

**MENDON CITY
ORDINANCE 2024-03**

AN ORDINANCE OF THE CITY COUNCIL OF MENDON, UTAH, AMENDING THE MENDON CITY ZONING ORDINANCE, REGULATING TITLE 1, TITLE 3, TITLE 5, TITLE 7, TITLE 11.

WHEREAS, the Mendon City Council is passing an ordinance regulating Title 1, Title 3, Title 5, Title 7, Title 11 of Mendon City's Zoning Ordinance; and

WHEREAS, Mendon City desires to adopt the following with the applicable attachments provided herein;

NOW THEREFORE, be it ordained by the mayor and City Council of Mendon City, in the State of Utah, as follows:

SECTION 1: **ADOPTION** The Mendon City Zoning Ordinance identified here as 2024-04 attached hereto as Exhibit "A", is hereby adopted in its entirety as provided in Exhibit "A" and incorporated herein by this reference.

SECTION 2: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith prior to the date of this Ordinance, are hereby repealed, subsumed, and replaced with the exhibit adopted herein.

SECTION 3: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: **EFFECTIVE DATE** This Ordinance shall be in full force and in effect from November 14, 2024 and after the required approval and publication according to law.

PASSED AND ADOPTED ON THE 14th day of November, 2024.

| | AYE | NAY | ABSENT | ABSTAIN | N/A |
|----------------|---|-------|--------|---------|---|
| Mayor Ed Buist | _____ | _____ | _____ | _____ | _____ <input checked="" type="checkbox"/> |
| Jon Hardman | _____ <input checked="" type="checkbox"/> | _____ | _____ | _____ | _____ |
| Bob Jepsen | _____ <input checked="" type="checkbox"/> | _____ | _____ | _____ | _____ |
| Ian Nemelka | _____ <input checked="" type="checkbox"/> | _____ | _____ | _____ | _____ |
| Amy Garbe | _____ <input checked="" type="checkbox"/> | _____ | _____ | _____ | _____ |
| Brian Myers | _____ <input checked="" type="checkbox"/> | _____ | _____ | _____ | _____ |

Presiding Officer


Ed Buist, Mayor, Mendon City

Attest


James N. Cannon, City Recorder for Mendon City





1.16 DEFINITIONS

For the purposes of this ordinance, certain words and terms are defined as follows: (Words used in the present tense include the future; words in the singular number include the plural and the plural the singular.) For additional definitions and terms, refer to the applicable national code, i.e. IBC, IRC, national electrical, plumbing, and mechanical codes, ANSI, ADA codes.

A.

"Accessory Use or Building" A subordinate use or building, customarily incidental to, and located upon, the same lot occupied by the main use building.

"Administrative Land Use Authority" or "ALUA" means an individual employed by or under contract with the City, in consultation with designated city staff and Planning and Zoning "P&Z" Chair, who acts as the ALUA to review the initial application, the subdivision preliminary plan application, and subdivision final plan application and to make the preliminary and final determination to approve or deny the applications. The ALUA may not include the city council or any member of the city council.

"Agriculture" The tilling of the soil, the raising of crops, the practice of horticulture, and the act of gardening, but not including the keeping or raising of domestic animals and fowl, except household pets, and not including any agricultural industry or business such as fruit packing plants, fur farms, animal hospitals, or similar uses.

"Apartment Motel" Any building or group of buildings which contain dwelling units and satisfies the definition of a motel as defined in this ordinance.

"Apartment House" See Dwelling, Multi-family.

B.

"Basement" A story partially underground. A basement shall be counted as a story for purposes of height measurement if one-half (1/2) of its height is above the average level of the adjoining ground.

"Boarding House" A building where, for compensation, meals are provided for at least five (5) but not more than fifteen (15) persons who would not commonly be considered as part of the immediate household.

"Building" Any structure having a roof supported by columns or walls for permanent use.

"Building, Height Of" The vertical distance from the adjacent grade to the highest point of the coping to a flat roof or to the deck line of a mansard roof, or to the highest point of a gable, hip, or gambrel roof. The height of a stepped or terraced building is the maximum height of any segment of the building.

"Building, Main" The principal building or one of the principal buildings upon a lot, or the buildings or one of the principal buildings housing the principal use upon a lot.

C.

"Carport" A private garage not completely enclosed by walls or doors. For the purposes of this ordinance, a carport shall be subject to all the regulations prescribed for a private garage.

"Cellar" A story having more than one-half (1/2) of its height below the average level of the adjoining ground.

"Club or Lodge" A private building used by an auxiliary, fraternal, or veteran's organization for the use and enjoyment of the membership and their guests.

"Court" An unoccupied space on a lot, other than a yard, designed to be partially surrounded by group dwellings.

D.

"Dairy" A commercial establishment for the manufacture of dairy products, not including the retail sale of said products.

"District" A portion of the incorporated area of Mendon City shown on a map attached to this Zoning Ordinance and given a district designation.

"Dwelling" Any building or portion thereof, which is designed for use for residential purposes except hotels, apartment hotels, boarding houses, lodging houses, motels, apartment motels, fraternities, and sororities.

"Dwelling, Accessory" An accessory dwelling unit (ADU) is a dwelling which is part of an existing single-family owner-occupied home, or garage which is attached to the single-family home, and is clearly secondary to the single-family home. The ADU shall have a kitchen, bathroom, and bedroom arrangement. The accessory dwelling unit may be rented so that the owner-occupant may benefit from the additional income. The owner may also elect to occupy the accessory dwelling unit and rent the principal dwelling unit. Rental of ADU's requires owner occupancy of one unit on the property.

"Dwelling, Multi-family" A structure, or portion thereof, containing two (2) or more dwelling units or apartments, where all such units are located on the same property.

"Dwelling, Single Family Detached" A detached structure which accommodates a single dwelling or a manufactured home constructed on or after June 15, 1976 and is attached to a permanent foundation in accordance with the Utah Code §§ 10-9-106.5 and 58-56-3.

E.

"Enforcement Official" Mayor or city council appointee.

"Equestrian Park" A facility where horses are kept or boarded and open to the public for the purposes of providing riding lessons or equestrian competitions.

F.

"Family" One (1) individual, or two (2) or more persons related by blood, marriage, or adoption, living together in a single dwelling unit, and maintaining a common household. A family may include four, but not more than four (4), non-related persons living with the residing family. The term "family" shall not be construed to mean a group of non-related individuals, such as a fraternity, club, or institutional group.

"Family Food Production" Reference page 14-15 section 3.20 Animals and Fowl

"Frontage" The portion of a lot which borders a city street.

G.

"Garage, Private" An accessory building designed or used for the storage of no more than four (4) automobiles or trucks, no more than two and one-half (2 1/2) ton capacity owned, and used by the occupants of the building to which it is accessory; On a lot occupied by a multiple-family dwelling, the private garage may be designed and used for storage of one and one-half (1 1/2) times as many automobiles as there are dwelling units in the multiple dwelling. On a lot with a dwelling, a garage shall be considered a part of the dwelling if the two (2) structures have one (1) or more walls in common; where a garage is thus part of a dwelling, it shall require the same side yard and front yard as a dwelling in the same district. Where a garage is not thus part of a dwelling it must be provided with a front yard and a side yard equal to that required for a dwelling in that same district.

"Garage, Public" A building, or a portion thereof, other than a private garage, designed and/or used for servicing, repairing, equipping, hiring, selling, or storing motor-driven vehicles.

"Grade" The elevation of the finished surface of the ground adjacent to the midpoint of any exterior wall of a building or structure.

H.

"Home Occupation" An occupation, profession, activity, or use which is clearly an incidental and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the rural or residential character of the neighborhood.

"Hotel" A building designed for, or occupied as, the more or less temporary abiding place of sixteen (16) or more individuals who are, for compensation, lodged, with or without meals, and in which no provision is made for cooking in any individual room or suite.

"Household Pets" Animals ordinarily permitted in the house and kept for company or pleasure, including, but not limited to, dogs, cats, exotic birds, pot-bellied pigs, or pygmy goats, but not including a sufficient number of dogs to constitute a kennel, as defined in this ordinance.

J.

"Junk Yard" The use of any lot, portion of a lot, or tract of land for the storage, keeping, or abandonment of junk, including scrap metal, or other scrap material, or for the dismantling, demolition, or abandonment of automobiles, other vehicles, machinery, or machinery parts thereof, PROVIDED, that this definition

shall not be deemed to include such uses which are clearly accessory and incidental to any agricultural use permitted in the district.

K.

"Kennel, Commercial" Any premises or portion thereof on which five (5) or more domestic dogs are maintained, harbored, possessed, trained, bred, boarded, or cared for, in return for compensation, but not including an animal clinic, animal hospital, or veterinary office.

"Kennel, Hobby" A facility located at the private dwelling of the dog owner, where five (5) to ten (10) of the owner's dogs are maintained for purposes of breeding, hunting, organizing field trials, obedience training, competing, securing premises, or for personal enjoyment.

L.

"Limited Family Food Production" Reference page 14-15 section 3.20 Animals and Fowl

"Livestock Feedyard" A commercial operation on a parcel of land where livestock are kept in corrals or yards for extended periods of time at a density which permits little movement, and where all feed is provided for the purpose of fattening or maintaining the condition of livestock prior to their shipment to a stockyard for sale, etc.

"Lodging House" A building where lodging is provided for compensation for five (5) to fifteen (15) persons.

"Lot" A parcel of land occupied, or to be occupied, by a main building or group of buildings (main and accessory), together with yards, open spaces, lot width, and lot area as are required by this ordinance and having frontage upon a street. Except for group dwellings, where more than one (1) dwelling is placed on a lot, each dwelling structure shall be provided with the minimum lot frontage, lot area, front yard, rear yard, and side yards as are required for any one (1) such dwelling structure on a lot in the same district. In general, the longitudinal axis of any lot shall run East to West.

"Lot, Corner" A lot abutting on two (2) intersections or intersecting streets, where the interior angle or intersection or interception does not exceed one hundred thirty-five (135) degrees.

M.

"Manufactured Home" A transportable, factory-built housing unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974, in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is four hundred (400) or more square feet, and which is built to be on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. The manufactured home must be attached to a permanent foundation in accordance with plans providing for vertical loads, uplift, lateral forces, and frost protection in compliance with the applicable building code to be considered a single-family dwelling. The home shall be manufactured to current building codes and standards.

"Mendon City Administrative Land Use Authority" has the same meaning as "Administrative Land Use Authority" or "ALUA". This ALUA may not include the city council or any member of the city council.

"Mobile Home" A transportable, factory-built housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the Federal Manufactured Housing and Safety Standards Act.

"Motel" A group of attached buildings containing individual sleeping rooms designed for, or used temporarily by, automobile tourists or transients, with a garage attached or a parking space conveniently located to each unit.

N.

"Natural Waterways" Includes rivers, streams, creeks, springs, gullies, or washes, varying in width, which are natural drainage channels or watercourses, being permanent and/or ephemeral in nature, as determined by the City Engineer or Public Works Director.

"Nonconforming Building or Structure" A building, structure, or portion thereof, lawfully existing at the time this ordinance became effective, which does not conform to all the height, area, and yard regulations herein prescribed for the zone in which it is located.

"Nonconforming Use" A use which lawfully occupied a building or land at the time this ordinance became effective and which does not conform with the use regulations of the zone in which it is located.

"Nursing Home/Assisted Living Center" An establishment which provides permanent provisions for living, sleeping, eating, cooking, and sanitizing and which provides health care needs to more than eight (8) individuals who, at a minimum, require: 1) inpatient care and services for twenty-four (24) or more consecutive hours for unstable chronic health problems, 2) daily professional nursing supervision and licensed nursing care on a twenty-four (24) hour basis, and 3) restorative, rehabilitative care, and assistance in meeting daily living needs. Medical supervision may be necessary on a regular, but not daily, basis. A nursing home shall include, but not be limited to, skilled nursing facility, nursing facility, convalescent home, intermediate care, and sub-acute care.

O.

"Outbuilding" Any building not attached to the main building, the use of which supports, or is supplemental to, the main use of the lot.

"Owner Occupied" Either the principal dwelling unit or the accessory dwelling unit is occupied by a person who has a legal or equitable ownership interest in the property and bears all or part of the economic risk of decline in value of the property and who receives all or part of the remuneration, if any, derived from the lease or rental of the dwelling unit.

P.

"Parking Lot" An open area, other than a street, used for the temporary parking of more than four (4) automobiles and available for public use, whether free, for compensation, or as an accommodation for clients, or customers.

"Parking Space" A space not less than nine (9) feet wide by eighteen (18) feet long within a building, lot or parking lot for the temporary parking or storage of one (1) automobile.

"Private Airport/Runway" Any land designated or used for the landing of manned aircraft.

"Private Road/Way/Common Driveway" A privately owned and maintained right-of-way, road, street, or driveway serving more than one residential property under private ownership, which has been constructed for the purpose of providing access to adjoining property and has not been accepted as a public road by Mendon City. The private road/way or common driveway must meet the standards described below, regardless of whether the lots being served are part of a subdivision.

"Professional Person" Doctor, lawyer, architect, landscape architect, engineer, artist, planner, teacher, or other person whose occupation normally requires a college degree to indicate proficiency sufficient to allow the practice.

"Public Street/Road" A street or road, accepted by, and under the jurisdiction of, Mendon City, the Cache County Road Commission, or the State of Utah Department of Transportation, for the purpose of providing access to adjoining property, and open to the public so that persons other than the occupants of adjoining property may travel thereon.

R.

"Restricted Lot" A parcel of land severed, or placed in separate ownership, after the effective date of this ordinance which does not meet all area, width, setback, yard, or other requirements of this ordinance for a lot, the creation of which has caused any adjacent lot from which it was severed to be insufficient in area, width, setback, yard, or other requirements, when such adjacent lot has a structure on it or a building permit issued for such structure.

"Retail Sales" The purchase of finished goods and services by consumers and businesses. These goods and services have made it to the end of the supply chain, which chain starts with the goods producer or provider and ends with the retailer. Retail outlets include brick-and-mortar stores like Target and Macy's, online retailers such as Amazon, home sales such as Avon Products, and TV retailers like QVC. The retail industry also sells services, including restaurants, hotels, and hairdressers.

"Right-Of-Way" The right of an owner of property, by reasons of such ownership, to use the property of another for purposes of ingress, egress, utilities, drainage, and similar uses. In the context of this ordinance, private right-of-way shall be designated for purposes of vehicle ingress and egress.

S.

"Sensitive Lands" Any area which exhibits environmental characteristics that are critical to protect the public health, safety, and welfare or that enhance the beauty of the community.

"Shipping/Storage Container" a container with strength suitable to withstand shipment, storage, and handling. Shipping/storage containers must be designed to be moved from one mode of transport to another without unloading and reloading.

"Sign" Any device displayed out-of-doors and used for visual communication to the general public, including signs painted on exterior walls and interior illuminated signs to be viewed from out-of-doors, but not including any flag, badge, or ensign of any governmental agency.

"Sign, Advertising" A sign which directs attention to a use, product, commodity, or service not related to the premises.

"Sign, Business" A sign which directs attention to a use conducted, a product or commodity sold, a service performed, or a home occupation conducted upon the premises.

"Sign, Identification" A sign displayed to indicate the name or nature of buildings, to show uses other than commercial, or to signal industrial uses located upon the premises.

"Sign, Name Plate" A sign indicating the name and/or occupation of a person residing on the premises or legally occupying the premises.

"Sign, Property" A sign related to the property on which it is located and offering such property for sale or lease. Also used for advertising contemplated improvements, warning against trespassing, or announcing the name of the builder, owner, designer, or developer of the project.

"Sign, Public Information" A sign erected by a public or nonprofit agency, service club, or other organization, which gives information to direct the public to both public and private facilities and major uses.

"Sign, Temporary" Any sign, banner, pennant or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, intended to be displayed for a short period of time only.

"Social Hall" An establishment, or portion thereof, used for social gatherings including, but not limited to, weddings, receptions, dinners, bazaars, banquets, and reunions.

"Stable, Private" A detached accessory building for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire, or sale.

"Stable, Public" A stable other than a private stable.

"Story" The portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above. The topmost story shall be the portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

"Story, Half" A story with at least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds (2/3) of the floor immediately below it.

"Street" A public thoroughfare which affords principal means of access to abutting property and is more than twenty-six (26) feet wide.

"Structure" Anything constructed, or erected, which requires location on the ground or attached to something having a location on the ground.

"Structural Change" Any change in supporting members of a building, such as bearing walls, columns, beams, or girders.

T.

"Tower or Antenna Structure" Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves external to, or attached to, the exterior of any structure.

"Trailer/Mobile Home/Camper" A vehicle with or without motive power, designed to be used for human habitation.

"Trailer Camp/Mobile Home Park" Any area or tract of land used or designed to accommodate two (2) or more trailers or camping parties.

V.

"Veterinary or Animal Hospital" A building where both large and small animals are kept and/or treated by a licensed veterinarian.

Y.

"Yard" An open space on a lot, other than a court, which is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

"Yard, Front" An open space on the same lot with a building, between the front line of the building (exclusive of steps) and the front lot or street line, and extending across the full width of the lot.

"Yard, Rear" An open, unoccupied space on the same lot with a building, between the rear line of the building (exclusive of steps) and the rear line of the lot and extending from the side yard line to the other side yard line.

"Yard, Side" An open, unoccupied space on the same lot with a building, between the sideline of the building (exclusive of steps) and the sideline of the lot and extending from the front yard line to the rear yard line.

Z.

"Zone" Same as "District".

HISTORY

Adopted by Ord. 2010-03 on 2/11/2010

Repealed & Reenacted by Ord. 2020-07 on 9/10/2020

1.10 EFFECT UPON PREVIOUS ORDINANCE AND MAP

The existing zoning ordinance of Mendon City, including maps, is hereby superseded and amended to read as set forth herein; provided, however, this ordinance shall be deemed a continuation of the previous ordinance, and not a new enactment, insofar as the substance of revisions of the previous ordinance is included, whether in the same or in different language; and this ordinance shall be so interpreted upon all questions of construction, including, but not limited to, questions of construction relating to tenure of officers and boards established by previous ordinance and to questions of conforming or nonconforming uses, buildings, or structures, and to questions as to dates upon which such uses, buildings, or structures became conforming or nonconforming.

HISTORY

Adopted by Ord. 2010-03 on 2/11/2010

Repealed & Reenacted by Ord. 2020-07 on 9/10/2020

1.12 BUILDING PERMIT REQUIRED

The construction, alteration, repair (more than \$3,000.00), removal, or changes to occupancy of any structure or any part thereof, as provided or as restricted in this ordinance, shall not be commenced, or proceeded with, except after the issuance of a written permit for the same by the city building inspector. Building permits are time sensitive and are valid for up to 2 years with substantial work towards completion required. Structures that are less than 200 square feet in gross area, without utilities, and height less than sixteen (16) feet do not require a building permit. Alterations for the purposes of decorative updates, not affecting plumbing, electrical, or structure, non-hazardous and not hidden from view to future owners do not require a permit.

All applications for building permits for commercial and residential land uses shall be accompanied by a site plan, drawn to scale, showing the actual dimensions of the lot to be built upon, the size and location of the existing buildings, buildings to be erected, dimensions and distance from structures to property lines, easements, natural water, offsets, site grading and drainage, evidence of secondary water, location of current septic tank and field (if applicable), and the buildings existing on adjacent property. In addition, the application shall be accompanied by a septic tank permit (if applicable), proof of property ownership, a detailed copy of the building plans, a completed plan submittal with checklist and verification of availability of necessary utilities on site, and such other information as may be necessary to provide for the approval of permit and enforcement of this ordinance.

In addition, Lot grading plans are required when any structure requiring a permit is built in Mendon City and are a review and approval process part of but in addition to approval of the building permit process. A lot grading plan shall show existing and proposed topography of a lot, setbacks from all property lines, the foot print of the proposed structure as well as a proposed or existing location for the septic system. A lot grading plan may include a geotechnical report which describes the soil conditions found in the location where a structure site is proposed if such is requested by the City Engineer or otherwise warranted by the building site. See 11:22 for details of plan. All lot grading plans must be approved by City Engineer as part of MCLUA.

The city fine system for properties constructed or altered without permits based on the work completed will be determined by current prevailing fee schedule. The city may also require work in process or completed to be altered or removed. Lack of immediate response or fine to non-permitted work does not constitute approval.

A careful record of such applications and site plans shall be kept by the City in charge of building permits or other officer charged with administration and enforcement. A fee shall be charged for each building permit as determined by the cost of the building. No yard or other open space provided about any building for the purpose of complying with the provisions of these regulations shall be used as a yard or open space for another building.

HISTORY

Adopted by Ord. 2010-03 on 2/11/2010

Amended by Ord. 2017-09 on 10/13/2017

Repealed & Reenacted by Ord. 2020-07 on 9/10/2020

3.08 EVERY DWELLING TO BE ON A "LOT"

Every dwelling shall be located and maintained on a "lot" as defined in this ordinance, and all parts of such building shall be connected in a substantial manner by common walls or by a continuous roof. There shall be no more than one (1) such building on a lot, except for group houses, or approved accessory dwellings as provided in the definition of "lot".

HISTORY

Adopted by Ord. 2010-03 on 2/11/2010

Repealed & Reenacted by Ord. 2020-07 on 9/10/2020

3.10 YARDS TO BE UNOBSTRUCTED

Every part of a required yard shall be open to the sky, unobstructed except for accessory buildings or solar panels/similar options in a rear yard, and except for the ordinary projections of skylights, sills, cornices and other ornamental features. Open or lattice—enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers projecting into a yard not more than five (5) feet and the ordinary projections of chimneys and flues are permitted.

HISTORY

Adopted by Ord. 2010-03 on 2/11/2010

Repealed & Reenacted by Ord. 2020-07 on 9/10/2020

3.12 WALL AND FENCE POLICY

No fence, wall, or other similar structure shall be erected in any required front, rear, or side yard to a height more than six (6) feet for rear and side yards and 4.5 feet on front yards except for accessory buildings, solar panels, and structures permitted herein. Side yards shall be considered from the front line of the house to the back line of the house.

Fences with varying heights for aesthetic purposes will be measured at the highest point of the general fence line, not counting posts/ends, for height purposes. Intermittent decorative caps and ends may rise up to 6 inches higher than the primary height of the fence.

Protective wire fencing around gardens, bushes, or trees is allowed higher than the given limits.

At any point where different zoning areas meet, or will eventually meet, ALUA may require up to 8 foot privacy and sound fencing/barrier around commercial/industrial zoning, or certain agricultural pursuits, for the protection of residential and agricultural areas.

High foot and vehicle traffic residential areas may apply for conditional use permits allowing for up to 6 foot fences in the front or sides of their property for privacy and sound protection. Applicants must prove that they will have full vision pulling out of their properties, being able to back out a full car length and see applicable foot or vehicle traffic, without vision impediment caused by taller fences. Sides on corner lots will still require the additional set-back.

HISTORY

Adopted by Ord. 2010-03 on 2/11/2010

Repealed & Reenacted by Ord. 2020-07 on 9/10/2020

3.20 ANIMALS AND FOWL

No animals or fowl, exclusive of family pets, shall be kept or maintained closer than sixty (60) feet to any dwelling, other than the dwelling on the property upon which the animals are kept. Family pets can be kept under the provisions of this ordinance. Adequate enclosure must be provided to maintain that proper animals and fowl, including family pets, are kept the lot. Grandfathered agricultural animals may be excluded from distance limitation provided a history of agricultural use of the property has been established and maintained continuously.

Animals in residential zoning on lots 1.25 acres or greater are permitted by law in the following groups and volumes. Any three of the following groups of animals or fowls are permitted at the same time and in the given numbers per type of animal. 2 horses, 2 pigs, 2 cows, 2 goats, 5 sheep, 10 turkeys/ducks or geese, 20 pigeons, 25 rabbits, or 50 chickens/domestic pheasants.

Lots less than 1.25 acres are permitted 2 horses or 2 cows or one of each AND any one of the following groups of animals or fowl. 2 pigs, 2 goats, 10 turkeys/ducks or geese, 20 pigeons, 25 rabbits, 25 chickens or domestic pheasants.

For unlisted animals, reference a listed animal of comparative size.

If there is a documented continuous use prior to 1971 in excess of allowances listed above then such use may be “grandfathered” and allowed.

The maximum number of dogs allowed on any city lot is four (4) (unless by kennel permit). Each dog must be licensed with Mendon City annually and kept on the owner’s property or on a leash at all times. Please also see noise ordinances in zoning and other dog information in city municipal code section 9.12.

HISTORY

Adopted by Ord. 2010-03 on 2/11/2010

Repealed & Reenacted by Ord. 2020-07 on 9/10/2020

3.24 RESTRICTED LOTS

No building permits shall be issued on restricted lots unless denied by the ALUA and approved by the Board of Adjustments. Purpose must be beneficial for existing buildings and meet the intent of city ordinances and codes.

HISTORY

Adopted by Ord. 2010-03 on 2/11/2010

Repealed & Reenacted by Ord. 2020-07 on 9/10/2020

3.26 QUALITY AND APPEARANCE STANDARDS OF NEW BUILDINGS

Each new building or residence, either erected or moved into the city, shall meet or exceed the building quality and overall aesthetic appearance of the average new building placed in the city during the preceding five (5) years. The judgment of whether a new building meets this criterion shall lay with the ALUA.

HISTORY

Adopted by Ord. 2010-03 on 2/11/2010

Repealed & Reenacted by Ord. 2020-07 on 9/10/2020

3.30 ACCESSORY DWELLINGS

An accessory dwelling unit (ADU) may be permitted as an accessory use to a single-family home under the following conditions:

- A. Only one (1) ADU is permitted per lot. The ADU shall be located in the principal dwelling unit or garage as long as it is attached to the principal dwelling. Any structure containing an ADU must meet minimum yard and setback requirements for principal structures, must be on a foundation, and must meet all relevant sections of the current building code as written in Utah State law pertaining to ADU requirements. All other relevant zoning requirements shall be met. An ADU requires one off street parking space in addition to the primary dwelling parking spaces.
- B. An ADU may not be placed or created on a lot with an undersized or failing septic.
- C. A building permit for the proposed construction of a new ADU, or the creation of a new ADU within an existing building, must be issued by the city Building Inspector and may require an updated septic.
- D. An ADU requires a minimum of a fully functioning kitchen, bathroom, and bedroom.
- E. An ADU may not be in a manufactured/mobile home or the like.
- F. Owner occupancy of the primary dwelling or the ADU is required for rental of one of the two properties when there is an ADU on the property (unless only the primary dwelling is rented and the ADU is vacant) and owner occupancy must be proven by voter registration or other evidence acceptable to the City Council, such as, but not limited to, car registration, utility bills, and the like.
- G. A Level One home occupation or home business may be conducted, subject to city and state regulations.
- H. Accessory dwelling units shall comply with all applicable building, health, and fire codes as permitted by Utah State Law regarding ADU's.

HISTORY

Adopted by Ord. 2010-03 on 2/11/2010

Repealed & Reenacted by Ord. 2020-07 on 9/10/2020

3.34 SHIPPING/STORAGE CONTAINERS

Shipping containers placed on any site shall comply with the following provisions of this section.

Exception: Portable moving container/moving pods placed on private property for no more than thirty (30) days in any twelve (12) month period shall not be regulated by this chapter.

A. RESIDENTIAL ZONE. Shipping containers are allowed in residential zones. A permanent shipping container will be treated as an accessory building and requires a building permit to approve location placement within setbacks and verification of septic/drainfield locations and/or easement and natural waterway boundaries and/or any other applicable codes for placement on the property. A shipping container must be painted, or otherwise camouflaged, so it does not look like a shipping container. The shipping container shall be painted a solid neutral color such that all insignia, writing, or numbers on the shipping container are masked. Shipping containers may not be used for any type of housing.

B. LIGHT INDUSTRIAL ZONE. Shipping containers are allowed in the light industrial zone; provided the use is in conformance with current permitted zoning uses. Placement of a shipping container for permanent or semi-permanent use shall require a building permit and an engineered foundation, and shall meet all other codes for placement on the property. The shipping container shall be painted a solid neutral color such that all insignia, writing, or numbers on the shipping are masked. Shipping containers may not be used as an alternative to reasonably expected lot improvements such as fencing, buildings, etc. Sight-obscuring fencing or landscaping approved may be required by the land use authority. Shipping containers must meet any other applicable codes for placement on the property.

Shipping containers are not allowed on industrial zone properties on which the primary use is a nonconforming residential use. Shipping containers in an industrial zone may never be used for any type of residential housing.

C. COMMERCIAL ZONE. Shipping containers are allowed in the commercial zone provided said containers are screened with sight-obscuring fencing or landscaping approved by the administrative land use authority; and are being used for shipping and that all applicable Department of Transportation (DOT) licenses for the containers are active and valid. The city may require proof of active DOT licenses; and that they are not permanently installed.

Shipping containers are not allowed in the commercial zone when the primary use is a nonconforming residential use and may never be used as housing. A temporary permit for a shipping container may be obtained for containers used ancillary to a project with a valid building permit. A temporary permit may allow placement of a container at a building site for up to one hundred eighty (180) days for temporary use after the building permit is issued. The temporary permit cannot be extended. Shipping containers may not be used as an alternative to reasonably expected lot improvements such as fencing, buildings, etc. Shipping containers must meet any other applicable codes for placement on the property. Placement of a shipping container for permanent or semi-permanent use shall require a building permit and an engineered foundation and shall meet all other codes applicable to the zone and property.

D. CITY PROPERTY. Shipping containers may be placed on city property for city use without a building permit in situations and places acceptable to the city public works director or the city engineer with the approval of city council.

Look-alike shipping buildings or metal buildings marketed as “container” or “portable units” are regulated as shipping containers to which this section shall apply.

Placing a shipping container on a city street or right-of-way is not allowed.

HISTORY

Repealed & Reenacted by Ord. 2020-07 on 9/10/2020

3.36 HOME OCCUPATIONS

A. PURPOSE. The only home occupations which will be allowed are the ones which conform to the standards of this section. The standards for home occupations ensure compatibility with permitted residential uses and ensure the residential character of the neighborhood. The standards also help to maintain the subordinate and incidental status of the home occupation in relation to the primary residence. All licensees are personally responsible for relicensing every two years.

B. CLASSIFICATION OF HOME OCCUPATIONS. Home occupations are classified into two (2) levels designated as Level One and Level Two. Level One includes those occupations which have no negative impacts on surrounding properties and shall be permitted uses in the applicable zoning district. Level Two home occupations are more intense uses which may have undesirable impacts on surrounding properties if not closely regulated; these uses require a conditional use permit as outlined in Part D. All home occupation license holders shall comply with all applicable Federal, State, and County rules, regulations and laws.

C. LEVEL ONE HOME OCCUPATIONS. A Level One home occupation must meet the standards and requirements identified in this section. The applicant for such a home occupation may obtain and keep current, a business license from Mendon City if so desired for their own purposes. The license is not required.

1. **Location.** Any property in the residential zone
2. The home occupation shall be conducted entirely in the dwelling, and not more than twenty-five (25) percent of the floor area, excluding garages, storage attics, and unfinished basements of the said dwelling shall be used for a home occupation or for storing goods associated with the home occupation. Materials may be stored in an attached garage or storage area, provided it does not reduce the required off-street parking below the standard established for that district

3. A home occupation shall not involve the installation of machinery or additional equipment other than that customary to normal household operations
4. No activity connected to the home occupation or any storage of goods, materials, or products, connected with a home occupation shall be allowed in any detached accessory building
5. The home occupation on lots smaller than one (1) acre shall not involve the use of more than one (1) commercial motorized vehicle and not more than one (1) trailer. The home occupation on lots of one (1) acre or more shall not involve the use of more than one (1) commercial motorized vehicle and not more than three (3) trailers
6. The home occupation shall not receive more than fourteen (14) commercial vehicle trips including, but not limited to, Parcel Post, United Parcel Service, or similar in town delivery service trucks per week
7. The home occupation shall be conducted by family members inhabiting the dwelling, and no more than one non-resident employee shall be permitted
8. The home occupation shall not serve as a headquarters or main office where employees come to the site and are dispatched to other locations
9. No retail sales shall be permitted from the dwelling except the sale of a) services or items produced or fabricated on the premises because of the home occupation or b) products related to the home occupation. Any retail sales from the dwelling shall not result in visits exceeding fourteen (14) per week
10. Off-street parking space on private property shall be provided in addition to the required off-street parking for the dwelling. Parking spaces are required for all trailers or commercial vehicles used in a home occupation. City property may not be used for parking of vehicles

D. LEVEL TWO HOME OCCUPATIONS. A Level Two home occupation shall only be allowed as a conditional use. All conditional uses shall not commence until the applicant has obtained a conditional use permit and a business license from Mendon City. Level Two home occupations shall be allowed as conditional uses subject to the following:

1. All requirements for a Level One home occupation shall apply unless otherwise noted in this section.
2. Applications for a conditional use permit shall be submitted to the Planning and Zoning Commission for review. After such review, the Commission shall recommend to the City Council the approval, including recommended conditions consistent with this Chapter, or denial of the conditional use permit.
3. The home occupation shall be conducted in a manner such that the impact on neighbors and the surrounding area is minimized. The home occupation shall not physically change the dwelling or accessory structure or attached or detached garage or yard space to the extent that it would alter the residential or aesthetic character of the dwelling, accessory structure, garage, yard or neighborhood.
4. Accessory Building. In addition to the incidental use of the dwelling, one (1) accessory building occupying no more than two-thousand (2000) square feet on a lot smaller than one (1) acre, or three-thousand (3000) square feet on a lot of one (1) acre or more, may be used for a Level Two home occupation.
5. Accessory Buildings shall comply with the Height Regulations, Area Requirements, Frontage Regulations, Side Yard Regulations, Front Yard Regulations, and Rear Yard Regulations of the zoning district in which they are located.
6. Outside Storage. No outside storage, display of goods or merchandise, signage, or external evidence of a Level Two home occupation shall occur except as specifically allowed by this Part.
7. Operator. The operator of the home occupation shall reside in a dwelling on the subject property
8. Employees. There shall be no more than two (2) full or part-time employees in addition to those family members dwelling in the home.
9. Noise. A Level Two home occupation shall be compliant with the current Mendon City Noise Ordinance in a residential area.

10. **Equipment and Process Restrictions.** A Level Two home occupation shall not create vibration, glare, fumes, or odors detectable to normal sensory perception off the subject property. A home occupation shall not create visual or audible electrical interference in any radio, television, or other electronic device off the subject property or cause fluctuations in line voltage off the subject property.
11. **Traffic.** A Level Two home occupation shall not generate more than thirty-five (35) trips per week. A vehicle trip is defined as a vehicular movement to and from the subject property by any vehicle used in the home occupation, any delivery vehicle associated with the home occupation, or any customer or client vehicle.
12. **Parking.** The Planning and Zoning Commission may recommend a condition regulating the parking of home occupation vehicles not meeting Level One requirements.
13. **Access.** The subject property must have frontage on, and direct access from, a constructed public, county, or state road, or take access on an exclusive road or easement serving only the subject property. If property takes access via a private road or easement which also serves other properties, evidence must be provided by the applicant, in the form of a petition, that all other property owners whose property access is affected agree to allow access to the specific home occupation described in the application. Such evidence shall include any conditions stipulated in the agreement.

E. REVIEW OF CONDITIONAL USE PERMITS.

1. Conditional use permits shall be reviewed once every two (2) years to ensure compliance with this Ordinance.
2. Notwithstanding item one above, the Planning and Zoning Commission upon receipt of a written complaint that a conditional use permit holder is in violation of permit conditions may conduct such investigation deemed necessary and upon a finding of violations recommend the revocation or suspension of the permit.
3. Applicants for a conditional use permit and permit holders shall permit reasonable inspections by a city-appointed inspector of the premises where a home occupation is to be or is being conducted to determine compliance with the conditional use permit.
4. To conduct a home occupation business permitted under a conditional use permit, it is necessary to have a conditional use permit and a business license issued by Mendon City. If either or both

the permit and/or business license is revoked, suspended, or otherwise terminated operation of the home occupation shall be immediately discontinued.

5. Appeals. Any appeals in connection with the denial, revocation, or suspension of a conditional use permit or refusal to renew a business license related to a conditional use are governed by MZC 13.02.

F. EXISTING HOME OCCUPATIONS. Existing home occupation activities and uses which have been in legal existence for a period of one (1) year prior to the time this amendment is effective, but which are no longer legally allowed within the zone in which they are located by reason of the adoption of this amendment shall be deemed non-conforming uses.

HISTORY

Adopted by Ord. 2010-03 on 2/11/2010

Repealed & Reenacted by Ord. 2020-07 on 9/10/2020

Adopted by Ord. 2023-06 on 5/18/2023

3.40 LONG-TERM RENTALS

Long-term rental refers to a residential unit, or any portion of a residential unit, that the owner of record, or the lessee of the residential unit, offers for occupancy for greater than thirty (30) consecutive days.

A Mendon City Business license and Mendon City Rental Permit (see appendix A) is required to operate a long-term rental. All the items listed below are **REQUIRED** for each property being used as a long-term rental. Refer to the following list:

- A. Mendon City business license and Mendon City Rental Permit can be obtained by contacting the Mendon City Clerk's office.
- B. It is expected property owners are aware of all zoning regulations applicable to the property being operated as a long-term rental. Zoning regulations can differ depending on the type of zone. As a result, there may be additional regulations specific to the zone where your property is located.
- C. Regulation on long-term rentals does not differ significantly from regulations on short-term rentals except as per Utah State Code, which says transient taxes are required to be collected and submitted to the state for short-term rentals. Renting a home long-term does not change the property from residential to commercial, nor does a short-term stay turn the property into commercial use. The type of tenant does not change the structure or nature of the residence, and

therefore does not change the zoning. A property which is rented for a long-term may, at the discretion of the owner, be rented for a short-term, less than 30 days, in the future provided the tax requirements for a short-term rental are met. A Mendon City business license (or Mendon City Rental Permit) is required.

- D. All Mendon City Ordinances must be followed with regards to parking, signage, noise, building, clutter, trash, auxiliary dwelling units, etc.

- E. Landlords renting to immediate family/relatives are not subject to licensing/permit.

HISTORY

Repealed & Reenacted by Ord. 2020-07 on 9/10/2020

5.04 NON-CONFORMING BUILDINGS

A. MAINTENANCE PERMITTED. A nonconforming building or structure may be maintained.

B. REPAIRS AND ALTERATIONS. Repairs and structural alterations may be made to a nonconforming building or to a building housing a nonconforming use. Existing nonconforming structures may be rebuilt (verses repaired or remodeled) due to age or deterioration as long as the building does not change in location or increase in size. The purpose and use of the building can not change after rebuild.

C. ADDITIONS, ENLARGEMENTS, AND MOVING. A building or structure nonconforming with use regulations shall not be added to or enlarged in any manner, unless such building or structure, including such additions and enlargements, is made to conform to all the regulations of the zone in which it is located. Residential buildings may be added on to in current location, if it is not brought closer to the front set-backs, or side set-backs on a corner lot, if the addition can not be added in a manner conforming to current set-backs due to architectural conflicts, or property conflicts such as septic location or natural barriers, with Administrative Land Use Authority approval. Commercial and Industrial buildings must be approved by the MCLUA and Board of Adjustments showing good reason why the addition is necessary and can not be built in a conforming manner.

D. ALTERATION WHERE PARKING INSUFFICIENT. A building or structure lacking sufficient automobile parking space in connection therewith as required by this ordinance may be altered or enlarged provided additional automobile parking space is supplied to meet the requirements of this ordinance for such alteration or enlargement.

E. RESTORATION OF DAMAGED BUILDINGS. A nonconforming building or structure or a building or structure occupied by a nonconforming use which is damaged or destroyed by fire, flood, wind, earthquake, other calamity, Act of God, or the public enemy, may be restored and the occupancy or use of such building, structure, or part thereof, existing at the time of such damage or destruction, may be continued or resumed, provided that such restoration is started within a period of one (1) year and is diligently prosecuted to completion.

HISTORY

Adopted by Ord. 2010-03 on 2/11/2010

Repealed & Reenacted by Ord. 2020-07 on 9/10/2020

5.08 NON-CONFORMING PROPERTY

Any property nonconforming with respect to the minimum land area required by the zoning district within which it lies shall not be further diminished in size.

1. Any property reduced by governmental action that reduces an existing conforming parcel below the required property size shall be deemed as a conforming property for the purpose of development. To be deemed a conforming property, the owner or applicant shall submit documents proving the following:

2. The property followed the minimum property size requirement of the applicable zoning district prior to the decrease in property size.

HISTORY

Adopted by Ord. 2010-03 on 2/11/2010

Repealed & Reenacted by Ord. 2020-07 on 9/10/2020

7 ADMINISTRATION

7.02 PLANNING AND ZONING COMMISSION

7.04 LAND USE AUTHORITY

7.06 BOARD OF ADJUSTMENT

7.08 CITY COUNCIL

7.10 PUBLIC HEARINGS RELATIVE TO PLANNING AND ZONING

7.12 PERMITS TO COMPLY WITH ORDINANCE

7.14 POWERS OF THE ENFORCEMENT OFFICIAL

7.16 LICENSING

7.18 PENALTIES

7.20 VALIDITY

7.02 PLANNING AND ZONING COMMISSION

A. ORGANIZATION. There shall be appointed a Planning and Zoning Commission consisting of a minimum of five (5) members, who shall serve at the currently assigned pay which will be paid out in quarterly increments. Each member is to be appointed by the City Council for a term of three (3) years; provided, the terms of the members of the first board as appointed shall be such that the term of not more than two (2) members shall expire each year. Terms are renewable as determined by city council in three year intervals. Each member shall be a citizen of the city of Mendon, living within the boundaries of Mendon, and shall have lived within the boundaries of Mendon for a minimum of 6 months.

Any member may be removed for any cause by the appointing authority upon written charges and after public hearing, if such a hearing is requested. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. At least one (1) member of the City Council shall be a non-voting advisor to the Planning and Zoning Commission. Terms of members of the planning commission shall begin on or before the Monday following approval of City Council.

The members of the planning commission shall select from their own members a chairman and such other officers as deemed necessary. The chairman shall adopt rules and regulations for their organization and for the transaction of business and the conduct of their proceedings.

B. POWERS AND DUTIES. The Planning and Zoning Commission shall do the following:

1. Prepare and recommend a general plan, and amendments to the general plan, to the City Council.
2. Recommend zoning ordinances and maps, and amendments to zoning ordinances and maps, to the City Council.
3. Approve, approve with modifications and/or conditions, or deny conditional use applications.
4. Recommend subdivision regulations, and amendments to those regulations, to the City Council.

5. Recommend approval or denial of subdivision applications in accordance with the duly adopted Mendon City Subdivision Ordinance and the provisions of this title.
6. Evaluation and approval of business licenses and conditional use permits.
7. Advise the City Council on matters as the City Council directs.
8. Recommend certain applications to the Board of Adjustments.
9. Exercise any other powers necessary to enable it to perform its function or delegated to it by the City Council.

C. MEETINGS. The planning commission shall meet monthly (e.g., third Thursday of each month) and at such other times as the planning commission may determine. A simple majority of the planning commission shall constitute a quorum.

All meetings of the Planning and Zoning Commission shall be open to the public and shall comply with the requirements of this title pertaining to public hearings and Utah Code § 52-4, as it may be amended from time to time.

Report of official acts and recommendations of the planning commission shall be public and made by the chairman in writing to the governing body, and shall indicate how each member of the commission voted with respect to such act or recommendation. Any member of the commission may also make a concurring or dissenting report or recommendation to the governing body.

HISTORY

Adopted by Ord. 2010-03 on 2/11/2010

Repealed & Reenacted by Ord. 2020-07 on 9/10/2020

7.04 MENDON CITY LAND USE AUTHORITY

1. Mendon City hereby establishes the Mendon City Land Use Authority (MCLUA) (also used interchangeably with ALUA), consisting of:

- a. Administrative Land Use Authority (AULA) – an individual or entity contracted or hired by Mendon City to administer the projects and processes.
- b. Mendon City Engineer

c. Mendon City Attorney

2. The Mendon City Land Use Authority will review, evaluate, and approve or deny all subdivision applications submitted to Mendon City.
3. In addition, the Administrative Land Use Authority will review, evaluate, and approve or deny all zoning clearances required prior to the issuance of a building permit for any structure within Mendon City.
4. All decisions, with any and all supporting documentation, will be made public and available upon request.

HISTORY

Adopted by Ord. 2024-03 on 11/14/2024

7.06 BOARD OF ADJUSTMENT

A. ORGANIZATION. To carry out the provisions of Utah law relating to planning and zoning, there is hereby created a Board of Adjustment. The Board of Adjustment shall consist of five (5) members.

Members of the Board of Adjustment shall be appointed by the City Council. Any member may be removed for cause by the appointing authority upon written charges and after public hearing, if such a hearing is requested. A new member shall promptly be appointed by the City Council to fill the unexpired portion of any term which becomes vacant by reason of death, resignation, removal, or disqualification of any member.

The term of service on the Board of Adjustment shall be five (5) years, except that the term of service for the first Board of Adjustment shall be such that the term of one (1) member shall expire each year. One (1) member shall be appointed on or before the first Monday in February of each year.

The Board of Adjustment shall organize and elect a chairman and a secretary. They shall adopt rules and procedures as necessary for the conduct of meetings and carrying out of duties as provided by this ordinance. An acting chairman shall be selected in the absence of a chairman.

B. POWERS AND DUTIES. The Board of Adjustment shall do the following:

1. Hear appeals from any person or from any officer, department, board, or bureau of the municipality affected by any decision of the administrative officer, wherein it is alleged there has been error in any order, requirement, decision, or determination made by such officer in the

enforcement of this ordinance. Upon hearing the appeal, the Board of Adjustment shall affirm or reverse the decision, in whole or in part, in accordance with the provisions of contained within this title.

2. Approve, approve with conditions, or deny variance applications in accordance with the standards contained within this title.

C. MEETINGS. Meetings of the Board of Adjustment shall be held at the call of the chairman and at such other times as the board may determine. The chairman of the board or, in his absence, the acting chairman may compel the attendance of witnesses and administer oaths.

All meetings of the Board of Adjustment shall be open to the public and shall comply with the requirements of this title pertaining to public hearings and Utah Code 52-4, as it may be amended from time to time.

The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions; all of which shall be immediately filed in the office of the board and shall be a public record.

HISTORY

Adopted by Ord. 2010-03 on 2/11/2010

Repealed & Reenacted by Ord. 2020-07 on 9/10/2020

7.08 CITY COUNCIL

A. POWERS AND DUTIES RELATIVE TO PLANNING AND ZONING. In accordance with the requirements of the Utah Code and the provisions of this title, the City Council shall do the following:

1. Adopt a general plan and amendments to the general plan.

2. Adopt a zoning ordinance and map and approve or deny amendments to the zoning ordinance and map.

3. Enforce the provisions of this title. The City Council, by resolution or ordinance, may from time to time entrust the administration and enforcement of some part or the whole of this ordinance to any other officer of Mendon City, without amendment to this ordinance.

HISTORY

Adopted by Ord. 2010-03 on 2/11/2010

Repealed & Reenacted by Ord. 2020-07 on 9/10/2020

7.10 PUBLIC HEARINGS RELATIVE TO PLANNING AND ZONING

All public hearings held in the administration or enforcement of this title shall comply with the requirements of Utah Code 52-4, as it may be amended from time to time.

Each public body shall give not less than twenty-four (24) hours public notice of the agenda, date, time, and place of each of its meetings. Public notice shall be satisfied by posting written notice at the principal office of the public body or, if no such office exists, at the building where the meeting is to be held; and providing notice to at least one (1) newspaper of general circulation within the geographic jurisdiction of the public body, or to a local media correspondent. All meetings posted to the Utah Public Notice Website <https://utah.gov/pmn/index.html>

In addition to the posting of the agenda, public notice for applications requiring a public hearing shall consist of a legal notice in a newspaper of general circulation within the geographic jurisdiction of the public body, posting a notice on the premise of the application (except for zoning ordinance text amendments), and a radius notice to property owners within three hundred (300) feet residential, nine hundred (900) feet commercial/industrial zone, of the property being considered. In each case, notice shall be provided at least fourteen (14) days prior to the public hearing.

HISTORY

Adopted by Ord. 2010-03 on 2/11/2010

Repealed & Reenacted by Ord. 2020-07 on 9/10/2020

7.12 PERMITS TO COMPLY WITH ORDINANCE

From the effective date of this ordinance, no permit shall be granted for the construction or alteration of any building or structure, or the moving of a building or structure onto a lot, if such building or structure would be in violation of any of the provisions of the ordinance. No public officer shall grant any permit or license for the use of any building or land if such use would be in violation of this ordinance.

HISTORY

Adopted by Ord. 2010-03 on 2/11/2010

Repealed & Reenacted by Ord. 2020-07 on 9/10/2020

7.14 POWERS OF THE ENFORCEMENT OFFICIAL

The Enforcement Official shall enforce all the provisions of this ordinance, entering actions in the court when necessary, and his failure to do so shall not legalize any violation of such provisions. No building permit shall be issued by the Enforcement Official unless the plans of, and for, the proposed erection, construction, reconstruction, alteration, and use fully conform to all zoning regulations then in effect.

HISTORY

Adopted by Ord. 2010-03 on 2/11/2010

Repealed & Reenacted by Ord. 2020-07 on 9/10/2020

7.16 LICENSING

All departments, officials, and public employees of the city which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this ordinance and shall issue no permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this ordinance. Any such permit or license, if used in conflict with the provisions of this ordinance, shall be null and void.

HISTORY

Adopted by Ord. 2010-03 on 2/11/2010

Repealed & Reenacted by Ord. 2020-07 on 9/10/2020

7.18 PENALTIES

Violation of any provision of this ordinance may be restrained by action of the City Council in the name of the city and such violation shall be punishable by a fine not to exceed two hundred ninety nine dollars (\$299.00), or by imprisonment for not more than six (6) months, or both. Each day a violation is permitted to exist shall constitute a separate offense.

HISTORY

Adopted by Ord. 2010-03 on 2/11/2010

Repealed & Reenacted by Ord. 2020-07 on 9/10/2020

7.20 VALIDITY

Should any section, clause, or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be invalid. The Planning and Zoning Commission, Board of Adjustment, MCLUA, or individual members thereof shall not be held liable.

HISTORY

Adopted by Ord. 2010-03 on 2/11/2010

Repealed & Reenacted by Ord. 2020-07 on 9/10/2020

11.10 SINGLE FAMILY RESIDENTIAL ZONE R-1

A. PURPOSE. To provide appropriate locations where low-density residential neighborhoods may be established, maintained and protected. The regulations also permit the establishment of, with proper controls, the public and semi-public uses such as churches, schools, libraries, parks, and playgrounds, which serve the requirements of families. The regulations are intended to prohibit those uses that would be harmful to a single-family neighborhood.

Mendon City requires a minimum lot size of five-eighths ($5/8 = .625$ acres) with a minimum lot width of one hundred and ten (110) feet and no more than fourteen (14) lots/dwellings per ten (10) contiguous acres block. Mendon City encourages mixed lot sizes to achieve the average density requirement.

"Lot - Block Layout Plan" presents permissible lot configurations. See appendix C.

B. PERMITTED USES. The permitted uses are as follows:

1. Single-family dwelling, detached structures
2. Household pets; home occupations
3. Family Food Production in R-1 or Limited Family Food Production in all districts
4. Accessory uses and buildings
5. Agriculture
6. Accessory Dwelling

C. CONDITIONAL USES. The conditional uses are as follows:

1. Churches, except temporary revival tents or buildings
2. Libraries, museums, and art galleries
3. Public schools
4. Public parks, public buildings

5. Accessory uses and building customarily incidental to the above uses
6. Residential facilities for elderly persons
7. Accessory dwelling
8. Private park or camping area for temporary recreation

D. HEIGHT REGULATIONS. No main building shall be erected to a height greater than thirty five (35) feet or two and one-half (2 1/2) stories, whichever is greater, and no accessory building shall be erected to a height greater than twenty four (24) feet.

E. AREA REQUIREMENTS AND FRONTAGE REGULATIONS

Table 4. District Requirements

| District Minimum | Area Minimum | Lot Width |
|------------------|---------------------------|-----------|
| R-1 | 5/8 Acre (27,225 sq. ft.) | 110 feet |

The lot width shall be measured at thirty (30) feet back from the front lot line.

F. SIDE YARD REGULATION. The minimum side yard for any building shall be ten (10) feet. However, accessory buildings may have a minimum side yard of five (5) feet. For corner lots, the side yard on the side facing the street shall be the same as the front yard.

G. FRONT YARD REGULATIONS. The minimum setback for main buildings shall be thirty (30) feet. The minimum setback for accessory buildings shall be at least five (5) feet behind the front of the main structure except for private garages. If a private garage is closer than ten (10) feet to the house, the garage shall have the same set-back requirements as the building.

H. REAR YARD REGULATIONS. The minimum rear yard for any main building or accessory dwelling shall be thirty (30) feet, and for accessory buildings five (5) feet.

I. DENSITY & LAYOUT. In order to maintain the residential density of Mendon proper, and to promote a mixture of lot sizes, no more than fourteen (14) dwellings are allowed per any given ten (10) contiguous acres in the R-1 zone, less roads, regardless of minimum lot size.

New development in the R-1 zone shall follow, as much as possible, the layout of Mendon proper. This includes, but is not limited to the following: a mix of five-eighths (5/8) minimum acre lots and larger, and

straight North-South and East-West streets which align with existing Mendon City streets which are bordered by swales for stormwater control, where required.

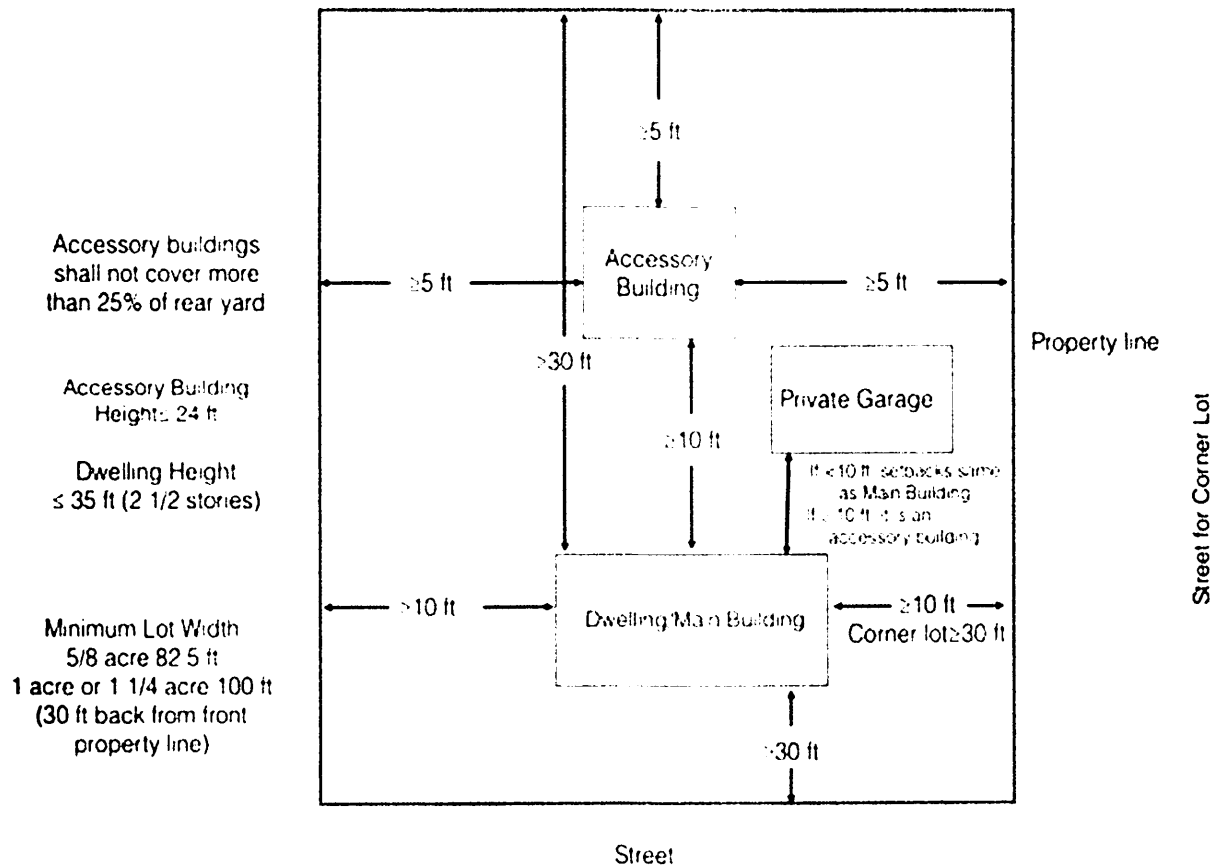
J. SPECIAL PROVISIONS. Quality and appearance of new buildings and landscapes shall be such as to meet or exceed the average quality and appearance of buildings and landscaping placed in the zone during the preceding five (5) years.

K. ACCESSORY STRUCTURE STANDARDS. The accessory structure standards are as follows:

1. A dwelling shall be present on the subject property
2. The accessory structure shall not be used as an additional dwelling, except as provided for by the accessory dwelling provisions of MZC 3
3. The structure shall not be used for commercial or industrial purposes except as provided for under “Level Two Home Occupations” (MZC 3.36 Part D,4)
4. Accessory structures shall be located at least five (5) feet behind front line of the main structure and not be located in any required yard or on any publicly dedicated easement
5. An accessory structure located in the rear yard shall not exceed a height of twenty-four (24) feet. Height shall be measured from the highest point of the roof to the ground. Basement shall not be considered in the height unless the basement is above grade and then only the portion that is above grade will be counted. If the basement is walk-out, half the basement height shall be considered unless all four corners of the structure are covered with earth/stone.

Figure 2. Accessory Requirements for Single Family Residential Lot

Single Family Residential



Note: modify drawing for accessory building 5 feet minimum behind front line of main building

HISTORY

Adopted by Ord. 2010-03 on 2/11/2010

Repealed & Reenacted by Ord. 2020-07 on 9/10/2020

11.12 MULTIPLE FAMILY RESIDENTIAL ZONE R-2

A. PURPOSE. To provide appropriate locations for multiple family dwellings, the regulations permit a variety of necessary public services and activities. Certain retail and service activities which are in harmony with the intent of the regulations are allowed, subject to control.

Multiple family dwellings shall be limited to one (1) unit per 10-acre block at the corner lots only. A duplex will be allowed on five eighths (5/8) acre, a three plex on 1 acre, and a maximum of (1) fourplex on a one and one-quarter (1 1/4) acre lot. (reference appendix C Lot - Block Layout Plan.) Bear River Health Authority may impose additional land requirements for any dwelling size beyond a single family unit. Their requirements will take precedence.

B. PERMITTED USES. The permitted uses are as follows:

1. Single-family dwelling, attached or detached
2. Multi-family dwelling
3. Home occupations
4. Accessory dwellings.
5. Accessory uses and buildings
6. Agriculture
7. Residential facilities for elderly person

C. CONDITIONAL USES. The conditional uses are as follows:

1. Private educational institutions having a curriculum like is ordinarily given in public schools; colleges and universities; child day care or nursery
2. Accessory uses and buildings customarily incidental to the above
3. Museum
4. Church, except temporary revival tent or buildings
5. Club, Lodges, Social Halls
6. Hospital (not including animal hospital)
7. Public Library
8. Public buildings
9. Public park or playground
10. Public Utilities
11. School

D. HEIGHT REGULATIONS. Dwellings/Main Buildings shall be erected to a height no greater than two and one-half (2 1/2) stories or thirty-five (35) feet.

E. AREA REGULATIONS. The minimum lot area shall be not less than five-eighth (5/8) acre (27,225 square feet) for a single family residence. For developments utilizing a shared septic system (upon approval of the Health Authority), the minimum land area per dwelling unit shall be four thousand (27,225) square feet (5/8) for a single family home, single family home with accessory dwelling or duplex. One acre (43,560 square feet) for a triplex and 1.25 acre (54,450 square feet) for a four-plex. Adaptions to these area calculations may be necessitated for septic requirements per Bear River Health Authority and those requirements will take precedence.

F. FRONTAGE REGULATIONS. The minimum width of any lot for a main building shall be eighty 110 feet at a point thirty (30) feet back from the front lot line.

G. SIDE YARD REGULATIONS. The minimum side yard for any building shall be ten (10) feet. Accessory buildings shall have a side yard of at least five (5) feet. Side yards on a corner lot shall be the same as a front yard on the side facing the street.

H. FRONT YARD REGULATIONS. The minimum front yard shall be thirty (30) feet from the property line to the house or other main building.

I. REAR YARD REGULATIONS. A minimum of thirty (30) feet is required for any main building or accessory dwelling, and five (5) feet for accessory buildings. On corner lots which rear upon the side yard of another lot, accessory buildings shall be located no closer than five (5) feet to such side yard.

J. GROUP DWELLINGS. These buildings shall be considered as one building for the purpose of front, side, and rear yard requirements. The entire group, as a unit, requires one front, one rear and two side yards as specified for single dwelling structures. Group dwellings shall be not be more than two and one-half (2 1/2) stories or thirty-five (35) feet in height. Each two and one-half (2 1/2) story group dwelling development shall have a minimum court of thirty (30) feet in width and forty (40) feet in length, in addition to its required yards.

Each one-story group dwelling development shall have a minimum court of twenty (20) feet in width and thirty (30) feet in length in addition to its required yards. In a group dwelling development, no two separate dwelling structures shall be closer to each other than ten (10) feet along the sides or ends of a court.

HISTORY

Adopted by Ord. 2010-03 on 2/11/2010

Repealed & Reenacted by Ord. 2020-07 on 9/10/2020

11.18 LIGHT INDUSTRIAL ZONE L-1

A. PURPOSE. To provide areas where industries necessary and beneficial to the local economy may locate and operate. The regulations of the zone are designed to protect and preserve the environment of the zone, the adjacent areas, and the entire community. It is the full intention of the City Council and the Planning and Zoning Commission for locations and uses granted in the Light Industrial Zone L-1 to be free from objection by the majority of residents of the community.

B. PERMITTED USES. The permitted uses are as follows:

1. Automobile, major repair

2. Cabinetry Shop
3. Contractor's yard or shop
4. Farm, garden, or building supply store
5. Food processing and/or packaging plant
6. Fuel sales facility (convenience store/service station)
7. Laundry or linen supply
8. Manufacturing, light and medium (e.g. machine shops, electronics)
9. Nursery
10. Office building
11. Processing plant for agricultural products
12. Research and development facility
13. School (vocational or trade)
14. Warehouse
15. Storage units

C. CONDITIONAL USES. Any use not specifically mentioned under permitted uses which conforms to the general concepts and ideas laid out in Mendon City's General Plan.

D. SPECIAL PROVISIONS. Approval of any construction and plat layout must be obtained from the Planning and Zoning Commission and the City Council before construction is commenced

The required yards shall be kept free from refuse, debris, garbage, and waste material. All such refuse, debris, garbage, and waste material shall be kept in approved containers.

All uses shall be free from objections because of odor, toxic fumes, dust, smoke, noise, vibration, or other causes.

City streets, walks, and utility (electricity, culinary water, secondary water for landscape, and sewer) infrastructure is required to be in place as a part of site approval for building. All access roadways shall be design and certified to bear the intended traffic weight loads and at the frequency for which the facility is designed to move materials in and out.

E. HEIGHT REQUIREMENTS. Height requirements in the L-1 zone will be thirty-five (35) feet of the boundary of any adjoining zone, no building shall exceed the height limit established for main buildings in such adjoining zone.

F. AREA, WIDTH, AND YARD REGULATIONS. Any parcel in the L-1 zone having a lot line in common with a lot in an adjoining zone, or lying across the street or alley from such adjoining zone, the front, side and rear yards, as prescribed for such adjoining zones, shall be maintained in the L-1 zone.

HISTORY

Adopted by Ord. 2010-03 on 2/11/2010

Amended by Ord. 2017-09 on 10/13/2017

Repealed & Reenacted by Ord. 2020-07 on 9/10/2020

11.22 HILLSIDE OVERLAY AND WATER RUN-ON/RUN-OFF IMPACT

A. PURPOSE. To provide the maximum in public safety and welfare in the development and design of building sites, roadways, and other service amenities where steepness of slope and length may cause unintended damage to areas below and to preserve and enhance the hillside landscape by encouraging the maximum retention of natural features, such as drainage swales, streams, slopes, ridgelines, crests of hills, rock outcroppings, vistas, and natural formations. Also to reduce the impact of water run-on/run-off impact both due to slope and due to natural build up during heavy rains and high clay content soil.

B. APPLICABILITY. These provisions shall apply to any proposed construction, grading, filling, clearing or excavation on any hillside that meets or exceeds a slope of fifteen (15) percent. Trail development which does not exceed five (5) feet in width and does not exceed three (3) feet of cut or three (3) feet of fill shall be exempt from these provisions.

C. REQUIREMENTS. Prior to the initiation of any construction, grading, filling, clearing, or excavation within the Hillside Overlay, the applicant shall provide the following, prepared and stamped by a professional engineer registered in the State of Utah, to the City Engineer, for review and approval of lot grading plan. See Above Section 1.15.

General Requirements:

1. The lot grading plan must be prepared by a civil engineer or land surveyor certified in Utah.
2. The building shall be located or the building site graded so that water will not accumulate at or near the building and will not adversely affect adjacent properties.
3. Artificial embankments and/or retaining walls shall not be allowed unless approved as part of the Building Permit. The maximum embankment slope shall be 3:1 (horizontal to vertical).
4. Existing overland drainage is to be maintained.
5. Proposed improvements within 10' of the property line shall make assurances that runoff is not directed towards adjacent properties.
6. A minimum slope of two percent (2%) shall be maintained away from the home for drainage purposes.
7. Bare soil areas and soil stockpiles shall be stabilized as soon as practical when the area is inactive or has reached finished grade.
8. Sedimentation/siltation control measures shall be installed prior to construction and offset at a minimum of two feet (2') from lot lines.
9. Hand-drawn sketches or photographs will not be accepted.

Lot Grading Plan Details:

1. Show lot address, entire property line including driveway and street name clearly labeled. If property is on a corner, both street names are to be labeled.
2. Show proposed building envelope or footprint of the proposed home.
3. Show setbacks from all property lines and any existing and/or proposed easements.
4. Show proposed and existing grades and directional slopes with percentage of slope.
5. Show all existing trees showing base diameter. Identify any trees to be removed or affected within area of construction (dripline).
6. Show driveway location, width, culverts, and any changes proposed within the right-of-way. State type of driveway (asphalt, gravel, etc.).
7. Show all existing and proposed retaining walls including height, setback and top & bottom elevations (if applicable). Please note: any retaining wall over four feet (4') in height must be certified by a Professional Engineer in the State of Utah.
8. Relative elevations are permitted with a benchmark for such elevations identified on the plan.
9. Mendon City limits building on lots at or over 15% grade based on Engineer's recommendations. Per county restrictions, lots at or over 20% grade may not be built on.

D. FINDINGS. Prior to issuance of a permit for construction within the Hillside Overlay District, and based upon the above noted reports, the City Engineer shall determine the following:

1. The site is physically suitable for the design and siting of the proposed development. The development shall result in minimum disturbance of hillside areas.
2. The grading and excavation proposed in connection with the development shall not result in soil erosion, silting of lower slopes, slide damage, flooding, severe scarring, any other geological instability, or fire hazard which would adversely affect the public, health, safety, and welfare.
3. Disruption of existing native vegetation and wildlife habitat is minimized.

HISTORY

Adopted by Ord. 2010-03 on 2/11/2010

Repealed & Reenacted by Ord. 2020-07 on 9/10/2020

11.24 STREET DEVELOPMENT

A. PURPOSE. To outline general requirements and responsibilities for development of city streets. More specific requirements are contained in the city's standards and specification.

B. GENERAL INTENT. It is the general intent of Mendon City that all new street rights-of-way shall be a minimum width of ninety-nine (99) feet with a minimum of twenty-four (24) feet wide asphalt drive strip to allow for future utilities and infrastructure including stormwater, sewer, irrigation improvements.

In addition, it is the intent of the city that new utilities or improvements be "bored-in" under existing asphalt street surfaces rather than accessed from the surface by cutting or excavating through the surface.

Finally, any damage to existing streets during construction of new streets, buildings or other improvements shall be the responsibility of the developer to repair.

C. IMPROVEMENTS COMPLETED PRIOR. All subdivisions and/or development shall have site improvements completed and in place prior to placement of any asphalt, concrete and fill for street(s).

D. RESPONSIBILITY FOR CONSTRUCTION. It is the responsibility of the person developing any parcel of land that does not have direct access to a paved city street to extend a new street the full length and width to the new development for a minor or major subdivision and two thirds the width for a single lot or double lot development. This policy is in place for residential, commercial, or light industrial development within Mendon City. The new street will include all other requirements as specified for street construction outlined in the city's standards and specifications. The responsibility may not be passed off to any other entity.

In an approved subdivision, all designated streets must be completed prior to issuing any building permits for lots identified within the subdivision or phase of a major subdivision and must extend to all property boundaries.

All dead-end streets shall have a hammer head turn-around and be reviewed and approved by the City Engineer, the City Public Works Director and the City Fire Chief.

E. APPLICABILITY. The city's standards and specifications shall apply to any proposed construction, grading, filling, clearing, or excavation on any street. Additional requirements may be imposed on streets exceeding a slope of six (6) percent after additional review and study by the City Engineer and Public Works Director.

HISTORY

Repealed & Reenacted by Ord. 2020-07 on 9/10/2020