

**HARRISVILLE CITY
ORDINANCE NO. 400**

ZONING AMENDMENTS – VARIOUS CHAPTERS

AN ORDINANCE OF HARRISVILLE CITY, UTAH, REPEALING CHAPTER 4 OF THE ZONING ORDINANCE REGARDING PARKING, CHAPTER 20 OF THE ZONING ORDINANCE REGARDING COMMERCIAL, AND CHAPTER 22 OF THE ZONING ORDINANCE REGARDING MANUFACTURING; ENACTING CHAPTER 16 FOR COMMERCIAL AND MANUFACTURING LAND USES; ENACTING CHAPTER 17 FOR COMMERCIAL AND MANUFACTURING DEVELOPMENT STANDARDS; ENACTING CHAPTER 18 FOR COMMERCIAL AND MANUFACTURING ZONE SPECIAL USE REGULATIONS; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Harrisville City (hereafter “City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, *Utah Code Annotated* §§ 10-8-84 and 10-8-60, 1953, as amended, allows the City to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables the City to regulate land use and development;

WHEREAS, the City finds it necessary to update its land use ordinances in order to meet the challenges presented by development and to protect public health, safety, and welfare; and,

WHEREAS, after publication of the required notice the City’s Planning Commission held its public hearing on August 13, 2008, to take public comment on the proposed Ordinance, and subsequently gave its recommendation to approve this Ordinance;

WHEREAS, the City Council received the recommendation from the Planning Commission and held its public meeting on August 26, 2008, and again on September 9, 2008, and now desires to act on this Ordinance;

NOW, THEREFORE, be it ordained by the City Council of Harrisville City as follows:

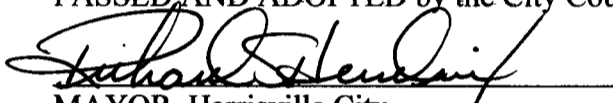
Section 1: Repealer. Chapter 4 of the Zoning Ordinance regarding Parking, Chapter 22 of the Zoning Ordinance regarding Commercial, Chapter 22 of the Zoning Ordinance regarding Manufacturing is repealed, along with any other word, sentence, paragraph, or phrase inconsistent with this Ordinance, and any reference thereto is hereby vacated.

Section 2: Enactment. Chapter 16 – Commercial and Manufacturing Land Use, Chapter 17 – Commercial and Manufacturing Development Standards, and Chapter 18 – Commercial and Manufacturing Special Use Regulations is hereby adopted as set forth in those respective Chapters attached hereto as Exhibit “A” and incorporated herein by this reference.

Section 3: Severability. If any section, paragraph, sentence, clause or phrase of this Ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and such remainder shall remain in full force and effect.

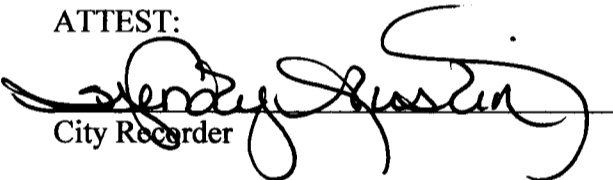
Section 4: Effective Date. This Ordinance shall be effective immediately after posting or publication.

PASSED AND ADOPTED by the City Council on this 9th day of September, 2008.


MAYOR, Harrisville City

Roll Call Vote is as Follows:		
Mr. Crowther	<u>yes</u>	no
Ms. Tait	<u>yes</u>	no
Mr. Wilhelmsen	<u>yes</u>	no
Mr. Richins	<u>yes</u>	no
Ms. Fowers	<u>yes</u>	no

ATTEST:

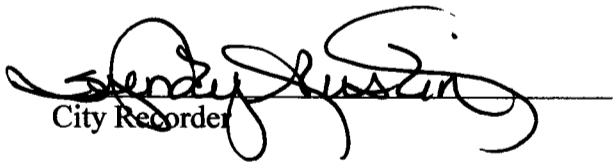

City Recorder

RECORDED this 9th day of September, 2008.

PUBLISHED OR POSTED this 10th day of September, 2008.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the municipal recorder of Harrisville City, hereby certify that foregoing ordinance was duly passed and published, or posted at 1) Cabin 2) 2150 N. and 3) City Hall on the above referenced dates.


City Recorder

DATE: 9-10-08



16-1 Purpose and Intent

16-2 Uses

16-1 Purpose and Intent

1. CP-2-The purpose of the CP-2 zone is to provide areas of selected commercial activity for the sale of goods and services to the general public in a community and regional market. The location of the zone should be along selected locations adjacent to the arterial streets which run through Harrisville in order to provide good access with limited disturbance to the residential areas of the community. The physical development of Harrisville requires that uses be considered which do not adversely impact adjacent residential and agricultural land uses and provide a benefit to the community by providing needed goods and services.
2. MP-1- The purpose of the MP-1 zone is to provide selected manufacturing uses for product and job creation and also areas for storage or commercial activity where the uses need large land areas because of the need of outdoor storage or the use of heavy equipment or large vehicles together with general retail. The zone is limited to areas of traditional manufacturing uses and along major arterial streets where the uses do not share frontage on the street with residential uses. Uses should be limited to those which do not create unnecessary noises, dust, odors, pollution of the ground or water table and which do not create unsightly areas to residential areas or the general public.

16-2 Uses

1. This section designates the land uses allowed in the commercial or manufacturing zone district in Harrisville City. More than one permitted land use in the respective zone may be allowed on a parcel or lot provided each use meets the lot area, setback, design and parking requirements and any other special conditions established by Harrisville City Land Use Regulations.
2. All permitted and conditional land uses shall comply with all applicable regulations of chapter 17 and 18 of the Land Use Regulations of Harrisville City and any other regulation governing the specific use prior to a building permit being issued for such a use to be constructed or to convert an existing structure to the permitted or conditional use.
3. Any land use that does not meet the requirements outlined in sections 16 is not permitted in that zone where the use is desired.
4. Any use in the following table is permitted if such use has a "P" designation in the zone where the use is listed. A "C" designation indicates that a conditional use permit is required according to the procedures of chapter 5 of this Land Use Ordinance before the use can be allowed. An "N" indicates the use is not allowed in the specific zone where it

is listed. If the last column in the use table includes a number this refers to a section in chapter 18 to a specific regulation that is required to be followed in order to allow the use in the specific zone.

Land Use	Zone		Specific Use Regulation
	CP-2	MP-1	
INSTITUTIONAL			
Buildings used for worship	P	P	
Public office or service buildings	P	P	
Public or private correction facilities, half way housing	N	N	
public or private educational facility	P	P	
MANUFACTURING			
Manufacturing of products on site in a completely enclosed building with no outdoor storage or display and no more than 20% of the floor area of the building used for retail or wholesale sales of the on site manufactured product. (e.g. home craft store, ceramic shop, art studio, furniture, cabinets, ornamental or decorative metal works, etc.). The products or byproducts of the manufacturing process or storage shall not be toxic or produce obnoxious smells such as rotting meat or plant materials or processing of sugar beets. Maximum individual building size 40,000 square feet	C	P	
Manufacturing of products on site in a completely enclosed building with no outdoor storage or display and no more than 20% of the floor area of the building used for retail or wholesale sales of the on site manufactured product. (e.g. furniture, cabinets, ornamental or decorative metal works, etc.) The products or byproducts of the manufacturing process or storage shall not be toxic or produce obnoxious smells such as rotting meat or plant materials or processing of sugar beets. Individual building size 40,001 to 200,000 square feet	N	C	

Land Use (manufacturing continued)	CP-2	MP-1	Specific Use Regulations
Manufacturing from nonorganic materials products that are used in construction and outdoor storage of materials and finished products (e.g. brick yard, concrete, rocks products)	N	C	
Manufacturing, processing, or packaging in a completely enclosed building food or beverage for human consumption or other personal hygiene products whose processing does not create obnoxious noise, smells, or dust	N	P	
Waste transfer stations, Junk, salvage, or scrap metal yard	N	N	
RECREATION AND ENTERTAINMENT			
public park or recreation facility	P	P	
commercial indoor recreation facility (e.g. indoor soccer, mini golf, laser tag, etc.)	P	P	
Privately operated indoor or outdoor movie theater.	N	N	
Indoor live theater	P	P	
Sexually Oriented business limited to adult arcade, cabaret or theater	P	P	18-2-1
RESIDENTIAL			
single family dwelling	N	N	
duplex or multiple family dwellings	N	N	
One or two dwelling units above ground floor retail or office	P	P	18-2-2
watchmans dwelling as accessory to commercial or manufacturing use	P	P	18-2-2
Nursing home, assisted living facility	P	P	18-2-3

Land Use	CP-2	MP-1	Specific Use Regulations
SALES			
Retail sales of products completely inside an enclosed building with no outdoor storage or display.(e.g. books, clothing, grocery, auto parts, furniture, etc..) Maximum individual building size 20,000 square feet	P	P	
Retail sales of food made on site i.e. bakery, hot or cold drinks	P	N	
Retail or wholesale sales of products not manufactured on site and stored and sold completely inside an enclosed building with no outdoor storage or display. (e.g. books, clothing, grocery outlets, furniture, wholesale warehouses, super stores...) Individual building size between 20,001 to 200,000 square feet	C	P	
Retail or wholesale sales of products with a main office building but requires outdoor display of products to be sold. (e.g. auto sales, recreation vehicle sales, plant nursery, building materials, etc...)	C	C	18-2-4
Restaurant, indoor or indoor and outdoor dining	P	P	
Restaurant with drive up window	P	P	18-2-5
Bar, tavern, or private club	N	N	
Sexually oriented business limited to adult book, novelty or video store	P	P	18-2-1
SERVICES			
Banks or credit unions	P	P	18-2-5
Check cashing or payday lender business	P	P	18-2-6
Professional or business office (e.g. accountant, architect, engineering services, insurance, lawyer, photographer, real estate...) where all activity is contained inside an enclosed building. Includes parking of company passenger cars.	P	P	

Land Use (services continued)	CP-2	MP-1	Specific Use regulations
Contractor business office which includes outdoor storage of contractor equipment and materials	N	C	18-2-7
Personal services limited to the care of hair, skin, and nails. Sales of products related to the service performed is permitted	P	P	
Tattoo parlor or business	N	N	
Medical or dental office, clinic, or lab	P	P	
motel or hotel	P	P	
child care facility including daycare or nursery	P	P	
Hospital	C	C	
Veterinary service or animal care and grooming with overnight indoor kenneling	P	P	
Veterinary service, animal boarding or animal care where animals are kept in outdoor kennels or pastures	N	C	
Auto service limited to only lube and oil change, or brake and muffler repair	P	P	
Auto repair, body work	C	P	18-2-8
Truck or large vehicle repair or service	N	P	18-2-8
Warehousing or storage of products, personal items or vehicles only in enclosed building	N	P	
Outdoor storage of recreational vehicles, equipment, or finished products not associated as the main use of the lot	N	C	
sexually oriented business limited to dance agency or escort service	P	P	18-2-1
TRANSPORTATION AND UTILITIES			
communication towers and relay devices	C	C	18-2-9
utility substations and transmission lines	C	C	18-2-10
truck or rail freight terminals	N	C	

- 17-1 Purpose and Intent
- 17-2 Main building development standards
- 17-3 Parking regulations on property
- 17-4 Landscaping
- 17-5 Screening Requirements

17-1 Purpose and intent- The purpose of development standards in the commercial and manufacturing zoned areas of Harrisville is to provide for the orderly development of land by setting size and area requirements to ensure that development on each lot or parcel provides adequate room for the use of the lot, sets the character of the area and reduces impacts to adjacent residentially zoned neighbors in the placement of buildings and types of uses, and considers the need of the land owner, traffic circulation systems and the impact of such uses to adjacent land owners and the community overall.

17-2 Main Building Development Standards

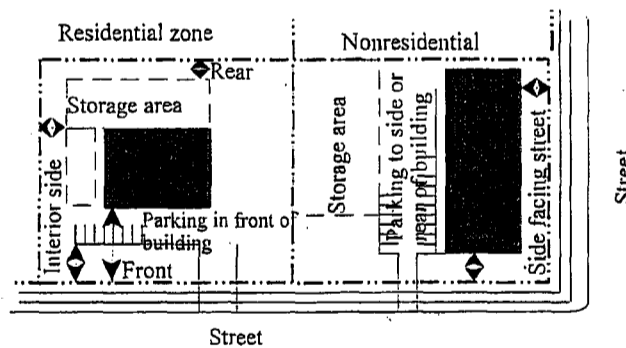
1. Lot Area and Frontage Requirements

Each lot or parcel in the respective zone shall comply with the minimum requirements of this regulation as provided below except when such lot or parcel has a noncomplying right.

	CP-2	MP-1
Minimum lot area	3,000 square feet	20,000 square feet
Minimum lot width	none	100 feet

2. Building, Parking Lot and Storage Setbacks

Any structure constructed in a commercial or manufacturing zone, including any accessory structure and any area used to meet the parking requirements of the use or area used for outdoor storage of vehicles, equipment or materials shall maintain a minimum setback distance in feet from the property line according to the following table. Easements or other recorded restrictions are not superceded by setback requirements and must be considered when locating structures:



CP-2 zone	front setback	interior side setback	interior side setback next to residential zone	side setback facing a street	rear setback	rear setback next to residential zone
building	20 feet	10 feet	20 feet	20 feet	10 feet	20 feet
parking lot in front of building	25 feet	0 feet	10 feet	20 feet	0 feet	10 feet
parking lot to side or rear of building	20 feet	0 feet	15 feet	20 feet	0 feet	15 feet
outdoor storage	100 feet	0 feet	20 feet	100 feet	0 feet	20 feet
MP-1 zone						
building	30 feet	10 feet	25 feet	30 feet	10 feet	25 feet
parking lot	30 feet	0 feet	10 feet	30 feet	0 feet	10 feet
outdoor storage	50 feet	0 feet	20 feet	30 feet	0 feet	20 feet

3. Main Building height

Minimum- 10 feet

Maximum -45 feet

4. Building design

A. In order to maintain the traditional character developed in Harrisville certain design elements are required on buildings in commercial zones. Those required elements are:

1. Main exterior wall finish materials on walls which face a public street or adjacent to a residential zone shall be limited to the use of brick, stone, atlas brick, or colored split face block with the use of accent materials of not more than 20% of the wall surface of stucco type systems or siding (vinyl, aluminum, or hardiplank) with a maximum 12" width horizontal lines.
2. Retail buildings that face the street shall have at a minimum 40% of the front face of the building in non- reflective glass to create a store front appearance. Where the building design has the orientation of the accessible

front to an inner parking lot this glass requirement can be spandrel glass or if glass is not desired when this street facing building front is not the main access to the building, the setback between the face of the building and the street shall be landscaped with shrubs and evergreen trees that cover the visibility of 50% of that building face.

3. Roof drainage shall be collected and directed away from any adjacent property line by means of a roof gutter system when buildings are closer than 10 feet to property line

B. Buildings constructed in a manufacturing zone shall meet the following minimum requirements.

1. No reflective exterior metal for walls or roof shall be permitted.
2. Main exterior wall finish materials facing a public street or when adjacent to a residential zone shall be of brick, stone, atlas brick, or concrete masonry units.

17-3 Parking Regulations

1. Required parking

A. In all commercial and manufacturing zones there shall be provided on the property at least the minimum number of parking stalls required by this chapter

Use	Minimum Number Of Spaces Required
INSTITUTIONAL	
Places of worship, public assembly buildings	1 stall per 40 square feet in main assembly room
public offices without assembly area	1 stall per 300 square feet of floor area
public or private educational facility	
1. Grades K-9	2 stalls per classroom
2. High schools	10 stalls per classroom
3. School auditoriums	1 stall per 40 square feet in auditorium
4. Public or private college or trade or vocational school	1 stall per 500 square feet of building

USE	MINIMUM NUMBER OF REQUIRED SPACES
MANUFACTURING	
Manufacturing, processing or assembly of products	1 stall per 500 square feet of building where workers are working. Does not include storage area plus one stall per 300 square feet of area used for any retail sales of product
Manufacturing where majority of work occurs outdoors	1 stall per employee on highest shift and 4 stalls for visitor use
RECREATION AND ENTERTAINMENT	
Public park or recreation facility	determined on individual basis based on type of activity, programs, and location to residential area.
Indoor live theater	1 stall per 3 fixed seats in the main seating area
Indoor recreation facility	1 stall per 1,000 square feet of building for field type uses, 1 stall per 125 square feet for health club, fitness gyms type uses
RESIDENTIAL	
Dwelling unit above store or nightwatchman dwelling	2 stalls per dwelling unit
Nursing home, assisted living facilities	1 space per individual private unit or bed for the first 20, 0.5 spaces per for the next 30 private units or bed, and 0.25 spaces per private unit or bed for each unit in excess of 50 in the development
SALES	
General retail sales	1 stall per 300 square feet of floor area minimum with a maximum of one stall per 200 square feet of floor area
Retail sales with warehousing on site	Same as retail sales plus 1 stall per 1,000 square feet for the first 10,000 square feet of warehousing then 1 stall per 10,000 square feet for the remaining area
Sales with a main office but product displayed outside	1 stall per 100 square feet of building
Restaurants	
1. Serving food and beverages for consumption inside a building	1 space per 100 square feet of building
2. Fast food with drive-through	1 space per 75 square feet of sales and dining area but not less than 5 stalls plus required stacking

USE	MINIMUM NUMBER OF REQUIRED SPACES
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SERVICES

Banks, credit unions, financial institutions (including branch and drive-through)	1 stall per 300 square feet plus required stacking space for drive-through
Professional, business, personal services or medical office	1 stall per 400 square feet minimum with a maximum of 1 stall per 250 square feet
Contractor business	1 stall per 300 square feet of office building
Veterinary clinic	1 stall per 400 square feet of office building
Auto repair, service, or body shop	2 stalls per repair bay for the first two bays. Additional bays one stall per bay
Convenience store	1 stall per 200 square feet of floor area plus stacking for drive-up window
Hotels and motels	1 stall per room
Daycare or nursery	1 stall per each employee, plus 1 space per 5 children
Hospitals	1 stall per 2 bed capacity
warehousing, storage facilities	1 stall per 5,000 square feet of building

TRANSPORTATION AND UTILITIES

Utilities	1 stall per 400 square feet of office area plus 1 stall for each company vehicle
Truck or freight terminals	30 stalls minimum

B. Determination Of Requirements For Uses Not Listed: Off-street parking and loading spaces for all land uses not listed above shall be in accordance with probable estimates of need based on an analysis of parking requirements for similar uses or on anticipated parking demands that shall be determined by the Planning Commission. In determining required parking the Commission shall take

into account all relevant factors, including, but not limited to:

1. Comparable requirements from other relevant municipalities;
2. Requirements of comparable uses listed in this chapter;
3. Existing parking patterns in other locations for the same type of use;
4. Design provides for adequate loading facilities and for a designed circulation system for distribution and pickup of goods that does not require the use of the public streets;
5. Adjacent residential street proximity and the likelihood of the street parking being used to meet the needed parking of the use; and
6. Use will not be detrimental to adjacent properties or improvements in the vicinity to the area.

C. Shared Parking: Shared parking (the use of one stall for more than 2 uses on the same lot as the parking space) in a commercial or manufacturing zone is allowed if it can be established the uses characteristically result in peak accumulations of parked vehicles at different hours, days or seasons.

D. Parking Reduction: Parking reduction of ten percent (10%) of the required parking for more than two (2) uses on the same lot is allowed if it can be shown that there are mixed parking demand uses, (e.g., residential and retail, office and entertainment, residential and office, restaurant and office) or the number of commercial uses exceeds five (5) individual businesses on the lot.

E. Handicapped Parking Spaces:

1. Designation Of Spaces: The required number of parking spaces designated for the handicapped shall be provided according to this section. The spaces required by this section shall be allocated from the required parking stalls of this chapter.

2. Required Spaces: The required number of parking spaces intended for the physically handicapped shall be provided in the parking lot of the commercial or manufacturing use at a rate based on the following:

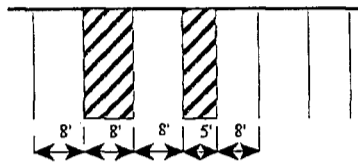
1-25 parking spaces	1 accessible space
26-50 parking spaces	2 accessible spaces
51-75 parking spaces	3 accessible spaces
76-100 parking spaces	4 accessible spaces
101-150	5 accessible spaces
151-200	6 accessible spaces
201 to 300	7 accessible spaces

For every group of an additional 100 parking spaces up to 500 one additional parking space.

The required handicapped spaces shall be located to provide the least travel distance to accessible facilities served. They shall be located, where feasible, to allow those parking in the spaces to access the associated building without

crossing vehicle traffic area. The distance between the most remote principal entrance of a building and any one space shall not exceed two hundred feet (200').

3. Size: Required spaces shall be not less than eight feet (8') wide and shall have an adjacent access aisle not less than eight feet (8') wide for the first access aisle then five feet (5') wide for each additional stall aisle. Two (2) adjacent spaces may share a common access aisle. Such aisles shall provide an accessible route of travel to the building or facility entrance. Boundaries of the required parking spaces and aisles shall be marked to identify the use of such spaces.



4. Signage: Every parking space required by this section shall be identified by a sign at the head of the required space. The sign shall be mounted at a height between three (3) to five feet (5') above the ground. The sign shall be marked with the international symbol of access. Such signage shall not be less than twelve inches (12") in height. The lettering shall be not less than one inch (1") nor more than two inches (2") in height and shall be on a background of contrasting value.
5. Surface: Parking spaces and access aisles shall slope not more than one inch (1") in forty eight inches (48") and shall be firm, stable, smooth and slip resistant.

2. Parking, Access, and Storage Surfaces, Locations and Size

- A. Required parking and any additional parking provided for a commercial or manufacturing use, back up areas for parking and access to the parking or storage areas from a street shall be on a hard surface of either asphalt or concrete. Areas used for outdoor storage of materials or equipment and vehicles under repair may be on gravel or road base surfaces provided that there is no potential of soil contamination from such storage. If the potential exists then the storage area is also required to be hard surfaced with asphalt or concrete. Grading of these surfaces needs to be designed, constructed and maintained so that storm water runoff from these surfaces does not flow to adjacent properties. Drainage systems with catch basins shall be provided for hard surface parking areas to collect and disperse storm water runoff to approved storm drainage systems to avoid ponding of storm water.
- B. None of the required setback areas of the respective zones shall be used for parking, storage or buildings. Paved access perpendicular to the street which crosses the required front or the side setback facing a street is allowed to access

the areas behind the setback used for parking, storage, or building access.

C. Driveway widths

1. Not on Washington, Wall or Highway 89
 - a. Minimum width twenty-five (25') feet
 - b. Maximum width fifty (50') feet
2. On Washington, Wall or Highway 89
 - a. Minimum width thirty-four (34') feet
 - b. Maximum width fifty (50') feet
3. The driveway width on state administered highways may be wider as required by the Utah State Department of Transportation.

D. Driveway locations

1. Commercial and manufacturing uses may have one accessway to a public street per one hundred feet (100') or fraction thereof of street frontage up to a maximum of three driveways for a property. The number of driveways allowed on State controlled highways may be less and number and location shall be determined by a State access permit
2. Driveways must be separated by at least fifty (50') from any other driveway whether on the property or an adjacent property. Driveways shall be set back a minimum of eighty feet (80') from the intersection of two (2) arterial streets and fifty feet (50') from any other street classification intersection.
3. Lots are encouraged to have a shared access between commercial or manufacturing uses. Such access shall be guaranteed by a recorded reciprocal access easement. If shared access occurs, the driveway width maximum may be increased by ten feet (10') in commercial and manufacturing zones.

E. Parking Size

The minimum size for a required parking space is nine (9') feet wide and eighteen (18') feet long and have a 25 foot backup area if the parking is at 90 degrees. Backup areas for 45 degree angled parking shall be a minimum of 12 feet and 60 degree parking is 16 feet

F Off street truck loading design:

1. Commercial or manufacturing loading and unloading facilities shall be designed to be to the rear or side of the building and not visible from the public street. In a manufacturing zone, if the lot dimensions together with the building layout will not allow the necessary loading facility to be placed in the rear or side and there are no other means of access to the rear portion of the building, loading facilities may occur along the front or side facing a street, provided that the building is set back a sufficient distance so that all maneuvering of trucks can occur on the property and not the public right of way.
2. Loading areas shall be paved with concrete or asphalt.

3. Loading areas shall be sized to accept the largest delivery vehicle that will serve the use, and include turnaround areas that are on site and not the public right of way or be designed to allow continued forward movement of the vehicle through the site.

G. Access through residential zoned property: Vehicle access through a residential property to a commercial or a manufacturing property is not permitted.

17-4 Landscaping Requirements

1. Areas required to be landscaped: All required setbacks and areas not used for a building, parking, access or storage are required to be landscaped. When phased development is proposed the future phased areas are allowed to remain in their predevelopment condition and not improved with landscaping provided the area is clear of any debris, junk or storage of items and remains in that condition. Notwithstanding the required landscaping for setbacks, there may be additional landscaping required based on other provisions of this title. Additional requirements include, but are not limited to, installation of landscaping in public right of way, preserving existing trees, setbacks when next to residential zones, and parking lot landscaping.
2. General Requirements of landscaping: In those areas required to be landscaped, the landscaping shall follow the following requirements;
 - A. Landscaping of front setbacks, side setbacks facing a street and setbacks adjacent to a residential zone are required to be landscaped with living plant material such as grass, other horticulturally developed ground covers, or shrubs. When shrubs or ground covers other than grass are used for landscaping, the spacing, type and size of plants used shall be such that seventy five percent (75%) of all landscaped areas shall be covered with living material within three (3) years of planting. Plant material shall be species that are regionally appropriate and suitable for the site specific planting conditions, including available moisture, shade, salt tolerance, wind exposure and soil ph. While all landscape designs should be designed to make proper use of water conservation practices, if the landscaped areas described in this section exceed 15% of the site area then up to 25% of the ground surface area may be landscaped using decorative rock between the sizes of 1.5 inches to 4 inches in size without plant material.
 - B. Interior side and rear setbacks not adjacent to residential zones may be landscaped with decorative non living covers such as rocks, gravel or wood mulches that allow water to infiltrate the ground and reduce storm water runoff.
 - C. Parking lot landscaping: Required public parking areas shall install landscaped islands with raised curbs. Islands shall not be placed over asphalt or concrete. A curb shall be provided along all interior roadways to prevent vehicular intrusion into landscape areas. Whenever a landscaped island under this provision is required it shall be a minimum width of nine feet (9') and the length of the parking stalls it abuts.

1. Landscaped islands shall be installed at the end of each row of parking if the row exceeds ten (10) parking stalls in length. If the row of parking is thirty (30) or more stalls in length, one island shall be placed between every fifteen (15) stalls in the row in addition to the end of the row. In manufacturing zones, if the parking is located behind the building and is not in public view from the street, no island is required.
2. When landscaped islands are required, a minimum of one deciduous tree shall be planted in each island. This tree requirement is in addition to the number of trees required on the remainder of the lot. The surface of the island shall be planted in grass or shrubs. If shrubs are used they shall meet the requirement of seventy five percent (75%) of the landscaped area covered with living plant material within three (3) years. Plantings shall be maintained at a height not to exceed three feet (3').
 - D. Planting bed mulch for shrubs or areas covered with rock or wood mulch shall have a minimum depth coverage of three inches (3").
 - E. No plant material greater than twenty four inches (24") in height shall be located within fifteen feet (15') of a curb cut.
 - F. For all properties, all on-site landscape areas shall include in the planting a minimum of one live tree per two thousand (2,000) square feet of landscaped area.
3. Minimum Size Of Landscape Materials At Time Of Planting:
 - A. Deciduous shade trees shall have a minimum caliper size of one and a half inches (1.5") as defined by industry standards.
 - B. Evergreen trees shall be a minimum of four feet (4') tall.
 - C. Shrubs shall be of at least a one gallon container.
4. Installation and Maintenance:
 - A. Landscaping shall be installed prior to occupancy of any structure. In the case of inclement weather that prevents the installation of the required improvements, the time completion of the improvements may be extended, in writing, upon the approval of the applicable reviewing body or designee. However, in no case shall the time for completion be extended beyond June 1 immediately following the completion date.
 - B. All landscaping shall be maintained in a good, healthy, weed-free condition by the owner. Diseased or dead plant material shall be removed and replaced by June 1 if due to winter kill or October 1 if the plant material dies during summer months.
 - C. Landscaping materials shall be contained so as not to obstruct any portion of the public sidewalk or street pavement.
5. Irrigation System Design:

- A. Landscaped areas shall be irrigated with an underground irrigation system or drip system. Areas with existing natural vegetation of shrubs (e.g., Wood's rose, Willows, Sagebrush) or trees (e.g., Box Elder, Cottonwood, Siberian Elm) are not required to be irrigated unless site improvements have altered the historic drainage pattern or soil absorption patterns so the amount of available water is reduced so the planting cannot exist in its natural state.
- B. Irrigation systems shall be designed to avoid or minimize overspray of water onto paved surfaces or structures.
- 6. Tree Preservation:
 - A. Existing trees that are in a healthy condition and have a minimum caliper of four inches (4") as measured by industry standards shall be considered "significant", and shall be preserved to the extent reasonably feasible. Existing trees and shrubs within areas that can be developed may be used to satisfy the landscaping requirements of this Section. All required landscape plans shall accurately identify the locations, species, size, condition and proposed disposition of all significant trees.
 - B. Existing trees that will remain need to have sufficient nonpaved surfaces around them so their root systems shall receive adequate water to ensure survival, and shall be protected from damage, soil contamination and compaction within the drip line during construction through the use of barricades or fencing.
- 7. Street Trees: When the public street frontage has existing curbs or curbs are required to be installed as part of the development improvements, deciduous street trees shall be required to be installed in the parkway. Trees shall be spaced at forty feet (40') on center but shall not be closer than twenty five feet (25') to any drive approach or forty feet (40') to any street intersection. If the space in the parkway is less than five feet (5') wide the required trees shall be placed outside of the parkway but within twenty five feet (25') of the curb line and may be arranged in a formal or informal manner.

17-5 Screening Requirements

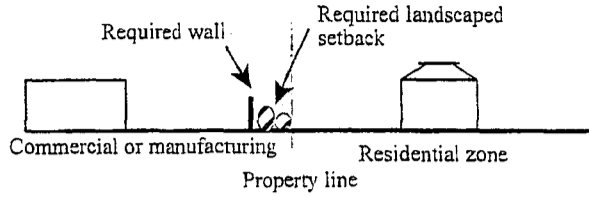
- A. Whenever commercial or manufacturing development abuts property in a residential zone, screening is required to protect residential properties from the potential impacts of lights, noise, increased pedestrian traffic, invasions of privacy and physical intrusions on property. There are three types of screening that are permitted when a commercial or manufacturing use is adjacent to a residential zone and any three or a combination of the three is permitted.
 - 1. Construct a solid wood, vinyl or masonry wall a minimum height of six (6) feet. When this is the option used the wall height may be required to be taller than the minimum depending on the use that is occurring on the commercial or manufacturing side. The wall needs to be tall enough so that from the furthest

point on the adjacent residential lot any outdoor storage is not visible when viewed standing on the ground. The use of split face block or colored block shall have the best

side facing the residential zone.

Walls will be required to be placed behind the setback distance

for the respective zone and yard location.



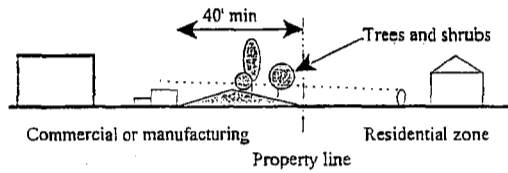
- Installing a continuous landscaped mound. The height of the mound screens any storage or parking on the commercial or manufacturing use from the adjacent residential zone when viewed standing at ground level on the residential lot. The minimum width of the mound is forty feet(40') and the steepest slope of the mound allowed on the residential side is 2 feet vertical to 1 foot horizontal. Plantings of evergreen and deciduous trees and shrubs which

reach the minimum height of 10 feet shall be required on the

residential side of the mound to soften the visual appearance and

trees shall not be spaced any further

(30') apart.

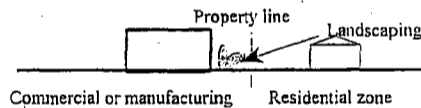


than thirty feet

- The building may act as the screening option when next to a residential zone provided there are no openings, lights, speakers, storage or parking on the

portion of the wall facing the residential zone. The setback area

between the building and the residential zone is required to be landscaped by the commercial or manufacturing use owner.



and maintained

- 18-1. Purpose and Intent
- 18-2. Special Regulations

18-1. Purpose and Intent

The purpose of this chapter is to identify specific regulations that are required to be met in order for the specific use to be a permitted use in the specific zones where the use is allowed. Compliance with the specific use regulation is in addition to compliance with the general land use regulations governing the zone where the land use is proposed or exists.

18-2. Special Regulations

1. Sexually Oriented business

- A. No sexually oriented business shall be located within five hundred feet (500') from any educational facility, public park, places of worship, residential zone, or other sexually oriented business.
- B. Distance requirements between structures and uses specified shall be measured in a straight line, without regard to intervening structures or zoning districts, from the closest property boundary of the educational facility, park, places of worship, residential zone, or other sexually oriented business to the closest property line of the use.
- C. All parking spaces or parking lots for sexually oriented businesses shall be located on the same lot with the main building and at a location on the site in front of the building and visible from a public street.
- D. Building entrances for customers or patrons shall face the public street.
- E. Notwithstanding anything in the city's sign regulations, the more restrictive standards for signs imposed herein shall prevail. Signs for sexually oriented businesses and other devices designed to draw attention to the business shall be limited as follows:
 - 1. No more than one wall mounted sign shall be allowed on any sexually oriented business premises and it shall not exceed eighteen (18) square feet in size.
 - 2. No animation shall be permitted on or around any sexually oriented business sign, or on the exterior walls or roof of the premises.
 - 3. No descriptive art or designs depicting any activity related to, or inferring, the nature of the business shall be allowed on any sexually oriented business

- sign, which shall contain alphanumeric copy only.
4. No painted signs or painted wall advertising shall be allowed, including any signage or advertising painted on the inside of any window or other translucent material which is visible from the outside of the building.
 5. The building and the premises of the sexually oriented business shall be kept free of any temporary signs or banners,
 6. The premises of the sexually oriented business shall be kept free of vehicles or trailers displaying signage that identifies the name of the business, displays, descriptive art, or designs depicting any activity related to, or inferring the nature of the sexually oriented business, or otherwise draws attention to the business or the business location; provided that signage on the driver door or front passenger door of a business vehicle shall not be prohibited.
 7. No searchlights or other outdoor activities or promotional events that draw attention to the business or the business location shall be allowed on the premises.
 8. Outdoor lighting shall be designed to direct all light toward the ground and all light poles shall be restricted to a height of twenty feet (20'). This provision is not intended to restrict the seasonal use of nonflashing, miniature lighting on trees or shrubs.
 9. No outdoor music or use of a "sound amplification device" shall be used to draw attention to the business or business location.
 10. Hours of operation limited to 11 a.m. to 11 p.m. Sunday through Thursday and 11 a.m. to midnight on Friday and Saturday.

2. Dwellings

- A. A permitted use in a commercial or manufacturing zone may also be allowed one dwelling on the property which provides a 24 hour security presence for the permitted use. The dwelling shall be a permanent building on a foundation and not a trailer or other portable structure. The dwelling may be detached or attached to a main use building on the site. The dwelling shall be located as the nearest structure to the public street and is required to meet the front yard setback of the zone as any other building in the zone.
- B. An office or commercial use may have no more than a total of two dwellings units located on the second floor or higher levels of the building. The minimum dwelling units size shall be not less than 1200 square feet and the exterior design of the building shall be consistent with the exterior materials used on the main floor of the building though the amount of glass coverage may be less.

3. Nursing home and assisted living

The lot area shall be used to determine the number of individuals allowed in a nursing home or assisted living. A minimum lot area of 7500 square feet for each building which includes the first four occupants is required and an additional 1000 square feet of lot area for each additional occupant is required. There shall be

provided a minimum landscaped coverage of forty percent (40%) of the lot area. The building or buildings shall be designed with a central or individual outdoor patio for the use of the occupants at a ratio of 120 square feet of patio or plaza per occupant. When a central plaza is used there shall be designed into the plaza a mixture of landscaped areas and hard surfaced areas with fixed seating and covered structures for protection from the elements.

4. Outdoor Display of Products

Outdoor display of products shall be allowed only when they meet the following requirements:

- A. Products which are displayed for sale shall be located behind any required landscaped setback area of the property.
- B. Products shall not occupy the minimum required parking stalls for the land use.
- C. Items which are visible from the street shall be in new or undamaged condition. Any damaged materials or materials in damaged containers which are intended to be sold shall be located to the rear or side of the main building on the lot and not visible from the street.
- D. Any lighting of the yard area where the materials are stored shall be down lighting and no direct source lighting shall be visible from any residential use. In addition lighting shields shall be installed to reduce nondirect lighting impacts to adjacent residential properties.
- E. Any stacked materials shall not exceed six feet in height when placed between the front property line and the main building or the property line of the side facing the street and the main building.

5. Facilities with drive-up service

When a facility is designed and operates a drive -up window or a series of drive up facilities the design shall be able to provide behind the drive up window or facility a minimum of eighty foot (80') long stacked waiting space for vehicles behind each window or transaction device. The design of the drive up areas and stacking areas shall be located to the side or rear of the building and demonstrate that such facilities will not result in the stacking of vehicles on public rights of way. In no event shall drive-throughs or areas associated with such uses be located on a public street or right of way, or interfere with vehicular or pedestrian traffic on a public street, sidewalk or other right of way. Stacking areas, access lanes and structures associated with the drive up operation shall be setback behind the required setbacks of the zone in which they are located.

6. Check cashing or payday lender business

- A. No check cashing or payday lender business shall be located within one (1) mile of any other similar business within or outside the City limits.
- B. Distance requirements defined in this section shall be measured in a straight line, without regard to intervening structures or zoning districts from the entry door of each business.
- C. Only one business shall be allowed in the City for every 10,000 residents living in the city.

7. Contractor storage

Outdoor storage of construction materials and vehicles used in the construction trade are allowed provided the following conditions are met:

- A. The area dedicated to outdoor storage does not exceed eighty percent (80%) of the lot area.
- B. All outdoor storage shall be in a completely enclosed area screened by a seven foot (7') tall screening fence made of the following materials:
 1. Solid wood, vinyl or other fencing material having the appearance of wood of one inch by four inch (1" x 4") to one inch by eight inch (1" x 8") members spaced no further apart than one-eighth inch (1/8");
 2. A decorative masonry wall; or
 3. Other fence materials and construction approved by the Planning Commission that provides adequate screening of the storage area similar to the above fencing materials;
 4. When adjacent to a residential zone the screen requirements are those required in 17-5.
- C. No salvage or scrap operations or outdoor repairing shall be allowed as part of such use; and
- D. Construction materials stored outdoors shall be limited to either new construction materials or items reused as part of the construction process.

8. Vehicle repair services

- A. Repair work on vehicles shall take place inside an enclosed building and is limited to the hours of 8 a.m to 8 p.m.
- B. Outdoor storage of junk vehicles intended for restoration or limited salvage for repair may be allowed as an accessory use to a vehicle repair service provided the following conditions are met:
 1. The area dedicated to outdoor storage does not exceed ten percent (10%) of the lot in the CP-2 zone and twenty percent (20%) of the lot in an MP-1 zone and the storage area is located behind the main building on the lot.
 2. All such outdoor storage shall be in a completely enclosed area screened by a seven foot (7') tall screening fence made of the following materials:
 - a. Solid wood, vinyl or other fencing material having the appearance of wood of one inch by four inch (1" x 4") to one inch by eight inch (1" x 8") members spaced no further apart than one-eighth inch (1/8");
 - b. A decorative masonry wall; or
 - c. Other fence materials and construction approved by the Planning

Commission that provides adequate screening of the storage area similar to the above fencing materials.

3. When adjacent to a residential zone the screen requirements are those required in 17-5.
4. Limited salvage of parts from such vehicles shall be permitted only as necessary for the repair of other vehicles on-site and not as part of any other type of salvage operation.

9. Communication towers

The approval of any telecommunication towers shall require the tower to be designed to and require acceptance of co-location of service providers. The antenna array shall be as compact to the pole as possible if a pole is required. Attachment of the antenna to existing structures such as smoke stacks, steeples or existing poles is the first consideration in considering telecommunication tower placement. If this is the sole use on the site the facility shall meet all landscaping and setback requirements of the zone. If the use is to be installed on a site with another existing land use that use must meet all current landscaping and screening requirements.

10. Utility substations

Utility substations shall be located on legal lots of the respective zone in which they are located. The lot area may be reduced to a minimum of 3,000 square feet in a manufacturing zone by the Planning Commission when the facility is a small switching station or other control device and the facility is enclosed on all four sides with exterior surface materials similar to the surrounding buildings. On these reduced lot area facilities the setback shall be the same as the front setback and side facing a corner setback of the zone in which it is located but the side and rear setback is a minimum of five (5') feet.