

Title 17 ZONING

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¹ Prior legislation: Ords. 79-101 §§ 16, 17 and 18, 82-141 § 3, 83-166, 84-177, 84-180, 86-204 § 2(A), 94-259, 98-283, 2002-304, 2002-306, 2008-344 and 2009-360.

Chapter 17.01 - GENERAL PROVISIONS

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17.01.010 Short title.

The ordinance codified in this title shall be known as the “Uniform Zoning Ordinance of Roosevelt City Corporation” and may be so cited and pleaded.

(Ord. 2018-421 (part); Ord. 2011-366 § 1 (part); Ord. 79-101 § 1-1. Formerly 17.04.010)

17.01.020 Purpose.

This title is designed and enacted for the purpose of promoting the health, safety, values, convenience, order, prosperity and welfare of the present and future inhabitants of Roosevelt City, including, among other things, the lessening of congestion in the streets or roads, securing safety from fire and other dangers, providing adequate light and air, establishing classification of land uses and distribution of land development and utilization, protecting the tax base, securing economy in governmental expenditures, fostering industries, and protecting urban development.

(Ord. 2018-421 (part); Ord. 2011-366 § 1 (part); Ord. 79-101 § 1-2. Formerly 17.04.020)

17.01.030 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. Any use not expressly allowed by these ordinances is prohibited.

(Ord. 2018-421 (part); Ord. 2011-366 § 1 (part); Ord. 79-101 § 1-3. Formerly 17.04.030)

17.01.040 Conflict.

The ordinance codified in 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.

(Ord. 2018-421 (part); Ord. 2011-366 § 1 (part); Ord. 79-101 § 1-4. Formerly 17.04.040)

17.01.050 Building permit required.

Building permits are required pursuant to International Code Council, International Building Code 2000, as amended and as adopted by the state of Utah.

(Ord. 2018-421 (part): Ord. 2011-366 § 1 (part): amended by planning and zoning department 11-15-95: Ord. 79-101 § 1-7. Formerly 17.04.070)

17.01.060 Occupancy permit required.

Occupancy permits are required pursuant to International Code Council, International Building Code 2000, as amended and as adopted by the state of Utah.

(Ord. 2018-421 (part): Ord. 2011-366 § 1 (part): amended by planning and zoning department 11-15-95: Ord. 79-101 § 1-8. Formerly 17.04.080)

17.01.070 Site plans required.

A detailed site plan, with scale and sheet size determined by the zoning administrator, shall be filed as part of any application, prior to the request for a building permit (see Section 17.13.020 for requirements).

(Ord. 2018-421 (part): Ord. 2011-366 § 1 (part): Ord. 79-101 § 1-9. Formerly 17.04.090)

17.01.080 Inspection.

The building inspector is authorized to inspect or to have inspected all buildings and structures in the course of their construction, modification or repair, and to inspect land uses to determine compliance with provisions of this title. The building inspector or any authorized employee of the city shall use the right to enter any building for the purpose of determining compliance with this title; provided, that such right of entry is to be used only at reasonable hours. In no case shall entry be made to any occupied building in the absence of an owner or tenant thereof without written permission of an owner, or written order of a court of competent jurisdiction.

(Ord. 2018-421 (part): Ord. 2011-366 § 1 (part): Ord. 79-101 § 1-10. Formerly 17.04.100)

17.01.090 Enforcement.

The city may appoint the building inspector or other designee to be the enforcing officer for this title. The officer shall enforce all provisions, entering actions in court if necessary, and his failure to do so shall not legalize any violations of such provisions. The city council may, by resolution or ordinance, from time to time entrust administration of this title, in whole or in part, to another officer of the city, without amendment to this title.

(Ord. 2018-421 (part): Ord. 2011-366 § 1 (part): Ord. 79-101 § 1-11. Formerly 17.04.110)

17.01.100 Telecommunications.

A. Structures. Telecommunications signs, antennas, and towers shall only be permitted if they are related to the health and safety of the general public. All proposed structures shall be submitted with the telecommunications facility application and are subject to review by the planning and zoning board.

B. Removal. The building official is empowered to require an unmaintained or abandoned low-power radio services structure to be removed from a building or premises when that antenna has either not been repaired or put into use by the owner, the person having control, or the person receiving the benefit of the structure within thirty (30) calendar days after the notice is given to the owner, the person having control, or the person receiving the benefit of the structure. If removal has not been completed within thirty (30) calendar days, the building official may have the structure removed at the property owner's expense and, after removal, may place a lien on the subject property for all direct and indirect costs incurred in dismantling and disposing of the structure, including court costs and reasonable attorney fees.

C. Abandonment. The applicant, the applicant's successor(s) and/or assign(s) and/or the property owner shall be responsible for the removal of unused telecommunications structures within twelve (12) months of abandonment of use. If such structure is not removed by the applicant, the applicant's successor(s) and/or assign(s) or the property owner, then the city may employ all legal measures necessary to remove the tower. After removal, a lien may be placed on the subject property for all direct and indirect costs incurred in dismantling and disposing of the structure, including court costs and reasonable attorney fees.

(Ord. 2018-421 (part): Ord. 2011-366 § 1 (part))

17.01.140 Hearings, publication and notification.

Notice of public hearings shall be made pursuant to Utah State Code (1953) as amended.

(Ord. 2018-421 (part): Ord. 2011-366 § 1 (part): Ord. 83-175 § 2(1-15). Formerly 17.04.150)

17.01.150 Licensing.

Any license or permit which conflicts with the provisions of this title may be null and void at the discretion of the individual or office which issued the permit or license or by action of the Roosevelt City council.

(Ord. 2018-421 (part): Ord. 2011-366 § 1 (part): Ord. 79-101 § 1-16. Formerly 17.04.160)

17.01.160 Fees.

Applicants may be charged fees for zoning changes, building, occupancy and conditional use permits, design review, planning and zoning board hearings and such other services as are required by this title to be performed by public officers or agencies. Such fees shall be established by the city council and be in amounts reasonably needed to defray costs to the public.

(Ord. 2018-421 (part): Ord. 2011-366 § 1 (part): Ord. 79-101 § 1-17. Formerly 17.04.170)

17.01.170 Definitions.

The following definitions shall be used in the interpretation and construction of this title:

Words used in the present tense include the future.

The singular number shall include the plural, and the plural the singular.

The word “building” shall include the word “structure.”

The words “used” or “occupied” shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used or occupied.

The word “shall” is mandatory and not directory, and the word “may” is permissive.

The word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

The word “lot” includes the word “plot” or “parcel.”

“Accessory use or building” means a use or building on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or building.

“Agriculture” means the tilling of the soil, the raising of crops, horticulture and gardening, commercial greenhouses; the breeding, grazing and keeping or raising of domestic animals and fowl, except household pets, and does not include any business, such as fruit packing plants, fur farms, animal hospitals or similar uses.

“Alley” means a public access less than twenty-six (26) feet in width, which is designed to give secondary access to lots or abutting properties; an alley shall not be considered a street, for the purposes of this title.

“Apartment” means a room or a suite of rooms forming one residence in a building containing multiple residences.

“Appeal Authority” means one or more persons designated by ordinance to decide an appeal.

“Area” means the aggregate space within given boundaries.

“Automobile sales area” means an area used for display, sale or rental of new or used motor vehicles, mobile homes, recreational coaches, or recreation vehicles in operable condition.

“Automobile service station” means a place where gasoline, or any other motor fuel or lubricating oil or grease for operating motor vehicles, is offered for sale to the public and deliveries are made directly into motor vehicles, and where services performed may include tube and tire repair, battery charging, storage of merchandise, lubricating of automobiles, replacement of spark plugs, lights, fans, and other small parts, but not including major auto repair.

“Average slope” means an expression of rise or fall in elevation along a line perpendicular to the contours of the land, connecting the highest point of land to the lowest point of land within an area or within a lot. A vertical rise of one hundred (100) feet between two points one hundred (100) feet apart, measured on a horizontal plane, is a one hundred (100) percent slope.

“Basement” means a story whose floor is more than twelve (12) inches below the average level of the adjoining ground, but where no more than one-half of its floor-to-ceiling height is below the average contact level of the adjoining ground. A basement shall be counted as a story for purposes of height measurement, and as a half-story for the purpose of side yard determination.

“Block” means the land surrounded by streets or other rights-of-way, other than an alley, and land which is designed as a block on any recorded subdivision plat.

“Body and fender shop” means a facility for major automobile, truck, mobile home, recreational coach or recreational vehicle repairs to body, frame or fenders, and including rebuilding.

“Building” means any structure with a roof regardless of whether or not it has any walls.

“Building inspector” means the official designated as the building inspector for Roosevelt City.

“Campground” means a public area designated for camping or a private area licensed for camping.

“Camping” means a temporary establishment of living facilities such as tents or recreational coaches.

“Car wash” means a facility for automatic or self-service washing and cleaning of automobiles and small trucks not exceeding one and one-half tons capacity.

“Carport” means a private garage not completely enclosed by walls or doors. For the purposes of this title, a carport shall be subject to all the regulations prescribed for a private garage.

“Church” means a building, together with its accessory buildings and uses, maintained and controlled by a duly recognized religious organization where persons regularly assemble for worship.

“Clinic” means a building in which a group of dentists or physicians, and allied professional assistants, are associated for the conduct of their professions. The clinic may include a dental and/or a medical laboratory and an apothecary, but it shall not include inpatient care or operating rooms for major surgery.

Club, Social. “Social club” means any organization, group or association supported by its members where the sole purpose is to render a service to said members and their guests.

“Conditional use” means a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas of a zone, or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

“Condominium” means the ownership of a single unit in a multi-unit project together with an undivided interest in the common areas and facilities of the property.

“Constitutional taking” means the final action by the city to physically take or exact private real property that requires compensation to the owner because of the mandates of the Constitution of the United States, or of the Utah Constitution.

“Court” means an open, unoccupied space, other than a yard, on the same lot with a building or group of buildings, and which is grounded on two or more sides by such a building or buildings.

Coverage, Building. “Building coverage” means the percent of the total site area covered by buildings.

“Dairy” means a commercial establishment for the manufacture, processing or packaging of dairy products, and their sale; for purposes of this definition, the production of milk on a farm for wholesale marketing off the premises shall not classify the farm as a dairy.

“Daycare services” means care of a child for a portion of the day which is less than twenty-four (24) hours in a home by a responsible person or outside of his/her home in a daycare center. This includes preschools.

“Disabled person” means a person who has a severe, chronic disability attributable to a mental or physical impairment or to a combination of mental and physical impairments which is likely to continue indefinitely and which results in a substantial functional limitation in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, or economic self-sufficiency; and who requires a combination or sequence of special interdisciplinary or generic care, treatment, or other services that are individually planned and coordinated to allow the person to function in, and contribute to, a residential neighborhood.

“Driveway” means a private roadway, use of which is limited to persons residing, employed, or otherwise using or visiting the parcel on which the driveway is located.

“Dwelling” means any building or portion thereof designed or used as the more or less permanent residence or sleeping place of one or more persons or families, but not including a tent, recreational coach, hotel, motel, hospital or nursing home.

Dwelling, Four-Family. “Four-family dwelling” means a building arranged or designed to be occupied by four families, the structure having only four dwelling units.

Dwelling, Multiple-Family. “Multiple-family dwelling” means a building arranged or designed to be occupied by more than four families, and having more than four dwelling units.

Dwelling, Single-Family. “Single-family dwelling” means a building arranged or designed to be occupied by one family, the structure having only one dwelling unit.

Dwelling, Three-Family. “Three-family dwelling” means a building arranged or designed to be occupied by three families, the structure having only three dwelling units.

Dwelling, Two-Family. “Two-family dwelling” means a building arranged or designed to be occupied by two families, the structure having only two dwelling units.

“Dwelling unit” means one or more rooms in a dwelling, designed for or occupied for living or sleeping purposes and having a kitchen.

“Easement” means that portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner(s) of said property(ies). The easement may be for use under, on or above said lot or lots.

“Elderly person” means a person who is sixty-five (65) years old or older, who desires or needs to live with other elderly persons in a group setting.

“Family” means an individual or two or more persons related by blood, marriage or adoption, or a group of not more than four persons who are not related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities.

“Family food production” means the keeping of domestic animals and fowl for the production of food for the sole use of the family occupying the premises.

“Floor area” means area included within surrounding walls of a building or portion thereof, exclusive of vents, shafts and courts.

Garage, Private. “Private garage” means a detached accessory building, or a portion of the main building, used or intended to be used for the storage of motor vehicles, recreational coaches, boats, or other recreational vehicles, but not including the parking or storage of trucks or vans having a capacity in excess of one and one-half tons, and not including space for more than a total of four such vehicles for each dwelling unit on the premises.

Garage, Repair. “Repair garage” means a structure or portion thereof, other than a private garage, used for the repair of self-propelled vehicles, trailers or boats, including general repair, rebuilding or reconditioning of engines, motor vehicles or recreational coaches, and minor collision service, but not including major body, frame or fender repairs or overall automobile or truck painting, except by conditional use permit. A repair garage may also include incidental storage, care, washing or sale of automobiles.

“General plan” means a document that the city adopts that sets forth general guidelines for proposed future development of the land within the municipality, as set forth in Utah Code Annotated.

“Governing body” means the elected legislative body of the local jurisdiction.

“Grade” means:

- A. For buildings adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street;
- B. For buildings adjoining more than one street, the average of the elevations of the sidewalk at the centers of all walls adjoining the street;
- C. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the centers of all exterior walls of the building;
- D. Any wall parallel or nearly parallel to and not more than five feet from a street line is to be considered as adjoining the street.

“Grade, natural” means the elevation of the surface of the ground which has been created through the action of natural forces and has not resulted from manmade cuts, fills, excavation, grading or similar earth moving processes. The topographic maps of the city shall be the primary, though not exclusive, reference for determination of natural grade. Natural grade shall be determined in every instance where necessary by an engineer.

“Group home” means a residential facility set up as a single housekeeping unit and shared by unrelated persons who require assistance and supervision. A group home shall be licensed by the state of Utah to provide counseling, therapy and specialized treatment through this temporary living arrangement, along with habilitation or rehabilitation services for physically or mentally disabled persons. A group home shall not include persons who are diagnosed with substance abuse problems or who are staying in the home as a result of any criminal offense.

“Guest” means any person or persons staying, for a time period not to exceed thirty (30) days, within a dwelling unit without payment or compensation or remuneration to the owners, tenants or full-time inhabitants of said dwelling unit.

“Home occupation” means any use conducted entirely within a dwelling and carried on by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and in connection with which there is no display, nor stock in trade.

“Hospital” means an institution for the diagnosis, treatment and care of human illness or infirmity, but not including sanitariums and clinics.

“Hotel” means a building designed for or occupied as the more or less temporary abiding place of five or more individuals who are, for compensation, lodged, with or without meals.

“Household pets” means animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats and canaries, but not including a sufficient number of dogs as to constitute a kennel as defined in this title. Household pets do not include dangerous animals or animals either prohibited by Utah State law or United States law.

“HUD” means the federal Manufactured Housing Construction and Safety Standards Act.

“Junk” means old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris or other waste or salvage materials; dismantled, junked, or wrecked automobiles or parts thereof; and old or scrap ferrous or nonferrous metal materials.

“Junkyard” means the use of any lot, a portion of a lot, or tract of land for the storage, keeping or abandonment of junk, including scrap metals or other scrap material, or for the dismantling, demolition or abandonment of automobiles or other vehicles, or machinery or parts thereof; provided, that this definition shall be deemed not to include such uses which are clearly accessory and incidental to any agricultural use permitted in the district.

“Kennel” means any premises where three or more dogs older than four months are kept.

“Kitchen” means any room or other place used or intended or designed to be used for cooking or for the preparation of food. This includes refrigerators, stoves, cooking appliances, built-in cabinets, sinks, two hundred twenty (220) volt electrical service or natural gas supply lines, and any combination thereof, that would permit any room to be used as a kitchen.

“Land use application” means an application required by a municipality’s land use ordinances.

“Land use ordinance” is a planning, zoning, development, or subdivision ordinance of the municipality, but does not include the general plan.

“Landscaping” means the lawns, shrubbery, trees, flowers, and other plantings that beautify a residence or building of any sort, including xeriscape.

The “Legislative body” is the Roosevelt City Council.

“Local jurisdiction” means Roosevelt City, Utah.

“Lot” means a parcel or unit of land described by metes and bounds and held or intended to be held in separate lease or ownership, or a parcel or unit of land shown as a lot or parcel on a recorded subdivision map, or shown on a plat used in the lease or sale, or offer of lease or sale, of land resulting from the division of a larger tract into three or more units.

“Lot area” means the total area measured on a horizontal plane included within the lot lines of the lot or parcel of land.

Lot, Corner. “Corner lot” means a lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

“Lot coverage” means the total horizontal area of a lot, parcel or building site covered by any building or occupied structure which extends above the surface of the ground level and including any covered automobile parking spaces. Covered patios, covered walkways, and covered recreation areas shall not be considered as lot coverage; provided, that said areas are not more than fifty (50) percent enclosed.

“Lot frontage” means the lineal measurement of the front lot line, the front lot line being the total distance of the lot line most adjacent to and parallel with the front of the proposed or existing structure.

Lot, Interior. “Interior lot” means a lot other than a corner lot.

Lot Line, Front. “Front lot line” means, for an interior lot, the lot line adjoining the street; for a corner lot or through lot, the lot line adjoining either street, as elected by the lot owner.

Lot Line, Rear. “Rear lot line” means, ordinarily, that line of a lot that is opposite and most distant from the front line of the lot. In the case of a triangular or gore-shaped lot, a line ten (10) feet in length within the parcel parallel to and at a maximum distance from the front lot line. In cases where these definitions are not applicable, the building inspector shall designate the rear lot line.

Lot Line, Side. “Side lot line” means any lot boundary line not a front or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line; a side lot line separating a lot from a street is a street side lot line.

“Lot lines” means the property lines bounding the lot.

“Lot right-of-way” means a strip of land of not less than sixteen (16) feet in width connecting a lot to a street for use as private access to that lot.

“Lot, through or multiple frontage lot” means a lot having a frontage on two streets. Said lots for purposes of this title may have multiple street frontages and multiple front yards. Any street frontage with an entrance eight feet or wider shall be a “front yard” and subject to all provisions of this title accordingly regardless of how many “front yards” that property may have.

“Lot width” means the horizontal distance between the side lot lines, measured at the required front yard setback line or rear yard setback line, whichever is shorter.

“Manufactured home” means a multi-sectional mobile home not exceeding two stories in height that is designed to be installed on a permanent foundation system and was manufactured after June 15, 1976.

“Manufactured home lot” means a lot designed and to be used for the accommodation of one manufactured home.

“Manufactured home park” means a space designed and approved by the local jurisdiction for occupancy by manufactured homes, to be under a single ownership or management, and to meet all requirements of this title and ordinance for manufactured home parks.

“Manufactured home space” means a space within a manufactured home park, designed and to be used for the accommodation of one manufactured home.

“Manufactured home stand” means that part of the manufactured home space which has been reserved for the placement of the manufactured home and its appurtenant structures or additions.

“Mobile home” means a transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to enactment of the HUD code.

“Motel” means a building or group of buildings for the drive-in accommodation of transient guests, comprising individual sleeping or living units, and designed and located to serve the motoring public.

“Nonconforming building or structure” means a building or a structure which does not conform to the regulations for height, coverage or yards of the district in which it is situated, but which was in conformity with applicable regulations, if any, at the time of its erection.

“Nonconforming use” means the use of a building or structure or land which does not conform to use regulations for the district in which it is situated, but which was in conformity with applicable regulations, if any, at the time of its establishment.

“Nursing home” means an institution, other than a hospital, for the care of human illness or infirmity in which care, rather than diagnosis or treatment, constitutes the principal function. The term “nursing home” shall also include “rest home” and “convalescent home.”

“Offices” means a building, room or department wherein a business or service for others is transacted, but not including the storage or sale of merchandise on the premises.

“Official map” means a map which has been adopted as the official map of the local jurisdiction, showing existing public streets, streets on plats of subdivisions which have been approved by the planning and zoning board, and/or other street extensions, widenings, narrowings or vacations which have been accurately surveyed and definitely located.

“Open space” means the area reserved in parks, courts, playgrounds, golf courses, and other similar open spaces.

“Owner” means the holder of the fee title to land or buildings or to property, whether a person, partnership, corporation, or other entity recognized by law, and his or its lessees, permittees, assignees or successors in interest.

“Package agency” means any outlet authorized by the Utah Liquor Control Commission to sell original packaged liquor or wine for consumption off the premises.

“Parcel of land” means a lot. (See “Lot.”)

“Parking lot” means an open area, other than a street, used for the parking of more than four automobiles and available for public use, whether free, for compensation, or accommodation for clients or customers.

“Parking space” means an area nine feet by twenty (20) feet maintained for the parking or storage of an automobile or other vehicles, which is graded for drainage and is hard-surfaced or porous-surfaced.

“Planning and zoning board” means the planning commission of Roosevelt City as duly appointed under the provisions of state law and Roosevelt City ordinances.

“Private nonprofit locker club” means a social, recreational or athletic club, or kindred association, incorporated under the provisions of the Utah Nonprofit Corporation and Cooperation Act, which maintains or intends to maintain premises upon which liquor is or will be stored, consumed or sold.

“Private school” means a school which is operated by a quasi-public or private group, individual or organization, and which has a curriculum similar to that provided in any public school in the state of Utah. Private schools may be nonprofit or profit-making establishments.

“Professional office” means an office for the exclusive use of professionals.

Professional employment is defined as: medical doctor, eye doctor, dentist, chiropractor, lawyer, attorney, engineer, clergyman, real estate sales, a consulting firm such as business, environmental, tax and mortuary. The sale of goods either wholesale or retail is strictly prohibited within the definition of a professional office.

“Property” means any parcel, lot, or tract of land, including improvements thereon, in the possession of or owned by, or recorded as the real property of, the same person or persons.

“Public” means that which is under the ownership of the United States government, state of Utah, or any subdivision thereof, Utah County, or Roosevelt City (or any departments or agencies thereof).

“Public hearing” means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

“Public meeting” means a meeting that is required to be open to the public under Utah State law.

“Recreational vehicle” means a vehicle, such as a travel trailer, tent camper, camp car or other vehicle with or without motive power, designed and/or constructed to travel on the public thoroughfare in accordance with the provisions of the Utah Vehicle Code, and designed for use as human habitation for a temporary and recreational nature.

“Recreational vehicle park” means any area or tract of land or a separate designated section within a manufactured home park where lots are rented or held out for rent to one or more owners or users of recreational vehicles for a temporary time not to exceed thirty (30) days. Such park may also be designated as an “overnight park.”

“Recreational vehicle space” means a plot of ground within a recreational vehicle park designated and intended for the accommodation of one recreational coach.

“Senior citizen center” means a government-sponsored public building, other than a church or school, serving the social and recreational needs of the elderly. Such a center may include a meeting hall and cooking and dining facilities for large groups but shall not provide overnight lodging.

“Service station” means any land, building, structure, or premises used for the sale of fuel for motor vehicles or installing or repairing parts and accessories, but not including the repairing or replacing of motors, bodies, or painting of motor vehicles and excluding public parking garages.

“Setback” means the required minimum distance between a building or structure and the nearest property line, platted street or existing curb or edge of a street.

“Sexually oriented businesses” means any or all of the adult or sexually oriented businesses as listed or defined in Chapter 5.50.

“Sign” means a presentation or representation of words, letters, figures, designs, pictures or colors, publicly displayed so as to give notice relative to a person, a business, an article of merchandise, a service, an assemblage, a solicitation, or a request for aid; also, the structure or framework or any natural object on which any sign is erected or is intended to be erected or exhibited or which is being used or is intended to be used for sign purposes.

“Sign area” means the area in square feet of the smallest rectangle enclosing the total exterior surface of a sign having but one exposed exterior surface. Should the sign have more than one surface, the sign area shall be the aggregate of all surfaces measured as above which can be seen from any one direction at one time.

“Sign, freestanding” means a sign which is supported by one or more upright columns, poles or braces, in or upon the ground.

Sign, Illuminated. “Illuminated sign” means a sign in which a source of light is used in order to make the message readable. This definition shall include internally and externally lighted signs.

“Sign ordinance” means the sign ordinance of the local jurisdiction.

“Sign, projecting” means a sign which is affixed to an exterior wall or building or structure and which projects more than eighteen (18) inches from the building or structure wall, and which does not extend above the parapet, eaves or building facade of the building upon which it is placed.

“Site plan” means a plan required by, and providing the information required by, Chapter 17.13.

“Special district” means all entities established under the authority of Utah Code Annotated Title 17A and any other governmental or quasi-governmental entity that is not a county, municipality, school district or unit of the state.

“State store” means an outlet for the sale of liquor located on the premises, said premises owned or leased by the state of Utah.

“Story” means that portion of a building included between the surface of any floor and surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling above it.

“Street” means a thoroughfare that has been dedicated to the public and accepted by proper public authority, or a thoroughfare not less than twenty-six (26) feet wide, which has become a public thoroughfare by right of use and which affords the principal means of access to abutting property. Easements and walkways shall not be considered as “streets” for the purpose of this title. “Streets” include public rights-of-way, including highways, avenues, boulevards, parkways, roads, lanes, walks, alleys, viaducts, subways, tunnels, bridges, public easements, and other ways.

“Structure” means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

“Structure, subgrade” means any structure which:

- A. Is located primarily below natural grade;
- B. Does not extend more than two and one-half feet, at any point, above natural grade;
- C. Is completely covered with a minimum of six inches of soil capable of supporting vegetation on its horizontal surface where required by the landscaping provisions of the respective zone in which it is located;
- D. Is decoratively finished on any vertical surface not completely covered with soil;
- E. When within a required front or street side yard, is located entirely beneath a finish grade which:
 1. Does not exceed a twenty-five (25) percent slope; and
 2. Does not extend more than two and one-half feet above the natural grade at any point; and
 3. Is the same as the natural grade along any property line.

Subgrade structures are not subject to lot coverage or setback provisions of this title, provided they have sufficient soil coverage, as defined herein, and fully meet the landscaping requirements set forth in the provisions of any respective zoning district.

“Subdivision” means:

- A. Any land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots or other division of land for the purpose, whether immediate or future, of offer, sale, lease or development either on the installment plan or upon any and all other plans, terms and conditions.
- B. “Subdivision” includes:

1. The division or development of land, whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument; and
2. Except as provided in subsection C of this definition, divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

C. "Subdivision" does not include:

1. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable zoning ordinance;
2. A recorded agreement between owners of adjoining properties adjusting their mutual boundary if:
 - a. No new lot is created; and
 - b. The adjustment does not result in a violation of applicable zoning ordinances; or
3. A recorded document, executed by the owner of record, revising the legal description of more than one contiguous parcel of property into one legal description encompassing all such parcels of property.

D. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a "subdivision" under this definition as to the unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's subdivision ordinance.

Subdivision, Cluster. "Cluster subdivision" means a subdivision of land in which the lots have areas less than the minimum lot area of the district in which the subdivision is located, but which complies with the cluster subdivision provisions of this title and in which a significant part of the land is privately reserved or dedicated as permanent common open space to provide low-density character for the residential lots in the subdivision.

"Use" means the purpose for which premises or a building therein is designed, arranged or intended, or for which it is or may be occupied or maintained.

"Variance" means a reasonable deviation from those provisions regulating the size or area of a lot or parcel of land, or the size, area, bulk or location of a building or structure under this title.

"Vehicle, abandoned" or "abandoned vehicle" means a vehicle, licensed or unlicensed, that is left unattended on public property for a period of time in excess of seventy-two (72) hours.

"Vehicle, wrecked" or "wrecked vehicle" means a vehicle that is inoperable due to a crash or collision with any other object.

"Walkway" means a right-of-way to facilitate pedestrian access through a subdivision block, designed for use by pedestrians and not for use by motor vehicles; may be located within or without a street right-of-way, at grade, or separated from vehicular traffic.

"Yard" means a required open space on a lot, other than a court, unoccupied and unobstructed from the ground upwards except as permitted elsewhere in this title.

Yard, Front. "Front yard" means a space on the same lot with a building, between the front line of the building and the front lot line, and extending across the full width of the lot. The "depth" of the front yard is the minimum distance between the front lot line and the front line of the building.

Yard, Rear. "Rear yard" means a space on the same lot with a building, between the rear line of the building and the rear lot line, and extending the full width of the lot. The "depth" of the rear yard is the minimum distance between the rear lot line and the rear line of the building.

Yard, Side. "Side yard" means a space on the same lot with a building, between the side line of the building, and the side lot line and extending from the front yard to the rear yard. The "width" of the side yard shall be the minimum distance between the side lot line and the side line of the building.

"Zone" means a portion of the territory of the local jurisdiction established as a zoning district by this title, within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this title; also includes "zoning district."

"Zoning administrator" means the local official designated to enforce the regulations of this title; the zoning administrator may also be the building inspector.

"Zoning ordinance" means the land use ordinance of the local jurisdiction.

(Ord. 2018-421 (part); Ord. 2018-417 § 1; Ord. 2016-398 §1(A, B); Ord. 2011-366 § 1 (part); amended during 1996 codification; amended by planning and zoning department 11-15-95; Ord. 79-101 § 1-6. Formerly 17.04.060)

17.01.180 Short-term residential property lease.

A. Short-term residential rental properties are prohibited in all residential zones, mobile home zones and agricultural zones.

B. This section shall apply to short-term residential rental property which is used by any person or entity for hostel, hotel, inn, lodging, motel, resort or other transient lodging uses where the term of occupancy, possession or tenancy of the property by the person is for twenty-nine (29) consecutive calendar days or less, for direct or indirect remuneration. "Remuneration" means compensation, money, rent, or other consideration given in return for occupancy, possession or use of real property. (Ord. 2018-421 (part); Ord. 2011-374 §§ 1, 2)

Chapter 17.03 APPEAL AUTHORITIES

Sections:

- 17.03.010 Appeal authority.
- 17.03.040 Variance committee.
- 17.03.050 Variances.
- 17.03.070 Appeals.
- 17.03.080 Standing to appeal.
- 17.03.090 Form of appeals.
- 17.03.100 Code interpretation and administration.
- 17.03.110 Action to be taken.
- 17.03.120 Vote necessary for reversal.
- 17.03.130 Decision on appeal.
- 17.03.140 City council call up.
- 17.03.150 Notice.
- 17.03.160 Stay of approval pending review.
- 17.03.170 Appeal from the city council.
- 17.03.180 Finality of action.
- 17.03.190 Judicial review of decision.
- 17.03.200 Rules.
- 17.03.210 Constitutional takings.

17.03.010 Appeal authority.

A variance committee, as established by the Roosevelt City council, shall administer and render determinations regarding appeals and variances

(Ord. 2018-421 (part): Ord. 2011-366 § 1 (part))

17.03.040 Variance committee.

The variance committee shall consist of the mayor or his/her appointed elected official, one city elected official, the city manager or his/her appointee, and the city public works director. The mayor or his/her appointed elected official shall be the variance committee chair.

A. The variance committee shall review and provide a determination on matters requiring a variance from established provisions of this code, meeting the criteria in Section [17.03.050](#), Variances, but shall not consider or hear appeals resulting from a decision of a city official, board, or the legislative body.

B. The variance committee chair shall keep a record of all committee meetings, its findings and its resulting decisions, all of which shall be filed in the office of the recorder, and shall be a public record.

C. An applicant for a variance to the variance committee, or any other person adversely affected by a decision made by the variance committee, may appeal that decision to the city council, [Section 17.03.070](#).

(Ord. 2018-421 (part): Ord. 2011-366 § 1 (part))

17.03.050 Variances.

Any person or entity desiring a waiver or modification of the requirements of the zoning ordinance as applied to a parcel of property that he owns or leases, or in which he holds some other beneficial interest, may apply to a city-appointed appeal authority for a variance from the terms of the zoning ordinance.

A. A city-appointed appeal authority may grant a variance if:

1. Literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance; and
2. There are special circumstances attached to the property that do not generally apply to other properties in the same zone; and
3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone; and
4. The variance will not substantially affect the general plan and will not be contrary to the public interest; and
5. The spirit of the zoning ordinance is observed and substantial justice done.

B. In determining whether enforcement of the zoning ordinance would cause unreasonable hardship under subsection (A)(1) of this section, the appeal authority may find an unreasonable hardship if the alleged hardship:

1. Is located on or associated with the property for which the variance is sought; and
2. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood; and
3. Is not self-imposed or based on economic reasons.

C. In determining whether there are special circumstances attached to the property under subsection (A)(2) of this section, the appeal authority may find that special circumstances exist if the special circumstances:

1. Relate to the hardship complained of; and
2. Deprive the property of privileges granted to other similar properties.

D. The applicant shall bear the burden of proving that conditions justifying a variance have been met.

E. Variances run with the land.

F. The appeal authority may not grant use variances. A use that is not in conformity with Roosevelt City ordinances is only permitted under the authority of a properly held conditional use permit.

G. In granting a variance, the appeal authority may impose additional requirements on the applicant that will mitigate any harmful effects of the variance; or serve the purpose of the standard or requirement that is waived or modified.

(Ord. 2018-421 (part); Ord. 2011-366 § 1 (part))

17.03.070 Appeals.

The city council shall hear and decide appeals within thirty (30) days of the filing of the appeal with the city recorder, where it is alleged that there is error in any order, requirement, decision or determination made by the variance committee in the enforcement of this title or of any ordinance adopted pursuant thereto. (Ord. 2018-421 (part); Ord. 2011-366 § 1 (part))

17.03.080 Standing to appeal.

The following persons have the standing to appeal a final action:

- A. The owner of any property within **three hundred (300)** feet of the boundary of the subject site;
- B. Any city official, board, or appointee having jurisdiction over the matter; and

C. The owner of the subject property.

(Ord. 2018-421 (part); Ord. 2011-366 § 1 (part))

17.03.090 Form of appeals.

Appeals must be filed with the city recorder and must be by letter or petition, with the name, address, and telephone number of the petitioner; evidence that the petitioner has standing; and a comprehensive statement of the reasons for this appeal, including the specific provisions of law that are alleged to be violated by the action taken.

(Ord. 2018-421 (part); Ord. 2011-366 § 1 (part))

17.03.100 Code interpretation and administration.

All city decisions which interpret or administer this chapter may be appealed to a city-appointed appeal authority within fourteen (14) days of final action, by filing a notice of appeal with the city recorder, except that the city council shall hear appeals of planning and zoning board decisions regarding a conditional use permit. The appeal must be filed with the city recorder within fourteen (14) days of the planning and zoning board action.

(Ord. 2018-421 (part); Ord. 2017-411 § 1; Ord. 2016-408 § 1; Ord. 2011-366 § 1 (part))

17.03.110 Action to be taken.

The city shall comply with the following standards for all appeals to a city appeal authority under this chapter:

- A. The city, in consultation with the appellant, shall set a date for the appeal;
- B. The city shall notify the owner of the appeal date;
- C. The appeal authority hearing the appeal shall consider the written appeal, final action and all other information from the appellant and the zoning administrator;
- D. The appeal authority hearing the appeal may affirm, reverse, or affirm in part and reverse in part any properly appealed decision, or may remand the matter with directions for specific areas of review or clarification. Appellate review is limited to consideration of only those matters raised in the written appeal and the staff's responses thereto; and
- E. The appeal authority shall prepare detailed written findings of fact which explain the body's decision within thirty (30) working days of the appellate decision.

(Ord. 2018-421 (part); Ord. 2011-366 § 1 (part))

17.03.120 Vote necessary for reversal.

The concurring vote of a majority of the appeal authority shall be necessary to reverse any order, requirement or determination of any such administrative official, or to decide in favor of the appellant or any matter upon which is required to pass under this title or to affect any variation in the provisions of this title.

(Ord. 2018-421 (part); Ord. 2011-366 § 1 (part))

17.03.130 Decision on appeal.

In exercising the above-mentioned powers such appeal authority shall have all the powers of the officer from whom the appeal is taken and shall enter his/her decision accordingly.

(Ord. 2018-421 (part): Ord. 2011-366 § 1 (part))

17.03.140 City council call up.

Within thirty (30) calendar days of final action on any decision, the city council, on its own motion, may call up for review any final action taken by the planning board. The city recorder shall give prompt notice of the call up to the chairperson of the planning and zoning board together with the date set by the city council for consideration of the merits of the matter. In calling a matter up, the city council may limit the scope of the hearing to certain issues.

(Ord. 2018-421 (part): Ord. 2011-366 § 1 (part))

17.03.150 Notice.

Notice of all appeals or call ups shall be given by mailing a notice ten (10) days prior to the hearing to the applicant and all parties who requested mailed courtesy notice for the original action.

(Ord. 2018-421 (part): Ord. 2011-366 § 1 (part))

17.03.160 Stay of approval pending review.

Upon call up or appeal, any approval granted by the planning and zoning board or staff will be suspended until the reviewing appeal authority has taken final action on the appeal.

(Ord. 2018-421 (part): Ord. 2011-366 § 1 (part))

17.03.170 Appeal from the city council.

The applicant or any person aggrieved by city action on the project may appeal from the final action of the appeal authority or city council to a court of competent jurisdiction. The decision shall stand, and those affected by the decision may act in reliance on it unless and until a court enters an interlocutory or final order modifying or suspending the decision.

(Ord. 2018-421 (part): Ord. 2011-366 § 1 (part))

17.03.180 Finality of action.

Final action occurs when the deciding appeal authority has adopted and executed written findings of fact and conclusions of law on the matter in question.

(Ord. 2018-421 (part): Ord. 2011-366 § 1 (part))

17.03.190 Judicial review of decision.

The city or any person aggrieved by any decision of this chapter may have and maintain a plenary action for relief therefrom in any court of competent jurisdiction; provided, a petition for such relief is presented to the court within thirty (30) days after the filing of such decision. (Ord. 2018-421 (part): Ord. 2011-366 § 1 (part))

17.03.200 Rules.

Each city-appointed appeals authority shall adopt rules for the regulation of its procedures and the conduct of its duties not inconsistent with the provisions of this title or of the state law.

(Ord. 2018-421 (part): Ord. 2011-366 § 1 (part))

17.03.210 Constitutional takings.

To promote the protection of private property rights and to prevent the physical taking or exaction of private property without just compensation, the city council and all commissions, boards, appointees and designees shall adhere to the following before authorizing the seizure or exaction of property:

A. Takings Review Procedure. Prior to any proposed action to exact or seize property, the city attorney shall review the proposed action to determine if a constitutional taking requiring “just compensation” would occur. The city attorney shall review all such matters pursuant to the guidelines established in subsection B of this section. Upon identifying a possible constitutional taking, the city attorney shall, in confidential writing, protected by attorney-client relationship, inform the council, commission or board of the possible consequences of its actions. This opinion shall be advisory only. No liability shall be attributed to the city for failure to follow the recommendation of the city attorney.

B. Takings Guidelines. The city attorney shall review whether the action constitutes a constitutional taking under the Fifth or Fourteenth Amendments to the Constitution of the United States, or under the Utah Constitution. The city attorney shall determine whether the proposed action bears an essential nexus to a legitimate governmental interest and whether the action is roughly proportionate and reasonably related to the legitimate governmental interest. The city attorney shall also determine whether the action deprives the private property owner of all reasonable use of the property. These guidelines are advisory only and shall not expand or limit the scope of the city’s liability for a constitutional taking.

C. Appeal. Any owner of private property who believes that his/her property is proposed to be “taken” by an otherwise final action of the city may appeal the city’s decision to the takings appeal board within fourteen (14) days after the decision is made. The appeal must be filed in writing with the city recorder. The takings appeal board shall hear and approve and remand or reject the appeal within fourteen (14) calendar days after the appeal is filed. The takings appeal board, with advice from the city attorney, shall review the appeal pursuant to the guidelines in subsection B of this section. The decision of the takings appeal board shall be in writing and a copy given to the appellant and to the city council, commission or board that took the initial action. The takings appeal board’s rejection of an appeal constitutes exhaustion of administrative remedies, rendering the matter suitable for appeal to a court of competent jurisdiction.

D. Takings Appeal Board. There is hereby created a three-member takings appeal board. The mayor shall appoint three members of the appeal authority to serve on the takings appeal board. If, at any time, three members of the appeal authority cannot meet to satisfy the time requirements stated in subsection C of this section, the mayor shall appoint a member or sufficient members to fill the vacancies.

(Ord. 2018-421 (part); Ord. 2017-411 § 2; Ord. 2016-408 § 2; Ord. 2011-366 § 1 (part); Ord. 2003-308. Formerly Ch. 16.48)

Chapter 17.04 SUPPLEMENTARY REGULATIONS

Sections:

- 17.04.010 Effect of chapter.
- 17.04.030 Lot standards.
- 17.04.040 Every dwelling on a lot—Exceptions.
- 17.04.050 Yard space for one building only.
- 17.04.060 Private garage side yard.
- 17.04.070 Sale or lease of required space.
- 17.04.080 Sale of lots below minimum space.
- 17.04.090 Yard projections.
- 17.04.110 Additional height allowed.
- 17.04.120 Exceptions to height limitations.
- 17.04.130 Minimum height of main buildings.
- 17.04.150 Clear view of intersecting streets.
- 17.04.160 Height of fences, walls and hedges.
- 17.04.170 Street improvements.
- 17.04.180 Effect of official map.
- 17.04.190 Lots and dwellings on dedicated streets.
- 17.04.200 Annexations.
- 17.04.210 Structures permitted only on platted land.
- 17.04.220 *Adult entertainment.*

17.04.010 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.

(Ord. 2018-421 (part); Ord. 2011-366 § 1 (part); Ord. 79-101 § 3-1. Formerly 17.12.010)

17.04.030 Lot standards.

Except for cluster subdivisions, and as otherwise provided in this title, every lot, existing or intended to be created, shall have such area, width and depth as is required by this title for the zone in which such lot is located and shall have frontage upon a dedicated or publicly approved street.

(Ord. 2018-421 (part); Ord. 2011-366 § 1 (part); Ord. 79-101 § 3-3. Formerly 17.12.030)

17.04.040 Every dwelling on a lot—Exceptions.

Every dwelling structure shall be located and maintained on a separate lot having no less than the minimum area, width, depth and frontage required by this title for the zone in which the dwelling structure is located, except that group dwellings, cluster dwellings, condominiums, and other multi-structure dwelling complexes under single ownership and management, which are permitted by this title and have approval from the planning and zoning board, may occupy one lot for each such multi-structure complex.

(Ord. 2018-421 (part); Ord. 2011-366 § 1 (part); Ord. 79-101 § 3-4. Formerly 17.12.040)

17.04.050 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 buildings; 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.

(Ord. 2018-421 (part); Ord. 2011-366 § 1 (part); Ord. 79-101 § 3-5. Formerly 17.12.050)

17.04.060 Private garage side yard.

A private garage may be added to a home on any interior lot where a private garage does not exist, if it contains a sufficient number of parking spaces to meet the requirements of this title and has a side yard equal to the minimum side yard required for a dwelling in the same zone. The width of the other side yard for the dwelling may be reduced to equal that of the minimum required side yard; and on any lot where such garage has such side yard, the rear yard of the dwelling may be reduced to fifteen (15) feet, provided the garage also has a rear yard of at least fifteen (15) feet.

(Ord. 2018-421 (part); Ord. 2011-366 § 1 (part); Ord. 79-101 § 3-6. Formerly 17.12.060)

17.04.070 Sale or lease of required space.

No space needed to meet the width, yard, area, coverage, parking or other requirements of this title for lot or building may be sold or leased away from such a lot or building.

(Ord. 2018-421 (part); Ord. 2011-366 § 1 (part); Ord. 79-101 § 3-7. Formerly 17.12.070)

17.04.080 Sale of lots below minimum space.

No parcel of land which has less than the minimum width and area requirements for the zone in which it is located may be cut off from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot.

(Ord. 2018-421 (part); Ord. 2011-366 § 1 (part); Ord. 79-101 § 3-8. Formerly 17.12.080)

17.04.090 Yard projections.

A. Permitted. The following structures may be erected on or projected into any required yard:

1. Fences and walls in conformance with city codes or ordinances;
2. Landscape elements, including trees, shrubs, agricultural crops and other plants; and
3. Necessary appurtenances for utility service.

B. Minimum Projections. The structures listed below may project into a minimum yard setback area not more than two and one-half feet:

1. Cornices, eaves, belt courses, sills, buttresses, or other similar architectural features.
2. Fireplace structures and bays; provided, that they are not wider than eight feet, measured generally parallel to the wall of which they are a part.
3. Stairways, balconies, door stoops, fire escapes, awnings, planter boxes, masonry planters or other architectural features not exceeding three feet in height.
4. Decks and patios without coverings may project into a rear yard not more than twelve (12) feet, with railings not exceeding three feet in height.

(Ord. 2018-421 (part); Ord. 2011-366 § 1 (part); Ord. 79-101 § 3-9. Formerly 17.12.090)

17.04.110 Additional height allowed.

Public and quasi-public utility buildings, when authorized in a zone, may be erected to a height greater than the zone height limit by conditional use permit.

(Ord. 2018-421 (part); Ord. 2011-366 § 1 (part); Ord. 79-101 § 3-11. Formerly 17.12.110)

17.04.120 Exceptions to height limitations.

Roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, or other architectural features may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for purposes of providing additional floor space.

(Ord. 2018-421 (part); Ord. 2011-366 § 1 (part); Ord. 79-101 § 3-12. Formerly 17.12.120)

17.04.130 Minimum height of main buildings.

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

(Ord. 2018-421 (part); Ord. 2011-366 § 1 (part); Ord. 79-101 § 3-13. Formerly 17.12.130)

17.04.150 Clear view of intersecting streets.

In all zones which require a front yard, no obstruction to view in excess of three feet 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 forty (40) feet from the intersection of the street lines, unless the results of a study from a professional traffic engineering firm support a smaller clear view area, excepting trees and other landscaping if they are pruned and trimmed between a height of three feet to seven feet, so as to permit unobstructed vision to automobile drivers; and pedestal-type identification signs and pumps at gasoline service stations.

(Ord. 2018-421 (part); Ord. 2011-366 § 1 (part); Ord. 79-101 § 3-15. Formerly 17.12.150)

17.04.160 Height of fences, walls and hedges.

A. Fences, walls and hedges may be erected or allowed to six feet high when located within the buildable area. Fences over six feet in height, up to a maximum of ten (10) feet, may be approved through a conditional use permit and shall require a separate building permit.

B. Sight-obscuring fences, walls and hedges may not exceed three feet in height within any required front yard.

C. For purposes of this section, single shrub planting shall not constitute a hedge if the closest distance between the foliage of any two plants is and remains at least five feet.

D. Where a fence, wall or hedge is located along a property line separating two lots and there is a difference in the grade of properties on the two sides of the property line, the fence, wall or hedge may be erected or allowed to the maximum height permitted on either side of the property line.

E. Where a retaining wall protects a cut below or a fill above the natural grade and is located on the line separating lots or properties, 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. In such cases, the builder of the retaining wall must obtain a building permit.

(Ord. 2018-421 (part); Ord. 2011-366 § 1 (part); Ord. 85-200 § 2(3-16). Formerly 17.12.160)

17.04.170 Street improvements.

A. The installation of street improvements, including curbs, gutters, sidewalks of a type approved by the city council, asphalt required to complete the roadway surface, and any relocation of utilities required by the improvements shall be required on any existing or proposed street adjoining a lot on which a building is to be constructed or remodeled, or on which a new use is to be established. Such street improvements shall be required as a condition of building or use permit approval, unless exempt.

B. Exemptions. The following are exempt from the street improvements requirement:

1. Internal remodeling of commercial tenant spaces;
2. Building additions three hundred (300) square feet or less;
3. Residential basement finishes;
4. Any residential property which obtains an exemption through the conditional use permit process. When an exemption is granted, the property owner shall continue to be responsible for their pro rata share of improvements when those improvements are ultimately made.

(Ord. 2018-421 (part): Ord. 2011-366 § 1 (part): Ord. 79-101 § 3-17. Formerly 17.12.170)

17.04.180 Effect of official map.

Wherever a front yard is required for a lot facing a street for which an official map has been recorded, the depth of such a front yard shall be measured from the property line provided by the official map.

(Ord. 2018-421 (part): Ord. 2011-366 § 1 (part): Ord. 79-101 § 3-18. Formerly 17.12.180)

17.04.190 Lots and dwellings on dedicated streets.

Every lot shall be required to have frontage on a public street that has been deeded or dedicated to the local jurisdiction for use and access by the general public.

(Ord. 2018-421 (part): Ord. 2011-366 § 1 (part): Ord. 79-101 § 3-19. Formerly 17.12.190)

17.04.200 Annexations.

In every case where territory becomes a part of the city by annexation, the same shall be classified as to which zone it shall be by the city council upon recommendation by the planning and zoning board at the time of the adoption of the annexation ordinance. The criteria used in zoning said newly annexed property shall be as follows: its current use at the time of annexation, its proposed future use, or by such other criteria which are commonly used by the planning and zoning board to properly zone property.

(Ord. 2018-421 (part): Ord. 2011-366 § 1 (part): Ord. 79-101 § 3-20. Formerly 17.12.200)

17.04.210 Structures permitted only on platted land.

No structure of any kind shall be permitted within the corporate limits of the local jurisdiction until and unless the tract or parcel of land upon which the structure shall be situated has been platted and the plat accepted by the local jurisdiction through those procedures specified for subdivisions in the subdivision ordinance of the local jurisdiction, Title 16.

(Ord. 2018-421 (part): Ord. 2011-366 § 1 (part): Ord. 79-101 § 3-21. Formerly 17.12.210)

17.04.220 Adult entertainment.

The purpose of this provision is to establish reasonable and uniform regulations to prevent the concentration of adult-oriented businesses or their location in areas deleterious to the health, safety and welfare of the city, and to prevent inappropriate exposure of such businesses to the community. To accomplish this objective, the following standards shall apply:

A. Defined. "Adult entertainment" is defined as any shop, retail business, store, drugstore or other premises of sexually oriented business that caters exclusively to adult persons to the advertised exclusion of minors.

B. Distance Requirements. No adult entertainment business shall be located within a two thousand (2,000) foot radius of any church, park, school, public library, public playground or residential zone, as measured by a straight line without regard to intervening structures. The distance is measured from the property line of the church, park, school, public library, public playground or residential zone nearest the adult business and the

property line of the adult business nearest the church, park, school, public library, public playground or residential zone.

C. Distance to Another Adult Facility. No adult business shall be located within a two thousand (2,000) foot radius of another adult business. The distance is measured from the property line of the adult business nearest the proposed location of the new adult business and the property line of the proposed adult business nearest the established sexually oriented business.

(Ord. 2018-421 (part); Ord. 2011-366 § 1 (part))

Chapter 17.05 NONCONFORMING USES AND NONCOMPLYING STRUCTURES

Sections:

- 17.05.010 Purpose.
- 17.05.020 Determination of nonconforming status.
- 17.05.030 Authority to continue.
- 17.05.040 Abandonment, loss of nonconforming use.
- 17.05.050 Moving, enlarging or altering nonconforming uses.
- 17.05.070 Normal repair and maintenance, safety.
- 17.05.080 Appeals.

Prior legislation: Ord. 79-101 § 4.

17.05.010 Purpose.

This chapter regulates the continued existence of nonconforming uses and noncomplying structures as defined in Chapter 17.01. While nonconforming uses, noncomplying structures and improvements may continue, this chapter is intended to limit enlargement, alteration, restoration, or replacement which would increase the discrepancy between existing conditions and the development standards prescribed by this code. In addition, applications are reviewed to ensure that they are reducing the degree of nonconformity and improving the physical appearance of the structure and site through such measures as landscaping, building design, or the improved function of the use in relation to other uses.

(Ord. 2018-421 (part): Ord. 2011-366 § 1 (part))

17.05.020 Determination of nonconforming status.

A. The owner bears the burden of establishing that any nonconforming use or noncomplying structure lawfully exists.

B. The planning and zoning board shall determine the nonconforming or noncomplying status of properties. Any decision of the administrator may be appealed within ten (10) calendar days of the decision to a city appointed appeal authority. Upon appeal, the appeal authority shall conduct a hearing and shall review the matter **under de novo standard of review.**

(Ord. 2018-421 (part): Ord. 2011-366 § 1 (part))

17.05.030 Authority to continue.

A. A lawful nonconforming use may continue subject to the standards and limitations of this chapter.

B. A noncomplying structure that was lawfully constructed with a permit prior to a contrary change in this code may be used and maintained, subject to the standards and limitations of this chapter.

(Ord. 2018-421 (part): Ord. 2011-366 § 1 (part))

17.05.040 Abandonment, loss of nonconforming use.

A. A nonconforming use that is discontinued for a continuous period of twelve (12) months is presumed abandoned and shall not thereafter be reestablished or resumed. Any subsequent use of the building, structure, or land must conform to the regulations for the zone in which it is located.

B. The presumption of abandonment may be rebutted upon showing that:

1. Any period of discontinued use was caused by governmental actions or an act of God without any contributing fault by the owner, and the owner did not intend to discontinue the use; or
2. The owner can demonstrate no abandonment of the use.

(Ord. 2018-421 (part); Ord. 2011-366 § 1 (part))

17.05.050 Moving, enlarging or altering nonconforming uses.

No nonconforming use may be moved, enlarged, altered or occupy additional land, except as provided in this chapter.

A. A nonconforming use may not be enlarged, expanded, or extended to occupy all or part of another structure or site that it did not occupy on the date on which the use became nonconforming. A nonconforming use may be extended through the same structure provided no structural alteration of the structure is proposed or made for the purpose of the extension, and the parking demand is not increased.

B. Exterior or interior remodeling or improvements to a structure containing a nonconforming use shall be allowed, provided there is no expansion of the area of the nonconforming use.

C. A structure containing a nonconforming use may not be moved unless the use shall thereafter conform to the regulations of the zone into which the structure is moved.

D. Whenever any nonconforming use is changed to a conforming use, such use shall not later be changed back to a nonconforming use.

1. Application for any nonconforming use must be made upon forms provided by the city recorder. Upon filing of a complete application, the city shall post the property indicating that an application for modification of a nonconforming use has been filed and that more detailed information may be obtained from the city.

2. Notice shall be provided pursuant to Utah State law as amended.

3. Within thirty (30) working days of the receipt of a complete application, and after giving proper notice, the planning and zoning board shall hold a public meeting on the nonconforming use application. The board shall either grant the application in whole or in part, with or without modifications or conditions, or deny the application. The board's decision shall be made pursuant to criteria provided below.

4. The planning and zoning board shall approve an application to change a nonconforming use to another nonconforming use if the applicant proves the following criteria:

a. All reasonable measures will be undertaken to alleviate or reduce the incompatibility or adverse effects of the nonconforming use or building upon abutting properties or in the neighborhood; and

b. All changes, additions, or expansions comply with all current laws except as to use; and

c. The new use, if applicable, will provide for enclosed storage of necessary equipment, materials, and refuse, rather than create a need for additional outside storage; and

d. The new use does not increase the parking requirement; or if there is an increase, the site plan meets the parking requirement and the planning and zoning board finds that adjoining properties and the neighborhood will not be adversely impacted by the increased parking demand.

(Ord. 2018-421 (part); Ord. 2011-366 § 1 (part))

17.05.070 Normal repair and maintenance, safety.

The owner may complete normal maintenance and incidental repair on a complying structure that contains a nonconforming use or on a noncomplying structure. This chapter shall not be construed to authorize any

violations of law nor to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of the building official who declares such structure to be unsafe and orders its restoration to a safe condition.

(Ord. 2018-421 (part); Ord. 2011-366 § 1 (part))

17.05.080 Appeals.

Appeal from a planning and zoning board decision made pursuant to this chapter shall be made to a city-appointed appeals authority. Any person filing an appeal for review of any decision made under the terms of this chapter shall file such appeal within fourteen (14) days after the date of the planning and zoning board's final decision.

(Ord. 2018-421 (part); Ord. 2017-411 § 2; Ord. 2016-408 § 2; Ord. 2011-366 § 1 (part))

Chapter 17.06 OFF-STREET PARKING

Sections:

17.06.010 *Number of parking spaces.*

17.06.020 *Parking lots.*

17.06.010 Number of parking spaces.

The number of off-street parking spaces required shall be as follows:

#	Type of Use	Parking Spaces Requirement
1.	Business or professional offices	1 per 300 sq. ft. of net floor area
2.	Churches with fixed seating	1 per each 3.5 fixed seats, or 1 per each 7 feet of linear pew, whichever is greater
3.	Churches without fixed seats, sports arenas, auditoriums, theaters, assembly halls, meeting rooms	1 per each 3.5 seats of maximum seating capacity
4.	Single-family and two-family dwellings	2 per dwelling unit
5.	Multifamily dwellings	2.25 per dwelling unit
6.	Group dwellings	1.5 per dwelling unit
7.	Hotels, motels, motor hotels	1 per each sleeping unit, plus parking for all accessory uses as herein specified
8.	Hospitals	2 per each bed
9.	Nursing homes	4, plus 1 per each 5 beds
10.	Restaurants, taverns, private clubs, and all other similar dining and/or drinking establishments	1 per each 3.5 seats or 1 per each 100 sq. ft. (excluding kitchen, storage, etc.), whichever is greater
11.	Grocery stores	1 per each 200 sq. ft. of retail floor area
12.	Clothing and hardware stores	1 per each 400 sq. ft. of retail floor area
13.	Furniture and appliance stores	1 per 600 sq. ft. of floor area
14.	Wholesale establishments, warehouses, manufacturing establishments, and all industrial uses	No fewer than 1 space for every 2 employees projected for the highest employment shift
15.	Commercial storage units	1 per 10 storage units, plus 1 per employee
16.	Disabled and motorcycle parking spaces	1 disabled per 25 spaces, plus 1 per each additional 50 spaces, and 1 motorcycle stall per 25 spaces
17.	All other uses not listed above	As determined by the building inspector, based on the nearest comparable use standards

A. Retail Joint Use.

1. In the event two or more retail store types are located within a single structure or business, parking spaces shall be provided in accordance with the square footage occupied by each particular type as specified above;

2. When two or more retail businesses adjoin a connected or common off-street parking area and one or more of the businesses is considered to be primarily a daytime use while one or more of the remaining businesses is considered to be primarily a nighttime business, and the total off-street parking area is available for the joint or common use of each business, the total parking area can be considered for purposes of satisfying the number of parking spaces as required in this chapter insofar as the total parking area is sufficient, as required by this section, for all daytime businesses during normal daytime operating hours and sufficient for all nighttime businesses during normal nighttime operating hours, and no significant overlap in the hours of business operations exists between the daytime and nighttime businesses hours of operation;

B. Common parking facilities may be provided in lieu of individual requirements contained herein, provided the total of such off-street parking spaces when used together shall not be less than the sum of the various uses computed separately, and appropriate easements or covenants are executed between the parties and recorded in the office of the county recorder of Duchesne County, Utah;

C. Within commercially zoned areas, wherever existing on-street parking is immediately adjacent to a business or other entity as listed above, one-half the designated on-street parking spaces may be included in satisfying the number of required parking spaces set forth herein. (Ord. 2018-421 (part): Ord. 2011-366 § 1 (part): Ord. 85-194 § 1: Ord. 79-101 § 5-1. Formerly 17.20.010)

17.06.020 Parking lots.

Every parcel of land used as a public or private parking lot shall be developed and maintained in accordance with the following requirements:

A. Each off-street parking lot shall be surfaced with a minimum of two inches of asphalt or three and one-half inches of Portland cement. The parking area shall be so graded as to dispose of all surface water. If such water is to be carried to adjacent streets, it shall be piped under sidewalks.

B. Lighting. Lighting used to illuminate any parking lot shall be dark-sky compliant and shall be arranged to reflect the light away from adjoining premises in any residential zone, and from street traffic.

(Ord. 2018-421 (part): Ord. 2011-366 § 1 (part))

Chapter 17.07 HOME OCCUPATIONS

Sections:

- 17.07.010 Purpose.
- 17.07.020 Permitted uses.
- 17.07.030 Home occupation permit—When required.
- 17.07.040 Application procedure.
- 17.07.050 Conditions.
- 17.07.060 Permits.
- 17.07.070 Noncompliance.
- 17.07.080 Nonconforming permits not renewable.
- 17.07.090 Business license required.

17.07.010 Purpose.

The purpose of this chapter is:

- A. To protect the character of residential neighborhoods by regulating the type and extent of any use of a residence for purposes other than as a dwelling;
- B. To allow certain uses as defined to exist within residential areas.

(Ord. 2018-421 (part); Ord. 2017-409 (part); Ord. 2011-366 § 1 (part); Ord. 79-101 § 6-1. Formerly 17.24.010)

17.07.020 Permitted uses.

A. The designated “permitted uses” herein shall be subject to home occupation and/or conditional use permits if any employee does not reside in the subject premises as their primary residence.

B. All occupations expressly permitted remain subject to any and all other Utah State and Roosevelt City local permit and/or license requirements.

C. Subject to the provisions of **Title 5, Chapters 17.01 and 17.08 and Section 17.07.050**, the following uses are hereby expressly permitted without the necessity of a home occupation permit or conditional use permit, subject to the limitations of subsections A and B of this section:

1. Home office.
2. Accounting services.
3. Consulting services.
4. Bookkeeping.
5. Internet or mail-order sales.
6. Computer-based businesses.
7. Professional services properly licensed with the state of Utah.
8. Insurance sales or broker.
9. Janitorial service.
10. Construction office (no storage or use of heavy equipment).

11. Landscaping contractor (no storage or use of heavy equipment).
12. Real estate sales or broker.
13. Sales representative.
14. Direct sales distribution.
15. Artists and/or authors.
16. Home crafts and arts.
17. Sewing or embossing of clothing or fabrics.
18. Musical lessons.
19. Barber shops, beauty shops or nail salons.
20. Daycare for up to four children per day.
21. Massage therapy.
22. Garden produce (produced on site).

(Ord. 2018-421 (part); Ord. 2017-409 (part))

17.07.030 Home occupation permit—When required.

To assure compliance with the provisions of this chapter, a home occupation permit shall be obtained from the planning and zoning board, for any use not expressly permitted by Section 17.07.020(C), before a dwelling unit in a residential zone may be used for business purposes unless the individual who would otherwise be subject to the permit is under eighteen (18) years of age and the business is only operated occasionally. A home occupation is as defined in Chapter 17.01 except for those uses expressly permitted herein.

(Ord. 2018-421 (part); Ord. 2017-409 (part); Ord. 2011-366 § 1 (part); Ord. 79-101 § 6-2. Formerly 17.07.020)

17.07.040 Application procedure.

All home occupations not expressly permitted by Section 17.07.020(C) are considered as conditional uses in any residential zone. All requests for a home occupation will be subject to the requirements in Chapter 17.08, Conditional Uses; a home occupation permit shall be defined as the conditional use permit in this instance. No fee will be charged for any home-based business permit or license.

(Ord. 2018-421 (part); Ord. 2017-409 (part); Ord. 2011-366 § 1 (part); Ord. 79-101 § 6-3. Formerly 17.07.030)

17.07.050 Conditions.

Each of the following conditions must be observed at all times when operating a home occupation:

- A. The home occupation shall be conducted entirely within the dwelling, with the exception of garden produce. An attached garage is not to be considered as part of the dwelling for use of a home occupation.
- B. The home occupation shall be carried on only by the residing person and/or residing family members.
- C. The home occupation shall not involve the use of any accessory building nor yard space for storage or activities outside the dwelling. “Garden produce” exempted.
- D. Not more than the equivalent of twenty-five (25) percent of the ground floor area of the dwelling shall be devoted to the home occupation. “Garden produce” exempted.

E. The home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the character of the building from that of a dwelling.

F. No mechanical or electrical apparatus, equipment or tools shall be permitted except those items which are commonly associated with a residential use or as are customary with home crafts.

G. No advertising shall be displayed on the premises with the exception of a sign for identification purposes only. Such a sign must be attached to the residence and shall be no larger than two square feet in area.

H. The home occupation shall not alter the residential character of the premises or unreasonably disturb the peace and quiet, including radio and television reception, of the neighborhood, by reason of color, design, materials, construction lighting, sounds, noises, or vibrations.

I. The home occupation shall not generate pedestrian or vehicular traffic in excess of that customarily associated with the zone in which the use is located.

J. Any special conditions established by the planning and zoning board and made a record in the minutes of said board, as that body deems necessary to carry out the purpose of this chapter, shall be met.

K. Access for home occupation activity shall be limited to a normal dwelling entrance. No special entrance is to be created specifically for the home occupation.

L. "Home occupation" shall include the care of not more than four children other than members of the family residing in the dwelling for an expressly permitted use and not more than twelve (12) children for an occupation which has obtained proper home occupation and/or conditional use permits.

M. Promotional meetings for the purpose of selling merchandise, taking orders or training shall not be held more than once per month.

N. No display of any kind shall be visible from the exterior of the premises.

O. Only one vehicle may be used in association with the home occupation and shall be garaged or stored entirely within a building or structure. The vehicle used for the home occupation shall be limited to a maximum size of one-ton gross vehicle weight. No business shall be permitted that requires receipt or delivery of merchandise, goods or equipment by other than a passenger motor vehicle or by parcel or letter carrier mail service using vehicles typically employed in residential deliveries. No deliveries by semi-tractor/trailer truck are permitted.

P. In all cases where a home occupation is engaged in, there shall be no advertising of said occupation, no window displays, or signs except as permitted herein.

Q. Disabled persons can obtain a waiver of one or more of these conditions through the conditional use permit process to allow such persons to become self-sufficient.

(Ord. 2018-421 (part); Ord. 2017-409 (part); Ord. 2011-366 § 1 (part); Ord. 97-277 §§ 1, 2; Ord. 83-176B § 2; Ord. 81-127 § 1; Ord. 79-101 § 6-4. Formerly 17.07.040)

17.07.060 Permits.

All home occupation permits shall be valid for one year and may be renewed annually.

(Ord. 2018-421 (part); Ord. 2017-409 (part); Ord. 2011-366 § 1 (part). Formerly 17.07.050)

17.07.070 Noncompliance.

Any home occupation permit may be revoked by the Roosevelt City council after review and recommendation of the planning and zoning board, upon failure to comply with the conditions imposed with the original approval of the permit. Any use expressly permitted pursuant to Section **17.07.020** that does not at all times

conform with all applicable provisions of Section **17.07.050** shall immediately be required to obtain a home occupation permit and/or conditional use permit.

(Ord. 2018-421 (part): Ord. 2017-409 (part): Ord. 2011-366 § 1 (part): Ord. 79-101 § 6-6. Formerly 17.07.060)

17.07.080 Nonconforming permits not renewable.

Notwithstanding any other provision of this chapter or any other ordinance of the city, any home occupation which becomes nonconforming upon adoption of this chapter shall not be renewed when discontinued for any period greater than sixty (60) days by the present permittee. Home occupation permits shall not be transferred from one person to another, nor from one location to another.

(Ord. 2018-421 (part): Ord. 2017-409 (part): Ord. 2011-366 § 1 (part): Ord. 79-101 § 6-7. Formerly 17.07.070)

17.07.090 Business license required.

A home occupation permit is not a business license, and the granting of said permit shall not relieve the permittee of any other license requirement of the city or of any other public agency except that no fee shall be charged for a home-based business license.

(Ord. 2018-421 (part): Ord. 2017-409 (part): Ord. 2011-366 § 1 (part): Ord. 79-101 § 6-8. Formerly 17.07.080)

Chapter 17.08 - CONDITIONAL USES

Sections:

- 17.08.010 Purpose of conditional use provisions.
- 17.08.020 Permit required.
- 17.08.030 Application.
- 17.08.040 Fee.
- 17.08.050 Public hearing.
- 17.08.060 Determination.
- 17.08.070 Appeals of decision.
- 17.08.080 Inspection.
- 17.08.090 Time limit.

17.08.010 Purpose of conditional use provisions.

Certain uses which may be harmonious under special conditions and in specific locations within a zone, but may be improper under general conditions and in other locations, are classed as conditional uses within the various zones and require conditional use permits for approval.

(Ord. 2018-421 (part); Ord. 2011-366 § 1 (part); Ord. 79-101 § 7-1. Formerly 17.28.010)

17.08.020 Permit required.

A conditional use permit shall be required for all uses listed as conditional uses in the zone regulations or elsewhere in this title. A conditional use permit may be revoked upon failure to comply with conditions precedent to the original approval of the certificate.

(Ord. 2018-421 (part); Ord. 2011-366 § 1 (part); Ord. 79-101 § 7-2. Formerly 17.28.020)

17.08.030 Application.

A conditional use permit application shall be made to the planning and zoning board.

Applications for a conditional use permit shall be accompanied by maps, drawings, statements, or other documents as required by the planning and zoning board.

(Ord. 2018-421 (part); Ord. 2011-366 § 1 (part); Ord. 79-101 § 7-3. Formerly 17.28.030)

17.08.040 Fee.

The application for any conditional use permit shall be accompanied by the appropriate fee as determined by the city council.

(Ord. 2018-421 (part); Ord. 2011-366 § 1 (part); Ord. 79-101 § 7-4. Formerly 17.28.040)

17.08.050 Public hearing.

No public hearing needs to be held. However, a hearing may be held if the building inspector or planning and zoning board shall deem a hearing to be necessary and in the public interest.

(Ord. 2018-421 (part); Ord. 2011-366 § 1 (part); Ord. 79-101 § 7-5. Formerly 17.28.050)

17.08.060 Determination.

A. The planning and zoning board may permit a conditional use to be located within any zone in which the particular conditional use is permitted by the use regulations of this title. In authorizing any conditional use, the planning and zoning board shall impose such requirements and conditions as are necessary for the protection of adjacent property and the public welfare. The planning and zoning board shall not authorize a conditional use

permit unless the evidence presented is such as to establish, or the requiring of mitigating conditions will establish:

1. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or be injurious to property or improvements in the vicinity; and

2. That the proposed use will comply with regulations and conditions specified in this title for such use.

B. The planning and zoning board shall itemize, describe, or justify the conditions imposed on the use.

C. Criteria for requiring mitigating conditions should be based on establishing a situation in which the use will:

1. Comply with all applicable provisions of this title, state and federal law;

2. Be in accordance with the purposes of the zone in which that use is proposed;

3. Be an appropriate addition to the zone because it has the same basic characteristics as the other uses permitted in the zone;

4. Not be detrimental to the public health, safety or welfare;

5. Not adversely affect the character of that zone in which it is proposed to be established;

6. Not create more traffic, odor, dust, dirt, smoke, noise, vibration, illumination, glare, unsightliness, or any other objectionable influence than the amount normally created by any of the uses listed as permitted uses in that zone;

7. Not create any greater hazard of fire or explosion than the hazard normally created by any of the uses listed as permitted uses in that zone;

8. Be provided with sufficient utility capacity;

9. Be provided with sufficient emergency vehicle access;

10. Comply with off-street parking standards;

11. Provide, if necessary, a plan for fencing, screening and landscaping to separate the use from adjoining uses and mitigate the potential for conflict of uses;

12. Comply with the lighting standards of the zone;

13. Fully mitigate impacts on the aquifer, slope retention and flood potential within and adjoining the site, appropriate to the topography of the site. (Ord. 2018-421 (part): Ord. 2011-366 § 1 (part): Ord. 79-101 § 7-6. Formerly 17.28.060)

17.08.070 Appeals of decision.

A person with standing as defined by [Section 17.03.080](#) shall have the right to appeal the decision of the building inspector to the planning and zoning board. Appeals from the decision of the planning and zoning board shall be to the city council.

(Ord. 2018-421 (part): Ord. 2011-366 § 1 (part): Ord. 79-101 § 7-7. Formerly 17.28.070)

17.08.080 Inspection.

Following the issuance of a conditional use permit by the planning and zoning board, the building inspector may approve an application for a building permit; provided, that development is undertaken and completed in compliance with said conditional use and other applicable requirements.

(Ord. 2018-421 (part); Ord. 2011-366 § 1 (part); Ord. 79-101 § 7-8. Formerly 17.28.080)

17.08.090 Time limit.

A. A conditional use permit for temporary uses may be issued for a maximum period of six months, with renewals at the discretion of the planning and zoning board for not more than three successive periods thereafter.

B. Unless there is substantial action under a conditional use permit within a maximum period of one year of its issuance, the said permit shall expire. The planning and zoning board may grant a maximum extension for six months, when deemed in the public interest.

(Ord. 2018-421 (part); Ord. 2011-366 § 1 (part); Ord. 79-101 § 7-9. Formerly 17.28.090)

Chapter 17.10

MANUFACTURED HOMES

Sections:

- 17.10.010 Purpose.
- 17.10.020 Location and use.
- 17.10.030 Existing park standards and requirements.
- 17.10.040 Guarantees.

Prior legislation: Ord. 86-204.

17.10.010 Purpose.

The purpose of this chapter is to permit the development of manufactured homes in an orderly and well-designed fashion and require that manufactured homes in Roosevelt will be of such character as to promote the objectives and purposes of this title; to protect the integrity and characteristics of the zones in which manufactured homes are located. (Ord. 2018-421 (part): Ord. 2011-366 § 1 (part): Ord. 85-192 § 1: Ord. 79-101 § 9-1. Formerly 17.36.010)

17.10.020 Location and use.

- A. Manufactured homes are permitted only in the R-1-6, R-M-13 and R-M-18 zones.
- B. Minimum size for a manufactured home is one thousand (1,000) square feet.
- C. Siding must be made of nonreflective materials, which may include hard board, masonite, wood or similar materials.
- D. Minimum width is twenty-four (24) feet.
- E. Roof structure must be pitched and shingled or covered with shingle equivalent.
- F. Only homes manufactured after June 15, 1976, may be approved, and must have date plates providing:
 - 1. Date of manufacture;
 - 2. Place of manufacture;
 - 3. Inspecting agent's name.
- G. All permitted manufactured homes must comply with all city building and zoning regulations.
- H. Manufactured homes shall be taxed as real property and must be placed on a permanent foundation in accordance with the International Building Code. (Ord. 2018-421 (part): Ord. 2011-366 § 1 (part): Ord. 85-192 § 2: Ord. 82-141 § 2(9-2). Formerly 17.36.020)

17.10.030 Existing park standards and requirements.

The development of new manufactured home parks is not permitted. Existing manufactured home parks, approved prior to November 2010, shall be regulated by the following standards and requirements when new improvements or additions are considered:

- A. The area shall be in one ownership, or if in several ownerships the application for the approval of the manufactured home park shall be filed jointly by all owners of the property included in the plan.
- B. The density in a manufactured home park shall not exceed seven units per acre (four thousand (4,000) square feet per lot). The remaining land not contained in individual lots, roads or parking shall be set aside and

developed as parks, playgrounds and service areas for the common use and enjoyment of the occupants of the development and visitors thereto.

C. Not less than fifteen (15) percent of the gross area of the manufactured home park shall be set aside as playground or recreation area for the joint use of occupants. The land covered by vehicular roadways, sidewalks and off-street parking shall not be construed as part of the area required for parks and playgrounds.

D. No manufactured homes or add-ons shall be located closer than fifteen (15) feet from the nearest portion of any other manufactured homes or add-ons. All manufactured homes and add-ons shall be planted in lawns, trees and shrubs or otherwise landscaped.

E. All areas not covered by manufactured homes, hard-surfacing, buildings, off-street parking, space or driveways shall be planted in lawns, trees and shrubs or otherwise landscaped.

F. All off-street parking spaces and driveways shall be hard-surfaced before the adjacent manufactured home spaces may be occupied.

G. A strip of land at least fifteen (15) feet wide on the sides and twenty (20) feet in the front and rear of the manufactured home park shall be left unoccupied by manufactured homes and shall be planted and maintained in lawns, shrubs and trees designed to afford privacy to the development.

H. All storage and solid waste receptacles outside of the confines of the manufactured homes must be housed in a closed structure compatible in design and construction to the manufactured homes and to any service buildings within the manufactured home park; all patios, garages, carports, and other add-ons must be compatible in design and construction with the manufactured homes and with the buildings.

I. Roadways shall be hard-surfaced and of adequate width to accommodate anticipated traffic as set out in subsections J and K of this section.

J. All streets shall be thirty (30) feet in width to provide for two-way traffic.

K. For entrance streets: minimum of thirty-six (36) feet in width. All entrance streets shall be bordered by curb. There shall be no more than two entrances from the court into any one street. Entrances shall be no closer than twenty-five (25) feet from each other nor closer than fifteen (15) feet to the corner of the intersections.

L. Access shall be provided to each manufactured home stand by means of an access way reserved for maneuvering manufactured homes into position and shall be kept free from trees and other immovable obstructions. Paving the access way shall not be required. Use of planks, steel mats, or other means during the placement of a manufactured home shall be allowed so long as the same are removed immediately after placement of the manufactured home.

M. Off-street parking shall be provided at the rate of two parking spaces per manufactured home space contained within the manufactured home park. In no case shall the parking space be located greater than one hundred (100) feet away from the manufactured home space it is designed to serve, except that one-fourth of the required parking space may be located not more than three hundred (300) feet away from the manufactured home spaces it is designed to serve. If the combined length of the manufactured home and pulling vehicle will allow it, that pulling vehicle may be parked on the home space, but parking shall not be reduced from that set out above.

N. In addition to meeting the above requirements and conforming to the other laws of the city, all manufactured home parks shall also conform to requirements set forth in the Code of Camp, Trailer Court, Hotel, Motel, and Resort Sanitation Regulations adopted by the Utah State Board of Health, and to the fire prevention code, which codes are adopted by reference, copies of which are filed at the city office for use of the public, and all restrictions, regulations and notations contained therein shall be made a part of this title as if fully set forth herein. In event of any conflict between said regulations or codes and this section, this section shall take precedence.

O. Utilities and Other Services. Utility lines and equipment should be located and constructed in conformity with good engineering and construction practices and shall be in compliance with all applicable laws, ordinances or codes of Roosevelt City and the state of Utah.

1. Each manufactured home space shall be provided with a four-inch sewer connection which shall be capped, so as to prevent any escape of odors or possible damage to the sewer system. The manufactured home sanitary drain shall be watertight and self-draining and shall be constructed of smooth plastic pipe or other material approved by state and local plumbing laws and regulations. All sewer mains will contain devices allowing access and cleaning of said lines at locations separated by not more than one hundred (100) feet.

2. A public supply of water shall be obtained from an approved public water system. An adequate amount of water shall be piped to each manufactured home lot through a private system of a design acceptable to the city. Fire hydrants of a design and in sufficient number as approved by the city shall be installed according to the city specifications.

3. All electricity, telephone and other service lines to each manufactured home lot shall be underground and shall comply with all currently adopted state and local laws and regulations.

4. Any liquid fuel storage shall be located in tanks at a distance away from any manufactured home lot as determined safe by the building official and/or fire chief and in accordance with state regulations. All fuel lines shall be underground and, if metered, said meters shall be arranged in a uniform manner.

5. Street Lighting. Street lighting shall be provided according to standards approved by the city in sufficient number and intensity to permit safe movement of vehicles and pedestrians at night, and shall be effectively related to buildings, trees, walks, steps and ramps.

6. Refuse Handling and Receptacles. The storage, collection and disposal of refuse in the manufactured home park shall be managed so as to create no health hazards, rodent harborage, insect breeding or accident hazards. All refuse shall be stored in watertight, rodent-proof containers, and shall be provided in sufficient number and capacity to prevent any refuse from overflowing or blowing away. Satisfactory container racks or dumpsters shall be provided at permanent locations convenient to manufactured home spaces, in areas screened from general view. Methods of storage and collection shall be in compliance with local laws and regulations. (Ord. 2018-421 (part); Ord. 2011-366 § 1 (part); Ord. 85-192 § 4(II); Ord. 79-101 § 9-4(II). Formerly 17.36.050)

17.10.040 Guarantees.

A. Adequate and reasonable guarantees may be required by the city as determined by the planning and zoning board for permanent retention of open space and for the maintenance of roadways, storage facilities, service facilities and landscaping resulting from the application of these regulations. Guarantees may be in the form of a bond, a mortgage on real estate, or other acceptable form in the sum to be determined by the planning and zoning board.

B. In any case, when a manufactured home park is owned by more than an individual person, the owner shall establish and appoint an agent for the purpose of service of process, which agent shall be authorized to receive process and represent fully the interests of the owners in respect to continuing management and maintenance of the manufactured home park.

C. Prerequisite to the operations of any manufactured home park in the city shall be the obtaining of an annual license. It shall be unlawful to operate a manufactured home park without first obtaining a license, and said license shall be refused or revoked upon failure of the owner and/or operator to maintain the park in accordance with the standards and requirements as herein set forth. (Ord. 2018-421 (part); Ord. 2011-366 § 1 (part); Ord. 85-192 § 4(III); Ord. 79-101 § 9-4(III). Formerly 17.36.060)

Chapter 17.13 - DESIGN REVIEW

Sections:

- 17.13.010 Purpose.
- 17.13.020 Application and site plans review.
- 17.13.030 Exceptions.
- 17.13.050 Considerations in review of applications.
- 17.13.060 Transfer of approval upon change in use.
- 17.13.080 Modification.

17.13.010 Purpose.

The purpose and intent of design review is to secure the general purposes of this title and the general plan and to ensure that the general appearance of buildings and structures and the development of the land shall in no case be such as would impair the orderly and harmonious development of the neighborhood or impair investment in and occupation of the neighborhood.

It shall not be the intent of this chapter to restrict or specify the particular architectural design proposed or to specify the exterior detail or design, color or materials proposed by the applicant, except as such detail is of such magnitude as to affect the general appearance and compatibility of the development with its surroundings.

(Ord. 2018-421 (part); Ord. 2011-366 § 1 (part); Ord. 79-101 § 12-1. Formerly 17.48.010)

17.13.020 Application and site plans review.

All applications for building permits for all buildings and development projects, except for single-family dwellings and their accessory buildings, shall be accompanied by architectural and site development plans to scale, which shall show:

- A. Scale of plan, and direction of north point;
- B. Lot lines, location and size of adjacent streets, roads, rights-of-way;
- C. Motor vehicles access, circulation patterns, off-street parking with individual parking stalls, and curb, gutter and sidewalk location;
- D. Location of all existing structures on subject property and adjoining properties, with utility lines, poles, etc., fully dimensioned;
- E. Location of proposed construction and improvements, with location and dimension of all signs;
- F. Landscaping, prominent existing trees and ground treatment;
- G. Existing grades and proposed new grades;
- H. Drawings of the major exterior elevations, building materials, proposed exterior color scheme;
- I. Necessary explanatory notes;
- J. Name, address, telephone number of builder and owner;
- K. All other development information as required within the zone in which the building or project is located, and as determined by the zoning administrator;

L. Approval. All architectural and site development plans shall be reviewed by the building inspector and may be authorized when the application meets all requirements of this title. All of the above required architectural and site development plans shall have been reviewed and approved prior to the issuing of a building permit.

(Ord. 2018-421 (part): Ord. 2011-366 § 1 (part): Ord. 79-101 § 12-2. Formerly 17.48.020)

17.13.030 Exceptions.

For buildings and uses covered by conditional use permit approval, design review shall be incorporated within such conditional use permit approval and need not be a separate application, provided the requirements of this chapter are met.

(Ord. 2018-421 (part): Ord. 2011-366 § 1 (part): Ord. 79-101 § 12-3. Formerly 17.48.030)

17.13.050 Considerations in review of applications.

The zoning administrator shall consider and base decisions related to approval of the following matters, and others when applicable, in their review of applications:

A. Considerations Relating to Traffic Safety and Traffic Congestion.

1. The effect of the site development plan on traffic conditions on abutting street;
2. The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives and walkways;
3. The arrangement and adequacy of off-street parking facilities to prevent traffic congestion;
4. The location, arrangement and dimensions of truck loading and unloading facilities;
5. The circulation patterns within the boundaries of the development;
6. The surfacing and lighting of off-street parking facilities;

B. Considerations Relating to Outdoor Advertising. The number, location, color, size, height, lighting and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and the appearance and harmony with adjacent development, following the requirements of the zone in which the development project is located;

C. Considerations Relating to Landscaping.

1. The location, height and materials of walls, fences, hedges and screen plantings to ensure harmony with adjacent development, or to conceal storage areas, utility installations, or other unsightly development, following the requirements of the zone in which the development project is located;
2. The planting of ground cover or the installation of other landscape surfacing including decorative cement, pavers and rock, wood bark or similar materials to prevent dust and erosion;
3. The unnecessary destruction of existing, healthy trees.

(Ord. 2018-421 (part): Ord. 2011-366 § 1 (part): Ord. 79-101 § 12-5. Formerly 17.48.050)

17.13.060 Transfer of approval upon change in use.

Design approval shall be deemed revoked if the buildings erected or the classification of their use or the classification of the use of the land for which the approval was granted is changed. Any further action shall be preceded by a new application being filed and approved.

(Ord. 2018-421 (part); Ord. 2011-366 § 1 (part); Ord. 79-101 § 12-6. Formerly 17.48.060)

17.13.080 Modification.

Upon request of the applicant, modifications in the approved plan may be made by the building inspector if it is found that the modification will meet requirements of this chapter. The building inspector may revoke or modify a design approval which does not conform to any requirement of the approved permit.

(Ord. 2018-421 (part); Ord. 2011-366 § 1 (part); Ord. 79-101 § 12-8. Formerly 17.48.080)

Chapter 17.14 - SOILS AND NATURAL HAZARDS

Sections:

17.14.010 Requirements.

17.14.010 Requirements.

A. When the zoning administrator deems it necessary, any application for a conditional use permit or a building or use permit shall be accompanied by a geologic and soils survey report for the land, lot or parcel for which application approval is sought. The report shall be prepared at applicant's expense by a geologist or soils engineer and shall show the suitability of soils on the property to accommodate the proposed construction, and any discernible flood or earthquake hazards.

B. Whenever a geologic and soils survey report indicates a parcel to be subject to unusual potential or actual hazards, the applicant shall meet the special conditions required by the planning and zoning board to reduce or eliminate such hazards, or if such conditions cannot be met, or will not be met, the application shall be denied.

(Ord. 2018-421 (part); Ord. 2011-366 § 1 (part); Ord. 79-101 § 13-1. Formerly 17.52.010)

Chapter 17.15 - ZONING DISTRICTS

Sections:

- 17.15.010 Establishment of zones.
- 17.15.020 Filing of ordinance.
- 17.15.030 Rules for locating boundaries.

17.15.010 Establishment of zones.

For the purposes of this title, the territory of Roosevelt City is divided into zones as follows:

- A. Rural Residential Zone R-R-1;
- B. Residential Zone R-1-20;
- C. Residential Zone R-1-10;
- D. Residential Zone R-1-6;
- E. Multiple Residential Zone R-M-13;
- F. Multiple Residential Zone R-M-18;
- G. Professional Office Residential Zone PO-R;
- H. Commercial Zone C;
- I. Light Manufacturing Zone M-1;

J. Heavy Manufacturing Zone M-2. (Ord. 2018-421 (part); Ord. 2011-366 § 1 (part); amended during 1996 codification; Ord. 79-101 § 14-1. Formerly 17.56.010)

17.15.020 Filing of ordinance.

The ordinance codified in this title shall be filed in the custody of the recorder of the city and may be examined by the public subject to the reasonable regulations established by said recorder.

(Ord. 2018-421 (part); Ord. 2011-366 § 1 (part); Ord. 79-101 § 14-2. Formerly 17.56.020)

17.15.030 Rules for locating boundaries.

Where uncertainty exists as to the boundary of any zone, the planning and zoning board shall interpret the map.

(Ord. 2018-421 (part); Ord. 2011-366 § 1 (part); Ord. 79-101 § 14-3. Formerly 17.56.030)

Chapter 17.16 - RURAL RESIDENTIAL DISTRICT

R-R-1

Sections:

- 17.16.010 Purpose.
- 17.16.020 Permitted uses.
- 17.16.030 Conditional uses.
- 17.16.040 Area regulations.
- 17.16.050 Width regulations.
- 17.16.060 Front yard regulations.
- 17.16.070 Rear yard regulations.
- 17.16.080 Side yard regulations.
- 17.16.090 *Height regulations.*
- 17.16.100 Special provisions.

17.16.010 Purpose.

The purpose of the R-R-1 zone is to promote and preserve in appropriate areas, conditions favorable to large-lot family life, and the keeping of limited numbers of animals and fowl. This district is intended to be primarily residential in character and protected from encroachment by commercial and industrial uses.

(Ord. 2011-366 § 1 (part); Ord. 79-101 § 15-1. Formerly 17.60.010)

17.16.020 Permitted uses.

Permitted uses in the R-R-1 zone are as follows:

- A. Single-family dwellings;
- B. Household pets;
- C. Animals and fowl for recreation or for family food production for the primary use of persons residing on the premises;
- D. Aviary;**
- E. The tilling of the soil, the raising of crops, horticulture, and garden;
- F. Accessory buildings and uses customarily incidental to permitted uses;

G. Signs:

1. One identification sign, not to exceed sixteen (16) square feet in area;
2. One development sign, not to exceed eight square feet in area;
3. One civic sign, not to exceed sixteen (16) square feet in sign area;
- 4. One real estate sign, not to exceed eight square feet in area;**

5. One residential sign, not to exceed two square feet in area. (Ord. 2011-366 § 1 (part): Ord. 79-101 § 15-2. Formerly 17.60.020)

17.16.030 Conditional uses.

Conditional uses in the R-R-1 zone are as follows:

A. Nursery or greenhouse, wholesale or retail;

B. Aviary;

C. Home occupation;

D. Schools, churches, parks, playgrounds and civic buildings;

E. Public utilities, water and drainage facilities;

F. Cemetery;

G. Accessory uses and buildings customarily incidental to conditional uses;

H. Kennel; more than three dogs may be kept as an accessory use to a use allowed in the district;

I. Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work. (Ord. 2011-366 § 1 (part): Ord. 79-101 § 15-3. Formerly 17.60.030)

17.16.040 Area regulations.

The minimum lot area for any main use in this district shall be **ten thousand (10,000) square feet.**

(Ord. 2011-366 § 1 (part): Ord. 79-101 § 15-4. Formerly 17.60.040)

Minimum

17.16.050 Width regulations.

The minimum width in feet for any lot shall be one hundred (100) feet.

(Ord. 2011-366 § 1 (part): Ord. 79-101 § 15-5. Formerly 17.60.050)

17.16.060 Front yard regulations.

The minimum depth in feet for the front yard for main buildings shall be thirty (30) feet.

Accessory buildings may have the same minimum front yard depth as main buildings if they have the same side yard required for main buildings, otherwise they shall be set back at least six feet in the rear of the main buildings.

(Ord. 2011-366 § 1 (part): Ord. 79-101 § 15-6. Formerly 17.60.060)

17.16.070 Rear yard regulations.

The minimum depth for the rear yard shall be:

A. For main buildings: thirty (30) feet;

B. For accessory buildings: ten (10) feet.

(Ord. 2011-366 § 1 (part); Ord. 79-101 § 15-7. Formerly 17.60.070)

17.16.080 Side yard regulations.

The minimum side yard for any dwelling, other main or accessory buildings shall be eight feet, and a total width of the two required side yards of not less than twenty (20) feet.

(Ord. 2011-366 § 1 (part); Ord. 79-101 § 15-8. Formerly 17.60.080)

17.16.090 Height regulations.

The maximum height **to the square** for all buildings and structures shall be thirty-five (35) feet, or two and one-half stories.

(Ord. 2011-366 § 1 (part); Ord. 79-101 § 15-9. Formerly 17.60.090)

17.16.100 Special provisions.

A. To ensure privacy and to preserve the intent of this zone in allowing the keeping of limited numbers of animals and fowl, **the minimum area allowed for creating and maintaining an R-R-1 zone shall be two acres.**

B. For the keeping of animals and fowl (except household pets), an area of not less than twenty thousand (20,000) square feet shall be provided and maintained for the first of any of the following animal groups, plus ten thousand (10,000) square feet for each additional animal group, as listed below:

Group Number	Type of Animal
1	Horses, donkeys, etc.
1	Cows
2	Pigs, hogs
5	Goats, sheep
25	Rabbits
50	Poultry, fowl

(Ord. 2011-366 § 1 (part); Ord. 79-101 § 15-10. Formerly 17.60.100)

Chapter 17.17 SINGLE-FAMILY RESIDENTIAL R-1 DISTRICTS

Sections:

- 17.17.010 Purpose.
- 17.17.020 Use regulations.
- 17.17.030 Permitted principal uses.
- 17.17.040 Conditional uses.
- 17.17.050 Minimum lot area.
- 17.17.060 Minimum lot width.
- 17.17.070 Minimum lot frontage.
- 17.17.080 Front yard regulations.
- 17.17.090 Rear yard regulations.
- 17.17.100 Side yard regulations.
- 17.17.110 Height regulations.
- 17.17.120 Lot coverage regulations.
- 17.17.130 Cluster subdivisions.
- 17.17.140 Signs.
- 17.17.150 Special provisions.

17.17.010 Purpose.

A. Residential District R-1-20. Of essentially rural or estate character. Minimum lot size: twenty thousand (20,000) square feet;

B. Residential District R-1-10. To provide areas for medium low-density single-family residential neighborhoods **where medium costs of development may occur**. Minimum lot size: ten thousand (10,000) square feet;

C. Residential District R-1-6. To provide areas for low density, single-family and two-family residential neighborhoods **where low and medium costs of development may occur**. Minimum lot size: six thousand (6,000) square feet.

(Ord. 2011-366 § 1 (part))

17.17.020 Use regulations.

No building, structure or land shall be used and no building or structure shall be hereafter structurally altered, enlarged or maintained in the single-family residential R-1 districts, except as provided in this title.

(Ord. 2011-366 § 1 (part))

17.17.030 Permitted principal uses.

The following principal uses and structures, and no others, are permitted in R-1 districts:

A. Accessory buildings and uses customarily incidental to the permitted uses.

B. Tilling soil, raising crops, horticulture, gardening, raising of up to two sheep or goats to a maximum age of nine months, keeping of up to six female chickens, keeping of up to six rabbits.

- C. Churches.
- D. Household pets.
- E. Public agency parks and playgrounds.
- F. Private or public schools.
- G. Single-family dwelling.
- H. Water, sewer and utility transmission lines and facilities required as an incidental part of a conventional subdivision, flexible design subdivision or other approved development project in the zone, except those listed as conditional use. (Ord. 2019-429 § 1; Ord. 2011-366 § 1 (part))

17.17.040 Conditional uses.

The following uses and structures are permitted in R-1 districts only after a conditional use permit has been approved and subject to the terms and conditions thereof:

- A. Accessory uses and buildings are customarily incidental to the conditional uses.
- B. Cemetery.
- C. Child daycare or nursery.
- D. Group home for the therapeutic care of the physically and/or mentally disabled under licensed care, not to exceed eight guests and the home family (R-1-6 only).
- E. Home occupations.
- F. Nursing homes, rest homes, and assisted living facilities.
- G. Private recreational grounds and facilities, not open to the general public and to which no admission charge is made.
- H. Golf course.
- I. Substations or transmission lines of fifty (50) KV or greater capacity.
- J. Duplex conversion. (Ord. 2016-398 § 1(C); Ord. 2011-366 § 1 (part))

17.17.050 Minimum lot area.

The following minimum lot area regulations apply to lots in R-1 districts:

	R-1-20	R-1-10	R-1-6
A. Minimum lot square foot area for any dwelling or structure	20,000	10,000	6,000

(Ord. 2016-398 § 1(D); Ord. 2011-366 § 1 (part))

17.17.060 Minimum lot width.

The following minimum lot width regulations apply to lots in R-1 districts:

	R-1-20	R-1-10	R-1-6

A. Minimum lot width, except as modified by the approval of planned unit development or cluster subdivisions	100 feet	80 feet	60 feet
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(Ord. 2011-366 § 1 (part))

17.17.070 Minimum lot frontage.

The following minimum lot frontage regulations apply to lots in R-1 districts:

	R-1-20	R-1-10	R-1-6
Minimum lot frontage	50 feet	45 feet	45 feet

(Ord. 2011-366 § 1 (part))

17.17.080 Front yard regulations.

A. The minimum depth for the front yard for main buildings in R-1 districts shall be thirty (30) feet.

B. Where the average front yard of fifty (50) percent or more existing buildings on the block is less than the minimum requirement, the minimum depth for the front yard may be reduced to twenty-five (25) feet.

C. Accessory buildings may have the same minimum front yard depth as main buildings if they have the same side yard required for main buildings; otherwise they shall be set back at least six feet in the rear of the main building, except that all carports or garages opening onto a street shall be set back at least twenty-five (25) feet.

(Ord. 2011-366 § 1 (part))

17.17.090 Rear yard regulations.

A. The minimum depth for the rear yard in R-1 districts shall be thirty (30) feet for main buildings, and three feet for accessory buildings. The minimum depth for the rear yard in R-1 districts shall be twenty (20) feet for attached covered patios, porches or decks.

B. On corner lots which rear on a side yard of another lot, accessory buildings shall be located not closer than ten (10) feet to such side yard.

(Ord. 2012-382, 2012; Ord. 2011-366 § 1 (part))

17.17.100 Side yard regulations.

The following minimum side yard regulations apply to buildings in R-1 districts:

	R-1-20	R-1-10	R-1-6
A. Residential dwellings	10 feet	8 feet	6 feet
1. Total width of the two required side yards for dwellings, except that the total width of the two side yards shall not be less than the height of the building	24 feet	20 feet	16 feet
B. Main buildings other than dwellings	20 feet	15 feet	15 feet
1. Total width of the two required side yards for main buildings other than dwellings	40 feet	30 feet	30 feet
C. Private garages and accessory buildings	10 feet	8 feet	6 feet
1. Private garages and accessory buildings located at least six feet in the rear of the main building; provided, that no private garage or other accessory buildings shall be located to a dwelling on an adjacent lot closer than ten (10) feet	3 feet	3 feet	3 feet

D. On corner lots, main and accessory buildings that face a street	20 feet	20 feet	15 feet
E. Any garage or carport opening which faces a street, set back from the street	25 feet	25 feet	25 feet

(Ord. 2011-366 § 1 (part))

17.17.110 Height regulations.

A. Residential dwellings in R-1 districts shall have a maximum height of thirty-five (35) feet. Chimneys, flagpoles, and similar structures not used for human occupancy are excluded in determining height.

B. The maximum height for all main buildings and structures other than dwellings in R-1 districts shall be regulated by conditional use permit.

C. Accessory structures in R-1 districts shall not exceed the height of the dwelling.

(Ord. 2011-373 (part); Ord. 2011-366 § 1 (part))

17.17.120 Lot coverage regulations.

The following lot coverage regulations apply to lots in the R-1 districts:

	R-1-20	R-1-10	R-1-6
The maximum percentage coverage for any lot	20%	35%	50%

(Ord. 2011-366 § 1 (part))

17.17.130 Cluster subdivisions.

A. Cluster subdivisions of single-family dwellings may be approved through a conditional use permit; provided, that the residential density is not increased to allow more than one dwelling for each:

1. Fifteen thousand (15,000) square feet in the R-1-20 district.
2. Seven thousand (7,000) square feet in the R-1-10 district.
3. Six thousand (6,000) square feet in the R-1-6 district.

B. The total area of the cluster subdivision shall not be less than five acres and at least one-third of the total area of the subdivision shall be reserved or dedicated as permanent open space for common use of the residents, under planned unit development approval.

(Ord. 2011-366 § 1 (part))

17.17.140 Signs.

A. The following types of signs are permitted on lots within R-1 districts:

1. One civil sign, not to exceed sixteen (16) square feet in sign area.
2. One development sign, not to exceed eight square feet in area.
3. One real estate sign, not to exceed eight square feet in area.
4. One residential sign, not to exceed two square feet in area for the resident of a building.
5. One identification sign, sign for conditional use.

B. Civic advertising and residential signs may be illuminated, but the source of illumination shall not be visible. No flashing or intermittent illumination shall be employed, and the other signs shall not be illuminated. All such signs shall be located on the property to which they pertain.

(Ord. 2011-366 § 1 (part))

17.17.150 Special provisions.

A. All permitted and conditional uses shall be subject to the off-street parking requirements included in Chapter 17.06.

B. All side and front fences must be set back six feet from the back of the curb.

(Ord. 2011-366 § 1 (part))

Chapter 17.17A - TWO FAMILY RESIDENTIAL R-2 DISTRICT

Sections

- 17.17A.010 Purpose.
- 17.17A.020 Use Regulations.
- 17.17A.030 Permitted Principal Uses.
- 17.17A.040 Conditional Use.
- 17.17A.050 Minimum Lot Area.
- 17.17A.060 Minimum Lot Width.
- 17.17A.070 Minimum Lot Frontage.
- 17.17A.080 Front Yard Regulations.
- 17.17A.090 Rear Yard Regulations.
- 17.17A.100 Side Yard Regulations.
- 17.17A.110 Height Regulations.
- 17.17A.120 Lot Coverage Regulations.
- 17.17A.130 Cluster Subdivisions.
- 17.17A.140 Signs.
- 17.17A.150 Special Provisions.

17.17A.010 Purpose.

- A. Residential District R-2. To provide areas for low density, single-family and two-family residential neighborhoods where low and medium costs of development may occur. Minimum lot size: Forty five hundred (4,500) square feet.

(Ord. 2016-398 §1(E))

17.17A.020 Use Regulations.

No building, structure or land shall be used and no building or structure shall be hereafter, structurally altered, enlarged or maintained in the single-family residential R-2 districts, except as provided in this title.

(Ord. 2016-398 §1(E))

17.17A.030 Permitted Principal Uses.

The following principal uses and structures, and no others, are permitted in R-1 districts:

- A. Accessory buildings and uses customarily incidental to the permitted uses
- B. Agriculture, tilling soil, raising crops, horticulture, and gardening
- C. Churches
- D. Household pets
- E. Public agency parks and playgrounds
- F. Private or public schools
- G. Single-family dwelling
- H. Water, sewer and utility transmission lines and facilities required as an incidental part of a conventional subdivision, flexible design subdivision or other approved development project in the zone, except those listed as conditional use.
- I. Two-family dwellings

(Ord. 2016-398 §1(E))

17.17A.040 Conditional Use.

The following uses and structures are permitted in R-1 districts only after a conditional use permit has been approved and subject to the terms and conditions thereof:

- A. Accessory uses and buildings customarily incidental to the conditional uses;
- B. Cemetery;
- C. Child day care or nursery;
- D. Group home for the therapeutic care of the physically and/or mentally disabled under licensed care, not to exceed eight (8) guests and the home family (R-1-6 only);
- E. Home occupations;
- F. Nursing homes, rest homes, and assisted living facilities;
- G. Private recreational grounds and facilities, not open to the general public and to which no admission charge is made;
- H. Golf course;
- I. Substations or transmission lines of fifty (50) KV or greater capacity.

(Ord. 2016-398 §1(E))

17.17A.050 Minimum Lot Area.

The following minimum lot area regulations apply to lots in R-1 districts:

	Single Family Home	Duplex	Twin Home
A. Minimum lot square foot area for any dwelling or structure	6,000	10,000	6,000

(Ord. 2016-398 §1(E))

17.17A.060 Minimum Lot Width.

The following minimum lot width regulations apply to lots in R-1 districts:

	Single Family Home	Duplex	Twin Home
A. Minimum lot width 30 ft from lot frontage, except as modified by the approval of planned unit development or cluster subdivisions.	60 feet	80 feet	40 feet

(Ord. 2016-398 §1(E))

17.17A.070 Minimum Lot Frontage.

The following minimum lot frontage regulations apply to lots in R-1 districts:

	Single Family Home	Duplex	Twin Home
Minimum lot frontage	45 feet	45 feet	20 feet

(Ord. 2016-398 §1(E))

17.17A.080 Front Yard Regulations.

- A. The minimum depth for the front yard for main buildings in R-1 districts shall be thirty (30) feet.
- B. Where the average front yard of fifty (50) percent or more existing buildings on the block is less than the minimum requirement, the minimum depth for the front yard may be reduced to twenty-five (25) feet.
- C. Accessory buildings may have the same minimum front yard depth as main buildings if they have the same side yard required for main buildings, otherwise they shall be set back at least six feet in the rear of the main building, except that all carports or garages opening onto a street shall be set back at least twenty-five (25) feet.

(Ord. 2016-398 §1(E))

17.17A.090 Front Yard Regulations.

- A. The minimum depth for the rear yard in R-2 districts shall be thirty (30) feet for main buildings, and three (3) feet for accessory buildings.
- B. On corner lots which rear on a side yard of another lot, accessory buildings shall be located not closer than ten (10) feet to such side yard.

(Ord. 2016-398 §1(E))

17.17A.100 Side Yard Regulations.

The minimum side yard regulations apply to buildings in R-2 districts:

	Single Family Home	Duplex	Twin Home
A. Residential dwellings	6 feet	6 feet	0 feet
1. Total width of the two required side yards for dwellings, except that the total width of the two side yards shall not be less than the height of the building	16 feet	16 feet	10 feet

B. Main buildings other than dwellings	15 feet	15 feet	15 feet
1. Total width of the two required side yards for main buildings other than dwellings	30 feet	30 feet	30 feet
C. Private garages and accessory buildings	6 feet	6 feet	6 feet
1. Private garages and accessory buildings located at least six (6) feet in the rear of the main building, provided that no private garage or other accessory buildings shall be located to a dwelling on an adjacent lot closer than ten (10) feet	3 feet	3 feet	3 feet
D. On corner lots, main and accessory buildings that face a street	15 feet	15 feet	15 feet
E. Any garage or carport opening which faces a street, set back from the street	25 feet	25 feet	25 feet

(Ord. 2016-398 §1(E))

17.17A.110 Height Regulations.

- A. Residential dwellings in R-2 districts shall have a maximum height of thirty five feet (35'). Chimneys, flagpoles, and similar structures not used for human occupancy are excluded in determining height.
- B. The maximum height for all main buildings and structures other than dwellings in R-2 districts shall be regulated by conditional use permit.

- C. Accessory structures in R-2 districts shall not exceed the height of the dwelling or shall have a maximum height of twenty-five feet (25'), whichever is more restrictive.

(Ord. 2016-398 §1(E))

17.17A.120 Lot Coverage Regulations.

The following lot coverage regulations apply to lots in the R-2 districts:

	Single Family Home	Duplex	Twin Home
The maximum percentage coverage for any lot	50%	50%	50%

(Ord. 2016-398 §1(E))

17.17A.130 Cluster Subdivisions.

- A. Cluster subdivisions of two-family or single-family dwellings may be approved through a conditional use permit, provided that the residential density is not increased to allow more than one dwelling for each:
1. 6,000 square feet per single-family dwelling
 2. 4,500 square feet per single-family dwelling
- B. The total area of the cluster subdivision shall not be less than five (5) acres and at least one-third (1/3) of the total area of the subdivision shall be reserved or dedicated as permanent open space for common use of the residents, under planned unit development approval.

(Ord. 2016-398 §1(E))

17.17A.140 Signs.

- A. The following types of signs are permitted on lots within R-1 districts:
1. One civil sign, not to exceed sixteen (16) square feet in sign area.
 2. One development sign, not to exceed eight square feet in area.
 3. One real estate sign, not to exceed eight square feet in area.
 4. One residential sign, not to exceed two square feet in area for the resident of a building.
 5. One identification sign, sign for conditional use.
- B. Civic advertising and residential signs may be illuminated, but the source of illumination shall not be visible. No flashing or intermittent illumination shall be employed, and the other signs shall not be illuminated. All such signs shall be located on the property to which they pertain.

(Ord. 2016-398 §1(E))

17.17A.150 Special Provisions.

- A. All permitted and conditional uses shall be subject to the off-street parking requirements included in Chapter 17.20 of this title.
- B. All side and front fences must be set back six (6) feet from the back of the curb.

(Ord. 2016-398 §1(E))

Chapter 17.18 - MULTIPLE-RESIDENTIAL DISTRICTS

Sections:

- 17.18.010 Purpose.
- 17.18.020 Use regulations.
- 17.18.030 Permitted principal uses.
- 17.18.040 Conditional uses.
- 17.18.050 Minimum lot area.
- 17.18.060 Minimum lot width.
- 17.18.070 Minimum lot frontage.
- 17.18.080 Front yard regulations.
- 17.18.090 Rear yard regulations.
- 17.18.100 Side yard regulations.
- 17.18.110 Height regulations.
- 17.18.120 Lot coverage regulations.
- 17.18.130 Cluster subdivisions.
- 17.18.140 Signs.
- 17.18.150 Landscaping.
- 17.18.160 Special provisions.

17.18.010 Purpose.

A. Multiple-Residential District R-M-13. To provide areas for medium residential density with the opportunity for varied housing styles and character. Maximum density: thirteen (13) dwelling units per net acre;

B. Multiple-Residential District R-M-18. To provide areas for high residential density with the opportunity for varied housing styles and character. Maximum density: eighteen (18) dwelling units per net acre.

(Ord. 2011-366 § 1 (part))

17.18.020 Use regulations.

No building, structure or land shall be used and no building or structure shall be hereafter structurally altered, enlarged or maintained in the multiple-residential districts, except as provided in this title.

(Ord. 2011-366 § 1 (part))

17.18.030 Permitted principal uses.

The following principal uses and structures, and no others, are permitted in multiple-residential districts:

A. Accessory buildings and uses customarily incidental to the permitted uses.

B. Tilling soil, raising crops, horticulture, and gardening.

C. Churches.

- D. Household pets.
- E. Manufactured homes, as per Chapter 17.10.
- F. Public agency parks and playgrounds.
- G. Single-family dwelling.
- H. Twin Homes
- I. Two-family dwelling.
- J. Water, sewer and utility transmission lines and facilities required as an incidental part of a conventional subdivision, flexible design subdivision or other approved development project in the zone, except those listed as conditional use. (Ord. 2019-429 § 2; Ord. 2016-398 §1(G); Ord. 2011-366 § 1 (part) Ords. 79-101 §+16, 17 and 18; 82-141 §3, 83-166, 84-177; 84-180, 86-2204 §2(A), 94-259, 98-283, 2002-304, 2002-306, 2008-344 and 2009-360)

17.18.040 Conditional uses.

The following uses and structures are permitted in multiple-residential districts only after a conditional use permit has been approved and subject to the terms and conditions thereof:

- A. Accessory uses and buildings customarily incidental to the conditional uses.
- B. Child day care or nursery.
- C. Golf course.
- D. Group of dwellings when approved as a planned unit development.**
- E. Home occupations.
- F. Hospital; medical or dental clinic accessory to a hospital and located on the same premises.
- G. Multiple-family dwelling.
- H. Nursing homes, rest homes, and assisted living facilities.
- I. Private or public schools.
- J. Private recreational grounds and facilities, not open to the general public and to which no admission charge is made.
- K. Substations or transmission lines of fifty (50) KV or greater capacity.
- L. Three- and four-family dwellings.
- M. Duplex conversions. (Ord. 2016-398 § 1(F); Ord. 2011-366 § 1 (part))

17.18.050 Minimum lot area.

	R-M-13	R-M-18
A. Minimum lot square foot area for any dwelling or structure	7,000	7,000
B. Additional lot square foot area for each additional dwelling unit in a dwelling structure	2,000	1,000
C. Group dwellings minimum square foot area for each separate dwelling structure	5,000	5,000

D. Additional lot area for each dwelling unit in square feet	2,000	2,000
E. Minimum lot square foot area for all main uses and buildings other than dwellings	10,000	10,000
F. Twin homes minimum lot square foot area	4,500	4,000

(Ord. 2016-398 § 1(H); Ord. 2011-366 § 1 (part); Ords. 79-101 §§ 16, 17 and 18, 82-141 § 3, 83-166, 84-177, 84-180, 86-204 § 2(A), 94-259, 98-283, 2002-304, 2002-306, 2008-344 and 2009-360)

17.18.060 Minimum lot width.

The minimum lot width shall be seventy (70) feet in all multiple-residential districts, except as modified by the approval of planned unit developments or cluster subdivisions. Twin home minimum lot widths shall be forty (40) feet at a distance of thirty (30) feet from lot frontage.

(Ord. 2016-398 § 1(J); Ord. 2011-366 § 1 (part))

17.18.070 Minimum lot frontage.

The minimum lot frontage shall be forty-five (45) feet in all multiple residential districts. Twin home minimum lot frontage shall be twenty (20) feet.

(Ord. 2016-398 § 1(K); Ord. 2011-366 § 1 (part))

17.18.080 Front yard regulations.

A. The minimum depth for the front yard for main buildings in all multiple-residential districts shall be twenty-five (25) feet.

B. Where the average front yard of fifty (50) percent or more existing buildings on the block is less than the minimum requirement, the minimum depth for the front yard may be reduced to twenty (20) feet.

C. Accessory buildings may have the same minimum front yard depth as main buildings if they have the same side yard required for main buildings; otherwise they shall be set back at least six feet in the rear of the main building, except that all carports or garages opening onto a street shall be set back at least twenty-five (25) feet.

(Ord. 2011-366 § 1 (part))

17.18.090 Rear yard regulations.

A. The minimum depth for the rear yard in all multiple-residential districts shall be twenty (20) feet for main buildings, and three feet for accessory buildings.

B. On corner lots which rear on a side yard of another lot, accessory buildings shall be located not closer than ten (10) feet to such side yard.

(Ord. 2011-366 § 1 (part))

17.18.100 Side yard regulations.

The following minimum side yard regulations apply to buildings in all multiple-residential districts:

	R-M-13	R-M-18
A. Residential dwellings	6 feet	6 feet
1. Total width of the two required side yards for dwellings, except that the total width of the two side yards shall not be less than the height of the building	18 feet	18 feet
B. Main buildings other than dwellings	20 feet	20 feet

1. Total width of the two required side yards for main buildings other than dwellings	40 feet	40 feet
C. Private garages and accessory buildings	6 feet	6 feet
1. Private garages and accessory buildings located at least six feet in the rear of the main building; provided, that no private garage or other accessory buildings shall be located to a dwelling on an adjacent lot closer than ten (10) feet	3 feet	3 feet
D. On corner lots, main and accessory buildings that face a street	25 feet	25 feet
E. Any garage or carport opening which faces a street, set back from the street	25 feet	25 feet
F. Twin homes	0 feet	0 feet
1. Total width of the two required side yards for dwellings	10 feet	10 feet

(Ord. 2016-398 § 1(I); Ord. 2011-366 § 1 (part))

17.18.110 Height regulations.

A. Single and two-family residential dwellings in all multiple-residential districts shall have a maximum height of thirty-five (35) feet. Chimneys, flagpoles, and similar structures not used for human occupancy are excluded in determining height.

B. The maximum height for all multiple-family main buildings and structures in all multiple-residential districts shall be regulated by conditional use permit.

C. Accessory structures in R-M districts shall not exceed the height of the dwelling.

(Ord. 2011-373 (part); Ord. 2011-366 § 1 (part))

17.18.120 Lot coverage regulations.

The maximum coverage for any lot shall be fifty (50) percent in all multiple-residential districts.

(Ord. 2011-366 § 1 (part))

17.18.130 Cluster subdivisions.

A. Cluster subdivisions of single-family dwellings may be approved through a conditional use permit; provided, that the residential density is not increased to allow more than one dwelling for each six thousand (6,000) square feet in all multiple-residential districts.

B. The total area of the cluster subdivision shall not be less than five acres and at least one-third of the total area of the subdivision shall be reserved or dedicated as permanent open space for common use of the residents, under planned unit development approval.

(Ord. 2011-366 § 1 (part))

17.18.140 Signs.

A. The following types of signs are permitted on lots within all multiple-residential districts:

1. One civil sign, not to exceed sixteen (16) square feet in sign area.
2. One development sign, not to exceed eight square feet in area.
3. One real estate sign, not to exceed eight square feet in area.
4. One residential sign, not to exceed two square feet in area for the resident of a building.

5. One identification sign, sign for conditional use.

B. Civic advertising and residential signs may be illuminated, but the source of illumination shall not be visible. No flashing or intermittent illumination shall be employed, and the other signs shall not be illuminated. All such signs shall be located on the property to which they pertain.

(Ord. 2011-366 § 1 (part))

17.18.150 Landscaping.

The following landscaping provisions shall apply to multiple-family residential developments:

A. For multiple-family residential developments, a minimum ten percent (10%) of the total site shall be landscaped, including useable open space areas.

B. The front yard areas and side yard areas adjacent to public street, except those portions devoted to driveways, shall be maintained with suitable landscaping of plants, shrubs, trees, grass and similar landscaping materials, including a minimum of fifteen (15) one-and- one-half-inch caliper trees per acre, and with all shrubs having a minimum five gallon size.

C. Landscaped areas shall generally not be less than five feet wide. A reduction in landscaped area width may be granted by the planning and zoning commission if the applicant provides acceptable mitigation to vegetate the development area.

D. Parking lots shall be landscaped where possible, around the periphery, and include either a tree diamond installed every ten (10) parking spaces, or a six-foot-wide island with a tree at the end of all parking rows, and shall be permanently maintained.

E. All landscaped areas shall have sprinkling or irrigation systems.

F. Landscaping is to be installed (or bonded for if occupancy is in a non planting season) prior to issuance of a certificate of occupancy.

(Ord. 2011-366 § 1 (part))

17.18.160 Special provisions.

A. All permitted and conditional uses shall be subject to the off-street parking requirements included in Chapter 17.06.

B. All side and front fences must be set back six feet from the back of the curb.

C. All dwelling types other than single-family dwelling on corner lots require two front and two rear yards.

(Ord. 2011-366 § 1 (part))

Chapter 17.19 PROFESSIONAL OFFICE—RESIDENTIAL DISTRICT

Sections:

- 17.19.010 Purpose.
- 17.19.020 Use regulations.
- 17.19.030 Permitted principal uses.
- 17.19.040 Conditional uses.
- 17.19.050 Minimum lot area.
- 17.19.060 Minimum lot width.
- 17.19.070 Minimum lot frontage.
- 17.19.080 Front yard regulations.
- 17.19.090 Rear yard regulations.
- 17.19.100 Side yard regulations.
- 17.19.110 Height regulations.
- 17.19.120 Lot coverage regulations.
- 17.19.130 Cluster subdivisions.
- 17.19.140 Signs on residential use lots.
- 17.19.150 Signs on professional office use lots.
- 17.19.160 Special provisions.

17.19.010 Purpose.

The professional office—residential district, PO-R, is established to provide areas for professional offices to be intermingled with residential development. Maximum density: thirteen (13) dwelling units per net acre.

(Ord. 2011-366 § 1 (part))

17.19.020 Use regulations.

No building, structure or land shall be used and no building or structure shall be hereafter structurally altered, enlarged or maintained in the PO-R district, except as provided in this title.

(Ord. 2011-366 § 1 (part))

17.19.030 Permitted principal uses.

The following principal uses and structures, and no others, are permitted in the PO-R district:

- A. Accessory buildings and uses customarily incidental to the permitted uses.
- B. Churches.
- C. Household pets.
- D. Professional services.
- E. Public agency parks and playgrounds.
- F. Single-family dwelling.

G. Two-family dwelling.

H. Water, sewer and utility transmission lines and facilities required as an incidental part of a conventional subdivision, flexible design subdivision or other approved development project in the zone, except those listed as conditional use. (Ord. 2011-366 § 1 (part))

17.19.040 Conditional uses.

The following uses and structures are permitted in the PO-R district only after a conditional use permit has been approved and subject to the terms and conditions thereof:

A. Accessory uses and buildings customarily incidental to the conditional uses.

B. Child day care or nursery.

C. Golf course.

D. Groups of dwellings when approved as a planned unit development.

E. Home occupations.

F. Hospital; medical or dental clinic accessory to a hospital and located on the same premises.

G. Nursing homes, rest homes, and assisted living facilities.

H. Private or public schools.

I. Private recreational grounds and facilities, not open to the general public and to which no admission charge is made.

J. Substations or transmission lines of fifty (50) KV or greater capacity.

K. Three- and four-family dwellings.

L. A lab is allowed as a conditional use providing that the lab is an accessory use to the permitted professional business as defined in the land use ordinance. (Ord. 378 § 1, 2012; Ord. 2011-366 § 1 (part))

17.19.050 Minimum lot area.

A. Minimum lot square foot area for any dwelling or structure: seven thousand (7,000).

B. Additional lot square foot area for each additional dwelling unit in a dwelling structure: two thousand (2,000).

C. Group dwellings minimum square foot area for each separate dwelling structure: five thousand (5,000).

D. Additional lot area for each dwelling unit in square feet: two thousand (2,000).

E. Minimum lot square foot area for all main uses and buildings other than dwellings: ten thousand (10,000).

(Ord. 2011-366 § 1 (part))

17.19.060 Minimum lot width.

The minimum lot width shall be seventy (70) feet in the PO-R district, except as modified by the approval of planned unit developments or cluster subdivisions.

(Ord. 2011-366 § 1 (part))

17.19.070 Minimum lot frontage.

The minimum lot frontage in the PO-R district shall be forty-five (45) feet.

(Ord. 2011-366 § 1 (part))

17.19.080 Front yard regulations.

A. The minimum depth for the front yard for main buildings in the PO-R district shall be twenty-five (25) feet.

B. Where the average front yard of fifty (50) percent or more existing buildings on the block is less than the minimum requirement, the minimum depth for the front yard may be reduced to twenty (20) feet.

C. Accessory buildings may have the same minimum front yard depth as main buildings if they have the same side yard required for main buildings; otherwise they shall be set back at least six feet in the rear of the main building, except that all carports or garages opening onto a street shall be set back at least twenty-five (25) feet.

(Ord. 2011-366 § 1 (part))

17.19.090 Rear yard regulations.

A. The minimum depth for the rear yard in the PO-R district shall be twenty (20) feet for main buildings, and three feet for accessory buildings.

B. On corner lots which rear on a side yard of another lot, accessory buildings shall be located not closer than ten (10) feet to such side yard.

(Ord. 2011-366 § 1 (part))

17.19.100 Side yard regulations.

The following minimum side yard regulations apply to buildings in the PO-R district:

A. Residential dwellings	6 feet
1. Total width of the two required side yards for dwellings, except that the total width of the two side yards shall not be less than the height of the building	18 feet
B. Main buildings other than dwellings	20 feet
1. Total width of the two required side yards for main buildings other than dwellings	40 feet
C. Private garages and accessory buildings	6 feet
1. Private garages and accessory buildings located at least six feet in the rear of the main building; provided, that no private garage or other accessory buildings shall be located to a dwelling on an adjacent lot closer than ten (10) feet	3 feet
D. On corner lots, main and accessory buildings that face a street	20 feet
E. Any garage or carport opening which faces a street, set back from the street	25 feet

(Ord. 2011-366 § 1 (part))

17.19.110 Height regulations.

A. Single- and two-family residential dwellings in the PO-R district shall have a maximum height of thirty-five (35) feet. Chimneys, flagpoles, and similar structures not used for human occupancy are excluded in determining height.

B. The maximum height for all main buildings and structures other than single- and two-family dwellings in the PO-R district shall be regulated by conditional use permit.

C. Accessory structures in the PO-R district shall not exceed the height of the dwelling or shall have a maximum height of twenty-five (25) feet, whichever is more restrictive.

(Ord. 2011-366 § 1 (part))

17.19.120 Lot coverage regulations.

The maximum coverage for any lot shall be fifty (50) percent in all professional office—residential districts.

(Ord. 2011-366 § 1 (part))

17.19.130 Cluster subdivisions.

A. Cluster subdivisions of single-family dwellings may be approved through a conditional use permit; provided, that the residential density is not increased to allow more than one dwelling for each six thousand (6,000) square feet in the PO-R district.

B. The total area of the cluster subdivision shall not be less than five acres and at least one-third of the total area of the subdivision shall be reserved or dedicated as permanent open space for common use of the residents, under planned unit development approval.

(Ord. 2011-366 § 1 (part))

17.19.140 Signs on residential use lots.

A. The following types of signs are permitted on residential use lots within the PO-R district:

1. One civil sign, not to exceed sixteen (16) square feet in sign area.
2. One development sign, not to exceed eight square feet in area.
3. One real estate sign, not to exceed eight square feet in area.
4. One residential sign, not to exceed two square feet in area for the resident of a building.
5. One identification sign, sign for conditional use.

B. Civic advertising and residential signs may be illuminated, but the source of illumination shall not be visible. No flashing or intermittent illumination shall be employed, and the other signs shall not be illuminated. All such signs shall be located on the property to which they pertain.

(Ord. 2011-366 § 1 (part))

17.19.150 Signs on professional offices use lots.

A. Clearance. For freestanding and projecting signs attached to a building, there shall be a minimum of ten and one-half (10.5) feet between the ground or sidewalk and any part of the projecting sign. Public necessity signs and monument signs (signs which are permanently anchored, freestanding and no more than five feet in height) may be exempt from this requirement.

B. Lighting Requirements. No lighting shall be installed which will permit direct rays of such light to penetrate onto any adjoining property used for residential purposes in such a way as could constitute a nuisance.

C. Location of Signs.

1. All signs shall be installed behind the property line of the business so as not to obstruct the view of traffic.
2. No part of any sign shall be permitted to extend across any property line.

D. Height of Sign. The maximum sign height shall not exceed fifteen (15) feet.

E. Sign Area. The maximum allowed sign area for one side of a sign is as follows:

1. For freestanding signs: a maximum of forty (40) square feet.

2. For flat signs that are either painted or attached to the building and do not project more than eighteen (18) inches from the building wall: a maximum of twenty-five (25) percent of a wall or fifty (50) percent of a window area may be used for a sign. Attached or painted signs using more than twenty-five (25) percent of a wall or fifty (50) percent of a window area shall be considered a conditional use, and as such, shall require the approval of the planning and zoning commission prior to installation of the sign.

3. Both freestanding and attached flat signs may be utilized by a business; provided, that each sign type conforms to the above limitations. In determining the sign area, the blocked area of the sign, including the area between letters, shall be counted as part of the sign area.

F. Temporary Signs. Temporary advertising signs in commercial and industrial zones may be permitted by the building inspector for up to thirty (30) days' use; provided, that such sign is not placed in a public right-of-way and will not create a safety hazard to the public.

G. Quality of Signs.

1. All signs shall be properly engineered and constructed of quality materials.

2. Signs shall be neatly painted so as to look professional and be conducive to the surrounding area.

H. Sign Removal. If a sign does not conform with the requirements of this chapter, or if the construction, design, manner or use, or method of anchoring or supporting any sign makes such sign unsafe, the city building official shall proceed in any manner he deems necessary to cause the removal of the sign or the rebuilding of the sign to conform with the requirements of this chapter and the International Building Code.

I. Permits Required. Regardless of cost, no sign shall be erected or placed within Roosevelt City without first making application for and obtaining a building permit therefor, except temporary window and political posters, temporary signs pertaining to the sale of adjacent property, and nameplates or identification signs indicating the existence of an approved home occupation or professional office.

(Ord. 2011-366 § 1 (part))

17.19.160 Special provisions.

A. All permitted and conditional uses shall be subject to the off-street parking requirements included in Chapter 17.06.

B. Landscaping. The front yard areas and side yard areas adjacent to a public street, except those portions devoted to driveways and parking, shall be maintained with suitable landscaping of plants, shrubs, trees, grass and similar landscaping materials.

C. All side and front fences must be set back six feet from the back of the curb.

D. All dwelling types other than single-family dwelling on corner lots require two front and two rear yards.

(Ord. 2011-366 § 1 (part))

Chapter 17.20 - COMMERCIAL DISTRICT

Sections:

- 17.20.010 Purpose.
- 17.20.020 Use or construction.
- 17.20.030 Permitted principal uses.
- 17.20.040 Conditional uses.
- 17.20.050 Height regulations.
- 17.20.060 Area regulations.
- 17.20.070 Frontage regulations.
- 17.20.080 Yard regulations.
- 17.20.090 Landscaping.
- 17.20.100 Signs.
- 17.20.110 Special provisions.

17.20.010 Purpose.

A. Commercial District—C. To provide areas in appropriate locations where a combination of business, commercial, entertainment, and related activities may be established, maintained and protected. Regulations of this district are designed to provide a suitable environment for commercial and service uses, as well as encourage the development of shopping centers.

(Ord. 2011-366 § 1 (part))

17.20.020 Use or construction.

No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained in the commercial district except as provided in this title.

(Ord. 2011-366 § 1 (part))

17.20.030 Permitted principal uses.

The following principal uses and structures, and no others, are permitted in the commercial district:

- A. Accessory buildings and uses customarily incidental to the permitted uses.
- B. Automobile Sales and Service.
 - 1. Automobile or recreational vehicle sales, service, lease, rental and repair, new or used, conducted entirely within an enclosed building.
 - 2. Auto parts sales, indoor.
 - 3. Parking lot incidental to a use conducted on the premises.
- C. **Public and Quasi-Public.**
 - 1. Parks, golf courses, swimming pools and other recreation areas.
- D. **Recreation.**
 - 1. Athletic club, health club, athletic goods store.
 - 2. Billiards or pool hall.

3. Swimming pool, commercial.
4. Dancehall.
5. Skating rink, commercial.
6. Gymnasium.
- E. Sales and Related Services.
 1. Air conditioning, ventilating equipment, sales/repair.
 2. Art needlework shop.
 3. Art shop and/or art supply.
 4. Awning sales/repair.
 5. Bakery, retail sales.
 6. Bicycle shop.
 7. Bookstore.
 8. Cafe.
 9. Cafeteria.
 10. Catering establishment.
 11. Candy, confectionery, nut shop.
 12. Carbonated water sales.
 13. China and/or silver shops.
 14. Clothing store.
 15. Delicatessen.
 16. Department store.
 17. Drapery/curtain store.
 18. Drive-ins.
 19. Refreshment stand.
 20. Eating and/or drinking place.
 21. Drugstore.
 22. Dry goods store.
 23. Electrical, heating appliances and fixtures sales/repairs/service.
 24. Five/ten cent store, notions.
 25. Floor covering sales.

26. Florist shop.
27. Fountain equipment supply.
28. Fruit/fruit juice store.
29. Fruit and/or vegetable store.
30. Fur sales, storage, repair.
31. Gift shop.
32. Hobby or crafts shop.
33. Greenhouse, nursery, plant materials.
34. Grocery, meal sales.
35. Hardware store, not including sale of powered vehicles using motors greater than eight horsepower and not including sale of lumber.
36. Health food store.
37. Hobby and/or craft shop.
38. Hospital supplies.
39. Ice cream shops.
40. Ice sales, rental.
41. Ice vendor units and/or reach-in ice merchandise units, electric ice-maker, ice storage not more than five tons capacity.
42. Jewelry store.
43. Laundry, automatic self-help, laundry agency.
44. Lawn service.
45. Leather goods, luggage sales.
46. Linen shop.
47. Milk distributing station, sale of dairy products, excluding processing/bottling.
48. Military store.
49. Motorboat sales.
50. Music store.
51. News stand, magazine shop.
52. Notions.
53. Novelty shop.
54. Oil burner shop.

55. Ornamental iron, sales only.
 56. Painter/paint store.
 57. Plumbing shop.
 58. Radio and television sales and repair.
 59. Restaurant.
 60. Popcorn and/or nut shop.
 61. Secondhand shop, antiques, conducted within a building or enclosure.
 62. Sewing machine shop.
 63. Shoe shop, shoe shine, shoe repair.
 64. Stationery and greeting card sales.
 65. Tire shop, sale and mounting only.
 66. Tobacco shop.
 67. Variety store.
 68. Wallpaper store.
- F. Service Activities.
1. Addressograph shop.
 2. Baby services, sitter agency.
 3. Bank.
 4. Barber shop.
 5. Bath and massage.
 6. Beauty shop.
 7. Beauty shop for pets.
 8. Blueprinting, photostating, duplicating.
 9. Carpet and/or rug cleaning.
 10. Clothes cleaning, dyeing, pressing.
 11. Costume rental.
 12. Dance, drama and music school.
 13. Dressmaking.
 14. Electric appliances and/or electronic instruments service.
 15. Employment agency or employment office.

16. Fix-it shop, repair shop, household items.
17. Flooring, floor repair shop.
18. Frozen food locker incidental to a main grocery store or food business.
19. Household cleaning/repair, house equipment displays.
20. Interior decorating store.
21. Janitorial service.
22. Key and lock service.
23. Medical/dental clinic, laboratories.
24. Lithographing, engraving, photoengraving.
25. Nurses' agency.
26. Office, business or professional.
27. Office supply; office machines sales, repair.
28. Optometrist and/or oculist.
29. Photographer or photography shop, sales and service.
30. Printing, including engraving, photo engraving.
31. Printing and small paper reproduction service.
32. Tailor shop.
33. Travel bureau.

G. Storage and Warehousing.

1. Garage, public.

H. Transportation.

1. Bus terminal.
2. Taxi stand.
3. Express office. (Ord. 2011-366 § 1 (part))

17.20.040 Conditional uses.

The following uses and structures are permitted in the commercial district only after a conditional use permit has been approved and subject to the terms and conditions thereof:

- A. Accessory uses and buildings customarily incidental to the conditional uses.
- B. Temporary buildings for uses incidental to construction work including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work.
- C. Automobile Sales and Service.

1. Automatic car wash.
2. Automobile and recreation vehicle sales, lease, rental or repair, new or used, conducted outdoors.
3. Automobile repair garage.
4. Automobile service station.
5. Parking lot not incidental to a use conducted on the premises.

D. Dwellings and Other Living Quarters.

1. Hotel and motel.
2. Recreational vehicle park.

E. Processing and Manufacturing.

1. Baking, ice cream making and/or candy making.
2. Bookbinding.
3. Egg candling, sales or processing.

F. Public and Quasi-Public.

1. Cemetery.
2. Public buildings.
3. Private schools.
4. Cemetery.

G. Recreation.

1. Archery shop/range, if in enclosed building.
2. Bowling alley.
3. Boxing arena.
4. Golf course, miniature golf course, commercial.
5. Nightclub/social club.
6. Private nonprofit locker club.
7. Recreational center, commercial.
8. Theater, indoor and outdoor.

H. Sales and Related Services.

1. Beer outlet, Class A and Class B.
2. Building material sales enclosed.
3. Coal/fuel sales office; not to include sales yard.

4. Fruit and/or vegetable temporary stand.
 5. Gunsmith.
 6. Hardware store, including sale of lumber.
 7. Insulation sales.
 8. Liquor and beer sales; places for the drinking of liquor or beer.
 9. Lumber yard.
 10. Monument sales, retail.
 11. Package agency.
 12. Radio and television station.
 13. Roofing sales.
 14. Seed/feed store.
 15. Sign painting shop.
 16. State store.
 17. Taxidermist.
 18. Towel and linen supply service.
 19. Upholstery shop.
 20. Weather-stripping shop.
 21. Wholesale business.
- I. Service Activities.
1. Animal hospital.
 2. Frozen food lockers.
 3. Mortuary.
 4. Pest extermination business.
 5. Reception center and/or wedding chapel.
 6. Veterinary; operations are completely enclosed within an air-conditioned and soundproof building.
- J. Transportation.
1. Drive-it-yourself agency. (Ord. 2011-366 § 1 (part))

17.20.050 Height regulations.

The maximum height for all buildings and structures in the commercial district shall be fifty-five (55) feet, or four stories.

(Ord. 2011-366 § 1 (part))

17.20.060 Area regulations.

The minimum lot area in square feet for any building or structure in the commercial district shall be determined by the planning and zoning commission.

(Ord. 2011-366 § 1 (part))

17.20.070 Frontage regulations.

Each lot or parcel of land used for separate businesses shall abut on a public street.

(Ord. 2011-366 § 1 (part))

17.20.080 Yard regulations.

A. Front yard setbacks may be required by the planning and zoning commission in the site plan review and approval process.

B. A side yard setback of not less than fifteen (15) feet shall be required where adjoining a residential zone, school or park.

C. No rear yards are required except as may be dictated by off-street parking requirements or by the provisions of the International Building Code as adopted by Roosevelt City.

(Ord. 2011-366 § 1 (part))

17.20.090 Landscaping.

The following landscaping provisions shall apply in the commercial district:

A. For commercial and mixed commercial residential developments, a minimum ten (10) percent of the total site shall be landscaped.

B. The front yard areas and side yard areas adjacent to public street, except those portions devoted to driveways, shall be maintained with suitable landscaping of plants, shrubs, trees, grass and similar landscaping materials, including a minimum of fifteen (15) one-and-one-half-inch caliper trees per acre, and with all shrubs having a minimum five gallon size.

C. Landscaped areas shall generally not be less than five feet wide. A reduction in landscaped area width may be granted by the planning and zoning commission if the applicant provides acceptable mitigation to vegetate the development area.

D. Parking lots shall be landscaped where possible, around the periphery, and include either a tree diamond installed every ten (10) parking spaces, or a six-foot-wide island with a tree at the end of all parking rows, and shall be permanently maintained.

E. All landscaped areas shall have sprinkling or irrigation systems.

F. Landscaping is to be installed (or bonded for if occupancy is in a non planting season) prior to issuance of a certificate of occupancy.

(Ord. 2011-366 § 1 (part))

17.20.100 Signs.

A. Clearance. For freestanding and projecting signs attached to a building, there shall be a minimum of ten and one-half (10.5) feet between the ground or sidewalk and any part of projecting sign. Public necessity signs and

monument signs (signs which are permanently anchored, freestanding and no more than five feet in height) may be exempt from this requirement.

B. Lighting Requirements. No lighting shall be installed which will permit direct rays of such light to penetrate onto any adjoining property used for residential purposes in such a way as could constitute a nuisance.

C. Location of Signs.

1. All signs shall be installed behind the property line of the business so as not to obstruct the view of traffic.
2. No part of any sign shall be permitted to extend across any property line.

D. Height of Sign. The maximum sign height shall not exceed thirty-five (35) feet.

E. Sign Area. The maximum allowed sign area for one side of a sign is as follows:

1. For freestanding signs: two square feet of sign area (not including support structure) per lineal foot of street frontage up to maximum of three hundred (300) square feet.
2. For flat signs that are either painted or attached to the building and do not project more than eighteen (18) inches from the building wall: a maximum of twenty-five (25) percent of a wall or fifty (50) percent of a window area may be used for a sign. Attached or painted signs using more than twenty-five (25) percent of a wall or fifty (50) percent of a window area shall be considered a conditional use, and as such, shall require the approval of the planning and zoning commission prior to installation of the sign.
3. Both freestanding and attached flat signs may be utilized by a business; provided, that each sign type conforms to the above limitations. In determining the sign area, the blocked area of the sign, including the area between letters, shall be counted as part of the sign area.

F. Temporary Signs. Temporary advertising signs in commercial and industrial zones may be permitted by the building inspector for up to thirty (30) days' use; provided, that such sign is not placed in a public right-of-way and will not create a safety hazard to the public.

G. Quality of Signs.

1. All signs shall be properly engineered and constructed of quality materials.
2. Signs shall be neatly painted so as to look professional and be conducive to the surrounding area.

H. Sign Removal. If a sign does not conform with the requirements of this chapter, or if the construction, design, manner of use, or method of anchoring or supporting any sign makes such sign unsafe, the city building official shall proceed in any manner he deems necessary to cause the removal of the sign or the rebuilding of the sign to conform with the requirements of this chapter and the International Building Code.

I. Permits Required. Regardless of cost, no sign shall be erected or placed within Roosevelt City without first making application for and obtaining a building permit therefor, except temporary window and political posters, temporary signs pertaining to the sale of adjacent property, and nameplates or identification signs indicating the existence of an approved home occupation or professional office. In addition to the requirements of this chapter, all billboard signs designed to be read or comprehended from U.S. Highway 40 or 121 shall comply with the regulations for such signs established by the state of Utah. Any building permit herein required by said regulations shall be in addition to the building permit herein required and construction or placement of a sign shall not be commenced until all approvals have been obtained.

(Ord. 2011-366 § 1 (part))

17.20.110 Special provisions.

A. Distance Between Buildings. No requirement except as may be dictated by the Uniform Building Code as adopted by Roosevelt City.

B. All uses shall be free from objectionable noise, hazards or nuisances.

C. Walls and Fences.

1. Any area outside of a building used for any business activity other than off-street parking and loading adjacent to any residential district shall be completely enclosed within a solid fence or wall of a height sufficient to completely screen such activity from the street or from adjoining parcels.

2. No wall or fence, or opaque hedge or screening material higher than thirty-six (36) inches shall be within a front yard.

3. A decorative sight-screening wall or fence at least six feet in height shall be erected along all property lines which lie adjacent to a residential zone. Fences over six feet in height, up to a maximum of ten (10) feet, may be approved through a conditional use permit and shall require a separate building permit.

D. Office Buildings. Manufactured homes, modulars and any premanufactured building may be used as an office facility, providing the following provisions are met:

1. Manufactured after 1976.

2. Manufactured so as to meet HUD, IBC or equivalent.

3. Taxed as real property.

4. Placed on a permanent foundation.

(Ord. 2011-366 § 1 (part))

Chapter 17.21 - INDUSTRIAL DISTRICTS

Sections:

- 17.21.010 Purpose.
- 17.21.020 Use or construction.
- 17.21.030 Permitted and conditional uses.
- 17.21.040 Height regulations.
- 17.21.050 Area regulations.
- 17.21.060 Frontage regulations.
- 17.21.070 Yard regulations.
- 17.21.080 Signs.
- 17.21.090 Special provisions.
- 17.21.100 Performance standards.

17.21.010 Purpose.

A. Light Manufacturing District M-1. To provide areas in the city for a mix of heavy commercial and light manufacturing firms, including processing, assembling, manufacturing, warehousing and storage; and for incidental service facilities and public facilities to serve the manufacturing area;

B. Heavy Manufacturing District M-2. To provide areas in the community where heavy industrial, manufacturing and extractive uses may be located in an environment which protects them from the encroachment of commercial and residential uses, and which reduces the effect of undesirable characteristics such as odor, dust and noise upon surrounding residential or commercial areas.

(Ord. 2011-366 § 1 (part))

17.21.020 Use or construction.

No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained in the industrial districts except as provided in this title.

(Ord. 2011-366 § 1 (part))

17.21.030 Permitted and conditional uses.

The following is a list of both permitted and conditional uses within the M-1 and M-2 industrial districts:

Use	M-1	M-2
A. Accessory uses and buildings customarily incidental to the permitted uses	P	P
B. Accessory uses and buildings customarily incidental to the conditional uses	C	C
C. Temporary buildings for uses incidental to construction work including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work	C	C
D. Agriculture.		
1. Agricultural industries	-	C
2. Tilling soil, raising crops, horticulture and gardening	P	P
E. Automobile Sales and Service.		
1. Automobile service station	C	C

2. Parking lot incidental to a use conducted on the premises	P	P
3. Parking lot not incidental to a use conducted on the premises	C	C
4. Automatic car wash; automobile and recreation vehicle sales, lease, rental or repair, new or used, conducted outdoors; automobile repair garage	C	C
5. Body and fender shop; tire recapping; motor vehicle, bicycle and recreation vehicle assembling, painting, upholstering and rebuilding	P	P
F. Processing and Manufacturing.		
1. Bag cleaning	P	P
2. Baking, ice cream making and/or candy making	P	P
3. Blacksmith shop	P	P
4. Boiler works	P	P
5. Bottling works	P	P
6. Bookbinding	P	P
7. Cement, mortar, plaster or paving materials central mixing plant, related to construction industry	—	C
8. Construction of buildings to be sold and moved off the premises	P	P
9. Dairy	P	P
10. Egg candling, sales or processing	P	P
11. Fertilizer and soil conditioning manufacture, processing and/or sales, providing only nonanimal products and byproducts are used	C	C
12. Forage plant	P	P
13. Foundry, casting lightweight, nonferrous metal	C	P
14. Hatchery	P	P
15. Incinerator, nonaccessory	C	C
16. Knitting mill	P	P
17. Laboratories	C	C
18. Machine shop	P	P
19. Mobile lunch agency	P	P
20. Monument works	P	P
21. Motion picture studio	P	P
22. Planing mill	C	P
23. Printing—convenience for drop-in customers	P	P
24. Publishing and contract printing	P	P
25. Rock crusher	—	C
26. Sandblasting	C	C
27. Sawmill	—	C
28. Tire retreading, or vulcanizing	P	P
29. Upholstering, including mattress manufacture, rebuilding or renovating	P	P
30. Weaving	P	P
31. Manufacture, curing, compounding, processing, packaging and treatment of the following:		
a. Baked goods		
b. Batteries		
c. Candy		
d. Cereal		
e. Cosmetics		
f. Dairy products		

g. Food products (excluding fish, sauerkraut, pickles, vinegar, yeast, and rendering of fat)		
h. Lubricating grease		
i. Meat products		
j. Oil		
k. Pharmaceuticals		
l. Toiletries	C	P
32. Manufacture, curing, compounding, processing, packaging, and treatment of fish, sauerkraut, pickles, vinegar, yeast, and the rendering of fat	—	C
33. Manufacturing, compounding, assembling and treatment of articles or merchandise from the following previously prepared materials:		
a. Bone		
b. Cellophane, canvas, cloth, cork		
c. Feathers		
d. Hair		
e. Horn		
f. Leather		
g. Paper		
h. Paint		
i. Plastics		
j. Precious or semi-precious stones or metals		
k. Rubber		
l. Shell		
m. Straw		
n. Textiles		
o. Tobacco		
p. Wood		
q. Wool		
r. Yarn	C	C
34. Manufacture of the following:		
a. Boats		
b. Business machines		
c. Cameras, photo equipment		
d. Electric or neon signs, billboards, and/or commercial advertising structures		
e. Light sheet metal products including heating and ventilation ducts and equipment, cornices and eaves, venetian blinds, window shades, awnings		
f. Musical instruments		
g. Novelties		
h. Rubber and metal stamps		
i. Toys	P	P
35. Manufacture, fabrication, assembly, canning, compounding, packaging, processing, treatment and storage of the following:		
a. Airplane and parts		
b. Automobile and parts		
c. Alcohol		
d. Brass		
e. Candle		

f. Cans		
g. Cameras, photo equipment, including film		
h. Cast stone products		
i. Celluloid		
j. Cement and cinder products		
k. Copper		
l. Ceramics		
m. Dyestuffs		
n. Emery cloth		
o. Excelsior		
p. Glass		
q. Glucose		
r. Gypsum		
s. Hair		
t. Hardware		
u. Ink		
v. Iron		
w. Lampblack		
x. Linoleum		
y. Lime		
z. Machinery		
aa. Malt		
bb. Matches		
cc. Novelties		
dd. Oilcloth		
ee. Oiled rubber goods		
ff. Oxygen		
gg. Paper		
hh. Paint		
ii. Pulp		
jj. Pickles		
kk. Pottery		
ll. Incidental plaster		
mm. Plaster of Paris		
nn. Plastics		
oo. Salt		
pp. Sheet metal		
qq. Shellac		
rr. Shoddy		
ss. Shoe polish		
tt. Soap, detergents		
uu. Soda		
vv. Starch		
ww. Steel		

xx. Terracotta, tile		
yy. Toys		
zz. Turpentine		
aaa. Varnish		
bbb. Vinegar		
ccc. Yeast	C	P
36. Manufacture of brick, clay, ceramic, cinder, concrete, synthetic, cast stone, plastics, and pumice stone products, including, in addition, manufacture or fabrication of building blocks, tile or pipe from raw materials for use in building construction or for sewer or drainage purposes, and excluding rock or gravel crushing of raw materials except that which is incidental to the manufacture or fabrication of the above-described products and; provided, that such crushing facilities be located not closer than two hundred (200) feet to any property line	C	C
37. Uses which follow, provided they are located at least three hundred (300) feet from any district boundary:		
a. Animal byproducts, plants, offal or dead animal reduction or dumping		
b. Blast furnace		
c. Fat rendering, fertilizer and soil conditioner, foundry		
d. Garbage or refuse maintenance or disposal site, gravel pits and quarries		
e. Manufacturing, processing, refining, treatment, distilling, storage, or compounding of the following: acid, ammonia, asphalt, acetylene gas, bleaching powder and chlorine, bones, chemicals of an objectionable or dangerous nature, coal, creosote, disinfectant, explosives, fireworks, firs, gas, gelatin or size, glue, grease or lard, hides, insecticides, metals crushing, ore, petroleum, plastic potash, pyroxylin, roofing or waterproofing material, rubber or gutta-percha, tallow, tar and wood.	—	C
G. Public and Quasi-Public.		
1. Cemetery	C	—
2. Parks, golf courses, swimming pools and other recreation areas	P	P
3. Public buildings	C	C
4. Radio/television transmitting towers	C	P
H. Recreation.		
1. Campground	C	—
2. Drag strip racing	C	C
3. Go-cart racing	C	C
4. Recreational center, commercial	C	—
5. Outdoor recreation vehicles rental-lease, sales and service	C	—
6. Theater, outdoor, providing:		
a. A solid fence or masonry wall with the minimum height of six feet shall be constructed on all sides.		
b. Driveways and parking areas shall be provided with properly maintained dustless surfaces.		
c. Minimum area for single-screen theater shall be five acres. Minimum area for two-screen theater shall be eight acres.	C	C
I. Sales and Related Services.		
1. Air conditioning, ventilating equipment, sales/repair	C	—
2. Beer outlet, Class A, Class B	C	—
3. Building material sales enclosed	P	P
4. Building material sales yard with sale of rock, sand, gravel and the like as an incidental part of the main business, but excluding concrete mixing, except as such concrete mixing is necessary in preparation and manufacture of any products specified in this section	P	P
5. Cafe, cafeteria, catering establishment	C	C
6. Coal/fuel sales office—not sales yard	C	—
7. Coal/fuel sales office—to include sales yard	P	—

8. Drive-ins; refreshment stand; eating and/or drinking place	C	C
9. Electrical, heating appliances and fixtures, sales/repairs/service	C	—
10. Floor covering sales	C	—
11. Fountain equipment supply	C	—
12. Fur sales, storage, repair	C	—
13. Greenhouse, nursery; plant materials; soil lawn service	C	—
14. Hardware store	C	—
15. Ice manufacture, storage, and retail/wholesale sales	P	C
16. Ice vendor units and/or reach-in ice merchandise units, electric ice-maker; ice storage not more than five tons capacity	P	—
17. Insulation sales	P	—
18. Lumber yard	P	P
19. Monument sales, retail	P	—
20. Plumbing shop	P	—
21. Radio and television station	C	P
22. Restaurant	P	—
23. Roofing sales	P	—
24. Seed/feed store	P	P
25. Wholesale business	P	P
J. Service Activities.		
1. Animal hospital	C	—
2. Bank	C	—
3. Dressmaking	P	—
4. Electric appliances and/or electronic instruments service	P	—
5. Employment agency or employment office	P	—
6. Fix-it shop; repair shop, household items	P	—
7. Flooring, floor repair shop	P	—
8. Frozen food lockers	P	—
9. Household cleaning/repair; house equipment displays	C	—
10. Janitorial service	C	—
11. Kennel; more than three dogs may be kept as an accessory use to a use allowed in the district.	C	C
12. Lithographing, including engraving, photoengraving	P	—
13. Office, business or professional	C	—
14. Pest extermination business	P	C
15. Printing, including engraving, photo engraving	P	—
16. Printing and small paper reproduction service	C	—
17. Sign painting shop	P	—
18. Taxidermist	C	—
19. Towel and linen supply service	C	—
20. Upholstery shop	P	C
21. Veterinary	P	C
22. Weather-stripping shop	C	—
K. Storage and Warehousing.		
1. Coal, fuel and wood yards	P	P

2. Contractors' equipment storage yard or plant, or rental of equipment used by contractors.	P	P
3. Garage, public	P	P
4. Junk yard	C	C
5. Warehouse	P	P
L. Transportation.		
1. Draying, freighting or trucking yard or terminal	P	P
2. Drive-it-yourself agency	P	P
3. Express office	P	C
4. Taxi stand	P	P
5. Terminal, parking and maintenance facilities	C	C
6. Transfer company, provided trucks no larger than two tons capacity are used	P	P
7. Truck stop and service facilities	P	P
P = Permitted; C = Conditional		

(Ord. 2011-366 § 1 (part))

17.21.040 Height regulations.

The maximum height for all buildings and structures in the industrial districts shall be fifty-five (55) feet, or four stories.

(Ord. 2011-366 § 1 (part))

17.21.050 Area regulations.

The minimum lot area in square feet for any building or structure in the industrial districts shall be determined by the planning and zoning commission.

(Ord. 2011-366 § 1 (part))

17.21.060 Frontage regulations.

Each lot or parcel of land used for separate businesses shall abut on a public street.

(Ord. 2011-366 § 1 (part))

17.21.070 Yard regulations.

A. Each lot or parcel of land shall have a front yard of at least ten (10) feet.

B. A side yard setback of not less than fifteen (15) feet shall be required where adjoining a residential zone, school or park.

C. No rear yards are required except as may be dictated by off-street parking requirements or by the provisions of the International Building Code as adopted by Roosevelt City.

(Ord. 2011-366 § 1 (part))

17.21.080 Signs.

A. Clearance. For freestanding and projecting signs attached to a building, there shall be a minimum of ten and one-half (10.5) feet between the ground or sidewalk and any part of projecting sign. Public necessity signs and monument signs (signs which are permanently anchored, freestanding and no more than five feet in height) may be exempt from this requirement.

B. Lighting Requirements. No lighting shall be installed which will permit direct rays of such light to penetrate onto any adjoining property used for residential purposes in such a way as could constitute a nuisance.

C. Location of Signs.

1. All signs shall be installed behind the property line of the business so as not to obstruct the view of traffic.
2. No part of any sign shall be permitted to extend across any property line.

D. Height of Sign. The maximum sign height shall not exceed thirty-five (35) feet.

E. Sign Area. The maximum allowed sign area for one side of a sign is as follows:

1. For freestanding signs: two square feet of sign area (not including support structure) per lineal foot of street frontage up to maximum of three hundred (300) square feet.
2. For flat signs that are either painted or attached to the building and do not project more than eighteen (18) inches from the building wall: a maximum of twenty-five (25) percent of a wall or fifty (50) percent of a window area may be used for a sign. Attached or painted signs using more than twenty-five (25) percent of a wall or fifty (50) percent of a window area shall be considered a conditional use, and as such, shall require the approval of the planning and zoning commission prior to installation of the sign.
3. Both freestanding and attached flat signs may be utilized by a business; provided, that each sign type conforms to the above limitations. In determining the sign area, the blocked area of the sign, including the area between letters, shall be counted as part of the sign area.

F. Temporary Signs. Temporary advertising signs in industrial zones may be permitted by the building inspector for up to thirty (30) days' use; provided, that such sign is not placed in a public right-of-way and will not create a safety hazard to the public.

G. Quality of Signs.

1. All signs shall be properly engineered and constructed of quality materials.
2. Signs shall be neatly painted so as to look professional and be conducive to the surrounding area.

H. Sign Removal. If a sign does not conform with the requirements of this chapter, or if the construction, design, manner of use, or method of anchoring or supporting any sign makes such sign unsafe, the city building official shall proceed in any manner he deems necessary to cause the removal of the sign or the rebuilding of the sign to conform with the requirements of this chapter and the International Building Code.

I. Permits Required. Regardless of cost, no sign shall be erected or placed with Roosevelt City without first making application for and obtaining a building permit therefor, except temporary window and political posters, temporary signs pertaining to the sale of adjacent property, and nameplates or identification signs indicating the existence of an approved home occupation or professional office. In addition to the requirements of this chapter, all billboard signs designed to be read or comprehended from U.S. Highway 40 or 121 shall comply with the regulations for such signs established by the state of Utah. Any building permit herein required by said regulations shall be in addition to the building permit herein required and construction or placement of a sign shall not be commenced until all approvals have been obtained.

(Ord. 2011-366 § 1 (part))

17.21.090 Special provisions.

A. Distance Between Buildings. No requirement except as may be dictated by the Uniform Building Code as adopted by Roosevelt City.

B. All uses shall be free from objectionable noise, hazards or nuisances.

C. Landscaping. The front yard areas and side yard areas adjacent to a public street, except those portions devoted to driveways and parking, shall be maintained with suitable landscaping of plants, shrubs, trees, grass and similar landscaping materials.

D. Walls and Fences.

1. Any area outside of a building used for any business activity other than off-street parking and loading adjacent to any residential district shall be completely enclosed within a solid fence or wall of a height sufficient to completely screen such activity from the street or from adjoining parcels.
2. No wall or fence, or opaque hedge or screening material higher than thirty-six (36) inches, shall be within a front yard.
3. A decorative sight-screening wall or fence at least six feet in height shall be erected along all property lines which lie adjacent to a residential zone. Fences over six feet in height, up to a maximum of ten (10) feet, may be approved through a conditional use permit and shall require a separate building permit.

E. Office Buildings. Manufactured homes, modulars and any premanufactured building may be used as an office facility, providing the following provisions are met:

1. Manufactured after June 15, 1976.
2. Manufactured so as to meet HUD, IBC or equivalent.
3. Taxed as real property.
4. Placed on a permanent foundation.

(Ord. 2011-366 § 1 (part))

17.21.100 Performance standards.

All uses within industrial districts are subject to the performance standards and regulations as found in Chapter 17.12.

(Ord. 2011-366 § 1 (part))

Chapter 17.25 - AIRPORT OVERLAY DISTRICT

Sections:

- 17.25.010 Purpose.
- 17.25.020 Applicability.
- 17.25.030 Definitions.
- 17.25.040 Airport height limitation zones.
- 17.25.050 *Height limitations.*
- 17.25.060 Use restrictions.
- 17.25.070 Nonconforming uses.
- 17.25.080 Airport safety compatibility zones (ASCZ).
- 17.25.090 Permits.
- 17.25.100 Disclosure.

17.25.010 Purpose.

A. Hazards and obstructions have the potential for endangering the lives and property of users of Roosevelt Municipal Airport and the property of occupants of land in its vicinity. Hazards and obstructions may affect existing or future instrument approach minima at Roosevelt Municipal Airport and may reduce the size of area available for landing, take-off and maneuvering of aircraft. Hazards and obstructions would tend to destroy or impair the utility of Roosevelt Municipal Airport and the public's investment, and are potential public nuisances.

B. In the interest of the public health, safety, and general welfare, the creation or establishment of obstructions that are a hazard to air navigation should be prevented. The prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power **without compensation**.

*C. It is the purpose of this chapter to prevent the creation or establishment of hazards to air navigation; to eliminate, remove, alter or mitigate hazards to air navigation; and to provide for the marking and lighting of obstructions, for which the county may raise and expend public funds and acquire land or interests in land.
(Ord. 2019-428 (part))*

17.25.020 Applicability.

The provisions of this chapter shall apply to all lands, buildings, structures, natural features or uses located within those areas that are defined by the airport overlay district and designated on the Roosevelt Airport Part 77 Surfaces map which identifies areas of height limitations and the Airport Safety Compatibility Zones (ASCZ) map.

(Ord. 2019-428 (part))

17.25.030 Definitions.

The following definitions shall apply to regulation and consideration of airport overlay zones, as regulated by this title:

A. "Airport" means the Roosevelt Municipal Airport.

B. "Airport elevation" means the highest point of the airport's useable landing area measured in feet above sea level. The Roosevelt Municipal Airport is five thousand one hundred seventy-six (5,176) feet above mean sea level.

C. "Approach surface" means an imaginary surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone

height limitation slope set forth in [Section 17.25.050](#). The perimeter of the approach surface coincides with the perimeter of the approach zone in plan view.

D. Approach, Transitional, Horizontal, and Conical Zones. These zones are defined in [Section 17.25.040](#).

E. “Conical surface” means an imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (20:1) for a horizontal distance of four thousand (4,000) feet.

F. “FAA Form 7460-1, Notice of Proposed Construction or Alteration” means a form which the Federal Aviation Administration requires to be completed by anyone who is proposing to construct or alter an object that could affect airspace and allows the FAA to conduct an airspace analysis to determine whether the object will adversely affect airspace or navigational aids. More information regarding this requirement can be found on the FAA website.

G. “FAR Part 77 surfaces” means imaginary airspace surfaces, per Part 77 of 49 CFR of the Federal Aviation Regulations, established with relation to each runway of an airport. There are five types of surfaces: (1) primary; (2) approach; (3) transitional; (4) horizontal; and (5) conical.

H. “Hazard to air navigation” means an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

I. “Horizontal surface” means a horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which plane coincides with the inner perimeter of the conical surface.

J. “Obstruction” means any permanent or temporary structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in [Section 17.25.050](#).

K. “Person” means an individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity, including a trustee, receiver, assignee, or similar representative of any of them.

L. “Primary surface” means a surface longitudinally centered on a runway. The primary surface has a width and distance beyond each end of the runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The primary surface at Roosevelt Municipal Airport is five hundred (500) feet wide and extends two hundred (200) feet beyond runway end for the current six thousand five hundred one (6,501) foot Runway 7-25.

M. “Runway” means a defined area on an airport prepared for landing and takeoff of aircraft along its length; Runway 7-25 at the Roosevelt Municipal Airport.

N. “Structure” means an object (including a mobile object) constructed or installed by persons, including, but without limitation, buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

O. “Transitional surfaces” means those imaginary surfaces extending outward at ninety (90) degree angles to the runway centerline at a slope of seven feet horizontally for each foot vertically, from the sides of the primary and approach surfaces to where they intersect with the horizontal and conical surfaces.

P. “Tree” means any object of natural growth.

Q. “Utility runway” and “non-utility runway” mean runways that are constructed for and intended to be used by propeller-driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight or less, or more, respectively.

R. “Visual runway” and “instrument (non-precision) runway” mean runways intended solely for the operation of aircraft using visual or instrument approach procedures, respectively.

(Ord. 2019-428 (part))

17.25.040 Airport height limitation zones.

In order to carry out the provisions of this chapter, zones are established which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to the Roosevelt Municipal Airport. The zones are shown on the Roosevelt Municipal Airport Overlay District Map. An area located in more than one zone is considered to be only in the zone with the more restrictive height limitation. The various zones are defined as follows:

- A. Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide for Runway 7-25. The approach zone expands uniformly to the width three thousand five hundred (3,500) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface end. Its centerline is the continuation of the centerline of the runway.
- B. Transitional Zone. Transitional zones are the areas beneath the transitional surfaces.
- C. Horizontal Zone. Horizontal zones are established by swinging arcs of ten thousand (10,000) feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. Horizontal zones do not include approach and transitional zones.
- D. Conical Zone. Conical zones are established as the area commencing at the periphery of the horizontal zones and extending outward and upward twenty (20) to one (20:1) therefrom for a horizontal distance of four thousand (4,000) feet.

(Ord. 2019-428 (part))

17.25.050 Height limitations.

No structure shall be erected, altered, or maintained and no tree shall be allowed to grow in any zone, as defined in this chapter, to a height in excess of the applicable height limit established for that zone. The applicable height limitations for each of the zones are established as follows:

- A. Approach Zone. Slopes thirty-four (34) feet outward for each foot upward (34:1) beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline.
- B. Transitional Zones. Slopes seven feet outward for each foot upward (7:1) beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty (150) feet above the airport elevation.
- C. Horizontal Zone. One hundred fifty (150) feet above the airport elevation or at a height of five thousand three hundred twenty-six (5,326) feet above mean sea level.
- D. Conical Zone. Slopes twenty (20) feet outward for each foot upward (20:1) for four thousand (4,000) feet beginning at the periphery of the horizontal zone to a height of five thousand five hundred twenty-six (5,526) feet above mean sea level.

(Ord. 2019-428 (part))

17.25.060 Use restrictions.

No use may be made of land or water within any zone so as to:

- A. Create electrical interference with the navigational signals or radio communications between the airport and aircraft;

B. Make it difficult for pilots to distinguish between airport lights and others; no new or expanded industrial, commercial, recreational or residential use shall project lighting directly onto an existing runway, taxiway, or approach/departure surface except where necessary for safe air travel;

C. Result in glare in the eyes of pilots using the airport; impair visibility in the vicinity of the airport;

D. Create bird strike hazards; or

E. Otherwise endanger or interfere with the landing, take-off, or maneuvering of aircraft intending to use the airport.

F. Approval of cellular and other communications or transmission towers located within any zone described within Section **17.25.040** shall be conditioned to require their removal within ninety (90) days of discontinuance of use.

(Ord. 2019-428 (part))

17.25.070 Nonconforming uses.

A. Effect Not Retroactive. The provisions of this chapter shall not be construed to adversely affect any existing structure or use as of its effective date, nor require any change in the construction, alteration or intended use of any prior structure, the construction or alteration of which was begun prior to its effective date, so long as it is diligently prosecuted.

B. Marking and Lighting. The owner of any existing nonconforming structure or tree is required to permit the installation, operation, and maintenance of markers and lights deemed necessary by the operating authority of the airport to indicate to the operators of aircraft the presence of obstructions. The markers and lights shall be installed, operated, and maintained at the expense of the operating authority of the airport.

(Ord. 2019-428 (part))

17.25.080 Airport safety compatibility zones (ASCZ).

Zones described below are shown on the Roosevelt Municipal Airport Overlay District Map with the prohibited land uses listed in order to promote the general safety and general welfare of properties surrounding the airport and the continued viability of the airport.

A. Zone 1—Runway Protection Zone. Only airport uses and activities are allowed within the RPZ.

B. Zone 2—Inner Approach/Departure Zone. Prohibited land uses within this zone are residences (all residential zones), places of public assembly such as churches, schools (K-12), colleges, hospitals, office buildings, shopping centers and other uses with similar concentrations of persons. Asphalt paving and roofing materials or rock crushing are also prohibited. Fuel storage facilities or the storage or use of significant amounts of materials which are explosive, flammable, toxic, corrosive, or otherwise exhibit hazardous characteristics shall not be located within the approach surface. Hazardous wildlife attractants including waste disposal operations, water management and storm water facilities with above-ground water storage, and manmade wetlands shall not be allowed within the approach surface.

C. Zone 3—Inner Turning Zone. Prohibited land uses within this zone are schools (K-12), residential (all zones) and hospitals.

D. Zone 4—Outer Approach/Departure Zone. Prohibited land uses within this zone are high density residential, places of public assembly such as churches, schools (K-12), hospitals, office buildings, shopping centers and other uses with similar concentrations of persons. Only low-density residential zones are allowed. Residential areas should have the disclosure statement included in Section **17.25.100**.

E. Zone 5—Sideline Zone. Prohibited land uses within this zone are residences (all zones), places of public assembly such as churches, schools, hospitals, office buildings, shopping centers and other uses with similar concentrations of persons. Mining, including sand and gravel pits, is prohibited in the sideline zone.

F. Zone 6—Traffic Pattern Zone. Prohibited land uses within this zone are schools, hospitals and other uses with similar concentrations of persons. Only low-density residential zones are allowed. Residential areas should have the disclosure statement included in Section [17.25.100](#).

(Ord. 2019-428 (part))

17.25.090 Permits.

A. Future Uses. Except as specifically provided in this section, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone defined in this chapter unless a permit shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to determine whether the resulting use, structure, or tree would conform to the provisions of this chapter. No permit for a use inconsistent with the provisions of this chapter shall be granted unless a variance has been approved in accordance with this section.

All permit applications within the airport overlay district shall, in addition to being reviewed through the standard development review process, be subject to the following:

1. All developments, permits or plats with proposed buildings and/or structures found to be within twenty (20) feet of any of the height limitations described in Section [17.25.050](#) and/or all buildings and structures over two hundred (200) feet in height must submit a site plan, building elevations and an FAA Form 7460-1 to the city/county. Upon review, further documentation shall be required, if more accurate data is necessary for a determination of impact including detailed surveys by a licensed land surveyor.
2. All developments, permits or plats falling within the ASCZs described in Section [17.25.080](#) associated with special use permits, variances or existing nonconforming uses must also submit a site plan to city/county planning for review.
3. In the area lying within the limits of a horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground except when, because of terrain, land contour, or topographic features, the tree or structure would extend above the height limits prescribed for such zones.
4. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than forty-three thousand two hundred (43,200) feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground except when such tree or structure would extend above the height limits prescribed for the approach zone.
5. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any structure or growth of any tree in excess of any height limits established by this chapter.

B. Existing Uses. No permit shall be granted that would allow the establishment or creation of an obstruction, or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this chapter.

C. Nonconforming Uses Abandoned or Destroyed. Whenever the city/county determines that a nonconforming tree or structure has been abandoned, or more than eighty (80) percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such a structure or tree to extend above the applicable height limit or otherwise deviate from the zoning regulations.

D. Variances.

1. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property not in accordance with the provisions of this chapter, may apply to the city/county planning offices for a variance. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space.

2. A variance shall be allowed where it is duly found that a literal application or enforcement of this chapter will result in an unnecessary hardship and relief granted will not be contrary to the public interest; will not create a hazard to air navigation; will do substantial justice; and will be in accordance with the spirit of this chapter.

3. No application for variance may be considered unless a copy of the application has been furnished to the airport owner for advice as to the aeronautical effects of the variance. If the airport owner does not respond to the application within fifteen (15) days after receipt, the appropriate jurisdiction may act on its own to grant or deny the application.

E. Obstruction Marking and Lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter, be conditioned to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, necessary markings and lights. If deemed proper by the city/county planning offices, this condition may be modified to require the owner to permit the airport owner at its own expense to install, operate and maintain the necessary markings and lights.

F. Conditional Use Permit. Any use allowed under any other county zoning code, which will be located in an approach zone, shall be treated as a conditional use under that code and shall be subject to all provisions and procedures required for conditional uses under that code.

(Ord. 2019-428 (part))

17.25.100 Disclosure.

To all extents possible, property owners and potential property buyers should be made aware of the following disclosure. The disclosure statement shall be listed on all approved subdivision plats, short plats, binding site plans and deeds within any of the identified zones in Section [17.25.040](#) or [17.25.080](#).

Properties near the Roosevelt Airport may be subject to varying noise levels and vibration. Properties near the airport may be located within height and use restriction zones as described and illustrated by Federal standards and regulations and the City of Roosevelt/Uintah County Zoning and Development Regulations. There is the potential that standard flight patterns will result in aircraft passing over the properties at low altitudes and during all hours of the day. Generally, it is not practical to redirect or severely limit airport usage and/or planned airport expansion. Developments near the airport should assume that at any given time there will be some impact from air traffic.

(Ord. 2019-428 (part))