

HARRISVILLE CITY
ORDINANCE NO. 390

ZONING AMENDMENTS - VARIOUS CHAPTERS

AN ORDINANCE OF HARRISVILLE CITY, UTAH, AMENDING VARIOUS CHAPTERS OF THE ZONING ORDINANCE/LAND USE ORDINANCE #255 INCLUDING: CHAPTER 3 - REGULATIONS APPLICABLE TO ALL ZONES, CHAPTER 4 - PARKING AND LOADING SPACE VEHICLE TRAFFIC AND ACCESS REGULATIONS; CHAPTERS BEING REPEALED AND RE-ENACTED IN THEIR ENTIRETY INCLUDE: CHAPTER 13 - AGRICULTURAL ZONE; CHAPTER 13A - SINGLE FAMILY RESIDENTIAL ZONE R-1-20, CHAPTER 14 - RESIDENTIAL ESTATE ZONE, CHAPTER 15 - SINGLE FAMILY RESIDENTIAL ZONE, CHAPTER 16 - MODERATE DENSITY RESIDENTIAL ZONE, CHAPTER 17 - MULTIPLE FAMILY RESIDENTIAL ZONE, CHAPTER 18 - MULTIPLE FAMILY RESIDENTIAL ZONE, CHAPTER 24 - HOME OCCUPATIONS, CHAPTER 25 - RESIDENCES FOR PERSONS WITH A DISABILITY, AND CHAPTER 26 - TELEVISION SATELLITE ANTENNAS OR DISH ANTENNAS; 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 November 14, 2007, 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 December 11, 2007, and now desires to act on this Ordinance;

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

Section 1: Repealer. Any word, sentence, paragraph, or phrase inconsistent with this Ordinance and any reference thereto is hereby vacated.

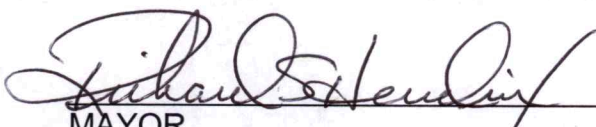
Section 2: Amendment. Chapter 3 – Regulations Applicable to All Zones, and Chapter 4 – Parking and Loading Space Vehicle Traffic and Access Regulations Chapter is hereby amended as set forth in those respective chapters attached hereto as Exhibit “A” and incorporated herein by this reference.

Section 3: Re-enactment: Chapter 13 – Agricultural Zone; Chapter 13a – Single Family Residential Zone R-1-20, Chapter 14 – Residential Estate Zone, Chapter 15 – Single Family Residential Zone, Chapter 16 – Moderate Density Residential Zone, Chapter 17 – Multiple Family Residential Zone, Chapter 18 – Multiple Family Residential Zone, Chapter 24 – Home Occupations, Chapter 25 – Residences for Persons with a Disability, and Chapter 26 – Television Satellite Antennas or Dish Antennas are hereby repealed in their entirety and re-enacted to read as set forth in those respective chapters attached hereto as Exhibit “B” and incorporated herein by this reference.

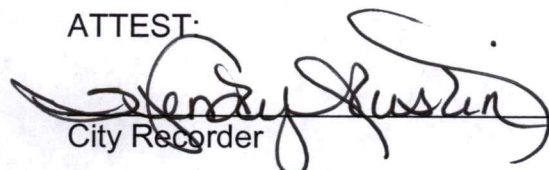
Section 4: Severability. If any section, paragraph, sentence, clause or phrase of this Ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and such remainder shall remain in full force and effect.

Section 5: Effective Date. This Ordinance shall be effective immediately after posting or publication.

PASSED AND ADOPTED by the City Council on this 22nd day of January, 2008.


MAYOR,
Harrisville City

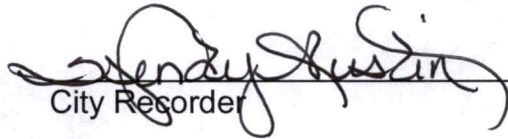
ATTEST:


City Recorder

RECORDED this 22nd day of January 2008.
PUBLISHED OR POSTED this 24th day of January 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) City Hall 2) Cabin and 3) 2150 North on the above referenced dates.


City Recorder

DATE: 1-24-08

Roll Call Vote is as follows:

Mr. Crowther	<input checked="" type="radio"/> yes	no
Ms. Tait	yes	no-absent
Mr. Wilhelmsen	<input checked="" type="radio"/> yes	no
Mr. Richins	<input checked="" type="radio"/> yes	no
Ms. Fowers	<input checked="" type="radio"/> yes	no



13-1 Purpose and Intent

13-2 Uses

13-1 Purpose and Intent

1. A-1-The purpose of the A-1 zone is to provide areas which are to be retained and used for a mixture of farming or agricultural uses and single family low density rural residential development. The zone is to be applied in areas with a high water table or where access to public roads is limited and the utilization of the open land areas for the keeping of animals has low impact on residential uses or the combination of residential large lots and agricultural uses is consistent with the general plan.
2. R-1-20- The purpose of the R-1-20 zone is to provide regulated areas for single family residential land use at low density levels. The zone is to be used to promote and preserve in appropriate areas conditions favorable to large lot family life and when appropriate farm animals.
3. RE-15- The purpose of the RE-15 zone is to provide and protect residential development at a single family low density in a semi-agricultural or transition from a rural environment. It is also to provide for certain rural amenities on large lots, in conjunction with the primary residential nature of the zone.
4. R-1-10-The purpose of the R-1-10 zone is to provide regulated areas for single family residential development in a typical neighborhood setting fronting local roads and having all necessary utilities for residential development
5. R-1-6- The purpose of the R-1-6 zone is to accommodate a need for a moderate density single family residential district. The intent of such a zone is a transition area from high traffic areas and areas where consolidated infrastructure is needed due to physical conditions such as shallow utility lines, surface water, etc.
6. R-3 - The purpose of the R-3 zone is to provide moderate density and income residential areas that will accommodate the development of a variety of dwelling types from single family detached, single family row houses and multiple-family units. The intent of the zone is to act as transition from higher density traffic streets and intersections to lower density residential zones.

13-2 Uses

1. This section designates the land uses allowed in each residential zone district in Harrisville City. More than one of the nondwelling unit land uses permitted in the respective zone may be allowed on a parcel or lot provided each use meets the lot area, setback 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 14 and 15 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 is not listed in this section 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 15 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
	A-1	R-1-20	RE-15	R-1-10	R-1-6	R-3	
Agricultural Uses							
Agricultural accessory structure e.g. greenhouse, cold storage	P	P	P	P	P	N	15-2-1
Commercial crop and fruit production	P	P	P	P	N	N	15-2-2
Crop and fruit production for property owners personal use	P	P	P	P	P	P	
Plant Nursery	P	P	P	N	N	N	15-2-3
Animal Raising							
Accessory building	P	P	P	P	P	P	
Animals for family food production	P	P	P	P	N	N	15-2-4
Dairy farm	P	N	N	N	N	N	15-2-5
Horse raising	P	P	P	N	N	N	15-2-6
Other animal raising	P	P	P	N	N	N	15-2-7

5. Land which is not being used for any of the permitted uses, shall be left in its natural condition and with its natural vegetation. Clearing of the ground or removal of vegetation excluding those plants considered to be abated for the public good (dyers woad, yellow star thistle, Canadian thistle, etc.) is not permitted. In cases deemed a potential fire hazard the mowing of the vegetation to appropriate heights is not considered removal of the vegetation.

- 14-1 Purpose and Intent
- 14-2 Main building development standards
- 14-3 Accessory building development standards
- 14-4 Parking regulations on property
- 14-5 Landscaping

14-1 Purpose and intent- The purpose of development standards in the residentially zoned areas of Harrisville is to provide for the orderly development of land by setting size and area requirement for proposed lots and to ensure that development on each lot or parcel provides adequate room for the use of the lot, sets the character of the neighborhood in the placement of buildings and types of uses, and considers the need of the land owner and the impact of such uses to adjacent land owners and the community overall.

14-2 Main Building Development Standards

1. Lot Area and Frontage Requirements

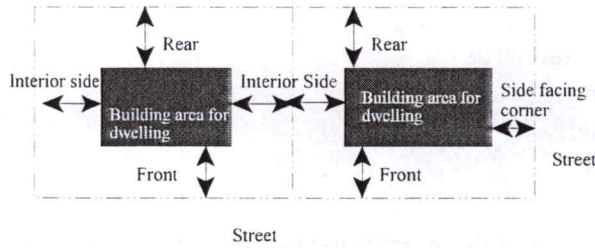
Each lot or parcel in the respective zone shall comply with the minimum requirements of this regulation as provided below except when such lot or parcel has a noncomplying right.

	A-1	R-1-20	RE-15	R-1-10	R-1-6	R-3
Minimum lot area	40,000 sq. ft	20,000 sq. ft.	15,000 sq. ft.	10,000 sq. ft.	6,000 sq. ft.	6,000 sq. ft for single family. Two or more units, 6,000 sq. ft for the first unit plus 4,000 sq. ft. for each additional unit in a building
Minimum lot frontage	100 feet	100 feet	100 feet	90 feet	70 feet	60 feet

2. Residential Building Setbacks

Any structure intended for use as a residential dwelling, including any accessory structure attached to the dwelling structure such as a garage, shall maintain a minimum distance in feet from the property line to the building according to the following table. Notwithstanding the setback requirement, easements or other recorded restrictions to portions of a property are not superceded by setback requirements and must be considered when locating structures:

Minimum Setback for residential dwellings

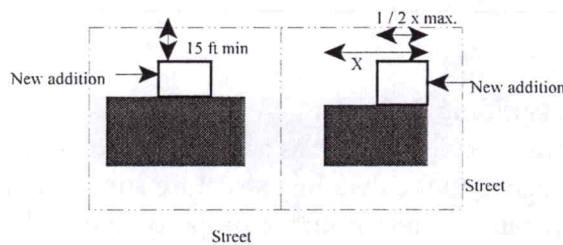


type of yard	zone					
	A-1	R-1-20	RE-15	R-1-10	R-1-6	R-3
Front	30 ft	30 ft	30 ft	25 ft	25 ft	20 ft
Interior Side	12 ft	10 ft	10 ft	8 ft	8 ft	6 ft
Side facing corner	20 ft	20 ft	20 ft	20 ft	20 ft	15 ft
Rear	30 ft	30 ft	30 ft	25 ft	25 ft	20 ft

3. Additions to existing homes

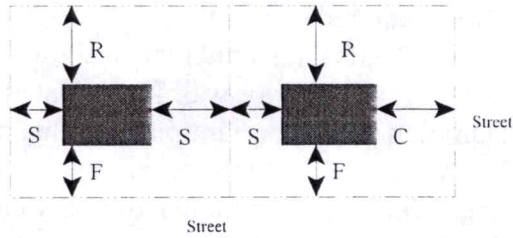
Any single family dwelling structure having been occupied for a minimum of five years may make an expansion of the dwelling that extends into the area of the rear yard setback for the main portion of the home provided the expansion;

- A. Maintains the sideyard setbacks of the respective zone,
- B. Maintains a minimum setback of 15 feet from the rear property line, and
- C. Is no wider than half the width of the existing house.



4. Other Main Building Setback

Nonresidential buildings or structures which are used for the main permitted land use shall maintain a minimum distance in feet from the property line to the building or structure according to the following table:



Zone	A-1 and R-1-20				RE-15				R-1-10 and R-1-6				R-3			
	F	S	C	R	F	S	C	R	F	S	C	R	F	S	C	R
Barn or farm animal shelter	100'	15'	70'	15'	100'	15'	70'	15'								
Church	30'	30'	25'	30'	30'	30'	25'	30'	25'	30'	20'	20'	20'	30'	15'	20'
Golf Course building	30'	30'	30'	30'	30'	30'	30'	30'	30'	30'	30'	30'	30'	30'	20'	30'
Produce stand	30'	10'	30'	10'	30'	10'	25'	30'	25'	10'	20'	20'				
Plant Nursery sales office	30'	10'	30'	10'	30'	10'	25'	30'								
Plant Greenhouse	60'	10'	30'	10'	60'	10'	30'	10'								
school	30'	30'	25'	30'	30'	20'	30'	30'	25'	20'	20'	20'	20'	20'	15'	20'
substation	75'	75'	75'	75'	75'	75'	75'	75'	75'	75'	75'	75'	75'	75'	75'	75'
T.V, radio, telecommunication tower	75'	75'	75'	75'												

F= front setback S= side setback C= corner side setback R= rear setback

5. Main Building height
 - Minimum- 10 feet
 - Maximum -
 - A. Residential, other main building- 35 feet
 - B. Fruit or vegetable stand, green house, coop- 15 feet

6. Residential Building size and design
 - A. The maximum footprint of a residential dwelling excluding attached accessory uses shall be four thousand (4,000) square feet.
 - B. In order to maintain the traditional residential character developed in Harrisville certain design elements on residential buildings are required.

Those required elements are:

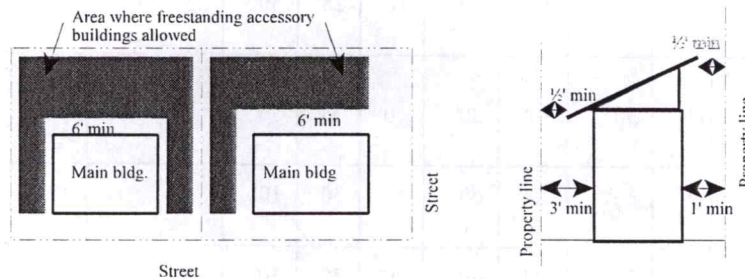
1. Roofs with a pitch no shallower than a ratio of run to rise 3 to 1
2. Main exterior wall finish materials of brick, stone, siding(vinyl, aluminum, wood or hardiplank)with a maximum 12" width horizontal lines , stucco or glass. Structural block, atlas brick and other larger dimensional concrete masonry units are not permitted for residential dwellings but only for accessory structures or other main buildings.

14-3 Accessory Building Development standards

1. Free standing residential accessory structure setbacks

Residential accessory structures (e.g. garage, shed, work shop) which are free standing shall only be located to the side or rear of the main building. Such structures shall not be located in the sideyard setback facing a street. Accessory structures shall not be closer than six (6') feet to the main building and shall have a minimum setback of three (3') feet from the side or rear property line if the roof pitch of the accessory building slopes toward the property line or a minimum of one (1') foot setback if the roof does not slope toward the property line. No portion of the roof overhang shall be closer than one half (½') foot to any property

line.



2. Freestanding accessory building height

Maximum

- A. Barn, garage- 25 feet
- B. Shed, coop, produce stand, greenhouse- 15 feet

3. Accessory building coverage

No single accessory building or group of accessory buildings shall cover more than twenty-five (25%) of the area from the rear of the main building to the rear property line. In addition to the 25% coverage limitation in the RE-15 zone when the lot is less than 16,000 square feet or the R-1-10, R-1-6 or R-3 zones no detached accessory structure on a lot with a dwelling shall have a larger square foot footprint than the dwelling on the lot.

14-4 Parking Regulations

1. Required parking

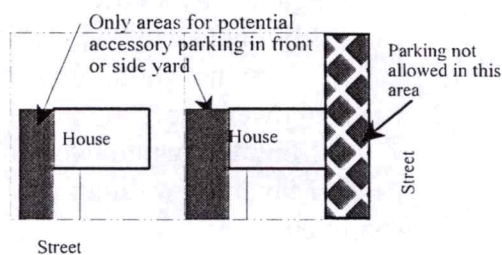
In all residential zones there shall be provided in a detached or attached garage or in an area located where a future garage could be constructed on the same lot as the dwelling

two side by side concrete or asphalt surfaced parking spaces per dwelling unit and paved driveway access leading from the street to the required parking. Non dwelling permitted uses shall locate the parking for the use on a hard surface of concrete or asphalt behind the setback required for the main building unless otherwise stated in city ordinances.

2. Additional Off Street Parking

- A. Parking or storing of additional operational and licensed vehicles in one required sideyard or the front yard setback of a dwelling may be allowed provided that the following conditions are complied with;
1. The dwelling unit has the minimum number of two (2) required off street parking spaces and access to those parking spaces is on a concrete or asphalt driveway.
 2. Any additional parking space must remain open and unobstructed to the sky.
 3. The surface treatment for the additional vehicle parking and the access to the additional parking if located in the side yard is either road base, gravel or a hard surface material of concrete or asphalt.
 4. The additional parking space in the front yard is limited to only the area between the hard surface driveway and the nearest sideyard property line. Parking can not extend into the area between the dwelling and the street nor in the sideyard facing a street on a corner lot.
 5. All storm water run off must be directed to prevent drainage onto adjacent properties.
 6. No additional parking space or vehicle shall be located in the

sideyard or frontyard setback facing a street on a corner lot.



- B. Uncovered parking for recreational vehicles may be permitted in the area behind the rear of the dwelling and in the rear yard setback provided that;
1. The vehicles parked are currently licensed and operational
 2. The parked vehicles do not occupy more than twenty-five (25%) of the rear area of the property, and
 3. Parking does not need to be on hard surface.

3. Parking of Agricultural or Farm Equipment

When a farm or agricultural use occurs on the property, machinery and equipment necessary for the use may be parked or stored on the property without a required hard surface provided that the equipment parking or storing area is setback a minimum of sixty (60) feet from any public street. When the parking or storage area is open to the sky and when a structure exists on the property the parking shall be located in such a manner that the structure serves as a screen between the equipment or vehicles and adjacent property lines or public street.

4. Parking and Access Surfaces, Locations and Size

- A. Required parking for a dwelling and access to the required parking if one hundred (100') feet in length or less from the public street property line shall be paved with an asphalt or concrete surface. For distances longer than one hundred (100') feet gravel or road base are approved surface materials for parking areas and access lanes. Driveways and parking areas shall be designed so that storm water runoff from these surfaces does not flow to adjacent properties.
- B. For all uses permitted in a residential zone, none of the front and side yard setback areas required by the respective zone shall be used for parking with the exception of the sideyard parking according to the provisions of the chapter. Access across the required front yard is allowed to the side yard or rear yards. No more than twenty-five percent (25%) of the area from the rear of the building to the rear property line may be used for parking.
- C. Driveway widths
 - 1. Single family homes
 - a. Minimum width ten (10') feet
 - b. Maximum width thirty-two (32') feet
 - 2. Attached dwellings
 - a. Minimum width twenty (20') feet
 - b. Maximum width thirty-four (34') feet
 - 3. Apartment
 - a. Minimum width twenty-four (24')
 - b. Maximum width thirty-four (34') feet
- D. Parking Size
The minimum size for a required parking space is nine(9') feet wide and eighteen (18') feet long.

14-5 Landscaping Requirements

All required setbacks and areas not used for a building, parking or access are required to be landscaped before occupancy of the building is allowed except for single family homes. If occupancy is to occur during the winter months then the landscaping must be installed before the beginning of the upcoming June. For single family homes the front

yard area is required to be landscaped within (18) months of occupancy of the dwelling.

Chapter 15

Residential Zone Special Use Regulations

15-1. Purpose and Intent

15-2. Special Regulations

15-1. 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.

15-2. Special Regulations

1. Agricultural Accessory Structure

An agricultural accessory structure is a structure designed and used for the raising or storing of produce (vegetables or fruits) raised on the property where the structure is located.

- A. The structure may be a permanent or temporary structure and shall comply with the minimum setbacks required for a produce stand if it is the main building on the site. If a dwelling also exists on the property any permanent agricultural accessory structure shall comply with the setback and other regulations of an accessory building.
- B. The exterior surface of the structure shall not have a reflective surface that reflects the sun and creates a glare on adjacent properties at any time during the day.
- C. The nontransparent exterior surface of a new building shall be of new materials or reuse of old materials whose original purpose was for exterior siding or roofing.
- D. The structure or structures if located on a property that has a dwelling on it shall not occupy more than 25% of the area of the lot measured behind the rear of the dwelling.

2. Commercial crop and fruit production

A permanent or temporary structure used for the selling of produce may be permitted on the same parcel of property where the produce (vegetables or fruit) is raised provided that:

- A. A permanent structure shall comply with the minimum setbacks required for a produce stand if it is the main building on the site. If a dwelling also exists on the property any permanent agricultural accessory structure shall comply with the setback and other regulations of an accessory building.

- B. A temporary structure may be located in the front yard setback in an A-1 or R-1-20 zoned property provided that it is no larger than 100 square feet and is in place only during the harvest time of the produce being sold.
- C. A temporary shade canopy no larger than 100 square feet is permitted in the front yard setback in the RE-15 and R-1-10 zones provided it is in place only during the harvest time of the produce being sold.

3. Plant Nursery

The raising of annual or perennial plants, shrubs and trees for sale is permitted provided the plants are grown on the property from which they are sold. Greenhouses used for the growing of the plants shall comply with the minimum setback requirements. The sales office for the use may be in a freestanding building if the use is the only use on the property. If a dwelling exists on the property the occupant of the dwelling must also be the owner and operator of the plant nursery in order to be allowed. No more than twenty-five (25%) percent of the home may then be used as the sales office.

4. Animals for family food production

- A. Animals kept for the use of the owner for the property for food or to be sold to others to be used for food are classified into three groups, large animals which is limited to cows, bison, and pigs, medium animals which is limited to sheep and goats and small animals which is limited to rabbits, chickens, geese, ducks, turkeys and pheasants.
- B. The keeping of these animals on a property without a dwelling unit is permitted in the applicable zones provided the following lot area requirements are met for the number of animals allowed on the lot.
- C. Animals that are kept on a property that has a dwelling can only be kept if the dwelling is a single family dwelling and the animals are kept a minimum of 30 feet behind the rear of the dwelling in all zones except the A-1 zone. In the A-1 zone animals may be kept in a fenced area in front of the house. The area required for the number of animals allowed is calculated beginning at a point 30 feet behind the rear of the dwelling. In the A-1 zone the lot area minus 15,000 square feet for the dwelling area is used to calculate the number of animals allowed according to the following numbers:
 - i. Large animals - A-1 and R-20 zone - two per 20,000 square feet. RE-15 zone one per 20,000 square feet; R-1-10 not allowed.
 - ii. Medium animals - A-1, R-20 and RE-15 four animals per 20,000 square feet; R-1-10 one animal per 10,000 square feet.
 - iii. Small animals - A-1, R-20, RE-15 twenty five animals per 20,000 square feet; R-1-10 five animals per 10,000 square feet.
- D. The keeping of the animals shall be done in such a manner so as to prevent them from reaching onto adjacent property and eating trees and shrubs.
- E. Necessary measures shall be exercised to prevent the generation of obnoxious or offensive odor and noise, or otherwise create a nuisance affecting the buildings or property of others.

- F. The keeping of small animals in structures is also required to meet the following standards:
- i. Loft(s) and hutch(s) shall be constructed so as to allow each adult animal five (5) cubic feet of living space.
 - ii. Feed shall be stored in a manner which prevents rodent infestation or harborage.
 - iii. Loft(s) and hutch(s) shall at all times be in compliance with these regulations and shall be maintained in a clean, sanitary, and orderly condition and kept in good repair.
 - iv. Animals shall be maintained in a healthy, disease-free condition. Those with communicable diseases shall be properly isolated.
 - v. Scrapings, dead animals, manure, and other putrescible wastes shall be stored in watertight containers with tight-fitting lids, final disposal shall be accomplished in a manner which creates neither a health hazard or nuisance.
5. Dairy Farm
- A dairy farm which operate for the sole purpose of wholesaling or retail sales of milk is permitted to have ten (10) cows for the first 40,000 square feet of pasture area and one cow for each additional 4,000 square feet of pasture area.
6. Horse Raising
- A. The keeping of horses on a property without a dwelling unit is permitted in the applicable zones at a rate of one horse per 20,000 square feet.
 - B. Horses that are kept on a property that has a dwelling can only be kept if the dwelling is a single family dwelling and the horses are kept a minimum of 30 feet behind the rear of the dwelling in all zones except the A-1 zone. In the A-1 zone horses may be kept in a fenced area in front of the house. The area required for the number of horses allowed is calculated beginning at a point 30 feet behind the rear of the dwelling. In the A-1 zone the lot area minus 15,000 square feet for the dwelling area is used to calculate the number of horses allowed. The allowed number of horses in all zones where allowed is based on 25,000 square feet for the first horse and 20,000 square feet for each additional horse.
 - C. The keeping of horses shall be done in such a manner to prevent the horses from reaching onto adjacent property and eating trees and shrubs.
 - D. Necessary measures shall be exercised to prevent the generation of obnoxious or offensive odor and noise, or otherwise create a nuisance affecting the buildings or property of others.
7. Other Animal Raising
- A. Other animal raising is the keeping of animals in pastures that are allowed by state and federal laws for the use and enjoyment of the property owner e.g. llama, alpaca, ostrich, racing pigeons, etc.
 - B. The keeping of these animals on a property without a dwelling unit is permitted in the applicable zones provided a maximum of two animals per 20,000 square

feet of lot area is maintained and for racing pigeons a maximum of twenty five animals per 20,000 square feet of lot area is maintained.

- C. Animals that are kept on a property that has a dwelling can only be kept if the dwelling is a single family dwelling and the animals are kept a minimum of 30 feet behind the rear of the dwelling in all zones except the A-1 zone. In the A-1 zone animals may be kept in a fenced area in front of the house. The area required for the number of animals allowed is calculated beginning at a point 30 feet behind the rear of the dwelling. In the A-1 zone the lot area minus 15,000 square feet for the dwelling area is used to calculate the number of animals and a maximum of two animals per 20,000 square feet of lot area is required in all zones where allowed and for racing pigeons a maximum of twenty five animals per 20,000 square feet of lot area is required.
- D. The keeping of animals shall be done in such manner so as to prevent them from reaching onto adjacent property and eating trees and shrubs.
- E. Necessary measures shall be exercised to prevent the generation of obnoxious or offensive odor and noise, or otherwise create a nuisance affecting the buildings or property of others.
- F. The keeping of small animals in structures is also required to meet the following standards:
 - i. Loft(s) and hutch(s) shall be constructed so as to allow each adult animal five (5) cubic feet of living space.
 - ii. Feed shall be stored in a manner which prevents rodent infestation or harborage.
 - iii. Loft(s) and hutch(s) shall at all times be in compliance with these regulations and shall be maintained in a clean, sanitary, and orderly condition and kept in good repair.
 - iv. Animals shall be maintained in a healthy disease-free condition. Those with communicable diseases shall be properly isolated.
 - v. Scrapings, dead animals, manure and other putrescible wastes shall be stored in watertight containers with tight-fitting lids; final disposal shall be accomplished in a manner which creates neither a health hazard or nuisance.

8. Churches, places of worship

The landscaped setback for the parking of a church or place of worship is the same setback as the building in the front and side yard facing a street. The rear and side yard setback for the parking may be an eight (8) foot landscaped set back in all residential zones. A six foot tall non-see-through screening fence is required for the parking areas located in the side and rear yards where the parking setback used is eight feet. No screening fence is required if the parking setback is the same as the side and rear yard setback of the main building required in the zone where the building is located. The maximum steeple height allowed whether attached to the main building or freestanding is fifty (50') feet.

9. Accessory swimming pool

- A. For the purpose of this provision, an accessory swimming pool is a permanent pool of water of a minimum three foot depth that is kept year round and the walls that contain the water are either below or above grade.
- B. Pools shall be located in the rear yard area of a dwelling as an accessory use to the dwelling. The pool shall be a minimum of ten (10') feet from any side or rear property line and meet the building setback for a side facing a street if the pool is located on a corner lot. Pumps, filters, and other mechanical equipment used to operate the pool shall also comply with the minimum setback requirements.
- C. Access to the pool from other properties or the front yard of the dwelling is to be restricted by a minimum five foot tall fence which restricts passage of a human through the fence or a combination of building and fence that provides such access restriction.

10. Home occupation

A home occupation is the use of a portion of a single family dwelling for a business, office, daycare, preschool, personal services such as hair care, or homemade crafts or use of an accessory building to the dwelling for repair work or creation of homemade crafts. The following conditions shall be met in order to have a home occupation:

- A. The employees of the business are limited to those who reside at the dwelling where the home occupation occurs with the exception of a preschool with a conditional use permit.
- B. The dwelling is the primary residence and no more than twenty-five (25%) percent of the floor space of the dwelling is devoted solely to the home occupation.
- C. There is no out door storage of materials or of vehicles which are being repaired under the home occupation use.
- D. All work of the home occupation occurs in an enclosed structure.
- E. There is no wholesale or retail sales of products, actual product display or warehousing of product directly from the home or accessory building except those items that are created on the property.
- F. No offensive noise, vibration, smoke, dust, odor, heat, or glare shall be produced and activities shall not include any activities which create a nuisance or hazard.
- G. The home occupation is limited to hours of operation between 7 a.m. and 10 p.m.
- H. Daycare or preschool is limited to a maximum of eight (8) children at anyone time who do not live in the dwelling.
- I. All home occupations shall comply with all acceptable State codes and licensing requirements as well as have a home occupation business license from Harrisville City.
- J. All home occupations shall comply with all health building and fire code regulations for the particular use on the property.

- K. Notwithstanding the provisions of this section, minor children of the home who do babysitting, yard care, lemonade stands, newspaper, delivery and other such services shall not be considered a home occupation nor need to comply with these regulations.

11. Multiple Family dwelling, 4 or less dwelling units

The following requirements shall be met in order to have between two and four dwelling units in one building on one lot:

- A. The minimum lot area required is 6,000 square feet for the first unit and 3,000 square feet for each additional unit.
- B. Parking shall be located only in the rear yard of the building and there shall be a minimum 8 foot wide landscape setback from the rear property line to the parking or its access. The parking area shall be screened from view of the adjacent properties by a 6 foot tall non-see-through fence.
- C. Minimum dwelling unit size shall be 1,200 square feet per unit
- D. There shall be provided on the lot in addition to the required landscaped yard setbacks a landscaped area of 1,000 square feet per unit. The lot is required to have two-two inch caliper trees per unit.
- E. A minimum of sixty (60%) percent of the total exterior wall surface of the structure shall be brick.

12. Multiple family dwelling, 5 to 8 dwelling units

The following requirements shall be minimum requirements which are considered in the process of a conditional use permit in order to have between five and eight dwelling units in one building on one lot:

- A. The minimum lot area required is 6,000 square feet for the first unit and 4,000 square feet for each additional unit.
- B. Parking shall be located only in the rear yard area of the property and shall have a minimum 8 foot wide landscape setback from the rear property line to the parking or access lane. The parking area shall be screened from view of the adjacent properties by a 6 foot tall non-see-through fence.
- C. Minimum dwelling unit size shall be 1,200 square feet per unit
- D. There shall be provided on the lot in addition to the required landscaped yard setbacks a landscaped area of 1,000 square feet per unit. The lot is required to have two-two inch caliper trees per unit.
- E. A minimum of sixty (60%) percent of the total exterior wall surface of the structure shall be brick.

13. Residential facility for persons with a disability

This provision is to avoid discrimination in housing against persons with disabilities as provided in state and federal fair housing acts. A residential facility for persons with a disability shall be permitted in any zone where a dwelling unit is a permitted use provided it is consistent with land use regulations of a single family residential dwelling and conforms with the following requirements:

- A. The dwelling is occupied on a 24-hour per day basis by persons with a disability in a family-type arrangement and under the 24-hour supervision of resident managers as required to maintain, monitor and serve those persons residing in the facility
- B. The facility is licensed by and conforms to all applicable standards and requirements of the Department of Human Services or the Department of Health and such license is presented to the city prior to occupancy of the facility.
- C. No person with a history of violent behavior who constitutes a direct threat to the health or safety of other individuals or which result in substantial physical damage to the property of others shall be placed in a residential facility for persons with a disability.
- D. Placement in a residential facility for persons with a disability shall be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility
- E. The facility shall meet all building, safety, and health ordinances applicable to similar dwellings.
- F. A residential facility for persons with a disability that occupies an existing dwelling must do so without structural or landscaping alternations that would change the structure's residential character and make it out of character in design with the other dwellings in the neighborhood.
- G. New construction of a building for a residential facility for persons with a disability in a residential zone is required to meet the same land use regulations for single family dwellings regarding setbacks, height, building size, building design and materials, and parking coverage and location. The design shall have the appearance of a single family dwelling in order to not create a fundamental change in the character of the residential neighborhood.
- H. A minimum of two off-street parking spaces shall be required per facility
- I. No residential facility for persons with a disability which has more than four residents shall be established or maintained within 3/4 mile radius of another residential facility for the disabled or elderly.
- J. The use granted and permitted by this subsection is non-transferrable and terminates if the structure is devoted to a use other than as a residential facility for persons with disability or if the structure fails to comply with the ordinances adopted under this subsection, the license or certification issued by the department of Human Services of the department of Health terminates or is revoked, or the facility fails to comply with the regulations of this provision.
- K. These facilities must be licensed by the City Business License Department with the original license and any renewals thereof subject to the prior approval and inspection of the Weber County Health Department.

14. Residential facility for the elderly

- A. Residential facility for elderly persons, proposed within all zoning districts of Harrisville City zoned to permit residential dwellings shall be considered a permitted use by complying with all requirements of this section. The following requirements shall only be considered by the city in considering the application

for a residential facility for elderly persons. If it is determined that the following requirements are met, the City shall grant any permits required to establish a residential facility for elderly persons.

B. A residential facility for the elderly:

(1) be owned by one of the residents or by an immediate family member of one of the residents or be a facility for which the title has been placed in trust for a resident;

(2) be consistent with the existing zoning of the desired location including zoning district requirements for minimum area, yards, off street parking. The type of residential dwelling must be a single family dwelling.

(3) be occupied on a 24-hour per day basis by eight or fewer elderly persons in a family type arrangement.

C. The residential facility shall;

(1) meet all applicable building, safety, zoning and health ordinances applicable to similar dwellings;

(2) provide adequate off street parking space;

(3) be capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character;

(4) not be established within three-quarters mile of other residential facility for elderly persons or residential facility for persons with a disability;

(5) not have any person being treated for alcoholism or drug abuse placed in a residential facility for elderly persons; and

(6) ensure placement in a residential facility for elderly persons is strictly on a voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment correctional facility.

The use granted and permitted by this section is nontransferable and terminates if the structure is devoted to a use other than a residential facility for elderly persons or if the structure fails to comply with applicable health, safety and building codes.

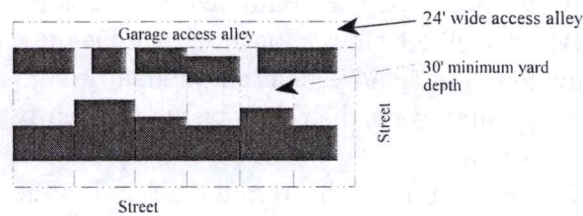
D. DISCRIMINATION PROHIBITED

This ordinance shall prohibit discrimination against elderly persons and against residential facilities for elderly persons. All applications for a permit to establish a residential facility for elderly persons must be based on legitimate land use criteria and may not be based on the age of the facility's residents. The requirements of this section that a residential facility for the elderly persons obtain a conditional use permit or other permit do not apply if the facility meets the requirements of existing zoning ordinances that allow a specified number of unrelated persons to live together.

15. Single family rowhouse dwelling

Single family rowhouse dwelling is more than two single family dwellings which are attached on at least one side of the structure to another single family dwelling. A single family rowhouse shall comply with the following requirements:

- A. The side property lines of lot runs along the side wall of the dwelling and each lot is required to be a minimum of 4,000 square feet.
- B. The front yard and sideyard facing a corner setback shall meet the required setback of the zone in which the dwellings are located but there is no required interior property line sideyard setback.
- C. A two car garage, of a minimum of twenty four feet in width is required for each unit and shall be located at the rear of the lot and accessed by a twenty four (24) foot wide rear alley which serves the garages of the rowhomes.
- D. There shall be a minimum thirty (30) foot separation between the rear of the dwelling and the garage in order to provide a private outdoor living space for the unit.
- E. The minimum total floor area of the unit shall be sixteen hundred 1,600 square feet.



16. Two family dwelling

The following requirements shall be met in order to have two dwelling units in one building on one lot:

- A. The minimum lot area requirement is 10,000 square feet.
- B. Parking shall be located only in a two car garage for each unit. The garage doors shall be located on the side of the dwelling, typically referred to as a side loaded garage.
- C. Minimum dwelling unit size shall be 1,200 square feet per unit.
- D. Four, two inch caliper trees are required to be installed as part of the landscaping required for the property. All landscaping of the site is required to be in place before occupancy of the building is allowed.
- E. A minimum of sixty (60%) percent of the total exterior wall surface of the structure shall be brick.

17. Public utility substation

Public 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 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 by a residential appearing structure with exterior surface materials similar to the homes it is adjacent to. On these reduced lot area facilities the setback shall be the same as the front yard 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.

18. Telecommunication 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.

19. Television or satellite dish

Television or satellite dish antennas between four and twelve feet in diameter are subject to the following requirements. Dishes smaller than four feet in diameter are exempt from these provisions and no dishes larger than twelve feet in diameter are allowed.

- A. Dishes shall only be located in the rear yard of a lot. If a signal is not obtainable from the rear yard location then an exception granted by the Board of Adjustments may be petitioned for a location where a signal is obtainable. The Board shall consider a location that has the least visible impact on the neighborhood and yet has an obtainable signal.
- B. No portion of the dish shall be closer than five feet to any side or rear property line of the lot.
- C. The maximum height from the ground to the top of a dish is fifteen feet, unless granted an exception according to the conditions listed in 18.A.
- D. All dishes shall be erected in a secure and wind resistant manner. Every antenna and dish shall be appropriately grounded for protection from lightning strike.