

**VERNAL
ORDINANCE 2021-07**

AN ORDINANCE OF THE VERNAL CITY COUNCIL AMENDING THE VERNAL CITY MUNICIPAL CODE AMENDING SECTIONS 16.24.155 - PORTABLE STORAGE CONTAINERS - USES, ADDING SECTION 16.20.585 - PORTABLE STORAGE CONTAINERS, AMENDING CHAPTERS 16.34 - A-1 AGRICULTURAL ZONE, 16.36 - R-1 RESIDENTIAL ZONE, 16.38 - RA-1 RESIDENTIAL - AGRICULTURAL, 16.40 - R-2 RESIDENTIAL ZONE, 16.42 - R-3 RESIDENTIAL ZONE, 16.44 - R-4 RESIDENTIAL ZONE, AND 16.46 - MANUFACTURED HOME ZONE (MH)

WHEREAS, the City Council finds that the regulation of portable storage containers is necessary for orderly growth and conduct of business within the City, and;

WHEREAS, the City Council deems it to be in the best interest of the health, safety and welfare of the citizens to incorporate the following changes to the provisions of the Vernal City Code, and;

WHEREAS, the City Council has received input from the public at large in duly noticed open meetings, and has considered and discussed the advantages and disadvantages of such regulation

NOW THEREFORE, be it ordained by the Council of the Vernal, in the State of Utah, as follows:

SECTION 1: **REPEAL** “Section 16.24.155 Portable Storage Containers -- Uses” of the Vernal Municipal Code is hereby *repealed* as follows:

REPEAL

~~Section 16.24.155 Portable Storage Containers -- Uses (Repealed)~~

- ~~A. Portable storage container prohibited. Except as specifically allowed in this Section, portable storage containers are prohibited in all zones.~~
- ~~B. Portable storage containers where allowed. Except as limited by Section 4(a), a portable storage container, as defined in Section 16.04.464 of this Title, shall be considered as an allowed use in the I-1, C-2, CC-1, CP-2, CCP-1 and HC-1 zones with the following limitations:
 - ~~1. Permits required.
 - ~~a. Prior to the placement of a portable storage container the property owner must submit an application for a permit on the form established by the City Planning Department and shall include with the permit application, at a minimum, a site plan showing the location of all~~~~~~

~~buildings, structures, and fences and the proposed location of the portable storage container, the square footage of the portable storage container, the zone in which the real property is located, and show how the real property will comply with the terms of this ordinance.~~

~~b. All fees established in accordance with the Vernal City building permit Fee Schedule for such permit must be paid at the time of filing the application.~~

~~2. Permit processing. Permits for portable storage containers shall be processed and approved through the City's building official unless the combined number of containers on any one parcel exceeds 1000 square feet. In which case, the placement of any storage containers must be approved by the City's Planning Commission in accordance with a duly submitted site plan and in accordance with applicable development standards of the City and subject to the provisions of this Section.~~

~~3. Secondary use.~~

~~a. The use of portable storage containers shall be a secondary use requiring that a primary, permanent structure be located on the same parcel of real property where the business associated with the portable storage container is regularly transacted in accordance with all applicable Vernal City ordinances and regulations.~~

~~b. The use of the portable storage container must be for the sole benefit of the business or primary, permanent structure located on the same parcel of real property.~~

~~4. Use for storage only. A portable storage container, except as provided in Section 4(a) and (b) shall be used for storage purposes only. No occupancy or other use of the storage container shall be allowed.~~

~~a. Temporary use. A portable storage container may be temporarily used in any zone for up to seven (7) consecutive calendar days for the purpose of storing items being moved from and to the premise. The storage container may not be placed on any public street for that purpose. A portable storage container may be temporarily used in any zone on any construction site when construction is actively taking place. The container must be removed before any Certificate of Occupancy shall be issued.~~

~~b. Sale or rental of containers. Sales and rentals of portable storage containers shall be considered an allowed use only in the I-1 industrial zone.~~

~~5. No use of parking area. A portable storage container on any parcel may not occupy any parking spaces on that parcel that are required as parking pursuant to the Vernal City off-street parking ordinances, including any parking spaces required in a site plan approved for that location by the City's Planning Commission.~~

~~6. Set backs. All portable storage containers, excepting those allowed under Section 4(a), must be set back from the front property a minimum of twenty-~~

~~five (25) feet unless set back requirements for the particular zone in which the storage container is placed requires a deeper set back. Any side or rear set back requirements for the particular zone in which the storage container is placed shall apply to the placement of such container.~~

~~7. Stacking prohibited. Stacking of portable storage containers is prohibited in all zones except an I-1 industrial zone. Stacking of portable storage containers in an I-1 industrial zone is limited to four (4) storage containers in height.~~

~~8. Color. Except in an I-1 industrial zone, all portable storage containers shall be painted in a neutral color in such a way as to match the primary building or structure, or shall be behind a six (6) foot, site-obscuring fence, maintained by the property owner for the purpose of eliminating from view the portable storage container(s) from the public roadway fronting the business. Any stricter site-obscuring fencing requirement for the particular zone or use in which the storage container is placed shall be enforced.~~

~~9. Percentage of use. Except in an I-1 industrial zone, a portable storage container or containers shall not occupy more than 25% of the total parcel on which the container(s) is located, nor shall the container(s) exceed 35% of the total square footage of the primary structure.~~

~~C. Pre-existing uses. All owners of real property upon which portable storage containers are presently located as of the 6th day of December, 2006 must apply for a permit pursuant to the terms of this ordinance for said storage containers no later than December 31, 2006 documenting all existing storage containers as of December 6, 2006. As to storage containers placed prior to December 6, 2006 and as to which a permit is obtained no later than December 31, 2006, the following sections of this ordinance shall be inapplicable: B(1)(b), B(2), B(3)(b), and B(9). All storage containers placed in the City after December 6, 2006 shall be subject to all of the terms and conditions of this ordinance.~~

~~(Ord. 2009-01, Amended, 03/18/2009; Ord. 2006-28, Add, 12/14/2006)~~

SECTION 2: ADOPTION “Section 16.20.585 Portable Storage Containers”
of the Vernal Municipal Code is hereby *added* as follows:

ADOPTION

Section 16.20.585 Portable Storage Containers(*Added*)

A. Portable storage container prohibited. Except as specifically allowed in this Section, portable storage containers are prohibited in all zones.

B. Portable storage containers, as defined in this Title, shall be bound by the following limitations when allowed in the I-1, C-2, CC-1, CP-2, CCP-1 and HC-1 zones:

1. Permits required.

a. Prior to the placement of a portable storage container the property owner must submit an application for a permit on the form established by the City Planning Department and shall include with the permit application, at a minimum, a site plan showing the location of all buildings, structures, and fences and the proposed location of the portable storage container, the square footage of the portable storage container, the zone in which the real property is located, and show how the real property will comply with the terms of this ordinance.

b. All fees established in accordance with the Vernal City building permit Fee Schedule for such permit must be paid at the time of filing the application.

2. Permit processing. Permits for portable storage containers shall be processed and approved through the City's building official unless the combined number of containers on any one parcel exceeds 1000 square feet. In which case, the placement of any storage containers must be approved by the City's Planning Commission in accordance with a duly submitted site plan and in accordance with applicable development standards of the City and subject to the provisions of this Section.

3. Secondary use.

a. The use of portable storage containers shall be a secondary use requiring that a primary, permanent structure be located on the same parcel of real property where the business associated with the portable storage container is regularly transacted in accordance with all applicable Vernal City ordinances and regulations.

b. The use of the portable storage container must be for the sole benefit of the business or primary, permanent structure located on the same parcel of real property.

4. Use for storage only. A portable storage container, except as provided in Section 4(a) and (b) shall be used for storage purposes only. No occupancy or other use of the storage container shall be allowed.

a. Temporary use. A portable storage container may be temporarily used in any zone for up to seven (7) consecutive calendar days for the purpose of storing items being moved from and to the premise. The storage container may not be placed on any public street for that purpose. A portable storage container may be temporarily used in any zone on any construction site when construction is actively taking place. The container must be removed before any Certificate of Occupancy shall be issued.

b. Sale or rental of containers. Sales and rentals of portable storage containers shall be considered an allowed use only in the I-1 industrial zone.

5. No use of parking area. A portable storage container on any parcel may not occupy any parking spaces on that parcel that are required as parking pursuant to the Vernal City off-street parking ordinances, including any parking spaces required in a site plan approved for that location by the City's Planning Commission.

6. Set backs. All portable storage containers, excepting those allowed under Section 4(a), must be set back from the front property a minimum of twenty-five (25) feet unless set back requirements for the particular zone in which the storage container is placed requires a deeper set back. Any side or rear set back requirements for the particular zone in which the storage container is placed shall apply to the placement of such container.

7. Stacking prohibited. Stacking of portable storage containers is prohibited in all zones except an I-1 industrial zone. Stacking of portable storage containers in an I-1 industrial zone is limited to four (4) storage containers in height.

8. Color. Except in an I-1 industrial zone, all portable storage containers shall be painted in a neutral color in such a way as to match the primary building or structure, or shall be behind a six (6) foot, site-obscuring fence, maintained by the property owner for the purpose of eliminating from view the portable storage container(s) from the public roadway fronting the business. Any stricter site-obscuring fencing requirement for the particular zone or use in which the storage container is placed shall be enforced.

9. Percentage of use. Except in an I-1 industrial zone, a portable storage container or containers shall not occupy more than 25% of the total parcel on which the container(s) is located, nor shall the container(s) exceed 35% of the total square footage of the primary structure.

C. Except as addressed by Section B4(a), a portable storage container, as defined in this Title, shall be bound by the following limitations when allowed in the R-1, RA-1, R-2, R-3, R-4 and MH zones:

1. A single portable storage container may be placed on a parcel or lot provided it is placed in accordance with all requirements applicable to an accessory structure for the zone in which it will be placed. No more than one (1) portable storage container may be placed on any single parcel or lot.

D. Pre-existing uses. All owners of real property upon which portable storage containers are presently located as of the 6th day of December, 2006 must apply for a permit pursuant to the terms of this ordinance for said storage containers no later than December 31, 2006 documenting all existing storage containers as of December 6, 2006. As to storage containers placed prior to December 6, 2006 and as to which a permit is obtained no later than December 31, 2006, the following sections of this ordinance shall be inapplicable: B(1)(b), B(2), B(3)(b), and B(9). All storage containers placed in the City after December 6, 2006 shall be subject to all of the terms and conditions of this ordinance. (Ord. 2009-01, Amended, 03/18/2009; Ord. 2006-28, Add, 12/14/2006)

SECTION 3: AMENDMENT “Section 16.34.020 Permitted Uses” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.34.020 Permitted Uses

The following buildings, structures and uses of land shall be permitted in the A-1 agricultural zone upon compliance with requirements set forth in this title:

- A. Agriculture including, but not limited to, raising of row crops, grains and fruits, and buildings incidental to the use of the land for agricultural purposes;
- B. The raising and grazing of animals and fowl including the supplementary or full feeding of such animals and fowl, as follows:
 - 1. Four (4) horses, or four (4) cattle, or four (4) llamas, or four (4) emus, or four (4) ostriches, or eight (8) sheep, swine or goats and their suckling offspring, or a combination thereof, may be kept for each one (1) acre of agricultural use lot area, and further provided that no animal shall be kept on lots containing less than twenty thousand (20,000) square feet of agricultural use lot,
 - 2. Fowl,
 - 3. The keeping and raising of not more than eight (8) hogs more than sixteen (16) weeks old; provided, that no person shall feed any such hog any market refuse, house refuse, garbage or offal other than that purchased on the premises;
 - 4. Household pets not to exceed a combination of four (4) pets over the age of four (4) months.
- C. Barns, corrals, pens, coops and feed storage buildings for the keeping of animals and fowl, and the storage of farm products, provided such structures for the care and keeping of livestock and fowl are located at least one hundred fifty (150) feet in distance from any existing dwelling, public or semipublic building on any adjoining parcel of land, or at least one hundred (100) feet from any side property line, whichever distance is greater, and located at least one hundred (100) feet in distance from any existing dwelling on the same parcel of land;
- D. Cannabis Production Establishment
- E. One-family dwellings and buildings accessory thereto;
- F. Water reservoirs and water facilities; oil and gas wells;
- G. Public utility buildings and facilities, and airports;
- H. Schools and churches; parks and golf courses;
- I. Temporary buildings and yards for storage of construction materials and equipment incidental and necessary to construction uses otherwise permitted in this zone. A permit therefor shall be valid for not more than one (1) year and shall not be renewable at the same location;
- J. Home occupations in accordance with Chapter 16.22 of this title.
- K. Day care nursery's which have been approved by the State Health and Welfare

Department and are eligible for licensing by the State.

L. Urban farms.

M. Towers

1. Amateur radio.
2. Low power radio.
3. Small cellular.

N. Portable Storage Container

(PZSC § 03-17-002) (Ord. No. 96-12, Amended, 06-19-96; Ord. No. 96-17, Amended, 07-17-96)

(Ord. 2017-11, Amended, 08/16/2017; Ord. 2017-01, Amended, 01/18/2017)

SECTION 4: AMENDMENT “Section 16.36.035 Uses” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.36.035 Uses

Use are as set out in this section:

USES	R-1
Bed and breakfast	C
Churches	P
Day care nursery	P
Domestic abuse shelter	P
Fences not exceeding seven feet	P
Home occupations in accordance with 16.22	P
Household pets not exceeding 4	P
Portable Storage Container	P
PRUD	P
Public utility buildings and facilities	P
Residential facilities for the elderly	C
Residential facilities for the handicapped	C
Schools	P
Signs pertaining to sale or lease of property or professional offices	P
Single family dwelling	P
Temporary storage buildings for construction	P
Tower, amateur radio	P
Tower, low power radio	C
Tower, small cellular	P
Urban farms	P
Urban livestock	P

(Ord. 2017-11, Amended, 08/16/2017; Ord. 2017-01, Amended, 01/18/2017; Ord. 2012-04, Add, 05/02/2012)

SECTION 5: AMENDMENT “Section 16.38.035 Uses” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.38.035 Uses

Uses are as set out in this section:

USES	RA-1
Assisted living facilities	C
Barns, corrals, pens, coops	P
Bed and breakfast	C
Churches	P
Clubs, lodges	P
Day care nursery	P
Domestic abuse shelter	P
Farm produce sheds, buildings and cellars	P
Feed storage building	P
Fences not exceeding seven feet	P
Home occupations in accordance with 16.22	P
Household pets not exceeding 4	P
Livestock in limited numbers	P
Machinery sheds	P
Portable Storage Container	P
PRUD	P
Public utility buildings and facilities	P
Residential facilities for the elderly	P
Residential facilities for the handicapped	P
Rest homes	P
Schools	P
Signs, monument	C
Signs pertaining to sale or lease of property or professional offices	P
Single family dwelling	P
Temporary storage buildings for construction	P

Tower, amateur radio	P
Tower, low power radio	C
Tower, small cellular	P
Urban farms	P
Urban livestock	P
Uses ruled to be similar by Planning Commission	P

(Ord. 2017-11, Amended, 08/16/2017; Ord. 2017-01, Amended, 01/18/2017; Ord. 2012-04, Add, 05/02/2012)

SECTION 6: **AMENDMENT** “Section 16.40.035 Uses” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.40.035 Uses

Uses are as set out in this section:

USES	R-2
Bed and breakfast	C
Churches	P
Day care, nursery	P
Fences not exceeding seven feet	P
Group dwellings in accordance with Chapter 16.20	P
Home occupations in accordance with 16.22	P
Household pets not exceeding 4	P
Mortuary	C
Portable Storage Container	P
PRUD	P
Public utility buildings and facilities	P
Rest homes	P
Residential facilities for the elderly	P
Residential facilities for the handicapped	P
Schools	P
Signs pertaining to sale or lease of property or professional offices	P
Single family dwelling	P
Temporary storage buildings for construction	P
Tower, amateur radio	P
Tower, low power radio	C
Tower, small cellular	P
Two (2) family dwellings	P
Urban farms	P
Urban livestock	P
Wedding chapel	C

(Ord. 2017-11, Amended, 08/16/2017; Ord. 2017-01, Amended, 01/18/2017; Ord. 2012-04, Add, 05/02/2012)

SECTION 7: AMENDMENT “Section 16.42.035 Uses” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.42.035 Uses

Uses are as set out in this section:

USES	R-3
Bed and breakfast	C
Boarding houses	C
Churches	P
Day care nursery	P
Fences not exceeding seven feet	P
Group dwellings in accordance with Chapter 16.20	P
Home occupations in accordance with 16.22	P
Hospitals and clinics	C
Household pets not exceeding 4	P
Mortuary	C
Portable Storage Container	P
Professional office buildings	C
PRUD	P
Public parking lots	C
Public utility buildings and facilities	P
Rest home	P
Residential facilities for the elderly	P
Residential facilities for the handicapped	P
Schools	P
Signs, monument	C
Signs pertaining to sale or lease of property or professional offices	P

Single family dwelling	P
Temporary storage buildings for construction	P
Tower, amateur radio	P
Tower, low power radio	C
Tower, small cellular	P
Two family dwellings	P
Urban farms	P
Urban livestock	C
Wedding chapel	C

(Ord. 2017-11, Amended, 08/16/2017; Ord. 2017-01, Amended, 01/18/2017; Ord. 2012-04, Add, 05/02/2012)

SECTION 8: **AMENDMENT** “Section 16.44.035 Uses” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.44.035 Uses

Uses are as set out in this section:

USES	R-4
Bed and breakfast	C
Boarding houses	C
Churches	P
Day care nursery	P
Fences not exceeding seven feet	P
Group dwellings in accordance with Chapter 16.20	P
Home occupations in accordance with 16.22	P
Hospitals and clinics	P
Household pets not exceeding 4	P
Mortuary	P

Multiple family dwellings containing thirty (30) or less units	P
Multiple family dwellings containing more than thirty (30) units	C
Portable Storage Container	P
Professional office buildings or group of office buildings	P
PRUD	P
Public parking lots	P
Public utility buildings and facilities	P
Rest home	P
Residential facilities for the elderly	P
Residential facilities for the handicapped	P
Retail establishments	N
Row House	P
Schools	P
Signs, monument	C
Signs - non-flashing, flat	P
Signs pertaining to sale or lease of property or professional offices	P
Single family dwelling	P
Temporary storage buildings for construction	P
Tower, amateur radio	P
Tower, low power radio	C
Tower, small cellular	P
Two family dwellings	P
Urban farm	P
Urban livestock	C
Uses ruled to be similar by the Planning Commission	P
Wedding chapel	P
Wholesale commercial establishment	N

(Ord. 2017-11, Amended, 08/16/2017; Ord. 2017-01, Amended, 01/18/2017; Ord. 2012-04, Add, 05/02/2012)

SECTION 9: AMENDMENT “Section 16.46.020 Permitted Uses” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.46.020 Permitted Uses

The following buildings, structures and uses of land shall be permitted upon compliance with the requirements set forth in this title:

- A. Accessory buildings and uses customarily incidental to any permitted use;
- B. Temporary buildings for use incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;
- C. Single-family manufactured home subdivisions in accordance with the site development standards set out in this chapter and the standards prescribed by Chapter 16.58, Vernal City subdivision regulations, of this title;
- D. Single-family dwellings meeting the International Residential Code as adopted by Vernal City .
- E. Household pets not to exceed a combination of four (4) pets over the age of four (4) months.
- F. Day care nursery's which have been approved by the State Health and Welfare Department and are eligible for licensing by the State.
- G. Towers
 - 1. Amateur radio.
 - 2. Low power radio.
 - 3. Small cellular.
- H. Urban farms:
 - I. Portable Storage Containers.**

(PZSC § 03-23-002) (Ord. No. 96-12, Amended, 06-19-96; Ord. No. 96-17, Amended, 07-17-96; Ord. No. 96-28, Amended, 11/20/96; Ord. No. 98-16, Amended, 10/21/98; Ord. No. 98-16, Amended, 10/21/98)

(Ord. 2017-11, Amended, 08/16/2017; Ord. 2017-01, Amended, 01/18/2017; Ord. 2013-01, Amended, 05/15/2013)

SECTION 10: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 11: 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 a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

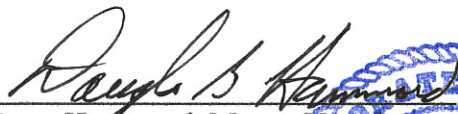
SECTION 12: EFFECTIVE DATE This Ordinance shall be in full force and effect from _____ and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE VERNAL COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Nicholas Porter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Travis Allan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Dave Everett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Bert Clark	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Ted Munford	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

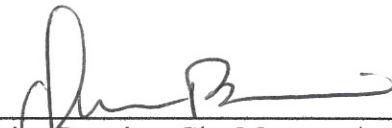
Presiding Officer



 Doug Hammond, Mayor, Vernal



Attest



 Quinn Bennion, City Manager /
 Recorder Vernal