LAND USE ORDINANCE OF CORNISH, UTAH

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CHAPTER 1
GENERAL PROVISIONS

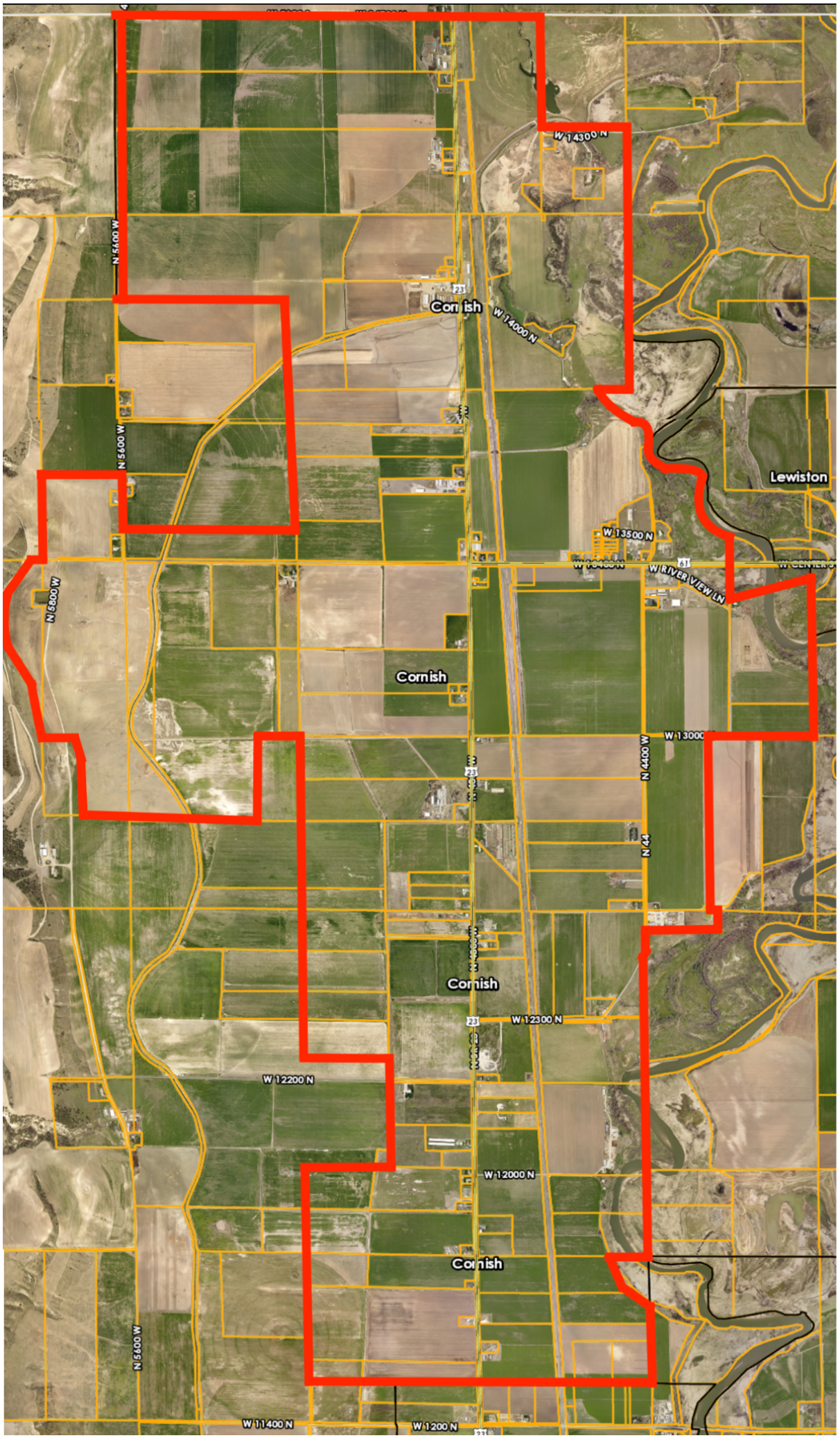
10-1-1 : SHORT TITLE:
This title shall be known as the *LAND USE ORDINANCE OF CORNISH, UTAH,* hereinafter "this title", and may be so cited and pleaded.

10-1-2 : PURPOSE:
This title is designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the Town, including, amongst other things, the lessening of congestion in the streets or roads, securing safety from fire and other dangers, providing adequate light and air, classification of land uses and distribution of land development and utilization, protection of the tax base, securing economy in governmental expenditures, fostering the Town's commercial and industrial growth, and the protection of both residential and nonresidential development.

10-1-3 : INTERPRETATION:
In interpreting and applying the provisions of this title, the requirements contained herein are declared to be the minimum requirements for the purposes set forth.

10-1-4 : CONFLICT:
This title shall not nullify the more restrictive provisions of covenants, agreements or other ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive.

10-1-5 : EFFECT UPON PREVIOUS ORDINANCE AND MAP:
The existing zoning ordinance of the Town, including the maps which are on file in the Town office, is hereby superseded and amended to read as set forth herein; provided, however, that this title shall be deemed a continuation of the previous ordinance, and not a new enactment,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 title 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 ordinances 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.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N 44
Cornish
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CHAPTER 2

ADMINISTRATION

10-2-1 : CHANGES AND AMENDMENTS:
This title, including the map(s), may be amended from time to time by the Town Council after such notice and public hearing(s) as are required by State law. All proposed amendments shall be first proposed by the Planning Commission or shall be submitted to the Planning Commission for its recommendation. The Town Council may adopt or reject the proposed amendment to this title, including the map(s), after making any revision the Town Council considers appropriate.

10-2-2 : AREAS ANNEXED:
All property hereafter annexed to the Town shall be zoned as determined by the Town Council during the process of annexation.

10-2-3 : LICENSING:
All departments, officials and public employees of the Town which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this title and shall issue no permit or license for uses, buildings or purposes where the same would be in conflict with the provisions of this title, and any such permit or license, if issued in conflict with the provisions of this title, shall be null and void.

10-2-4 : PENALTY:
Any person, firm or corporation–whether as principal, agent, employee or otherwise–violating or causing or permitting the violation of the provisions of this title, including the provisions of a validly issued conditional use permit, shall be assessed a fine as defined in the Cornish Town Fee Schedule, and such person, firm or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this title is committed, continues or is permitted by such person, firm or corporation. The Town shall provide notice of any such violation 15 days prior to fees being assessed.

CHAPTER 3
PLANNING COMMISSION

10-3-1: CREATED; COMPENSATION:
There is created a Planning Commission to be composed of five (5) members. Members of the Planning Commission shall serve without compensation. A member of the Town Council may be appointed as a member of the Planning Commission.

10-3-2: TERMS; REMOVAL; VACANCIES:
The terms of the Planning Commission shall be staggered. Each member of the Planning Commission shall serve for a term of five (5) years and until a successor is appointed; providing, that the term of the first members shall be such that the term(s) of one member(s) shall expire each year. The Town Council may remove any member of the Planning Commission for cause and after a public hearing, if one is requested. Vacancies shall be promptly filled in the same manner as the original appointment for the remainder of the unexpired term.

10-3-3: QUALIFICATIONS; APPOINTMENT:
Members of the Planning Commission shall, at the time of appointment and throughout their term of service, reside within the corporate limits of the Town. Members shall be appointed by the Mayor with the advice and consent of the Town Council and shall be selected without regard to political consideration and solely upon their qualifications for the position. Members may serve multiple terms.

10-3-4: OFFICERS:
The members of the Planning Commission shall annually elect one of their own members as Chairperson, and such other officers as deemed necessary, and shall adopt rules and regulations for their organization and for the transaction of business and the conduct of their proceedings.

10-3-5: MEETINGS:
The Planning Commission shall meet at least once each month at a regular time determined by the commission. Additional meetings may be called by the Chairperson or a quorum of the commission as conditions require or as the commission may determine.

10-3-6: QUORUM:
Three (3) members of the Planning Commission shall constitute a quorum.

10-3-7: POWERS AND DUTIES:
The Planning Commission shall have all the duties and powers explicitly or impliedly given by laws of the State of Utah and this title.

10-3-8: REPORTS AND RECORDS:
Reports of official acts and recommendations of the Planning Commission shall be public and shall be made in writing by the Town Clerk. The report shall indicate the vote of the commission on each item brought before them. Any member of the commission may also make a concurring or dissenting report or recommendation to the Town Council.

10-3-9: APPEALS:
Appeal of any decision of the Planning Commission shall be to the Appeal Authority under the requirements as stipulated under section 10-4-3 of this title, Appeal Authority.

CHAPTER 4
APPEAL AUTHORITY

10-4-1: APPEAL AUTHORITY RESPONSIBILITY:
The authority to hear requests for variances from the terms of the land use ordinances and appeals from decisions applying the land use ordinances shall be vested in the Cornish Town Board of Adjustment, also referred to as the Board of Adjustment, or the Appeal Authority.

10-4-2: APPOINTMENT AND ADMINISTRATION OF CORNISH TOWN BOARD OF ADJUSTMENT:
The Board of Adjustment shall consist of five (5) members to be appointed by the Mayor with the advice and consent of the Cornish Town Council. The Chairman of the Planning Commission shall be a member of the Board of Adjustment. Members of the Board of Adjustment shall be appointed for a period of five (5) years, may be removed by a majority vote of the Town Council at any time, and may serve until a replacement is appointed. A quorum shall consist of four (4) or more members present. All meetings of the Board of Adjustment shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and the Board shall keep records of its examinations and other official actions.

10-4-3: APPEALING LAND USE AUTHORITY'S DECISION:
An applicant, a board or officer of the Town, or any person adversely affected by the Land Use Authority's decision applying a land use ordinance may, within the time period provided in subsection A of this section, appeal that decision to the Board of Adjustment by alleging there is an error in an order, requirement, decision, or determination made by the Land Use Authority in the administration or interpretation of the land use ordinance, or in the decision applying the land use ordinance. When an appeal is taken from a decision of the Land Use Authority, the Town Clerk shall immediately transmit to the Board of Adjustment all documents, if any, constituting the record upon which the action appealed from was taken.

A. Time To Appeal; Filing Fee: Any appeal, pursuant to this section, must be filed in writing with the Office of the Town Recorder within ten (10) calendar days of the issuance of the written decision or vote of the Land Use Authority, whichever first occurs, applying the land use ordinance. Upon the filing of any appeal with the Town Recorder, the appellant shall pay to the Town Recorder, the fee prescribed as set in the Town fee schedule. The Town Recorder shall transmit no papers or record to the Board of Adjustment and the Board of Adjustment shall not consider any appeal unless and until such fee has been paid.

B. Time For Hearing Appeal: Board of Adjustment should hear the appeal within thirty (30) days of the date the appeal was filed.

C. Written Statement Setting Forth Theories Of Relief Required: The appellant shall deliver to the Board of Adjustment and all other participants, five (5) business days prior to the hearing, a written statement setting forth each and every theory of relief he intends to raise at the hearing, along with a brief statement of facts in support thereof.

D. Conditions Precedent To Judicial Review: No person, board, or officer of the Town may seek judicial review of any decision applying the land use ordinance until after challenging the Land Use Authority's decision in accordance with this section. No theory of relief may be raised in the District Court unless it was timely and specifically presented to the Board of Adjustment.

E. Standard Of Review And Burden Of Proof On Appeal: The Board of Adjustment shall, on appeal, presume that the decision applying the land use ordinance is valid and determine only whether or not the decision is arbitrary, capricious, or illegal. The burden of proof on appeal is on the appellant.

F. Due Process Rights: The Board of Adjustment shall respect the due process rights of each participant. Any appellant may appear at any hearing or other proceeding before the Board of Adjustment in person or by an attorney of his/her choice.

G. Stay On Appeal: An appeal filed in accordance with this section stays all proceedings in the appeal action, unless the officer from whom the appeal is taken certifies to the Board of Adjustment that by reason of facts stated in the certificate the stay would in his/her opinion cause imminent peril

to life or property. In such cases, proceedings shall not be stayed otherwise than by restraining order which may be granted by the Board of Adjustment or by the District Court on application and notice and on due cause shown.

H. Conditional Use Permit Appeals: The Board of Adjustment shall continue to hear and decide appeals from the Town Council decisions regarding conditional use permits.

I. Direct Appeal To District Court: Notwithstanding the foregoing, decisions of the Town Council relative to adopting or amending the General Plan or any other land use ordinance may only be appealed directly to the District Court.

J. Decision Of Appeal: In exercising the above-mentioned powers and authority, the Board of Adjustment may affirm or reverse, wholly or in part, or may modify the order, requirement, decision or determination of the Land Use Authority.

10-4-4: VARIANCES:
Any person or entity desiring a waiver or modification of the requirements of a land use ordinance as applied to a parcel of property that the person or entity owns, leases, or in which the person or entity holds some other beneficial interest may apply to the Board of Adjustment for a variance from the terms of the ordinance.

SECTION A:

1. The Board of Adjustment may grant a variance only if:

   a. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances; and
   b. There are special circumstances attached to the property that do not generally apply to other properties in the same zone; and
   c. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone; and
   d. The variance will not substantially affect the General Plan and will not be contrary to the public interest; and
   e. The spirit of the land use ordinance is observed and substantial justice done.

2. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under subsection A1 of this section, the Board of Adjustment may not find an unreasonable hardship unless the alleged hardship:

   a. Is located on or associated with the property for which the variance is sought; and
   b. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.

3. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under subsection A1 of this section, the Board of Adjustment may not find an unreasonable hardship if the hardship is self-imposed or economic.

4. In determining whether or not there are special circumstances attached to the property under subsection A1 of this section, the Board of Adjustment may find that special circumstances exist only if the special circumstances:

   a. Relate to the hardship complained of; and
   b. Deprive the property of privileges granted to other properties in the same zone.

SECTION B: The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

SECTION C: Variances run with the land.

SECTION D: The Board of Adjustment may not grant a use variance.

SECTION E: In granting a variance, the Board of Adjustment may impose additional requirements on the applicant that will:

1. Mitigate any harmful effects of the variance; or
2. Serve the purpose of the standard or requirement that is waived or modified.

CHAPTER 5

ZONING DISTRICTS:

10-5-1: ESTABLISHMENT OF ZONING DISTRICTS:

For the purpose of this title, the following zones are created to be applied as necessary to regulate the development of the land in the Town:

Agriculture Zone (A); Residential Alley Zone (R); Commercial Zone (C); Manufacturing Zone (M)

10-5-2: PURPOSE OF ZONING DISTRICTS:

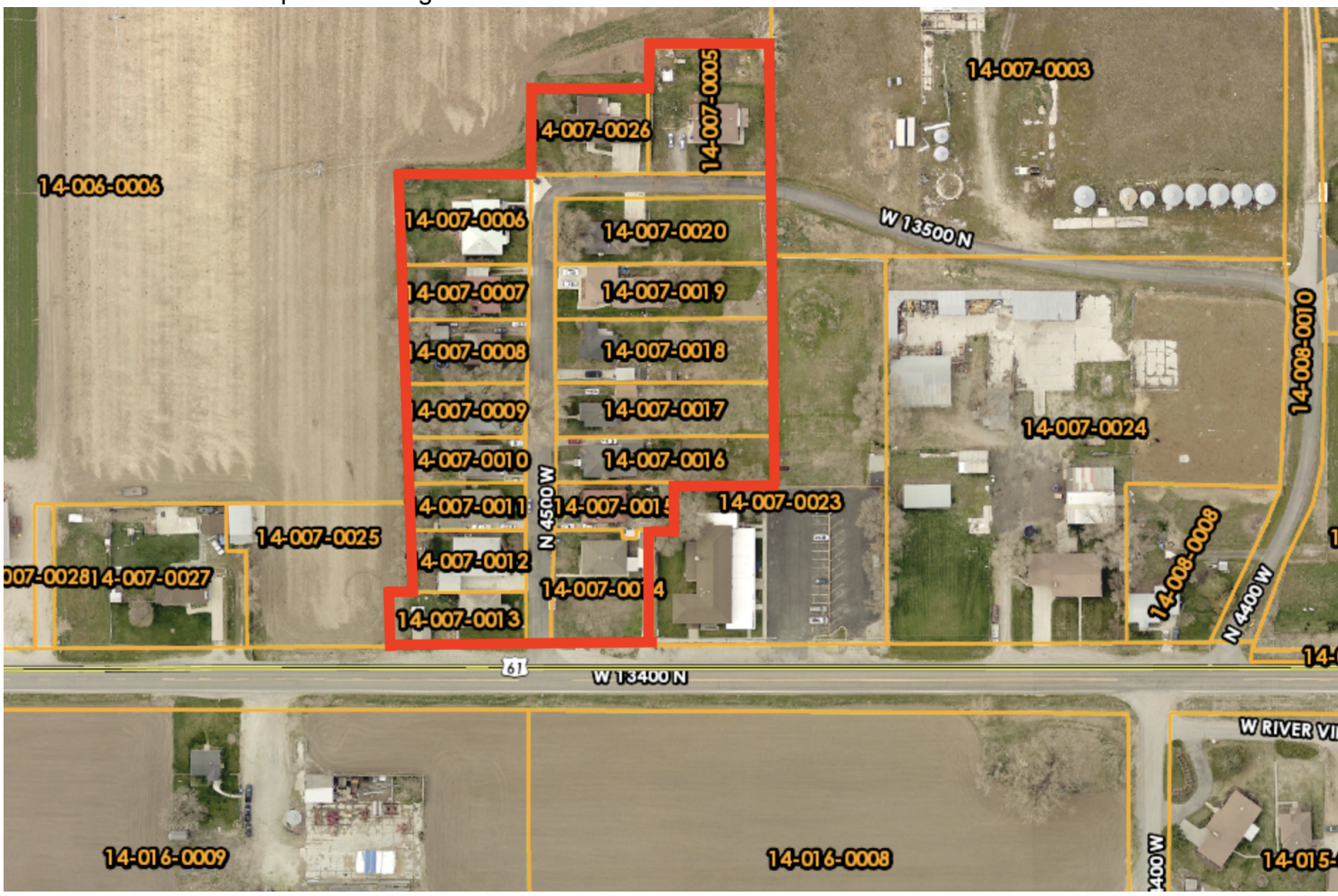
A. Agriculture Zone (A): The purpose of this zone is to preserve appropriate areas of the Town for permanent agricultural use. Uses normally and necessarily related to agriculture are permitted and uses harmful to the continuance of agricultural activity are not allowed.
B. Residential Alley Zone (R): The purpose of this zone is to allow property owners of the historic Cornish Town Sugar Factory Alley area to maximize the utility of this higher density residential neighborhood with smaller lot areas. The regulations are intended to prohibit those uses that would be harmful to a single family neighborhood.
C. Commercial Zone (C): The purpose of this zone is to provide areas for community retail and service activities in locations to conveniently serve the residents.
D. Manufacturing Zone (M): The purpose of this zone is to provide areas where industries necessary and beneficial to the local economy may locate and operate. The regulations of this zone are designed to protect and preserve the environment of this zone, adjacent areas and the entire Town.

10-5-3: ZONING DISTRICT BOUNDARIES:

A. The boundaries of each of the said zones are hereby established as described herein or shown on the map entitled zoning map of Cornish, Utah, which map is attached to the ordinance codified herein, which is on file in the Town office, and all boundaries, notations and other data shown thereon are made by this reference as much a part of this title as if fully described and detailed herein.
B. The ordinance codified herein and map shall be filed in the custody of the Town Clerk and may be examined by the public subject to any reasonable regulations established by the Town Clerk.
C. Where uncertainty exists as to the boundary of any zone, the following rules shall apply:

1. Wherever the zone boundary is indicated as being approximately upon the centerline of a street, alley or block, or along a property line, then, unless otherwise definitely indicated on the map, the center line of such street, alley or block or such property line, shall be construed to be the boundary of such zone.
2. Whenever such boundary line of such zone is indicated as being approximately at the line of any river, irrigation canal or other waterway or railroad right-of-way, or public park or other public land, or any section line, then in such case the center of such stream, canal or waterway, or of such railroad right-of-way or the boundary lines of such public land, or such section line, shall be deemed to be the boundary of such zone.

D. Below is a map of the Residential Alley Zone. All property not included in this zone but within Cornish Town limits comprises the Agricultural Zone.



CHAPTER 6

LAND USE DEFINITIONS

10-6-1: PURPOSE:

The purpose of this chapter is to provide use related definitions for uses specific to this title and general definitions related to this title.

10-6-2: OTHER TERMS DEFINED:

A. Whenever any words or phrases used in this title are not defined herein, but are defined in related sections of the Utah Code, Town subdivision ordinance, or the family of International Building Codes, such definitions are incorporated herein and shall apply as though set forth herein in full, unless the context clearly indicates a contrary intention as determined by the Town Land Use Authority. For any words not specifically defined in the codes as noted, the current online Merriam-Webster Dictionary must be used to determine meaning within the context in which they are used as determined by the Land Use Authority.

B. Unless a contrary intention clearly appears, words used in the present tense include the future, the singular includes the plural, the term "shall" is always mandatory, and the term "may" is permissive. The following terms as used in this title shall have the respective meanings hereinafter set forth.

10-6-3: USE RELATED DEFINITIONS:

A. These are terms used within Chapter 7, "Schedule Of Uses", of this title, to identify specific uses regulated within the Cornish Town land use ordinance.

RESIDENTIAL USES:

SINGLE FAMILY DWELLING: A building containing only one dwelling unit. Only one single family dwelling is allowed per legal lot/parcel. A single accessory apartment may be approved as part of a single family dwelling.

Accessory kitchens may be allowed as long as there is no ability to serve as a second dwelling unit. Structures accessory to a single family dwelling are also permitted and include, but are not limited to, typical structures such as a shed, stable, garage, carport, and similar. A Mobile Home, Camper, or Trailer is not considered a single family dwelling under the terms of this Title unless it is placed on a permanent foundation, has its wheels removed, and meets all relevant Building Code requirements under this Code.

ACCESSORY APARTMENT: One or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit located within, attached or adjacent to an existing primary dwelling unit. An accessory apartment must also comply with the following requirements:

1. Be located within or adjacent to an existing single-family dwelling which has been designated, built, or converted to accommodate an independent housing unit.
2. Must meet minimum health and safety requirements with respect to sanitation, water, drainage, and all applicable Health Codes, and must also comply with all applicable Zoning, Building, and Safety Codes, including the obtaining of a building permit.
3. See chapter 15 of this title for additional requirements.

HOME BASED BUSINESS: A use incidental and secondary to a property's primary residential use, and that does not alter the exterior of the property so as to affect the residential character of the site. The only employees working at the home shall be the residents of the home. Typical uses include:

1. Home Office: A business which consists of an office in the home, consulting services, internet based business, or service activities that are managed from the home and occur away

from the residential property. This includes sales activities where the business proprietor makes the primary sales transaction at another location such as demonstration sales or sales parties (i.e., cosmetics, cutlery, vacuums, etc.).

2. Home Day Care/Preschool: A program providing care in an occupied dwelling operated by residents of that dwelling in which lessons and/or care are provided for not more than eight (8) children. The State licensed and/or reviewed capacity must include all children less than four (4) years of age of any caregiver when their children are present in the residence. Preschool sessions shall last for not more than four (4) hours and shall not overlap.

Individual children may attend only one preschool session in any twenty-four (24) hour period. Refer to Utah Code Annotated section 26-39 Utah Child Care Licensing Act for State licensing requirements.

3. Minor Service Provision: Services where occasional client meetings may occur at the home, other services where there is little to no customer traffic to the home.

4. Minor Production: Production of goods that can be completed within the existing home typically including food goods, arts/crafts, or woodworking.

MULTIPLE FAMILY DWELLING: A building containing two (2) or more dwelling units; excludes a single family dwelling with an accessory apartment.

1. Must be located such that the density is equivalent to no greater than one multiple family dwelling per block within the R Zone, and may only be allowed and established where there is a minimum of five hundred feet (500') between the nearest point on the boundary line of the lot on which a multiple family dwelling is proposed and the nearest point on the boundary line of any other parcel or lot on which a multiple family dwelling exists or is proposed for construction at the same time.

RESIDENTIAL LIVING FACILITY: A general term for the following types of facilities:

1. Residential Facility For Persons With A Disability: A single-family dwelling unit in which more than one person with a disability resides and which is licensed or certified by the Utah Department of Human Services under Utah Code Annotated 62A-2-101 et seq., as amended, or the Utah Department of Health under Utah Code Annotated section 26-21-3 et seq., as amended. Treatment is not a necessary component of a residential facility for persons with a disability, but may be provided upon request. Any treatment provided shall be clearly ancillary to the use of the facility as a residence.

2. Foster Home: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.

TEMPORARY DWELLINGS: Including but not limited to mobile homes, trailers and campers. Transportable structures with or without wheels, designed to be used for human habitation:

1. Temporary dwellings may be approved for use in an agricultural zone (A) as a temporary second dwelling; provided that:

a. The primary dwelling is in conformance with all provisions of this title;

b. It is placed within one hundred feet (100') of the primary dwelling, but not closer than twelve feet (12');

c. It is set back from the property line a distance equal to or greater than the setback of the primary dwelling;

d. Conditional use permit required for durations between 30-90 days. Duration shall not exceed 90 days;

e. It is placed no closer than five hundred feet (500') to private property in separate ownership unless the owner of such property provides written approval; and

f. No rent is collected for the use of the site or the temporary dwelling.

2. Where no primary dwelling exists, a mobile home, trailer, or camper may be approved as a temporary residence for an owner, operator, or employee engaged in an activity on the premises of a permitted agricultural or business operation; provided, however, that written approval must first be obtained from owners of all adjacent property and further, that no rent may be collected for use of the site or the temporary dwelling.

3. The Planning Commission and/or the Town Council may impose additional requirements relative to placement, screening, time limits, and foundations, as a part of the conditional use permitting process.

SERVICES, PROFESSIONAL AND PERSONAL:

PROFESSIONAL SERVICES: A use that offers any type of personal administrative, executive, professional, research, or similar functions, and laboratories having only limited contact with public, provided that no merchandise or merchandising services are sold on the premises, except such as are incidental or accessory to the principal use, to the public and requires, as a condition precedent to the rendering of such service, the obtaining of a license or other legal authorization. Professional services typically include, but are not limited to, services rendered by: certified public accountants, public accountants, engineers, chiropractors, dentists, osteopaths, physicians and surgeons, podiatrists, morticians, architects, veterinarians, attorneys at law, physical therapists, and life insurance agents.

HUMAN CARE SERVICES: A general term for the following uses as licensed by the State of Utah and defined within Utah State Code (UCA):

1. Adult Day Care - Utah Code Annotated 62A-2-101.
2. Assisted Living Facility - Utah Code Annotated 26-21-2.
3. Child Care Program or Preschool - Utah Code Annotated 26-39-102.
4. Domestic Violence Treatment Program - Utah Code Annotated 62A-2-101.
5. Long Term Care Facility - Utah Code Annotated 62A-3-202.
6. Nursing Care Facility - Utah Code Annotated 26-21-2.
7. Residential Support - Utah Code Annotated 62A-2-101.
8. Residential Treatment Program - Utah Code Annotated 62A-2-101.
9. Youth Program - Utah Code Annotated 62A-2-101.
10. Secure Treatment - Utah Code Annotated 62A-2-101.
11. Substance Abuse Treatment Program - Utah Code Annotated 62A-2-101.
12. Outpatient Treatment - 62A-2-101.
13. Day Treatment - Utah Code Annotated 62A-2-101.
14. Healthcare Facility - Utah Code Annotated 26-21-2.
15. Hospital - Utah Code Annotated 26-36a-103.

GENERAL VEHICLE REPAIR: Any building, structure, improvements, or land used for the repair and maintenance of small engines, automobiles, motorcycles, trucks, trailers, tractors, or similar vehicles including but not limited to body, fender, muffler, or upholstery work, oil change and lubrication, painting, tire service and sales, but excludes dismantling or salvage.

RESTAURANT: A commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building and where food sales constitute more than eighty percent (80%) of the gross sales receipts for food and beverages.

MOBILE FOOD TRUCK: A temporary food service establishment, which has a duration limited to six (6) months at any single location, that is a vehicle mounted food service establishment designed to be readily movable.

TRANSIENT LODGING: A general term for the following uses:

1. Motel: A building or group of buildings for the accommodation of transient guests, comprising individual sleeping or living units, and designed and located to serve the motoring public.

2. Hotel: An establishment with or without fixed cooking facilities in individual rooms offering transient lodging accommodations to the general public, and which may provide additional services such as restaurants and meeting rooms.

BED AND BREAKFAST INN: An owner occupied dwelling offering transient lodging accommodations where meals may be provided. A bed and breakfast inn may have no more than four (4) guestrooms.

INSTITUTIONAL, PUBLIC, AND UTILITY USES:

CEMETERY: A place designated for the burial or keeping of the remains of the dead, whether human or animal, including crematories and mausoleums, and meeting all applicable local, State, and Federal requirements and regulations.

PUBLIC PARK: Any area that is predominately open space, used principally for active or passive recreation, and not used for a profit making purpose. Any area designated by the Town as a park.

PUBLIC USES: A use operated exclusively by a State or Federal public entity over which the Town has no jurisdiction in compliance with 10-9a-304, Utah Code Annotated, 1953, as amended.

RELIGIOUS MEETING HOUSE: A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose; e.g., synagogue, temple, mosque, or other such place for worship and religious activities.

EDUCATIONAL FACILITY: Any building or part thereof which is designed, constructed, or used for education or instruction by a public or private organization in any branch of knowledge, but excluding preschool centers. Includes the following uses as licensed by the State of Utah and defined within Utah State Code 62A-2-101:

1. Boarding school.

2. Therapeutic school.

CORRECTIONAL FACILITY: Facilities for the judicially required detention or incarceration of people, where inmates and detainees are under 24-hour supervision by professionals, except when on approved leave. If the use otherwise complies with this definition, a correctional facility may include, by way of illustration, a prison, jail, halfway house or probation center.

UTILITY FACILITY, TRANSMISSION: A general term for the following uses. These uses are not

required to be located on a building lot or to comply with the minimum lot size requirement for the district in which it is located.

1. Electric Transmission Line: A power transmission line, either above or below ground, designed to provide electric transmission at voltages of one hundred forty thousand (140,000) volts (140 kV), or greater, and that may provide for interstate power transmission, power transmission between substations, or to provide power to customers or areas located outside of the Town.

2. Gas Pipeline Right-Of-Way: A gas transmission pipeline of twelve inches (12") or larger diameter that may provide for interstate gas transmission, or to provide gas to customers or areas located throughout the Town.

3. Wind Or Water Energy System: A wind or water energy conversion system consisting of one or more turbines and/or towers and associated control and/or conversion electronics and providing generated electrical power to be used for off-site consumption.

4. Petroleum Pipeline: A petroleum or oil transmission pipeline of four inches (4") or larger in diameter and that provides for interstate petroleum or oil transmission, or to provide petroleum or oil to customers or areas located throughout the Town.

5. Electric Substation: A power regulating facility designed to regulate power for distribution at voltages of one hundred forty thousand (140,000) volts (140 kV) or greater.

6. Compression/Pumping Station: A gas or petroleum regulating facility designed to regulate the flow along major utility facilities.

UTILITY FACILITY, DISTRIBUTION: A general term for the following uses. These uses are not required to be located on a building lot or to comply with the minimum lot size requirement for the district in which it is located.

1. Electric Transmission Line: A power transmission line, either above or below ground, designed to provide electric transmission at voltages of less than one hundred forty thousand (140,000) volts (140 kV) but more than thirty thousand (30,000) volts (30kV).

2. Gas Pipeline: A gas transmission pipeline of less than twelve inches (12") in diameter.

3. Water/Waste Water Transmission Line: A transmission line for water (culinary or irrigation water) or wastewater greater than eighteen inches (18") in diameter. Open canals and barrow pits are exempt from this requirement.

4. Electric Substation: A power regulating facility designed to regulate power for distribution to customers at voltages less than one hundred forty thousand (140,000) volts (140 kV).

5. Compression/Pumping Station: A gas or petroleum regulating facility designed to regulate the flow along minor utility facilities.

UTILITY FACILITY, SERVICE: Electric, gas, communication, water, sewer, irrigation, drainage lines, or other utility facilities that provide local delivery or collection services from either utility facility distribution or transmission services. This includes home based geothermal, wind, solar, or water powered facilities limited to the production capacity required to service a single family dwelling.

TELECOMMUNICATION FACILITY: A facility used for the transmission or reception of electromagnetic or electro-optic information, which is placed on a structure. This use is not required to be located on a building lot or to comply with the minimum lot size requirement for the district in which it is located.

PUBLIC AIRPORT: A site licensed by the State for the takeoff or landing of aircraft, including uses that may be appurtenant and accessory to said activity (e.g., runways, hangars, facilities for refueling and repair). The following are also required at the time of application:

1. A copy of any and/or all FAA reviews, forms, and analyses regarding the airport location, activity, and design including:

   a. The current FAA Form 7480-1, and;

   b. FAA response to the Form 7480-1 submission.

2. A copy of the design guidelines as per the current FAA Airport Design Advisory Circular AC 150/5300-13A as applicable to the type of aircraft proposed to operate at the site. Said design guidelines must be implemented at the site.

3. A copy of the State of Utah license as issued by the Utah Division of Aeronautics.

PRIVATE AIRPORT: Any area for the takeoff or landing of aircraft and that is not open to the public, including uses that may be appurtenant and accessory to said activity (e.g., runways, hangars, facilities for refueling and repair). The following are also required at the time of application, with the exception of a temporary or intermittent airport as defined by the Federal Aviation Administration (FAA) on Form 7480-1 Notice for Construction, Alteration, and Deactivation of Airports:

1. A copy of any and/or all FAA reviews, forms, and analyses regarding the airport location, activity, and design including:

   a. The current FAA Form 7480-1, and;

   b. FAA response to the Form 7480-1 submission.

2. A copy of the design guidelines as per the current FAA Airport Design Advisory Circular AC 150/5300-13A as applicable to the type of aircraft proposed to operate at the site. Said design guidelines must be implemented at the site.

SOLID WASTE FACILITY: A facility engaged in solid waste management, including:

1. A landfill;

2. A processing system, including:

   a. A resource recovery facility;

   b. A facility for reducing solid waste volume;

   c. A plant or facility for compacting, composting, or pyrolization of solid waste;

   d. A solid waste disposal, reduction, or conversion facility.

3. Composting facility: A facility where organic materials are converted into a humus-like material under a process of managed biological decomposition or mechanical processes. Normal backyard composting and composting incidental to farming operations are exempted from this use.

4. Sewage treatment works: A facility designed for the collection, removal, treatment, and disposal of waterborne sewage generated within a given service area. Includes sewage lagoons and sewage treatment plants. Excludes septic systems.

NUCLEAR WASTE FACILITY: A facility for the disposal or transfer of high-level nuclear waste or greater than Class C radioactive nuclear waste, as defined within State Code section 19-3-303, that is located wholly or partially within the Town.

CULTURAL, ENTERTAINMENT, AND RECREATION:

CULTURAL FACILITY: Services to the public, such as but not limited to museums, art galleries, and libraries by a public or private, nonprofit facility.

RECREATIONAL FACILITY: A place, either indoor or outdoor, designed and equipped for the conduct

of sports and/or leisure time activities that are operated as a business and/or open to the general public. These facilities are typically operated for a period of greater than thirty (30) days per year. May also include incidental hotel/motel accommodations for up to fifteen (15) rooms.

1. Campground: Any area with more than three (3) sites that are improved for occupancy by transients using recreational vehicles, motor homes, mobile trailers, or tents for dwelling, lodging, or sleeping purposes with a maximum duration of stay of two (2) weeks.

SEXUALLY ORIENTED BUSINESS: Seminude entertainment business, sexually oriented outcall services, adult business, and seminude dancing agencies.

TRADE, WHOLESALE, AND RETAIL:

RETAIL/COMMERCIAL SALES AND SERVICE: An establishment that provides goods, wares, or merchandise directly to a consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

RESOURCE PRODUCTION AND EXTRACTION:

AGRICULTURAL PRODUCTION: The large scale production, keeping, or maintenance, for sale, lease, or personal use of plants useful to man, including crops and products such as vegetables, fruit trees, harvestable and ornamental trees, hay, sod, grain, honey, milk, cheese, and any other agricultural or horticultural products and their storage; wholesale fruits of all kinds, including grapes, nuts, and berries; wholesale vegetables; wholesale nursery, floral, ornamental, and greenhouse products; or lands devoted to a Soil Conservation or Forestry Management Program. Also includes but is not limited to the following specific uses:

1. Horticultural Production: The use of land for the growing or production for income of fruits, vegetables, flowers, nursery stock, including ornamental plants and trees, and cultured sod.

2. Aquaculture: The commercial cultivation of aquatic life, such as fish, shellfish, and seaweed.

3. Agricultural Building: A structure used solely in conjunction with agriculture use, not for human occupancy, and complying with the requirements of section 15A-1-202, Utah Code Annotated, 1953, as amended. To qualify as an agricultural building, the structure must be located outside of a residential area, as defined by section 15A-1-204(11), Utah Code Annotated, 1953, as amended.

4. Agricultural Products Storage: The storage of raw agricultural products. This use does not include the commercial slaughtering, the processing and packaging of meat and poultry, or the processing of food stuffs.

5. Livestock Production: An agricultural operation or establishment which keeps, feeds, or raises livestock for commercial purposes and as a principal land use. These include piggeries, dairies, dairy and beef cattle ranching, feedlots, chicken, turkey and other poultry farms, rabbit and mink farms, apiaries, and aviaries.

6. Grazing: The feeding of livestock or horses where more than fifty percent (50%) of the feed is produced on the immediate parcel and available to the animals as in-place vegetation to sustain life.

PRODUCE STAND: A temporary building or structure, not to exceed a gross floor area of two hundred fifty (250) square feet, from which agricultural products are sold. May also involve the accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces, or baked goods, and home-made handicrafts. No commercially packaged

handicrafts or commercially processed or packaged foodstuffs shall be sold.

AGRICULTURE RELATED SALES AND SERVICE: Establishments selling, renting, manufacturing, or repairing agricultural machinery, equipment, and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes accessory to local agriculture. Also includes but is not limited to the following specific uses:

1. Veterinary Clinic: A facility for the diagnosis, treatment, and hospitalization of animals by a licensed veterinarian, and which may include boarding and outdoor holding facilities.
2. Livestock Auction Facility: A structure or structures with associated pens, yards, corrals, and loading and unloading facilities used for the sale of livestock.

CONCENTRATED ANIMAL FEEDING OPERATION (CAFO): A lot or facility as defined by the EPA as meeting or exceeding the standards of a large CAFO.

BOARDING FACILITY: A series of stables, barns, paddocks, and/or other shelters and exercise facilities in which livestock, including cattle, sheep, goats, swine, horses, mules, poultry, etc., are fed, exercised, and/or commercially cared for on a short or long term basis.

LIVESTOCK HUSBANDRY: The raising, or nurturing, and management of domesticated farm animals. See section 10-9-13, "Livestock Husbandry", of this title.

HOUSEHOLD PET: Animals ordinarily kept in a dwelling for personal use and not for commercial purposes. This also includes no more than two (2) adult dogs, two (2) chickens, four (4) pigeons, two (2) mature rabbits, one lamb not over eight (8) months old, and two (2) ducks.

DOG KENNEL: Any establishment, accessory to a dwelling unit and/or adjacent to a neighboring parcel under the same ownership, at which five (5) or more adult dogs are boarded, groomed, bred, raised, and/or otherwise kept. This excludes a single, incidental litter in a twelve (12) month period. A kennel must comply with the following requirements:

1. A kennel shall consist of no more than twelve (12) adult dogs.

2. All kennel facilities must be a minimum of fifty feet (50') from the property boundary and a minimum of twenty feet (20') from a dwelling.

3. Noise levels from the kennel shall not exceed ten (10) decibels (dBA, Leq) above the existing ambient noise levels at the property line at any time of day or night. A sound level impact and assessment report prepared and signed by a qualified professional must be provided at the time of application to support the same.

MINERAL EXTRACTION: The extraction of metallic and nonmetallic minerals or materials; including the accessory uses of rock crushing, screening, and the storage of explosives; except where such excavation is for purposes of grading for a building lot or roadway, where grass sod is removed to be used for landscaping, or where materials are excavated from a lot for use on that same lot or an adjoining parcel by the owner of the property. This also includes stone quarries and sand/gravel pits and all other associated requirements as identified by title 7, chapter 3 of this Code.

MANUFACTURING INDUSTRIES:

GENERAL MANUFACTURING: The manufacture, processing, and assembling of products by mechanical or chemical processes. Typically includes but is not limited to the manufacturing of rock products (including concrete/asphalt plants); metal products; wood products (including saw mills and

pulp factories); plastic components; and the commercial processing of animal products (meat, dairy, eggs, etc.).

AGRICULTURAL MANUFACTURING: The processing of agriculturally based products where seventy five percent (75%) or more of the goods are grown directly on the property or on adjacent property that is operated by the owner of the agricultural manufacturing business. Includes any value added agricultural processing including but not limited to: honey processing, juice production from orchards or berries, meat or fish processing (smoking, jerky, cured meats, etc.), processing of vegetables, etc.

STORAGE AND WAREHOUSING: A structure(s) containing storage space(s) of varying sizes that are affiliated with commercial or industrial uses. Such facilities are to be used for dead storage only. No business activities may be conducted from a storage facility other than those that are clearly ancillary to the primary business. Also includes the following specific uses:

1. Storage Yard: The storage of large equipment and vehicles (either construction or transport); bulk construction materials (soil and rock products or building materials); and buildings or structures for uses such as offices or repair facilities.

SELF SERVICE STORAGE FACILITY: A building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers, and other residential uses; and may include refrigerated or climate controlled facilities.

TRANSPORT SERVICES: An establishment engaged primarily in the loading and unloading of freight onto tractor trucks or the dispatch of tractor trucks which will be used to haul freight. May also include services for the fueling, servicing, repair, or parking of trucks or similar heavy commercial vehicles. Excludes the parking of a single truck by an owner/operator at their place of residence and trucks owned and operated by an agricultural entity engaged in the transport of seventy five percent (75%) or more of that owner's agricultural products.

10-6-4: GENERAL DEFINITIONS:

A. For the purpose of this title, 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. Words not included herein but defined in the Building Code shall be construed as defined therein.

AGRICULTURE: The science, art or occupation concerned with cultivating land, raising crops, and feeding, breeding and raising domestic livestock and fowl; also farming and the production of crops, livestock or poultry, but excluding concentrated animal operations.

ALLEY: A public thoroughfare twenty six feet (26') or less in width.

APPEAL: A review by the identified appellate body of a final decision of the approving body.

APPEAL AUTHORITY: The person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or variance.

APPLICANT: The owner of title or agent for property that is the subject of an application.

APPLICATION: The necessary form and all accompanying documents and other materials required by the Land Use Authority for development review purposes.

APPLICATION TO KEEP LIVESTOCK: A request to keep livestock on a parcel that conforms to the requirements of this Code, or to maintain livestock as an authorized pre-existing, nonconforming use.

APPROVAL: A decision signed and issued by the Land Use Authority stating that a proposed use complies with the current Town Code.

BASEMENT: A story partly underground. A basement shall be counted as a story for purposes of height measurement if its height is one-half ($^1/2$) or more above grade.

BUILDING: Any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattels.

BUILDING, ACCESSORY: A detached, subordinate building clearly incidental to and located upon the same lot occupied by the main building.

BUILDING, HEIGHT OF: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between ridge and eaves of a gable, hip or gambrel roof.

BUILDING, MAIN: The principal building or one of the principal buildings upon a lot, or the building or one of the principal buildings housing the principal use upon a lot.

COURT: An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings and which is bounded on two (2) or more sides by such building or buildings. The width of a court is its least horizontal dimension, measured between opposite sides in the same general direction as the yard or lot line on which the court opens. The length of a court is its least horizontal dimension measured at right angles to its width.

DISTRICT: A portion of the area of Cornish, Utah, shown on a map attached to the ordinance codified herein, which is on file in the Town office, and given a district name.

DWELLING: A building or portion thereof, which is constructed in compliance with the Town's adopted Building Codes and designed as a place for human habitation. This does not include hotels, apartment hotels, boarding houses, lodging houses, motels, apartment motels, fraternities, sororities, trailers, or dormitories.

DWELLING UNIT: One or more rooms in a dwelling, apartment hotel or apartment motel, designed for or occupied by one family for living or sleeping purposes and having kitchen facilities for the use of not more than one family (other than hot plates or other portable cooking units).

FAMILY: One or more persons related by blood, marriage or adoption, occupying a dwelling unit and living as a single housekeeping unit, as distinguished from renters, roomers or as a group occupying a "boarding house" or "hotel", as herein defined. The term "family" shall not be construed to mean a group of unrelated individuals, a fraternity, club or institutional group.

FINDINGS: Statements of the Land Use Authority identifying the reasons and basis for the action taken; also referred to as findings of fact.

FLOODPLAIN: An area adjoining a river, stream, watercourse, or body of standing water in which a potential flood hazard exists when the area experiences a 100-year storm, including any area designated as a floodplain by the Federal Emergency Management Agency (FEMA) of the United States government. These areas have additional regulations located within title 12 of this Code.

FOWL: As relates to livestock and livestock husbandry, this includes pigeons, chickens, ducks, geese, and pheasants.

FRONTAGE: All property fronting on one side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of a dead end street or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

GEOLOGIC HAZARD: A hazard inherent in the crust of the earth or artificially created, which is dangerous or potentially dangerous to life, property, or improvements due to the movement, subsidence, or shifting of the earth. The term includes, but is not limited to, unstable slopes, faults, landslides, and rock fall.

GRADE:

1. For buildings adjoining one street only, the elevation of the sidewalk at the center of that wall adjoining the street.

2. For buildings adjoining more than one street, the average of the elevations of the sidewalks at the centers of all walls adjoining the streets.

3. For buildings having no wall adjoining the street, the average level of the ground (finished surface) adjacent to the exterior walls of the building. All walls approximately parallel to and not more than five feet (5') from a street line are to be considered as adjoining a street.

JUNK: Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste or junked, dismantled or wrecked automobiles or parts thereof, iron, steel and other old or scrap ferrous or nonferrous material.

LAND USE AUTHORITY: A person, board, commission, department, agency, or other body designated by the legislative body to act upon the land use application.

LAND USE ORDINANCE: A planning, zoning, development, or subdivision ordinance of the Municipality, but does not include the General Plan.

LIVESTOCK: Domesticated farm animals (i.e., cows, horses, sheep, goats, fowl, and rabbits), but does not include cats, dogs, or a household pet as defined in this Code.

LOT: A parcel of land occupied or to be occupied by a main building, or group of buildings (main and accessory), together with such yards, open spaces, lot width and lot area as are required by this title and having frontage upon a street. Not more than one dwelling shall occupy any one lot.

LOT, CORNER: A lot abutting on two (2) intersections or intercepting streets, where the interior angle or intersection or interception does not exceed one hundred thirty five degrees (135°).

LOT, INTERIOR: A lot other than a corner lot.

LOT/PARCEL COVERAGE: The percentage of the area of a lot/parcel which is occupied by covered structures. At the discretion of the Planning Commission, the design of the remaining open space shall be reviewed and approved by the Planning Commission.

NATURAL WATERWAYS: Those areas, varying in width, along streams, creeks, springs, gulleys or washes which are natural drainage channels as determined by the building inspector, in which areas no buildings shall be constructed.

NONCONFORMING BUILDING OR STRUCTURE: A building or structure or portion thereof, lawfully existing at the time the ordinance codified herein, or an amendment to it, became effective, which does not conform to all the height, area and yard regulations herein prescribed in the zone in which it is located. Front, rear, and side setbacks are defined as follows:

1. Front: The area of a lot or parcel of land extending across the frontage and being the minimum horizontal distance between a street or road right-of-way/easement line and the principal building or any projection thereof other than steps, unenclosed balconies and unenclosed porches. The front setback of a corner lot is the area adjacent to the designated front lot line.

2. Rear: The area of a lot or parcel of land extending across the rear width and being the minimum horizontal distance between the primary building, or any projection thereof other than steps, unenclosed balconies and unenclosed porches, and the rear lot line.

3. Side: An area of a lot or parcel of land extending between the side lot line and the principal building or any projection thereof other than steps, unenclosed balconies and unenclosed porches.

4. Other: Any distance required between a structure or site improvement and a set feature (i.e., floodplain, geologic hazard, accessory building, etc.).

NONCONFORMING USE: A use which lawfully occupied a building or land at the time the ordinance codified herein, or an amendment to it, became effective and which does not conform with the use regulations of the zone in which it is located.

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: Space within a building, lot or parking lot for the parking or storage of one automobile.

PLANNING COMMISSION: An official body of Cornish Town as authorized by the laws of the State of Utah, to perform those duties as allowed by State law and this title.

PROPERTY LINE: The boundary line of a lot, parcel, or tract of land.

PUBLIC HEARING: As defined by section 17-27a-103, of Utah Code Annotated, 1953, as amended.

PUBLIC MEETING: As defined by section 17-27a-103, of Utah Code Annotated, 1953, as amended.

RESTRICTED LOT: A parcel of land which does not meet all area, width, yard, frontage and other requirements of the ordinance codified herein for a lot.

ROOMER: One who occupies a hired room in another's house.

SETBACK: The minimum required distance between any structure and the property lines of the lot in which it is located. The front, of fact.

SIGN: Any device used for visual communication to the general public and displayed out of doors, 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, product or commodity sold, or service performed upon the premises.

SIGN, IDENTIFICATION: A sign displayed to indicate the name or nature of buildings or uses other than commercial or industrial uses located upon the premises.

SIGN, NAMEPLATE: A sign indicating the name and/or occupation of a person or persons residing on the premises or legally occupying the premises, or indicating a home occupation legally existing on the premises.

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

SIGN, PUBLIC INFORMATION: A sign erected by a public or nonprofit agency, service club, etc., giving information to direct the public to both public and private facilities and major uses.

SIGN, TEMPORARY: Temporary signs shall include 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.

STORY: The space within a building included between the surface of any floor and the surface of the ceiling next 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 feet (26') wide.

STRUCTURAL ALTERATIONS: Any change in supporting members of a building, such as bearing walls, columns, beams or girders.

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

USE, ACCESSORY: A subordinate use customarily incidental to and located upon the same lot occupied by a main use.

USE, CONDITIONAL: A land use that, because of its unique characteristics or potential impact on the Town, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts. Also see chapter 13, "Conditional Uses", of this title.

UTILITIES: All lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, telecommunication and telephone cables and the generation of power as further defined herein.

VARIANCE: As defined by section 17-27a-702, of Utah Code Annotated, 1953, as amended.

WIDTH OF LOT: The distance between the side lot lines at the distance back from the front lot line required for the depth of the front yard.

YARD: A space on a lot, other than a court, unoccupied and unobstructed from the ground upward by buildings, except as otherwise provided herein.

YARD, FRONT: The required space on the same lot with a building, existing or proposed,

1. Between the front line of the building (exclusive of steps) and the front lot line, or;

2. Sixty feet (60') from the nearest edge immediately adjacent road/street);

3. Whichever of the two (2) measured distances creates the greatest distance between the immediately adjacent road/street right-of-way or property line and the front line of the building (exclusive of steps), and extending across the full width of the lot.

YARD, REAR: A space on the same lot with a building, between the rear line of the building (exclusive of steps and chimneys) and the rear line of the lot and extending the full width of the lot.

YARD, SIDE: A space on the same lot with a building, between the sidelines of the building (exclusive of steps or open stairways) and the sideline of the lot and extending from the front yard line to the rear yard line.

ZONE: A portion of the area of Cornish, Utah, shown on the zoning map attached to the ordinance codified herein, which is on file in the Town office, and given a zone name; and may include one or more "districts", as defined and designated by this title.

CHAPTER 7

SCHEDULE OF USES

10-7-1: PURPOSE:
The purpose of this chapter is to define the types of uses permitted by right, requiring a land use application, and prohibited within all zoning districts.

10-7-2: SCHEDULE OF USES BY ZONING DISTRICT:
Table 10-7-3 of this section lists the primary uses within all Cornish Town zoning districts. All of the use categories listed in the table are defined in Chapter 6, "Land Use Definitions", of this title.

A. Uses Permitted By Right:

1. A "P" indicates that a use type is allowed without Land Use Authority review/permitting in the respective zoning district.

B. Land Use Applications:

1. A "ZC" indicates that a use type is allowed as a zoning clearance, and that the Land Use Authority must approve, impose reasonable conditions, and/or may deny said use in accordance with this Code and State Code.

2. A "C" indicates that a use type is allowed as a conditional use permit and that the Land Use Authority must approve, impose reasonable conditions, and/or may deny said use in accordance with this Code and State Code.

C. Uses Prohibited:

1. An "N" indicates that a use type is prohibited in the respective zoning district.

2. Any uses not specifically permitted or conditionally permitted are prohibited.

D. Additional Compliance: All uses must comply with all applicable local, State, and Federal requirements and licensing and must provide evidence or documentation of compliance to the appropriate Land Use Authority.

TABLE 10-7-3:

DESCRIPTION	ZONING DISTRICTS			
	AGRICULTURE	RESIDENTIAL	COMMERCIAL	MANUFACTURING
Residential				
Dwelling, single family	ZC	ZC	N	N
Accessory apartment	C	C	N	N
Temporary dwelling	N	N	N	N
Home based business	ZC	ZC	N	N
Dwelling, multiple family	N	N	N	N
Residential living facility	C	C	N	N
Mobile home, camper, or trailer	C	N	N	N
Services, professional and personal				
Professional services	N	N	ZC	C
Human care services	N	N	ZC	C
General vehicle repair	C	N	C	C
Restaurant	N	N	C	C

Mobile food truck	N	N	C	C
Transient lodging	N	N	C	C
Bed and breakfast inn	C	C	N	N
Residential or Non-Residential Treatment Facility	C	N	C	N
Institutional, public, and utility uses				
Cemetery	C	N	N	N
Public park	C	C	C	C
Public uses	P	P	P	P
Religious meeting house	C	C	C	C
Educational facility	C	C	C	C
Correctional facility	N	N	N	N
Utility facility, transmission	N	N	N	N
Utility facility, distribution	C	C	C	C
Utility facility, service	P	P	P	P
Telecommunication facility	C	C	C	C
Public airport	C	N	N	N
Private airport	C	N	N	N
Solid waste facilities	C	N	N	C
Nuclear waste facility	N	N	N	N
Cultural, entertainment, and recreation				
Cultural facility	C	C	C	C
Recreational facility	C	C	C	C
Sexually oriented business	N	N	N	C
Trade, wholesale and retail				
Retail and commercial sales	C	N	C	C
Resource production and extraction				
Agricultural production	P	N	C	C
Produce stand	C	C	C	C
Agriculture related sales and services	C	N	C	C

Concentrated animal feeding operation (CAFO)	C	N	N	N
Livestock auction facility	C	N	N	N
Boarding facility	C	N	N	N
Livestock husbandry	P	C	C	C
Household pet	P	P	N	N
Dog kennel	C	N	N	N
Mineral extraction	C	N	N	N
Excavation, topsoil mining, and/or extraction	C	N	N	N
Manufacturing industries				
General manufacturing	N	N	C	C
Agricultural manufacturing	C	N	C	C
Storage and warehousing	C	N	C	C
Self-service storage facility	N	N	C	C
Transport services	N	N	C	C

CHAPTER 8
SUPPLEMENTARY AND QUALIFYING REGULATIONS:

10-8-1: EFFECT OF CHAPTER:

The regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the zone regulations appearing elsewhere in this title.

10-8-2: YARD SPACE FOR ONE BUILDING ONLY:

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

10-8-3: EVERY DWELLING TO BE ON A LOT:

Every dwelling shall be located and maintained on a "lot", as defined in section 10-6-4 of this title.

10-8-4: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

Every part of a required yard shall be open to the sky unobstructed except for accessory buildings in a rear yard, the ordinary projections of skylights, sills, belt courses, cornices, roof overhang, chimneys, flues and other ornamental features which project into a yard not more than four feet (4') and open or lattice enclosed fire escapes, fireproof outside stairways and balconies upon fire towers projecting into a yard, not more than five feet (5').

10-8-5: WALL, FENCE, OR HEDGE:

A. Height: No fence or wall or other similar structure shall be erected in any required front, rear or side yard to a height in excess of six feet (6'), except for accessory buildings and structures permitted herein, and as allowed by a conditional use permit. Where there is a difference in the grade of the properties on either side of a fence or wall, the height of the fence or wall shall be measured from the average elevation of finished grades of the adjoining properties in question at the fence line, except that no fence need be less than forty two inches (42") in height.

B. Retaining Walls: Where a retaining wall protects a cut below the natural grade and is located on the line separating lots, such retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed. Where a retaining wall contains a fill, the height of the retaining wall built to retain the fill shall be considered as contributing to the permissible height of a fence, solid wall or hedge; providing, that in any event a protective fence or wall not more than forty two inches (42") in height may be erected at the top of the retaining wall.

10-8-6: EXCEPTIONS TO HEIGHT LIMITATIONS:

Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and parapet walls, skylights, towers, steeples, flagpoles, chimneys, smoke stacks, water tanks, wireless or television masts, theater lofts, silos, or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for the purpose of providing additional floor space.

10-8-7: MINIMUM HEIGHT OF MAIN BUILDINGS:

No dwelling shall be erected to a height less than one story above grade.

10-8-8: CLEAR VIEW OF INTERSECTING STREETS:

In all zones which require a front yard, no obstruction to view in excess of two feet (2') in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points one hundred feet (100') from the intersection of the street lines, except a reasonable number of trees pruned high enough to permit unobstructed vision to automobile drivers, and pumps at gasoline service stations.

10-8-9: SALE OR LEASE OF REQUIRED SPACE; RESTRICTED LOTS:

A restricted lot which meets all the requirements of this title for a lot, but the creation of which has caused any adjacent lot from which it was severed to be insufficient in area, width, yard, frontage or other requirements, may be considered otherwise by adding or designating sufficient acreage to the

adjacent lot to meet all the requirements of this title for a lot in the zone in which it is located. The added or designated land must then be duly recorded in the Office of the County Recorder before a building permit may be issued. Building permits will not be issued on restricted lots.

10-8-10: LIVESTOCK HUSBANDRY:

C. Permitted Livestock: Table 10-8-11 of this subsection identifies the maximum number of livestock permitted in the Residential (R) Zone. Livestock is not permitted in the Commercial (C) or Manufacturing (M) Zones. Restrictions identified in this section do not apply to livestock in the Agriculture (A) Zone.

TABLE 10-8-11

MAXIMUM NUMBER OF LIVESTOCK PERMITTED

Lot Size	R Zone
0 - 0.49 acre	6 fowl or rabbits or combination thereof
0.50 - 0.99 acre	8 fowl or rabbits or combination thereof, and; 2 large livestock[1]
1+ acre	10 fowl or rabbits or combination thereof, and; 2 large livestock[1]

Note:

1. Any combination of horses, cows, sheep, or goats.

D. Prohibited: The keeping of the following is prohibited in the R Zone: swine, peacocks, stallions, bulls over six (6) months old, roosters, rodents, snakes, or other animals considered vicious or dangerous as restricted by the Town or State's animal control ordinance.

E. Open Space: For large livestock (i.e., horses, cows, sheep, or goats) a minimum of twenty five percent (25%) of the lot acreage must be provided as accessible open space for said livestock.

F. Offspring: Offspring of allowed livestock shall not be considered for purposes of compliance until they are weaned from the mother.

G. Application And Approval Required:

1. In the Single Family Residential (R) Zone, an "Application to Keep Livestock" is required for any requests to keep livestock on a parcel that conforms to the requirements of this Code, or to maintain livestock as an authorized pre-existing, nonconforming use.

2. An Application to Keep Livestock must be reviewed by the Town of Cornish Planning Commission and if approved, authorizes the applicant to keep livestock until January 31 of the following calendar year. At their discretion, the Planning Commission may refer any Application to Keep Livestock to the Town Council.

3. Each approved application must be renewed on an annual basis, and must be signed by the property owner and tenant as applicable, and filed with the Town Zoning Administrator on or before December 31 of each year.

4. The required fee, as set by the Town Council, must be paid at the time of application and on an annual basis for each renewal.

5. The property owner and tenant, as applicable, must demonstrate ownership of, or leasehold interest in, the property to be used for the keeping of livestock.

6. Lots authorized by the Town as pre-existing, non-conforming uses are subject to the regulations herein defined if an approved Application to Keep Livestock is not obtained and continuously maintained for any such lot.

H. Provision And Inspection Of Livestock Facilities:

1. The property owner and tenant, as applicable, must provide adequate fencing so as to fence in any livestock, must provide adequate facilities for the keeping of the livestock involved, e.g., a shed, corral, barn, and must adequately maintain all facilities in a clean,

acceptable condition.

2. Any feed stored on a lot approved for livestock must be located behind or to the rear of the residence located on said lot.

3. All approved requests are subject to periodic review by Town officials and shall be reviewed in the event of complaints by neighbors, other Town residents, or injured parties.

I. Failure To Comply:

1. In the event the use fails to comply with this Code or with the conditions specified in the conditional use permit, or a combination thereof, the offending lot owner and tenant, as applicable, shall have fifteen (15) days from the date of a written notice from the Town to remedy the violation.

2. Failure to remedy the violation as specified by this section and by the Town issued written notice shall result in a three (3) year suspension from issuance of an Application to Keep Livestock to the non-compliant property owner and tenant, as applicable, starting from the date of the written notice.

3. The annual renewal for approved requests shall not be issued if the requirements of this section, including but not limited to the proper care and maintenance of the livestock and livestock facilities, have not been met.

4. The owner(s) of any lot reduced in size, by sale, lease or otherwise, to less than the lot size required by this section, and the lot size designated in an approved conditional use permit, or Application to Keep Livestock, must notify the Town and then must reapply to amend the conditional use permit and Application to Keep Livestock with the Town, within thirty (30) days after such a reduction in lot size, and shall reduce the number of animals kept on the reduced size lot to the number allowed by this Code, based on the new application request.

5. If after thirty (30) days the property owner fails to notify and reapply as noted, the conditional use permit and Application to Keep Livestock shall be void and all animals shall be removed immediately from the applicable property.

6. The owner(s) of any lot increased in size, by sale, lease or otherwise, to more than the lot size required by this section and the lot size designated in an approved application, must amend the existing conditional use permit and Application to Keep Livestock with the Town. At that time, the owner may increase the number of animals kept on the increased size lot to the number allowed by this section.

7. The keeping of livestock is subject to the express condition that the use does not constitute a violation of the nuisance and health laws of the Town or State of Utah.

10-8-12: SITE DEVELOPMENT STANDARDS:
The following table 10-8-13 identifies the site development standards that apply to all zoning districts. These are minimum standards and not entitlements. Other regulations of the land use ordinance, the subdivision ordinance, other applicable Town ordinances and policies, requirements imposed as conditions of permitting, or requirements from other local, State, and Federal agencies may impose additional development standards.

TABLE 10-8-13

[ZONE]	AGRICULTURE		RESIDENTIAL		COMMERCIAL		MANUFACTURING	
[STRUCTURE]	PRIMARY	ACCESSORY	PRIMARY	ACCESSORY	PRIMARY	ACCESSORY	PRIMARY	ACCESSORY
FRONT YARD (ft.)	60	60	30	30	100	100	100	100
REAR YARD (ft.)	30	10	30	3	30	30	30	30
SIDE YARD (ft.)	25	10	10	3	25	25	25	25

BETWEEN STRUCTURES (ft.)	Distance shall comply with the current State of Utah adopted Building Code.			
MINIMUM LOT FRONTAGE (ft.)	200	100	200	200
MAXIMUM HEIGHT (ft.)	45	35	35	35
MINIMUM LOT SIZE (Acre)	2	0.5	2	2
MAXIMUM LOT COVERAGE	60%	60%	60%	60%

Notes:

1. If a dedicated right-of-way is not present, the front setback(s) shall be measured as 60 feet from the edge of the road surface of the existing adjacent road(s)

CHAPTER 9
NONCONFORMING BUILDINGS AND USES

10-9-1: MAINTENANCE PERMITTED:
A nonconforming building or structure may be maintained.

10-9-2: REPAIRS AND ALTERATIONS:
Repairs and structural alterations may be made to a nonconforming building or to a building housing a nonconforming use.

10-9-3: ADDITIONS, ENLARGEMENTS, AND MOVING:

It is the intent of this land use ordinance that non-conforming lots, buildings, and uses shall not be enlarged upon, expanded, intensified, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same zone and that they be diminished and eventually eliminated. A non-conforming building shall not be added to or enlarged in any manner unless such building, including such additions and enlargements, is made to conform to all of the regulations for the zone in which it is located; provided, however, that the appellant body may grant permits for specific exceptions.

10-9-4: ALTERATION WHERE PARKING IS INSUFFICIENT:
A building or structure lacking sufficient automobile parking space in connection therewith as required by this title may be altered or enlarged, provided additional automobile parking space is supplied to meet the requirements of this title for such alteration or enlargement.

10-9-5: 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 or other calamity or act of God or the public enemy, may be restored and the occupancy or use of such building, structure or part thereof, which existed at the time of such damage or destruction, may be continued or resumed; provided, that such restoration is started within a period of one year and diligently pursued to completion.

10-9-6: ONE YEAR VACANCY:
A building or structure or portion thereof occupied by a nonconforming use, which is, or hereafter becomes, vacant and remains unoccupied for a continuous period of one year, except for dwellings, shall not thereafter be occupied except by a use which conforms to the use regulations of the zone in which it is located.

10-9-7: CONTINUATION OF USE:
The occupancy of a building or structure by a nonconforming use existing at the time the Town's original zoning ordinance, or an amendment or revision thereto, was first adopted which made a use nonconforming, may be continued.

10-9-8: OCCUPATION WITHIN ONE YEAR:
A vacant building or structure may be occupied by a use for which the building or structure was designed or intended if so occupied within a period of one year after the use became nonconforming.

10-9-9: CHANGE OF USE:
The nonconforming use of a building or structure may not be changed except to a conforming use; but where such change is made, the use shall not thereafter be changed back to a nonconforming use.

10-9-10: NONCONFORMING USE OF LAND:
The nonconforming use of land, existing at the time the ordinance codified herein became effective, may be continued; provided, that no such nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property; and provided, that if such nonconforming use of land, or any portion thereof, is abandoned or changed for a period of one year or more, any future use of such land shall be in conformity with the provisions of this title.

CHAPTER 10

PARKING AND LOADING SPACE:

10-10-1: OFF STREET PARKING REQUIRED:

There shall be provided at the time of erection of any building or at the time any main building is enlarged or increased in capacity, minimum off street parking space with adequate provisions of ingress and egress by standard sized automobiles as hereinafter provided.

10-10-2: PARKING SPACE FOR DWELLINGS:

In all zones there shall be provided in a private garage, or in an area properly located for a future garage, a hard surfaced space for the parking of one automobile for the first six hundred (600) square feet or fraction thereof of gross floor area in a new dwelling, plus one extra parking space for each additional eight hundred (800) square feet or fraction thereof, plus one additional parking space for each six hundred (600) square feet of such space added in the case of the enlargement of an existing building. In no case shall there be less than one such parking space nor more than three (3) such parking spaces required for each dwelling unit. There shall be no change of use without the attendant space to accommodate the increased off street parking needs. A minimum parking space shall be at least nine feet by twenty feet (9' x 20').

10-10-3: PARKING SPACE FOR BUILDINGS OR USES OTHER THAN DWELLINGS:

A. For a new building, or for any enlargement or increase in seating capacity, floor area or guest rooms of any existing main building, there shall be at least one permanently maintained parking space of not less than one hundred eighty (180) square feet net area (9' x 20') as follows:

1. For church, school, college and university auditoriums and theaters, general auditoriums, stadiums and other similar places of assembly, at least one parking space for every five (5) fixed seats provided in said buildings or structures.

2. For hospitals, at least one parking space for each two (2) beds, including infants' cribs and children's beds. For medical and dental clinics, at least fifteen (15) parking spaces; provided that three (3) additional parking spaces shall be provided for each doctor or dentist having offices in such a clinic in excess of three (3) doctors or dentists.

3. For tourists courts and apartment motels, at least one parking space for each individual sleeping or living unit; for hotels and apartment hotels, at least one parking space for each two (2) sleeping rooms up to and including the first twenty (20) sleeping rooms, and one parking space for each three (3) sleeping rooms over twenty (20) sleeping rooms.

4. For boarding houses, lodging houses, dormitories, fraternities or sororities, at least one parking space for every one and one- half ($1^1/2$) persons for whose accommodation the building is designed or used.

5. For restaurants or establishments that serve meals, lunches or drinks to patrons either in their cars or in the building, for retail stores selling directly to the public, and recreational places of assembly, at least one space for each one hundred (100) square feet of floor space in the building, and one space for each two (2) employees working on the highest employment shift, or five (5) parking spaces, whichever requirement is the greater.

6. For mortuaries, at least thirty (30) parking spaces; for liquor stores, at least twenty (20) parking spaces.

7. For all business or industrial uses not listed above, not providing customer services on the premises, one parking space for each two (2) employees working on the highest employment shift.

B. In no case shall a building be constructed, altered or increased where, if the foregoing parking provisions are inadequate to provide sufficient spaces for all employees and customers combined, the provision of adequate parking spaces shall supersede any and all foregoing formulas.

10-10-4: LOCATION OF PARKING SPACE:

Parking space as required above shall be on the same lot with the main building or, in the case

of buildings other than dwellings, may be located not farther than five hundred feet (500') therefrom. Required Parking Spaces shall not encroach upon nor be within 10 feet of a public right-of-way.

10-10-5: PARKING LOT REGULATIONS:
Every parcel of land hereafter used as a parking lot shall be paved with a surfacing material of oil, asphalt or concrete composition and shall have appropriate bumper guards where needed as determined by the building inspector. All lighting for parking areas shall be so designed and arranged as to shield public roadways and all other adjacent properties from direct glare of hazardous interference of any kind.

10-10-6: OFF STREET TRUCK LOADING SPACE:
On the same premises with every building, structure or part thereof, erected and occupied or increased in capacity after the effective date hereof, for manufacturing, storage, warehouse, goods display, department store, grocery, hotel, hospital, mortuary, laundry, dry cleaning or other use similarly involving the receipt or distribution by vehicle of materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with public use of streets, or alleys.

CHAPTER 11

MOTOR VEHICLE ACCESS

10-11-1: BUSINESSES REQUIRING ACCESS:

Service stations, roadside stands, public parking lots, and all other businesses requiring motor vehicles access shall meet the requirements as hereinafter provided or as prescribed in the Utah Department of Transportation manual entitled "Manual for the Accommodation of Utilities and the Control and Protection of State Highway Rights of Way" (whichever requirements are greater). Access to State highways is controlled and regulated by Utah Department of Transportation (UDOT) regulations.

10-11-2: ROADWAYS AND CURBS:

Access to the station or other structure or parking lot shall be controlled as follows:

A. Access shall be by not more than two (2) roadways for each one hundred feet (100') or fraction thereof of frontage on any street, and in no event shall such roadways exceed in width seventy percent (70%) of the entire street frontage.

B. No two (2) of said roadways shall be closer to each other than twelve feet (12'), and no roadway shall be closer to a side property line than ten feet (10'). No roadway shall extend across such extended property lines.

C. Each roadway shall not be more than thirty six feet (36') in width, measured at right angles to the centerline of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way.

D. In all cases where there is an existing curb and gutter or sidewalk on the street, the applicant for a permit shall provide a safety island along the entire frontage of the property, except for the permitted roadways. On the two (2) ends and street side of each such island shall be constructed a concrete curb, the height, location and structural specifications of which shall be approved by the Planning Commission. Maximum and minimum curb return radii permitted and minimum roadway approach angles to the centerline of the street are required as shown in the manual and made by this reference as much a part of this title as if fully described and detailed herein.

E. Where there is no existing curb and gutter or sidewalk, the applicant may at his option install such safety island and curb or, in place thereof, shall construct along the entire length of the property line, except in front of the permitted roadways, a curb, fence or pipe rail not exceeding two feet (2') or less than eight inches (8") in height.

10-11-3: LOCATION OF FUEL PUMPS:

Fuel pumps shall meet the minimum setback requirements of the zone in which they are located. If the pump island is set at an angle on the property, it shall be so located that automobiles stopped for service will not extend over the property line.

CHAPTER 12

CONDITIONAL USES

10-12-1: PURPOSE:

The purpose of this chapter is to provide for the regulation of uses to ensure their compatible integration in the land use pattern of the Town.

10-12-2: CONDITIONAL USE PERMIT; PROCEDURE:

A. Required: An approved conditional use permit shall be required for each conditional use listed in this title. No building permit or other permit or license shall be issued for a conditional use by any officer or employee of the Town unless a conditional use permit shall have been approved.

B. Application: Application for a conditional use permit shall be submitted to the Town Clerk on forms provided for that purpose.

C. Development Plan: The applicant for a conditional use permit shall prepare a site plan of the proposed conditional use, drawn to scale and showing all existing and proposed buildings, fences, landscaping, automobile parking and loading areas, and any other information the Town Council may deem necessary. For applications related to an ongoing business or other use and not solely construction, the applicant shall provide a detailed plan outlining the proposed use, key staff members and qualifications, a description of the operations and overall goals for the organization.

D. Fee: The initial and renewal conditional use permit shall each be in such amount as established by resolution of the Town Council, plus any publication costs and other expenses incurred.

E. Hearing: A hearing need not be held; however, a hearing may be held when the Town Council shall deem a hearing to be necessary to serve the public interest.

F. Town Council Action: The Town Council may approve, modify and approve, or deny the conditional use application. In approving any conditional use, the Town Council shall impose regulations and conditions as are necessary to protect the public welfare. In approving a conditional use, the Town Council shall find that:

1. The proposed use is necessary or desirable and will contribute to the general well being of the community.

2. The use will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

3. The proposed use will comply with the regulations of this title.

4. The proposed use is in harmony with the intent of the Master Plan.

G. Appeals: Appeal of any decision of the Town Council shall be to the Board of Adjustment under the requirements as stipulated under subsection 10-4-3 of this title.

H. Inspection: The Town Council or designee shall inspect the conditional use during the course of construction to ensure that it complies with the conditions of the use permit.

I. Time Limit: A conditional use permit shall be null and void one year after approval unless substantial work shall have been accomplished toward its completion. Conditional use permits relating to an ongoing business or other use shall expire one-year after approval and will require annual renewal to continue operations.

J. Revocation:

1. A conditional use permit may be revoked upon failure to comply with the conditions imposed at the time of the original approval or subsequent modification of the permit, whichever is current. In addition, the renewal of any conditional use permit may be denied at the annual or other periodic renewal time, or at any other time regardless of the issue date of the permit, upon failure to comply with the conditions imposed at the time of the original approval or subsequent modification of the permit, whichever is current. Any conditional use permit may also be revoked for good cause. "Good cause" shall include, but not be limited to, the following, within the discretion of the Town Council: a) circumstances which are detrimental to or have a negative impact on the health, safety and welfare concerns of the citizens and residents of the Town; b) incompatible zoning or land use; c) complaints of noise, odor, failure to keep dogs or other animals under proper care and/or control; d) failure to comply with the conditions imposed at the time the original approval or subsequent modification of the permit, whichever is current; e) the creation and existence of a public or private nuisance; f) failure of the permit holder or his agents or employees to comply with the conditions and requirements of applicable State, County and/or Federal laws, rules and regulations; g) unlawful activities conducted or permitted on the premises for which the conditional use permit was issued; and/or h) other legitimate factors. In this regard, three (3) or more legitimate complaints received by the animal control officer or other law enforcement officers concerning a dog kennel or any other activity or business allowed by a conditional use permit may be cause as determined by the Town Council for denying, refusing to renew and/or revoking the conditional use permit.

2. Prior to the revocation of a conditional use permit or the denial of an application to renew a conditional use permit, the permit holder shall be given a notice which shall state in substance that the Town Council intends to revoke the conditional use permit or deny the application to renew it, together with the reason or reasons therefor, at a regular or special meeting of the Town Council (which shall be at least 10 days and not more than 30 days from the date notice is sent) and the permit holder shall have a right to appear, to be represented by counsel, to hear the evidence against him/her, to cross examine witnesses and to present evidence as to why the permit should not be revoked or the application denied.

3. Subsection J2 of this section shall not apply to original applications for conditional use permits which have not previously been issued or approved by the Town Council, and such applicants need only be informed that their application has been denied and the reasons for such denial.

K. Permit Review: Conditional use permits may be reviewed annually or at other intervals as stipulated by the Town Council.

L. Dog Kennel Conditional Use Permits; Special Provisions:

1. Each permit shall be granted for a maximum of one calendar year, and shall expire on December 31 of the year in which it is granted, subject to renewal during January of the following year; provided, however, that with respect to any permit granted after July 1 of any year, the Town Council may provide for an expiration date of December 31 of the following year.

2. Any public hearing relating to an application for a dog kennel conditional use permit shall be subject to the provisions of subsection E of this section.

10-12-3: SPECIAL PROVISIONS:
In addition to complying with requirements stated in this chapter, each applicant for a conditional use permit to allow land leveling, topsoil mining, mines, quarries and gravel pit operations shall comply with the requirements and provisions of the State of Utah, to the extent applicable, prior to being granted any conditional use permit for a proposed land leveling, topsoil mining, mines, quarries and/or gravel pit operation.

CHAPTER 13

SIGNS

10-13-1: PURPOSE:
To regulate the location, size, placement, and certain features of signs, that are compatible with their surroundings; legible under the circumstances in which they are seen; conducive to promoting traffic safety, and enjoyment of public travel by preventing visual distraction; protecting pedestrians, preserving and enhancing property values, and establishing and enhancing high quality development.

10-13-2: DEFINITIONS:
For the purposes of this chapter and where elsewhere found in this title words shall have the following meanings:

AWNING/CANOPY:	A sign applied to or painted on a moveable shelter supported entirely from the building. It may or may not be able to be folded, retracted, or collapsed against the face of the building.
BANNER:	A temporary sign applied to or painted on a flexible material that is hung from a pole, which is projected from the face of a building, hung between poles, or across a street.
BLADE SIGN:	A projecting sign that is mounted on a building façade or storefront pole, or attached to a surface perpendicular to the normal flow of traffic.
CHANGEABLE COPY SIGN:	Signs on marquee, message board, or other replaceable copy area where the sign copy may be changed without altering the sign itself.
COMBINED MONUMENT SIGN:	A monument sign, advertising multiple pads, or businesses within a location, see also “Monument Sign.”
FREE STANDING/POLE SIGN:	A sign which is supported by one or more columns, uprights, poles, or braces extended from the ground, providing that no part of the sign is attached to any part of the building, structure, or monument sign.
MONUMENT SIGN:	A freestanding sign that is detached from a building and having a support structure that is a solid-appearing base constructed of a permanent material such as concrete, block, or brick.
MURAL:	A large painted picture, executed directly on a wall.
NAME PLATE:	A small sign or plaque bearing a name or address.
SPECIAL EVENT SIGN:	On-premises special event signage such as flags, banners, or other signs for the purpose of drawing attention to a special event.
TEMPORARY SIGN:	Small informational signs such as lost pet signs, neighborhood or religious activities signs, political signs, advertising signs for daily specials, etc. These signs must be located within the sign owner's property, and may not be affixed to utility poles, fences, sign poles, or trees.
TRAFFIC CONTROL SIGNS:	Signs required by law, prescribed in the manual of uniform traffic control, erected by a public agency for traffic control purposes.
WALL SIGN:	A sign attached parallel to a building that extends a maximum of twelve inches (12") beyond the surface of the wall. It does not mean a sign that extends above the roof line of a building or beyond the edges of a wall it is attached to.
WINDOW SIGN:	A sign which is painted on, applied, or attached to, or located within one foot (1') of the interior of a window which can be seen through the window from the exterior of the structure. A window display shall not be considered a window sign.

10-13-3: PERMIT REQUIRED:

It is required that a written application be submitted to the Town Office before the construction, alteration, or repair of any sign or part thereof restricted in this chapter. The sign shall not be commenced or proceeded with, except after the issuance of a written permit for the same by the Planning Commission.

10-13-4: PERMITTED SIGNS:
The following permanent signs, as defined in 10-13-2 shall be permitted in accordance with regulations and standards for this section. Any sign/sign type not expressly allowed by this chapter is prohibited.

A. Awning/Canopy Signs: Allowed as permitted in Table 10-13-5 Permitted Signs. These signs shall conform to the following standards:

Table 10-13-4-A

Awning/Canopy Signs	
Maximum height	12 feet
Minimum height	8 feet
Maximum sign copy	40% of awning
Setbacks	May project into buildings setbacks 3 feet
Illumination	External or internal
Number of signs allowed	1 per business/building

B. Banner Signs: Allowed as permitted in Table 10-13-5 Permitted Signs. These signs shall conform to the following standards: Table 10-13-4-B

Banner Signs	
Maximum height	18 feet
Minimum height	8 feet
Maximum sign copy	32 square feet
Setbacks	15 feet from property lines
Illumination	No
Maximum Duration	6 Months
Number of signs allowed	1 per building/parcel

C. Blade Sign: Allowed as permitted in Table 10-13-5 Permitted Signs. These signs shall conform to the following standards:

Table 10-13-4-C

Blade Signs	
Minimum height	8 feet above sidewalk
Maximum sign copy	12 square feet
Setbacks	May project 4 feet into ROW
Illumination	External
Number of signs allowed	1 per business/building

D. Changeable Copy: Allowed as permitted in Table 10-13-5 Permitted Signs. These signs shall conform to the following standards:

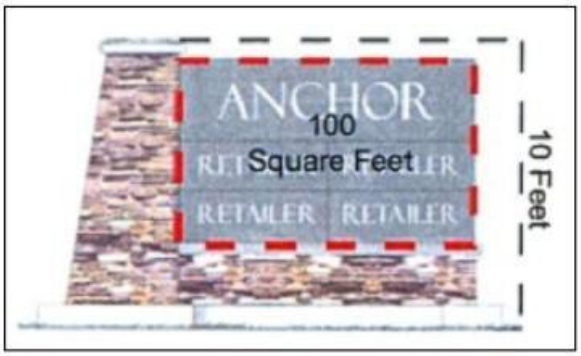
Table 10-13-4-D

Changeable Copy Signs	
Maximum height	8 feet
Maximum sign copy	64 square feet, of which 50% may contain (non-electric) changeable text
Setbacks	5 feet from property lines
Illumination	Internal or external illumination of sign copy/face only
Number of signs allowed	1 per building/parcel

E. Combined Monument Signs: Allowed as permitted in Table 10-13-5 Permitted Signs. Only one combined monument sign is allowed per project. These signs shall conform to the following standards:

Table 10-13-4-E

Combined Monument Signs	
Maximum height	10 feet
Maximum sign copy	100 square feet
Setbacks	Outside of clear vision triangle
Illumination	Internal or external illumination of sign copy/face only
Number of signs allowed	1 per development



F. Free Standing Pole: Allowed as permitted in Table 10-13-5 Permitted Signs. These signs shall conform to the following standards:

Table 10-13-4-F

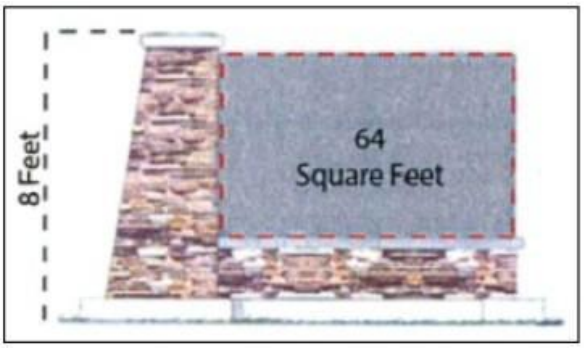
Free Standing/Pole Signs	
Maximum height	20 feet
Minimum height	8 feet
Maximum sign copy	72 square feet
Setbacks	15 feet from property lines
Illumination	Internal
Number of signs allowed	1 per parcel

G. Monument Signs: Allowed as permitted in Table 10-13-5 Permitted Signs. These signs shall conform to the following standards:

Table 10-13-4-G

Monument Signs

Maximum height	8 feet
Maximum sign copy	64 square feet
Setbacks	5 feet from property lines
Illumination	Internal or external illumination of sign copy/face only
Number of signs allowed	1 per business/parcel (0 if a combined monument sign is in place)



H. Name Plate: Allowed as permitted in Table 10-13-5 Permitted Signs. These signs shall conform to the following standards: Table 10-13-4-H

Name Plate	
Maximum height	N/A
Maximum sign copy	2 square feet
Setbacks	On building
Illumination	External
Number of signs allowed	1 per addressed building

I. Special Event Signs: Allowed as permitted in Table 10-13-5 Permitted Signs. These signs shall conform to the following standards:

Table 10-13-4-I

Special Event Signs	
Maximum height	12 feet
Maximum sign copy	32 square feet
Setbacks	Out of clear vision triangles
Illumination	None
Special standards	Flags, banners, and other similar signs allowed to advertise special events. May not be posted for more than 60 days in 1 year.
Number of signs allowed	No more than 32 square feet of combined sign copy, per parcel

J. Temporary Signs (Lawn, A-Frame, Sandwich Board, Etc.): Allowed as permitted in Table10-13-5 Permitted Signs. These signs shall conform to the following standards:

Table 10-13-4-J

Temporary Signs (Lawn, A-Frame, Sandwich Board, Etc.)	
Maximum height	8 feet
Maximum sign copy	32 square feet
Setbacks	On property, out of clear view triangles
Illumination	None
Maximum Duration	30 Days
Number of signs allowed	No more than 32 square feet of combined sign copy, per parcel

K. Traffic Control Signs: Traffic signs as required by law, prescribed in the manual of uniform traffic control, erected by a public agency are approved in all zones.

L. Wall Signs: Allowed as permitted in Table 10-13-5 Permitted Signs. These signs shall conform to the following standards: Table 10-13-4-L

Wall Signs	
Maximum height	Same as building it's located on
Maximum sign copy	200 square feet or 10% of building facade, whichever is larger
Setbacks	May project off building no more than 12"

Illumination	Internal or external
Number of signs allowed	No more than 200 square feet (or 10%) of combined sign coverage on facade

M. Window Sign: Allowed as permitted in Table 10-13-5 Permitted Signs. These signs shall conform to the following standards:

Table 10-13-4-M

Window Signs	
Maximum height	N/A
Maximum sign copy	20% of window space
Setbacks	N/A
Illumination	Indirect internal
Number of signs allowed	20% of each window

10-13-5: SIGN TABLE:

Table 10-13-5: Permitted Signs				
Sign Type	**Zones:**			
	A	**C**	**M**	**R**
Awning/Canopy	P	P	P	N
Banner	P	P	P	P
Blade Sign	P	P	P	P
Changeable Copy	P	P	P	N
Combined Monument	P	P	P	N
Free standing pole	P	P	P	N
Monument	P	P	P	N
Name Plate	P	P	P	P
Special Event	P	P	P	N
Temporary (Yard signs, A-Frame, Sandwich Board, etc.)	P	P	P	P
Traffic Control	P	P	P	P
Wall	P	P	P	N
Window	P	P	P	P
P = Permitted, N = Not Permitted				

10-13-6: EXEMPT SIGNS:
The provisions of this chapter shall apply to all signs erected in Cornish Town except for the following signs which are exempt. These signs shall still be subject to safety regulations of the

Utah Uniform Building Code.

Official Government Notices: Notices posted by governmental officers in performance of their duties to control traffic, or for other regulatory purposes, or to ward off danger.

Flags: Of any nation, organization of nations, state, country, Town, religious, civic, fraternal organization, or educational institution.

Temporary Decorations/Display: Which are clearly incidental to and customarily and commonly associated with any national, state, local, or religious holiday or celebration.

Window Displays: Any display in a window where items are for sale, or designed to attract individuals (e.g. Christmas displays in department store windows).

CHAPTER 14

GROUP HOMES; OTHER FACILITIES

10-14-1: DEFINITIONS:

A. The following definitions shall apply to all sections of this title and except as provided herein, shall supersede any other definition contained in this title:

ADULT DAYCARE FACILITY: Any building or structure furnishing care, supervision, and guidance for three (3) or more adults unaccompanied by guardians for periods of less than twenty four (24) hours per day.

ASSISTED LIVING FACILITY: A residential facility, licensed by the State of Utah, with a homelike setting that provides an array of coordinated support of personnel and healthcare services, available twenty four (24) hours per day, to residents who have been assessed under the Utah Department of Health or the Utah Department of Human Services rules to need any of these services. Each resident shall have a service plan based on the assessment, which may include:

1. Specified services of intermediate nursing care;

2. Administration of medication; and

3. Support services promoting residents' independence and self-sufficiency. Such a facility does not include adult daycare provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.

BOARDER: A person living in a rented room in a boarding house. The boarding house operator or member of his or her immediate family who reside on the premises with the operator shall not be considered to be a boarder.

BOARDING HOUSE: A building or a portion thereof where, for compensation, rooms are rented together with meals for not more than fifteen (15) boarders who generally do not directly utilize kitchen facilities. The operator of a boarding house must reside on the premises of the boarding house. The work shall include compensation in money, services, or other things of value. A boarding house does not include a residential facility for disabled persons or a residential facility for the elderly. A boarding house does not include a nonresidential facility, such as a rehabilitation/treatment facility, where the primary purpose of the facility is to deliver rehabilitation, treatment, counseling, medical, protective or other similar services to the occupants.

BUILDING, PUBLIC: For purposes of this chapter only, a public building is a building owned and operated, or owned and intended to be operated by the Town, a public agency of the United States of America, the State of Utah, or any of its political subdivisions. The use of a public building, with immunity, is nontransferable and terminates if the structure is devoted to a use other than as a public building with immunity. A public building referred to as with immunity under the provisions of this title includes:

1. Properties owned by the State of Utah or the United States government which are outside of the jurisdiction of the Town zoning authority as provided under title 10, chapter 9a, section 304, Utah Code Annotated, 1953, as amended; and

2. The ownership or use of a building which is immune from the Town zoning authority under the supremacy clause of the United States Constitution.

COMMUNITY CORRECTIONAL FACILITY: A facility licensed or contracted by the State of Utah to provide temporary occupancy for previously incarcerated persons which assists such persons in making a transition from a correctional institution environment to independent living.

CORRECTIONAL INSTITUTION: A prison, jail, juvenile detention facility, or juvenile secure facility.

DISABILITY: A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such a problem or being regarded as having such an impairment. The following definitions are incorporated into the definition of disability:

1. Disability does not include current illegal use of, or addiction to, any Federally controlled substance as defined in section 102 of the Controlled Substances Act, 21 USC 802, or as defined under title 58, chapter 37, Utah Code Annotated, 1953, as amended;

2. A physical or mental impairment includes the following:

a. Any psychological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular, reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or

b. Any mental or physiological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities; or

c. Such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus (HIV), mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of controlled substances) and alcoholism.

DOMESTIC STAFF: Persons employed or residing on the premises of a dwelling or other residential facility to perform domestic services or to assist residents in performing major life activities.

EDUCATIONAL INSTITUTION: Any elementary or secondary school, seminary, parochial school or private educational institution having a curriculum similar to that ordinarily given in grades 1 through 12 in public school systems. The term educational institution for the purpose of this title does not include post- high school educational facilities or educational facilities which include residential facilities for its students.

EDUCATIONAL INSTITUTION WITH HOUSING: A public or private educational institution with residential facilities or housing for its students and/or staff.

ELDERLY PERSON: A person who is sixty (60) years or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.

FAMILY: One or more persons related by blood, marriage, adoption, or guardianship, and shall also include one additional unrelated individual living with the family, such as domestic staff, living together as a single nonprofit housekeeping unit. "Family" does not exclude the care of foster children.

HOSPITAL: An institution licensed by the State of Utah which provides diagnostic, therapeutic, and rehabilitative services to individuals on both an inpatient and outpatient basis by or under the supervision of one or more physicians. A medical clinic or professional office which offers any inpatient or overnight care, or operates on a twenty four (24) hour basis shall be considered to be a hospital. A hospital may include necessary support service facilities such as laboratories, outpatient units and training and central services, together with staff offices necessary to operate the hospital.

JAIL: A place of incarceration owned and operated by the County.

JUVENILE DETENTION FACILITY: A place of temporary detention for delinquent juveniles which either is owned or operated by the State of Utah or is under contract with the State of Utah.

JUVENILE SECURE FACILITY: A place of incarceration for delinquent juveniles which is either owned or operated by the State of Utah or is under contract with the State of Utah.

MAJOR LIFE ACTIVITIES: Functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

NONRESIDENTIAL TREATMENT FACILITY: A facility wherein no persons will be housed on an overnight basis, and provides services including rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol abuse, drug abuse, sexual offenders, sexual abuse, or mental health. Associated educational services may also be

provided to juvenile occupants.

NURSING HOME: An intermediate care/nursing facility or a skilled nursing facility licensed by the State of Utah, for the care of individuals who, due to illness, advanced age, disability, or impairment require assistance and/or supervision on a twenty four (24) hour per day basis. Such a facility does not include an adult daycare facility or adult daycare provider in conjunction with residential facilities for elderly persons or a residential facility for persons with a disability.

PRISON: A place of incarceration owned or operated by the State of Utah.

PRIVATE JAIL: A place of incarceration established or operated under a contract with the County.

PRIVATE PRISON: A correctional facility established or operated under a contract with the State of Utah under the provisions of the Private Correctional Facilities Act, title 64, chapter 13d, Utah Code Annotated, 1953, as amended.

PROTECTIVE HOUSING FACILITY: A facility either: 1) operated, licensed, or contracted by a governmental entity, or 2) operated by a charitable, nonprofit organization, where for no compensation, temporary, protective housing is provided to: 1) abused or neglected children waiting placement of foster care; 2) pregnant or parenting teens; 3) victims of sexual abuse; or 4) victims of domestic abuse.

REASONABLE ACCOMMODATION: A change in any rule, policy, practice, or service necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. The following words have the following definitions:

Equal Opportunity: Achieving equal results as between a person with a disability and a nondisabled person.

Necessary: The applicant must show that, but for the accommodation one or more persons with a disability likely will be denied an equal opportunity to enjoy the housing of their choice.

Reasonable: A requested accommodation that will not undermine the legitimate purpose of existing zoning regulations, notwithstanding the benefit that the accommodation will provide to a person with a disability.

RECORD OF IMPAIRMENT: Having a record of impairment means having a history of, or having been misclassified as having a mental or physical impairment that substantially limits one or more major life activities.

REGARDED AS HAVING AN IMPAIRMENT: A person is regarded as having an impairment when:

1. The person has a physical or mental impairment that does not substantially limit one or more major life activities but is treated by another person as having such a limitation;

2. The person has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others towards such an impairment; or

3. The person has none of the impairments defined in this section but is treated by another person as having such an impairment.

REHABILITATION/RESIDENTIAL TREATMENT FACILITY: A facility licensed or contracted by the State of Utah to provide temporary occupancy and supervision of individuals (adults and/or juveniles) in order to provide rehabilitation, treatment or counseling services. Without limitation, such services may include rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, disability, alcohol abuse, drug abuse, sexual offenders, sexual abuse, or mental health. Associated educational services may also be provided to juvenile occupants.

RELATED: Related by blood, marriage or adoption within the definition of "family" means a father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in- law, son-in- law, daughter-in-law, grandparent, or grandchild, to include the half as well as the whole blood.

RESIDENCE, RESIDENTIAL FACILITY: Any building or portion thereof where an individual is actually living at a given point and time and intends to remain, and not a place of temporary sojourn or transient visit.

RESIDENTIAL FACILITY FOR ELDERLY PERSONS: A dwelling unit that is occupied on a twenty four (24) hour per day basis by eight (8) or fewer elderly persons in a family type arrangement. A residential facility for elderly persons shall not include any of the following:

1. A facility which is operated as a business; provided that such facility may not be considered to be operated as a business solely because a fee is charged for food or for actual and necessary costs of preparation and maintenance of the facility;

2. A facility where persons being treated for alcoholism or drug abuse are placed; a facility where placement is not on a strictly voluntary basis or where placement is part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution; or a facility which is a healthcare facility as defined by title 26, chapter 21, section 2, Utah Code Annotated, 1953, as amended; or a facility which is a residential facility for persons with a disability.

RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY: A residence in which more than one person with a disability resides and which is:

1. Licensed or certified by the Department of Human Services under title 62A, chapter 2, of the Utah Code, Licensure of Programs and Facilities; or

2. Licensed or certified by the Department of Human Services under Utah Code Annotated title 26, chapter 21, Health Care Facility Licensing and Inspection Act.

RETIREMENT HOME: A residential facility designated, occupied, and intended for residents fifty (50) years of age or older where common facilities for cooking and dining are available to all residents and independent facilities are provided for living, sleeping and sanitation.

SHELTER FOR THE HOMELESS: Charitable lodging or sleeping rooms provided on a temporary basis (usually on a daily basis) to those members of society lacking other safe, sanitary or affordable shelter. A shelter for the homeless may also include kitchen and cafeteria facilities.

SHELTERED WORKSHOP: An on site supervised educational or vocational training facility for persons with a disability and does not provide any residential facilities.

TRADE OR VOCATIONAL SCHOOL: A post-high school educational or vocational training facility.

TRANSITIONAL HOUSING FACILITY: A facility owned, operated or contracted by a governmental entity or a charitable, not for profit organization, where, for no compensation, temporary housing (usually 3 to 24 months, but in no event less than 30 days) is provided to homeless persons, while they obtain work, job skills, or otherwise take steps to stabilize their circumstances. A transitional housing facility shall not include a shelter for the homeless, and a dwelling unit provided to a family for the exclusive use as part of a transitional housing program, for more than thirty (30) days, shall not be considered to be a transitional housing facility.

10-14-2: RESIDENTIAL TREATMENT FACILITIES:

B. Applicability: This section shall be deemed to govern any facility, residence, or other circumstance that meets the definition of a residential facility as set forth in this chapter; for the requirements of this section shall govern the same notwithstanding any other provisions of Cornish Town ordinances.

C. Purpose: The purposes of this section are:

1. To comply with title 10, chapter 9a, section 520, Utah Code Annotated, 1953, as amended; and

2. To avoid discrimination in housing against persons with disabilities as provided in the Utah Fair Housing Act and the Federal Fair Housing Amendments Act as interpreted by the courts having jurisdiction over Cornish Town.

D. Requirements: A residential facility shall be a permitted use in any zoning district indicated in table 10-7-3 of this title. Each such facility shall conform to the following

requirements:

1. The facility shall comply with all applicable building, safety and health regulations, the Americans With Disabilities Act, fire regulations, and all applicable State core standards and licensing requirements, and any standards set forth in any contract with a State agency. The facility shall also comply with the Town's land use zoning provisions applicable to single family dwellings for the zone in which it is to be located, except as may be modified by the provisions of this chapter.

2. The following site development standards and parking standards shall be applicable:

   a. Each facility shall be subject to minimum site development standards applicable to a dwelling unit in the zone in which the facility is located; and

   b. The minimum number of parking spaces required shall be the same as the number required for a dwelling with similar occupancy density in the same zone.

3. No facility shall be made available to an individual who has demonstrated, by prior behavior, actions and/or criminal convictions, or as a resident, that he or she:

   a. May be determined to be or does constitute a direct threat to the health or safety of other individuals; or

   b. Has or may engage in conduct resulting in substantial physical damage to, or theft of, the property of others.

4. Prior to occupancy of the facility, the person or entity licensed or certified by the Department of Human Services or the Department of Health to establish and operate the facility shall:

   a. Provide a certified copy of such license to the Town Clerk;

   b. Certify, in a sworn affidavit submitted with the application for a business license, compliance with the Americans With Disabilities Act;

   c. Certify, in a sworn affidavit submitted with the application for a business license, that no person will be placed or remain in the facility whose prior or current behavior, actions and/or criminal incidents or convictions, has demonstrated that such person is or may be a direct threat to the health or safety of other individuals, or whose said behavior, actions and/or incidents or convictions has resulted in substantial physical damage to the property of others.

5. The use permitted by this section is nontransferable and shall terminate if:

   a. A facility is devoted to or used as other than a residential facility for the purposes outlined in the organization’s initial conditional use permit application; or

   b. The license or certification issued by the Department of Human Services, Department of Health or any other applicable agency, terminates or is revoked; or

   c. The facility fails to comply with the conditions set forth in this section.

6. No residential treatment facilities shall be permitted in the Residential Zone.

7. In the Agricultural Zone, no residential treatment facility shall exceed six (6) residents, not including staff, or the family that owns the residence.

8. In the Commercial Zone, no residential treatment facility shall exceed six (6) residents, not including staff, or the family that owns the residence.

9. No residential treatment facilities shall be permitted in the Manufacturing Zone.

E. Reasonable Accommodations: None of the foregoing conditions shall be interpreted to limit reasonable accommodations necessary to allow the establishment or occupancy of a residential treatment facility.

1. Any person or entity who wishes to request a reasonable accommodation shall make an application to the Town Council. Said applications shall specifically articulate, in writing, the following:

a. The name, mailing address, and phone number of the applicant;

b. The nature and extent of the treatment facility;

c. An exact statement of the ordinance or policy from which the applicant needs a reasonable accommodation;

d. The applicant's proposed reasonable accommodations;

e. A statement detailing why a reasonable accommodation is necessary; and

f. The physical address of the property where the applicant intends on living.

2. When considering whether or not to grant a reasonable accommodation, the Town Council shall consider the following factors, among others deemed appropriate and applicable:

a. The zoning ordinance applicable to the property;

b. The parking, traffic, and noise impact on the neighborhood if the reasonable accommodation is granted;

c. Whether or not the accommodation will be an undue burden or expense to the Town;

d. The extent to which the accommodation will or will not benefit the applicant;

e. The extent to which the accommodation will or will not benefit the community;

f. Whether or not the accommodation fundamentally alters the Town-wide zoning ordinance and whether or not the accommodation would likely create a fundamental change in the character of a residential neighborhood;

g. Whether or not the applicant has demonstrated that the accommodation will affirmatively enhance the applicant's life, or ameliorate the effects of the applicant's disability, or the lives or disabilities on whose behalf the entity is applying;

h. Whether or not, without the accommodation, similar housing is available in Cornish Town for the applicant or group of applicants;

i. Given the scope of the accommodation requested, what is the impact on the immediate neighborhood; and

j. The requirements of applicable Federal and State laws and regulations.

3. Written findings and conclusions of the Town Council shall be sent to the applicant within thirty (30) days after the decision by the Town Council; and

4. If a request for a reasonable accommodation is denied, such decision may be appealed to the Appeal Authority under the requirements as stipulated under section 10-4-3 of this title.

10-14-3: RESIDENTIAL FACILITIES FOR ELDERLY PERSONS:

F. Purpose: The purpose of this section is to comply with Utah Code 62A-3.

G. Requirements: "Residential facilities for elderly persons" shall comply with all requirements of Utah Code 62A-3, and also the following requirements:

1. The facility shall meet all applicable Building Codes, Safety Codes, zoning

regulations, the Americans With Disabilities Act, and health ordinances applicable to single-family or similar dwellings; except as may be modified by the provisions of this chapter;

2. No facility shall be made available to an individual who has demonstrated, by prior behavior, actions and/or criminal convictions, or as a resident, that he or she:

a. May be determined to be or does constitute a direct threat to the health or safety of other individuals; or

b. Has or may engage in conduct resulting in substantial physical damage to the property of others;

3. Minimum site development standards shall be the same as those for a dwelling unit in the zone in which the facility is located;

4. The facility shall be capable of being used as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character;

5. The use granted and permitted by this section is nontransferable and terminates if the structure is devoted to any use other than as a residential facility for the elderly or if the structure fails to comply with the applicable Health, Safety, Zoning and Building Codes; and

6. No residential facility for elderly persons which facility has more than five (5) elderly persons in residence shall be established or maintained within seven hundred feet (700') measured in a straight line between the closest property lines of the lots or parcels of similar facilities, residential facilities for persons with disabilities, protective housing facilities, transitional housing facilities, assisted living facilities, rehabilitation/treatment facilities, or a nonresidential treatment facility.

10-14-4: DESIGN STANDARDS:

H. Any newly constructed, or remodeled, facility in a residential zone or immediately abutting a residential zone shall comply with the following design standards:

1. All setbacks shall be according to the requirements of the residential zone in which the facility sits, or if the facility is in a Commercial Zone abutting a residential zone the setbacks shall be those of the abutting residential zone;

2. All required or accessory parking areas shall be located either in the rear yard area of the lot, or behind the main building or garage;

3. Notwithstanding the maximum height restrictions of the individual residential zone, new buildings or additional buildings shall not exceed one hundred ten percent (110%) of the average height of the closest dwellings on both sides of the proposed structure.

4. In order for new construction to reflect the design and character of the existing neighborhood the following standards shall be met:

a. The roof design of the proposed structure or remodel roof shall be a pitched roof of the same slope as the most common roof slope of the homes on the side of the block which the building is proposed on; and

b. The type of exterior materials shall be of traditional home finished materials of brick, siding, or stucco. The use of these materials shall be applied in such a manner as to blend in with the neighborhood where the building is located and not draw undue attention to the building because of the materials, their color and combination being uncharacteristic of the other buildings in the neighborhood.

5. No facility shall be made available to an individual who has demonstrated, by prior behavior, actions and/or criminal convictions, or as a resident, that he or she:

a. May be determined to be or does constitute a direct threat to the health or safety of other individuals; or

b. Has or may engage in conduct resulting in substantial physical damage to the property of others.

6. To the extent similar requirements to any contained in this section are contained in the specific zone in which any facility referred to herein may be located, the more restrictive provisions shall apply, and the requirements stated herein shall be considered to be in addition to presently existing zoning regulations.

10-14-5: NONRESIDENTIAL TREATMENT FACILITIES:

I. Nonresidential treatment facilities shall not be built within Cornish Town except as specifically allowed as a permitted or conditional use by proper designation in a zone or zones in this title. Each permitted facility, or facility allowed as a conditional use, shall conform to the following requirements:

1. The facility shall comply with all building, safety, zoning and health regulations, the Americans With Disabilities Act, fire regulations, and all applicable State core standards and licensing requirements, and any standards set forth in any contract with a State agency.

2. The following site development standards and parking standards shall be applicable:

a. Each facility shall be subject to minimum site development standards applicable to a business in the zone in which the facility may be located; and

b. The minimum number of parking spaces required shall be the same as the number required for an office building with similar size, occupancy, and density in the same zone.

3. Prior to occupancy of the facility, the person or entity licensed or certified by the Department of Human Services or the Department of Health to establish and operate the facility shall:

a. Provide a certified copy of such license with the Town Clerk;

b. Certify, in a sworn affidavit submitted with application for a business license, compliance with the Americans With Disabilities Act.

4. The use permitted by this section is nontransferable and shall terminate if:

a. A facility is devoted to or used as other than a nonresidential facility; or

b. The license or certification issued by the Department of Human Services, Department of Health or any other applicable agency, terminates or is revoked, or the facility fails to comply with the conditions set forth in this section.

5. No nonresidential treatment facility shall be established or maintained within seven hundred feet (700') measured in a straight line between the closest property lines of the lots or parcels of the following facilities:

a. A residential facility for persons with a disability;

b. A residential facility for elderly with more than five (5) elderly persons in a residence; or

c. Any of the following facilities: protective housing facility, transitional housing facility, assisted living facility or rehabilitation/treatment facility, a nonresidential treatment facility, and elementary schools.

6. No facility shall be made available to an individual who has demonstrated, by prior behavior, actions and/or criminal convictions, or as a resident, that he or she:

a. May be determined to be or does constitute a direct threat to the health or safety of other individuals; or

b. Has or may engage in conduct resulting in substantial physical damage to the property of others.

7. To the extent similar requirements to any contained in this section are contained in the specific zone in which any facility referred to herein may be located, the more restrictive provisions shall apply, and the requirements stated herein shall be considered to be in addition to presently existing zoning regulations.

10-14-6: LIMITATIONS:

J. Only such uses and facilities as are specifically authorized in this chapter and in this title as permitted or conditional uses shall be allowed. All other uses and facilities are prohibited.

CHAPTER 15
ACCESSORY APARTMENTS

10-15-1: PURPOSE:
The purpose of permitting an accessory apartment is to:

A. Provide homeowners with a means of obtaining, through tenants in an accessory apartment, rental income, companionship, security and services, and thereby to enable them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave;

B. Add inexpensive rental units to the available housing within the Town to meet the needs of smaller households, both young and old;

C. Make housing units available to moderate income households who might otherwise have difficulty finding homes within the Town;

D. Develop accessory apartments where single family dwellings are allowed that are appropriate for small households at a variety of stages in the life cycle, thereby lessening fluctuations in neighborhood demand for particular services.

10-15-2: CONDITIONS:
E. A conditional use permit may be granted and must be obtained for a use to be known as accessory apartment rental in owner occupied single family dwellings, provided that the following standards and criteria are met:

1. Separate Unit: The apartment will be a separate housekeeping unit that can be isolated within, attached or adjacent to the original single family dwelling.

2. One Apartment Only: Only one apartment will be created within a single family dwelling.

3. Owner To Occupy: The owner(s) of the single family dwelling in which the accessory apartment is created shall occupy at least one of the dwelling units in the single family dwelling, except for periods of bona fide temporary absences as determined by the Planning and Zoning Commission.

4. Design; Appearance: The accessory apartment shall be designed so that the appearance of the building remains that of a single family dwelling. Any new entrances shall be located on the side or the rear of the single family dwelling.

5. Conformance With Codes: The design and size of the apartment must conform to all applicable standards in Health, Building and other codes. Certification by the Health Department must be issued stating that the waste disposal system is sized according to total available bedrooms in the house before a conditional use permit is granted.

6. Parking: At least three (3) off street hard surface parking areas shall be available for use by the owner-occupant(s) and tenant(s). Parking shall not exceed twenty five percent (25%) of the front or side property yards.

7. Other Considerations For An Accessory Apartment:

a. Building Permit: A building permit shall be obtained by the homeowner from the County before the commencement of any new construction of an accessory apartment, and a certificate of occupancy shall be obtained, prior to anyone occupying an accessory apartment dwelling unit.

b. Sale Of Single Family Dwelling: Any conditional use permit granted for an accessory apartment rental, as herein provided, shall become null and void upon the sale of the single family dwelling in which it is located, unless a new conditional use permit is applied for and obtained by the purchaser(s) of the single family dwelling.

c. Review For Renewal: Any conditional use permit granted will be reviewed on or about the third anniversary of the date on which it was issued and each third anniversary date thereafter, until it is terminated or otherwise is no longer in

use. Said permit may, however, be immediately reviewed and terminated or modified at any time if it is determined that this title, this chapter, or any other ordinances or regulations of the Town are not or have not been continuously complied with.

d. Nonuse For One Year: Any accessory apartment rental that is not occupied and so used for a period of one year or longer shall be deemed abandoned, the conditional use permit expired and the residence shall revert to use as a single family residence only.

8. Other Appropriate Conditions: Any other appropriate or more stringent conditions deemed necessary by the Planning and Zoning Commission to protect public health, safety and welfare, and the single family character of the neighborhood may be included as a part of any conditional use permit.

F. Accessory apartments are allowed in the Agriculture Zone and the Residential Zone.

10-15-3: APPLICATION PROCEDURES:

G. Application for a conditional use permit for an accessory apartment shall be made to the Planning and Zoning Commission in accordance with the conditional use permit procedures given in chapter 12 of this title and shall include:

1. A notarized letter accompanying the application from the owner(s) stating that the owner will occupy one of the dwelling units in the single family dwelling except for periods of bona fide temporary absences;

2. A floor plan to the scale of one-fourth inch ($^1/4$") to the foot showing proposed changes to the single family dwelling;

3. A site plan;

4. The fee as set forth by the most recent prevailing fee schedule adopted by resolution of the Town Council to cover the costs of processing the application and legal notices.

H.

I. The purchasers of a single family dwelling that had or has a conditional use permit for an accessory apartment who want to continue renting the apartment must reapply for a conditional use permit and must demonstrate that all conditions prerequisite to obtaining the relevant permit, in particular their residence in the single family dwelling, have been met.

J. Where appropriate, the Planning and Zoning Commission will take steps to expedite approval or to give conditional approval prior to sale in order to protect continued residence in an accessory apartment by existing tenants.