials.
6. Location of existing and proposed utility lines and easements, water and sewer lines, fire hydrants, and other improvements.

B. Requirements and Standards

The development of any recreational vehicle court shall conform to the following standards and requirements:

1. The area shall be in one ownership and shall remain in one ownership and the same shall not be subdivided thereafter.
2. The plan must be prepared by an engineer, land surveyor, architect, or landscape architect licensed to practice in the State of Utah.
3. Hard lighting. A minimum of two tenths (0.2) foot candles of light shall be required for protective yard lighting the full length of all driveways and walkways.
4. All roadways shall be hardsurfaced.
5. All recreational vehicle courts shall abut upon a collector or arterial street as set forth in the comprehensive plan of the city.

6. All entrances and exits from the recreational vehicle court shall be by forward motion only.
7. No exit or entrance from a recreational vehicle court shall be through a residential zone.
8. All one way roadways shall be at least sixteen (16) feet in width and all two-way roadways shall be at least twenty-four (24) feet in width.
9. All recreational vehicle spaces shall be located at least twenty (20) feet back from the right-of-way line of any public street and the resulting set-back space must be landscaped with lawn and trees or shrubs as approved by the planning and zoning administrator except over permitted driveways.
10. All areas within the court which are not occupied by buildings or hardsurfacing shall be landscaped and maintained with lawn, trees, and shrubs designed to provide privacy and noise containment, and shall be equipped with adequate sprinkling devices as determined by the planning and zoning administrator.
11. Each recreational vehicle space shall be at least twenty (20) feet in width and at least forty (40) feet in length.
12. All recreational vehicles shall be served by a water system, a sewage disposal system, and solid waste disposal facilities which have been approved by the State Health Department.
13. All recreational vehicle courts shall be maintained in a tidy and sanitary condition, free at all times from debris, trash, and deleterious objects and structures.
14. Prerequisite to the occupancy of any recreational vehicle court shall be the obtaining of an annual license, which shall be issued only after inspection by the planning and zoning administrator. It shall be unlawful to operate a recreational vehicle court without first obtaining a license and said license shall be renewed or revoked upon failure of the owner and/or operator to maintain the park in accordance with the standards and requirements as set forth herein.

02.1006.01 Planned Unit Developments

Intent. The intent of this section shall be to promulgate regulations under which development can be carried out that will achieve a better relationship between open space and buildings, greater harmony between the development and the surrounding area, wider variety of residential settings, more economical development, longer life expectancy of buildings, superior maintenance of buildings and premises and a better living environment than is possible to achieve by developing on a lot by lot basis. Upon approval of a planned unit development the features and dimensions shown on the approved plan will constitute the zoning restrictions and regulations as applied to the territory shown on the plan.

02.1006.02 Procedure

Any person wishing to construct a planned unit development shall obtain from the planning and zoning administrator information pertaining to the city's plan of land use, streets, public facilities and other requirements affecting the land to be developed. The developer shall then prepare plans and obtain approval thereof as hereinafter set forth.

02.1006.03 Preliminary Plans and Documents

A. Vicinity Plan - Environmental Impact Statement

The developer shall prepare a vicinity plan which shows a simple sketch of the major features of the development in relation to existing conditions and planned development within one-fourth (1/4) mile of the outside boundaries of the development and shall submit the same to the planning and zoning administrator, together with an environmental impact statement. The plan may be a pencil sketch or may be made directly on an aerial photograph.

The environmental impact statement shall be prepared by an engineer, landscape architect, land planner, or other person qualified by training and experience to prepare such a statement as determined by the planning commission, indicating and describing the measures that will be taken with respect to:

1. Vegetation of cuts and fills and areas which will be denuded in constructing the planned unit development.
2. Prevention of fire and control of dust.
3. Prevention of the accumulation of weeds and debris.

4. Disposal of surface water and elimination of flood hazards.
5. Reduction in the need for the allocation of public funds for upkeep and maintenance of streets, water and sewer lines landscaped areas, etc., within the territory to be included in the development.

B. Preliminary Plan

Upon approval of the vicinity plan by the planning and zoning administrator, the developer shall then prepare a preliminary plan and shall submit five (5) copies of the same to the planning commission for its approval through the planning and zoning administrator. Said plan must be submitted at least two weeks prior to the meeting of the planning commission at which the plan will be considered. An administrative fee of \$40.00, plus \$1.00 for each dwelling unit within the development must accompany the preliminary plan.

The preliminary plan shall be drawn to a scale not smaller than one inch equals one hundred (100) feet, or as recommended by the planning and zoning administrator and shall show the following information:

1. Type of development.
2. Name of development.
3. Name and address of the developer.
4. Name and address of the designer.
5. Position of all buildings and structures to be constructed in the development. Also, the design of dwellings shall be shown, accompanied by estimation of the cost to purchasers or renters.
6. Proposed parks, playgrounds, school sites, and other open spaces. Also, proposed buildings and other facilities for the common use of the occupants or for the public.
7. Facilities and services to be supplied by the developer or by the association and the cost thereof to the occupants.
8. North point and scale.
9. Township, range and section lines.

10. Zone boundary lines and zone designations.
11. Topography shown by contours at no greater interval than two (2) feet except that a greater interval may be permitted when specifically authorized by action of the planning and zoning administrator or his authorized representative.
12. Boundary of the development including a legal description thereof.
13. Total acreage of the development.
14. Adjacent property ownership.
15. Preliminary subdivision plan if appropriate showing layout of all proposed lots.
16. Proposed circulation pattern including private and public streets and pedestrian paths.
17. Typical street or roadway cross sections.
18. Existing and proposed canals and waterways, public utility lines and easements, etc.
19. Proposed sewage disposal facilities.
20. Existing and proposed storm drains and bridges.
21. The location and type of water sources. Such sources shall be shown either on the preliminary plan or on an accompanying map drawn at a scale not smaller than one inch equals two thousand (2,000) feet. Appropriate supporting documents showing that potable water will be available to the project in quantities as required by the State Health Department and fire marshal and that such water will be made available to each dwelling site through a properly designed distribution system shall be included as part of the preliminary plan.
22. Tentative location and size of water mains.
23. Tentative location of fire hydrants.
24. Location and size of sewers.
25. Any other information which the planning and zoning administrator or planning commission considers necessary to enable the planning commission to determine whether or not to recommend the plan to the city council.

C. Permitted Uses

Uses permitted in planned unit developments shall be limited to dwellings, schools which give instruction in arts and sciences but not those which are primarily vocational or correctional in nature, facilities for the display and sale of convenience goods and services, and recreation facilities.

1. Dwellings may be situated in one building and buildings may be clustered and individual lot sizes may be reduced below the requirements of the zone in which the development is located provided the total number of dwelling units does not exceed the number of units permitted on one acre multiplied by the number of acres in the development. In zones in which dwellings in the surrounding area are limited to one and two family dwellings, the number of dwelling units in any one building within the planned unit development shall be limited to eight (8) units and such units may have no more than two walls in common.
2. In those instances where the size and scope of a proposed planned unit development are such that it would have a sufficient impact upon school enrollment to warrant a significant expansion of facilities, the planning commission may require the dedication of land to accommodate said increased enrollment.
3. Also, where the size, location, and scope of a proposed planned unit development are such that a convenience center would add to the convenience of the people living in the development, the planning commission may authorize the construction of such a convenience center which may include clothes washing and drying facilities, a food store, a variety store, a drug store, a retail sales office, and a sporting goods store, or combination thereof, provided that the total floor space devoted to such uses shall not exceed fifteen (15) square feet per dwelling unit and provided that the aforementioned facilities shall not be constructed until the dwelling units have been constructed.
4. A planned unit development may also include other facilities for the convenience and pleasure of those residing in the development, including such facilities as horseback riding and facilities, golf courses, swimming pools, recreation buildings, playground facilities, winter sports facilities, and similar facilities, for the exclusive use of the occupants of the development except that horseback riding, golf, and winter sports facilities may be open to use by the public.

D. Standards and Requirements

The following standards, requirements, and conditions shall apply to all planned unit developments:

1. The plan must be prepared by a design team composed of at least a landscape architect, a civil engineer, and an attorney, all of whom must be licensed to practice in the State of Utah.
2. The planned unit development must be situated in a location that is consistent with the **city-wide** land use plan.
3. All dwelling units shall be served by public sewer and a public water supply. All utilities within the planned unit development shall be placed underground, including telephone, electrical, and television cables. Dwelling units under separate ownership shall have separate utility metering.
4. The area proposed for a planned unit development shall be in one ownership during development to provide for full supervision and control of said development and to insure conformance with these provisions and all other conditions imposed by the planning commission upon the preliminary and final development plans.
5. In the event that the land contained within a development is traversed by a proposed collector or arterial street, said development shall be designed in accordance therewith and the right-of-way across the development for said collector and arterial streets shall be dedicated to the public.
6. All areas not covered by buildings or by off-street parking space or driveways shall be planted into natural vegetation, lawn, trees and shrubs and otherwise landscaped and maintained in accordance with good landscape practice. Permanent sprinkler systems shall be installed when required by the planning commission to provide for irrigation of planted areas except that the planning commission may find that it will not be necessary to install sprinkler systems in perimeter areas that are to be left in a natural condition.
7. The required front and side yards which face upon a public street shall not be used for vehicular parking, but shall be landscaped with lawn and appropriate plants and shrubs as indicated on the approved final development plans.

8. The minimum land area for a planned unit development shall be four (4) acres.
9. Residential density (dwelling units per net acre) within a planned development may exceed that permitted in the zone in which the project is located, up to a maximum of twenty per cent (20%), at the discretion of the planning commission. Said commission must find, however, that any increase in density will be compensated by increased amenity and improved design which, in its opinion, are proportional to the density increase which it authorizes.
10. With the following exceptions, dwellings and permitted structures may be located as approved by the planning commission in the final development plans. Locations and arrangements of buildings on the lot should be accomplished in a manner that will best utilize the lot area and create an attractive living environment. These exceptions shall be considered as minimum requirements as they apply.
 - (a) Garages with entrances facing directly on the street, whether in a front or side yard, shall be set back at least twenty (20) feet from the property line, or shall be located within six (6) inches of said property line.
 - (b) Setbacks shall be maintained along the peripheral property lines of the planned unit development which shall be at least equal to that required by the zone on the property immediately adjacent thereto.
 - (c) In those instances where a proposed planned unit development will front upon one or more existing streets, the setback from the street shall be equal to that required by the most restrictive zoning on the property immediately adjacent along the same street frontage.
11. Not less than ten (10) per cent of the gross area of the planned unit development shall be retained in permanent open space, parks, and playgrounds, for the use of the occupants of the planned unit development. Land proposed to be devoted to vehicular streets or roads, parking, driveways, required setbacks, and slopes greater than twenty-five per cent (25%) shall not be included in computations of open space, park, or playground area.

12. Ownership and tax liability of private open space reservations shall be established in a manner acceptable to the city council and made a part of the conditions of plan approval.
13. The maximum height of buildings within a planned unit development shall be twenty (20) feet above grade except as may be specifically authorized by the planning commission.
14. Dwellings shall be provided with not less than two (2) parking spaces per unit, one of which must be covered.
15. Provision for automobile parking shall conform to the requirements set forth elsewhere in this Ordinance, except for parking space for dwellings.
16. All parking spaces, parking areas and driveways must be hard surfaced and properly drained with no drainage running across public or private sidewalks.
17. All construction and workmanship that takes place within a planned unit development must comply with city standards.
18. The planning commission may specify the facilities which will be maintained by and at the expense of the city and which facilities will be maintained by and at the expense of the owners of the development, their successors or assigns.
19. Property development standards in excess of the minimums set forth in this Section may be imposed by the planning commission where it is determined that such increases are necessary to insure that the integrity and desirability of the planned unit development will be maintained, and that it will fit harmoniously into the surrounding environment.

E. Preliminary Documents

The following documents shall be submitted along with the preliminary plan:

1. Proposed declaration of management policies, covenants and restrictions setting forth the responsibilities and duties of the owners, renters, or occupants within the planned unit development.

2. In the event that the development is to be divided into two or more ownerships the developer must provide for adequate control and maintenance of all phases of the development.

3. An agreement between the developers and the city stating among other things:

(a) that in the event of failure or neglect on the part of the owners, successors, or assigns to maintain the water and sewerage facilities, easement areas, landscaping and other improvements in good condition, the city may perform the necessary work and for the purpose may enter upon the land and do the work and charge the cost thereof, including reasonable attorney's fees, to the owners or their successors or assigns.

(b) that the owners, successors, or assigns will reimburse the city for all costs which the city incurs in performing the necessary work.

(c) that the developer will construct and maintain the project in accordance with approved plans and in accordance with city standards,

(d) that the terms of the contract shall be binding upon the heirs, assigns, successors, and successors of the project for the life of the project or buildings,

(e) any other conditions that the planning commission deems to be reasonably necessary to carry out the intent of this Ordinance.

03, 1906, 04 Planning Commission Action

Upon presentation of the preliminary plan and documents, the planning commission shall either approve them as submitted or shall refer them back to the developer for one or more of the following reasons:

1. The development has been found to be inconsistent with either this Ordinance or the comprehensive plan.
2. The planning commission requires that certain specific changes be made within the plans.
3. The plans or documents have not been completed.

4. Before approving the preliminary plan the planning commission must make the following findings:

- (a) That the proposed development will provide a more pleasant and attractive living environment than a conventional residential development.
- (b) That the proposed development will create no detriment to adjacent properties nor to the general area in which it is located; and that it will be in substantial harmony with the character of existing development in the area.
- (c) That the project will provide more efficient use of the land and more usable open space than a conventional development permitted in the surrounding area.
- (d) That increased densities allowed within the proposed planned unit development will be compensated by better site design and by the provision of increased amenities and recreational facilities.
- (e) That the development will not create increased hazards to the health, safety, or general welfare of the residents of the proposed planned unit development or adjacent areas.

02.1006.05

The planning commission may impose such conditions on preliminary development plans as it may deem appropriate to meet the goals and objectives of this chapter, or may disapprove a planned unit development which is found to be deficient in meeting the intent of these provisions. Any such disapproval may be appealed to the city council by filing said appeal with the planning and zoning administrator within ten (10) days after the decision of the planning commission.

02.1006.06

Any failure to submit a final development plan within one (1) year of the approval of the preliminary development plan shall terminate all proceedings and render the preliminary development plan null and void.

02.1006.07 Certify to City Council

Upon approval of a preliminary plan of a planned unit development, the planning commission shall certify the plan to the city council and shall authorize the planning and zoning administrator to so notify the city council of the action taken.

02.1006.08

After receiving notice of the planning commission's approval of the plans, the city council shall hold a public hearing thereon as set forth in Section 02.0705 of this Ordinance.

02.1006.09

After the preliminary plan has been approved by the city council, the developer shall submit five (5) prints of a final plan to the planning commission through the planning and zoning administrator for approval thereof, showing in detail the following information:

1. All of the information required for submission with preliminary development plans.
2. Tabulations of all dwelling units to be constructed by type and numbers of bedrooms per unit.
3. Detailed site plan with complete dimensions showing precise locations of all buildings and structures, lot or parcel sizes and locations, designations of common open spaces and special use areas, detailed circulation pattern including proposed ownership.
4. Preliminary building plans, including floor plans and exterior elevations.
5. Detailed landscaping plans showing the types and sizes of all plant materials and their locations, decorative materials, recreation equipment, special effects, and sprinkler or irrigation systems.
6. Dimensioned parking layout showing location of individual parking stalls and all areas of ingress or egress.

7. Detailed engineering plans and final subdivision plat showing site grading, street improvements, drainage, and public utility locations. Also submission of engineering feasibility studies if required by the planning and zoning administrator.
8. A copy of protective covenants, articles of incorporation, association or condominium bonds and guarantees, as required by the planning and zoning administrator and/or the city attorney.
9. A certificate of title showing the ownership of the land.
10. A certificate of acceptance by the city council for any dedication of public streets and other public areas, if any, that are made by the owners.
11. A certificate of accuracy by an engineer or land surveyor registered to practice in the State of Utah.
12. A certificate for approval from the planning commission.

02.1006.10

Submission of the final plan shall be accompanied by a plan-checking fee of \$1.00 per dwelling unit, plus, whenever a large scale development is divided into separately owned units, an additional \$1.00 fee shall be paid for each separate lot.

02.1006.11. Stage Construction Permitted

Developments may be carried out in progressive stages, provided assurance is given to the city that the requirements and intent of this ordinance will be fully complied with. Each stage shall be considered as a separate application. No final plan for the initial stage shall cover less than four (4) acres. However, subsequent projects may cover less than four acres when such projects are part of the overall project as shown on the approved preliminary plan.

02.1006.12. Improvements Required

No plan for a planned unit development shall be approved which does not provide for improvements that are reasonably necessary for healthful living for the people expected to occupy the development, provided, however, that the improvements required under the subdivision ordinance of the city shall be the minimum improvements that shall be required in planned unit developments as permitted under the terms of this ordinance.

02.1006.13 Guarantee of Performance

A. Adequate guarantees shall be provided for permanent retention of all open space areas as follows:

1. The city shall require the developer to furnish and record protective covenants, which will guarantee the retention of the open land area. The city shall also require the creation of a corporation, granting beneficial rights to the open space to all owners or occupants of land within the development.
2. The developer shall be required to develop and maintain all open space, unless part of or all of it is contiguous to and is made a part of an existing park.
3. In the case of private reservation, the open space to be reserved shall be protected against subsequent building development by conveying to the city as part of the condition for project approval, an open space easement over such open areas, restricting the area against future building or use, except as approved on the final development plan.
4. The care and maintenance of such open reservation shall be insured by the developer by establishing a private association or corporation responsible for such maintenance which shall levy the cost thereof as an assessment on the property owners within the planned unit development. Ownership and tax liability of private open space reservations shall be established in a manner acceptable to the city and made a part of the conditions of the final plan approval.

B. The applicant (owner) of any planned unit development which is being developed as a condominium project under the provisions of the Condominium Ownership Act of Utah, or subsequent amendments thereto, shall prior to the conveyance of any unit submit to the planning and zoning administrator a declaration of covenants, conditions and restrictions relating to the project, which shall become part of the final development plan and shall be recorded to run with the land. Said covenants, conditions, and restrictions shall include management policies which shall set forth the quality of maintenance that will be performed and who is to be responsible for said maintenance within said condominium development. Said document shall, as a minimum, contain the following:

1. The establishment of a private association or corporation responsible for all maintenance, which shall levy the cost thereof as an assessment to each unit owner within the condominium development.
 2. The establishment of a management committee with provisions setting forth the number of persons constituting the committee, the method of selection, and the powers and duties of said committee.
 3. The method of calling a meeting of the members of the corporation or association, with the members thereof that will constitute a quorum authorized to transact business.
 4. The method proposed for maintenance, repair and replacement of common areas and facilities, and distribution of costs therefor.
 5. The manner of collection from unit owners for their share of common expenses, and the method of assessment.
 6. Provisions as to percentage of votes by unit owners which shall be necessary to determine whether to rebuild, repair, restore or sell property in the event of damage or destruction of all or part of the project.
 7. The method by which the declaration may be amended. The declaration required herein, any amendment, and any instrument affecting the property or any unit therein shall be approved by the planning commission and recorded with the city recorder. Neither the declaration nor any amendment thereto shall be valid until approved and recorded. Said declaration and amendments thereto shall be maintained as part of the final development plan for the planned unit development.
- C. In order to insure that the planned unit development will be constructed to completion in accordance with approved plans the developer shall post a bond or mortgage or other valuable assurance acceptable to the city council in an amount equal to the estimated cost, plus ten (10) per cent, of constructing all required landscaping, road improvements, pedestrian ways, curbs and gutters, hardsurfacing, water and sewer lines and domestic sewage disposal

facilities and common facilities as shown on the final site plan. Estimates of cost shall be furnished by the developer which will be checked for accuracy by the planning and zoning administrator. Final determination of the amount of the bond or other assurance shall be made by the legislative authority.

- D. No building permit for any portion of a planned unit development shall be issued until the final plan thereof has been approved by the planning commission. 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 planned unit development, the planning and zoning administrator shall not issue a certificate of zoning compliance therefor.

02.1006.14 Duration

The duration of the bond or other assurance shall be for two (2) years from the date of approval of the development by the legislative authority. An extension of time may be granted by the legislative authority 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.

02.1006.15 Default

In the event the developer defaults or fails or neglects to satisfactorily install the required improvements within two years from the date of approval of the development by the city council or to pay all liens in connection therewith, 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 the bond or other assurance to defray the expense thereof.

02.1006.16 Final Disposition and Release

The developer shall be responsible for the quality of all materials and workmanship. At the completion of the work, or not less than ten days prior to the release date of the bond or other assurance, the planning and zoning administrator 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 release 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 developer in default.

02.1006.17

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 planned unit development, the planning and zoning administrator shall not issue a certificate of zoning compliance therefor. Such failure or neglect shall be cause for termination of the approval of the project. Such failure or neglect to comply with the requirements and to maintain the buildings and premises in accordance with the conditions of approval thereafter shall also be deemed to be a violation of this Ordinance.

02.1100 ADMINISTRATION AND ENFORCEMENT

02.1101 Building Permits Required - Application

No person, firm, or corporation shall commence to construct, alter or move a building or structure, or to make a change in use of any land within the territory shown on the zone map which has been adopted as a part of this Ordinance without first submitting an application and obtaining a permit therefor from the zoning administrator or other authorized officer; provided, however, the permits for the moving of structures shall be granted only after complying with the requirements as set forth in Section 02.06200. A permit shall also be required for the moving and/or improvement of moved-in homes, demountable homes, manufactured homes, and similar movable structures except that no permit shall be required for the moving of an approved mobile home into a mobile home park.

02.1102 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, and, as required, the location and layout of proposed parking and a planting plan showing how the premises will be landscaped. A careful record of said application and plans shall be kept in the office of the zoning administrator for a period of five (5) years from the date of receipt thereof.

02.1103 Permits to Comply with Ordinance

From the time of the effective date of this Ordinance, permits will not be granted for the construction or alteration of any building or structure or for the moving of a building or structure upon 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 Ordinance, nor shall any sewer or water service line or electric utilities be installed to serve the premises if such use would be in violation of this Ordinance.

02.1104 License to Comply with Ordinance

No license shall be issued by an official or employee vested with the duty and authority to issue licenses which would not be in conformance with the provisions of this Ordinance. Any license so issued shall be null and void.

02.1105 Payroll Services

No building or structure shall be constructed, reconstructed, altered, or moved to the extent of \$100.00 or more in replaceable value nor shall the use of any land be changed except after the issuance of a permit for the same by the zoning administrator or other authorized officer.

02.1106 Construction and Use to Comply with Application

Building Permit or Certification 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 Ordinance.

02.1107 Certificate of Zoning Compliance Required

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premise, or to change the occupancy of any building or premise until a Certificate of Zoning Compliance shall have been issued therefor by the Zoning Administrator, stating that the proposed use of the building or land conforms to the requirements of this Ordinance. No nonconforming structure or use shall be changed or extended until a Certificate of Zoning Compliance shall have been issued by the Zoning Administrator. The Certificate of Zoning Compliance shall state specifically wherein the nonconforming use differs with the provisions of this Ordinance.

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 Governing Body. The Zoning Administrator 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.

At such time as any party shall have complied with the provisions relating to large scale developments and to subdivisions as set forth in this Ordinance, the Planning Commission shall so certify and shall issue a certificate of compliance to the developer designating with particularity all lots or other tracts that are in compliance herewith and that are available for sale. It shall be unlawful for any developer or other person to sell or offer for sale or exchange either by deed, contract, or otherwise, any lot or tract of land within said large scale developments or subdivisions until such time as the developer shall have received a certificate of compliance with respect thereto.

02.1108 Zoning Administrator Appointed

The Building Inspector appointed under the provisions of the Building Code is hereby designated as the zoning administrator. Said building inspector shall be charged with the administration and enforcement of this Ordinance. The governing body may also appoint other officers to assist in the administration and enforcement of this Ordinance.

02.1109 Powers and Duties of Zoning Administrator

- A. It shall be the duty of the zoning administrator to inspect or cause to be inspected all buildings in the course of construction.

or repair. He shall enforce all of the provisions of this Ordinance, entering actions in the courts when necessary; and his failure to do so shall not legalize any act in violation of such provisions.

- B. Upon appeal to the board of adjustment of any matter on which said board is required to pass, the zoning administrator shall forthwith transmit all papers, records, and other pertinent data pertaining to the appeal to said board of adjustment as required by the terms of this Ordinance. The zoning administrator shall also refer matters to the planning commission and governing body as set forth in this Ordinance.

02.1110 Board of Adjustment Created, Members, Terms

There is hereby created a board of adjustment which shall consist of five (5) members, each to be appointed by the governing body for a term of five (5) years, provided that the terms of the members of the first board so appointed shall be such 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 governing body 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.

02.1111 Organization--Meetings--Records

The board of adjustment shall organize and elect a chairman and adopt rules in accordance with the provisions of this Ordinance. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman or, in his absence, the acting chairman, 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 wherever applicable.

02.1112 Powers and Duties of the Board of Adjustment

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

A. Interpret Ordinance and Map.

1. Intent

It is the intent of this provision to provide a way whereby applicants who think that the zoning administrator is in error.

or does not interpret the provision of the zoning ordinance correctly to obtain a relief from such error in an expeditious and inexpensive manner without having to resort to the courts.

2. 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 Ordinance. The board of adjustment shall also interpret the zone map and boundaries thereof in cases of dispute or disagreement.

B. Grant Variances

The board of adjustment may authorize, upon appeal, variances from the terms of this Ordinance 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 Ordinance would result in a hardship which is unnecessary in carrying out the intent of this Ordinance. Before any variance may be granted, however, it must be shown that:

1. The variance will not substantially affect the comprehensive plan of zoning and that adherence to the strict letter of the Ordinance will cause difficulties and hardships upon the petitioners which are unnecessary in carrying out the intent of this Ordinance.
2. Special circumstances attach to the property covered by the application that do not apply to other property in the same zone.
3. 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.
4. That the difficulties and hardships were not created by any act of the appellant subsequent to the effective date of the regulation appealed from.

C. Grant Certain Special Exceptions or Conditional Uses

1. Intent

There are certain uses which are not permitted within particular zones unless they are made to comply with conditions which make them compatible with other uses in the same zone. Accordingly, the Board of Adjustment shall hear and decide requests for special exceptions or conditional uses, but only when authorized to do so. In deciding whether or not to grant a special exception.

an conditional use, the Board shall be guided by stipulations applicable thereto, which shall be deemed to be the minimum that must be complied with.

1. Small lots

Where a parcel of land at the time of the adoption of this ordinance is at least one and eight-tenths (1.8) times as wide and one and eight-tenths (1.8) times as large as area as required for a lot in the zone, the Board of Adjustment may permit the division of a parcel into two lots, provided:

- (a) Such division will not cause undue concentration of population.
- (b) The characteristics of the zone in which the lot is located will be maintained.
- (c) In the opinion of the Board of Adjustment, values in the area will be safeguarded adequately.

2. Transitional Uses

Uses which are permitted on either portion of a lot, which lot is divided by a zone boundary line or which is contiguous with a zone boundary line, may be permitted to extend to the entire lot, but not more than one hundred (100) feet beyond the boundary line of such zone in which such use is permitted. Before a permit for such a use may be granted, however, the Board of Adjustment must find that the comprehensive plan of zoning will be maintained and that a most harmonious mixing of uses will be achieved thereby.

3. Adjust or Reduce Off-Street Parking Requirements

The Board of Adjustment may approve substitute parking locations and may reduce the amount of offstreet parking required provided:

- (a) It can be shown that the time of use of the buildings or uses will be at different hours or days so that each use will have the amount of offstreet parking available when the building or use is occupied or,
- (b) Sufficient offstreet parking is readily available within the vicinity, or
- (c) Where acquisition of land for such use is unnecessary in order to carry out the purposes of this Ordinance.

02.1113 May Attach Reasonable Conditions

The board of adjustment may attach reasonable conditions or requirements to the grant of a variance, special exception, or conditional use when 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 non-exercise of any grant unless specifically provided by section of the ordinance.

02.1114 May Reverse or Affirm Zoning Administration

In performing the duties and powers as set forth herein, the board of adjustment is hereby empowered to reverse in whole 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 Ordinance, the requirements contained herein shall be deemed to be the minimum requirements for the purpose set forth.

02.1115 Authority Limited

The powers and duties of the board of adjustment are limited to judicial and administrative matters as set forth in this Ordinance. The board of adjustment shall not have the authority to amend this Ordinance nor to correct what it may consider to be an unjust requirement. Nevertheless, the board of adjustment shall have powers and duties as set forth in this Ordinance and within the limitations and intent of the provisions of this Ordinance shall perform its duties and shall have the power to perform those acts as herein set forth.

02.1116 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.

02.1117 Application to Appear Before the Board of Adjustment

Any citizen or person, or any officer or department of the municipality may appeal to the board of adjustment by filing a request in writing with the zoning administrator and by paying a fee of \$1200, provided such appeal is made within (60) days from the grant or refusal of a building permit by the zoning administrator. The request to appeal before the board of adjustment shall be made on forms furnished by the zoning administrator at least 15 days prior to the date of the hearing on the appeal.

02.1118 Procedure

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. 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.

02.1119 Hearing

The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof by publication of notice at least five 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.

The intent in requiring a hearing is to enable the board of adjustment to obtain facts surrounding the case which may not be evident, or which may not be shown in the record as submitted to the board. The decision of the board shall be based upon the facts and not upon expressions of support or protest, or lack of support or protest, which may be made at the hearing. Any party may appear at the hearing in person or by agent or by attorney.

02.1120 Action of the Board of Adjustment

The board of adjustment shall make determinations in harmony with the provisions of this Ordinance and shall notify the zoning administrator of the action taken within ten days following their decision.

02.1121 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.

02.1122 Powers and Duties of Planning Commission

The Planning Commission shall have the following powers and duties with respect to this Ordinance:

A. The Planning Commission shall hear and decide requests for amendments to this Ordinance. The Planning Commission may also act on its own initiative in considering and recommending amendments to this ordinance. Before a favorable recommendation is given, however, it must be shown that:

1. The amendment will not be contrary to the land use plan.
2. The amendment will not militate against the fulfillment of any other provisions of the comprehensive plan.
3. The amendment will not decrease nor adversely affect the health, safety, convenience, morals, or general welfare of the public.
4. The amendment will more fully carry out the intent and purpose of this Ordinance.
5. That, balancing the interest of the petitioner with the interest of the public, both interests will be served better by adopting such an amendment.

In considering a request for an amendment to the zoning ordinance or map, the Planning Commission may submit a recommendation for or against the request or it may recommend an alternate amendment.

- B. To review, approve, disapprove, or approve subject to modifications, requests for permits to construct large scale developments.
- C. Any other duty imposed on the Planning Commission under the terms of this ordinance.

02.1123 Powers and Duties of Governing Body

The governing body may amend, change or modify any provision of the zoning ordinance or map provided:

- A. The proposed amendment or amendments have been submitted to the Planning Commission for its recommendations. Unless the Planning Commission submits its recommendations within sixty (60) days from receipt of the proposed amendment, the Governing Body may assume an affirmative recommendation.
- B. The Governing Body has held a public hearing on the proposed amendment at least fifteen (15) days notice of the time and place of which has been published in a newspaper of general circulation in the municipality.
- C. The amendment will not be contrary to the comprehensive plan.
- D. The amendment will more fully carry out the intent and purpose of the comprehensive plan and this ordinance.

No material change in or departure from the recommendation of the Planning Commission can be made after such public hearing unless the change or departure be submitted to the Planning Commission for its consideration and recommendations. Upon receiving the reconsidered recommendations of the Planning Commission, the Governing Body may overrule the Planning Commission.

02.1200 Severability

This Ordinance and the various parts, sections, and clauses are hereby declared to be severable. If any part, section, paragraph, sentence, clause, or phrase is adjudged to be unconstitutional or invalid, it is hereby declared that the remainder of the Ordinance shall be affected thereby. The Governing Body of Heber City, Utah, hereby declares that it would have passed this Ordinance on each part, section, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more portions thereof be declared invalid.

02.1300 Responsibility for Violations

It shall be the duty of all architects, contractors, subcontractors, builders and other persons having to do with the establishment of any use of land or the erection, altering, changing, or remodeling of any building or structure to make sure that a proper permit has been granted before work is begun on any project for which a permit is required. Any such architect, builder, contractor or other person doing or performing any such work without a permit having been issued is in conflict with the requirements of this Ordinance, and shall be deemed guilty of violation of this Ordinance in the same manner and to the same extent that the owner of the premises or the persons for whom the use is established, or for whom such buildings are erected or altered, and shall be subject to the penalties herein prescribed for violation.

02.1400 Penalty

Any firm, corporation, person, or persons violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in any sum less than \$299.00 or by imprisonment for any term not exceeding six months or by both such fine and imprisonment.

02.1500 Each Day of Violation a Separate Violation

Each person, persons, firm, or corporation found guilty of violation shall be deemed guilty of a separate offense for every day during which any violation of any provision of this ordinance is committed, continued, or permitted by such person, persons, firm, or corporation, and shall be punished as provided in this ordinance.

02.1600 Conflicting Provisions Repealed

All ordinances, resolutions, or parts thereof in conflict with the provisions of this Ordinance are hereby repealed insofar as they conflict with the

provisions set forth in this Ordinance, provided, however, that any building or use of land or any construction thereon which was not authorized by or under the ordinances of the city or which was illegal under such ordinances, shall remain unauthorized and illegal unless expressly authorized or permitted by the provisions of this ordinance.

02.1700 Effective Date

This Ordinance shall become effective 30 days after its passage and publication as required by law.

Passed by the City Council this 6th day of Nov., 1973.

ATTEST:

APPROVED:

Paul H. Mitchell
City Recorder

H. C. McMillan
Mayor

Councilmen Voting "NAY"

Councilmen voting "AYE"

Gordon Mendenhall
William Archibald
Melvin Moulton
Lloyd Probst
Jerry Smith