Staff Report

Coalville City
Community Development Director

To:	Coalville City Council and Mayor
From:	Don Sargent, Community Development Director
Date of Meeting:	August 26, 2024
Re:	Development Code Amendments – Chapters 1, 2, 3, 28, 29, 30, and 32 and other Miscellaneous Clarification Provisions
Action:	Work Session - Review and Discussion

Development Code Update Amendments

REQUEST

Review and discuss various amendments to the Development Code addressing clarity/correctness issues to ensure consistency and compliance with current State requirements regarding land use review/approval processes, and subdivision platting requirements.

This item is scheduled for initial review and discussion. A public hearing will be scheduled for a subsequent meeting.

BACKGROUND

In 2023 the Utah State Legislature passed SB174 and in 2024 passed HB476 for processing and streamlining residential development applications. The new law does this by:

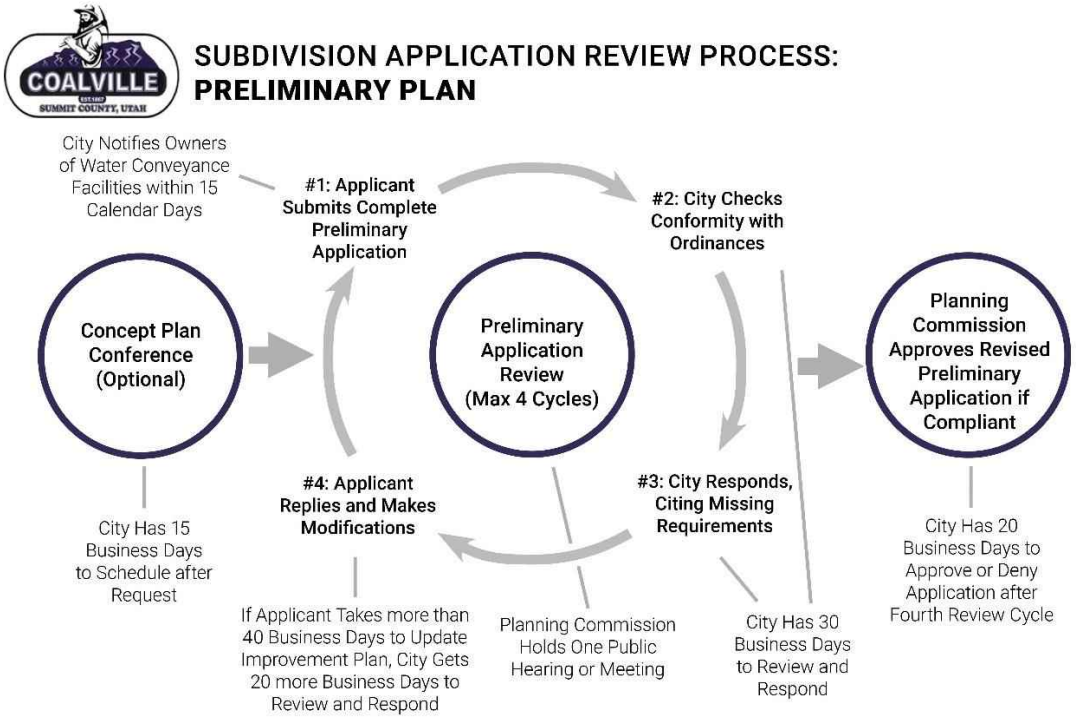
1. Limiting the City to four (4) "review cycles" of back and forth with a developer when considering subdivision improvement plans and one (1) public hearing in the preliminary review phase.
2. Instituting review deadlines.
3. Prohibiting the City from considering subdivision improvement plans in both "preliminary" and "final" application phases.
4. Making subdivision decisions administrative, and
5. Requiring the City to approve applications that are compliant with local ordinances.

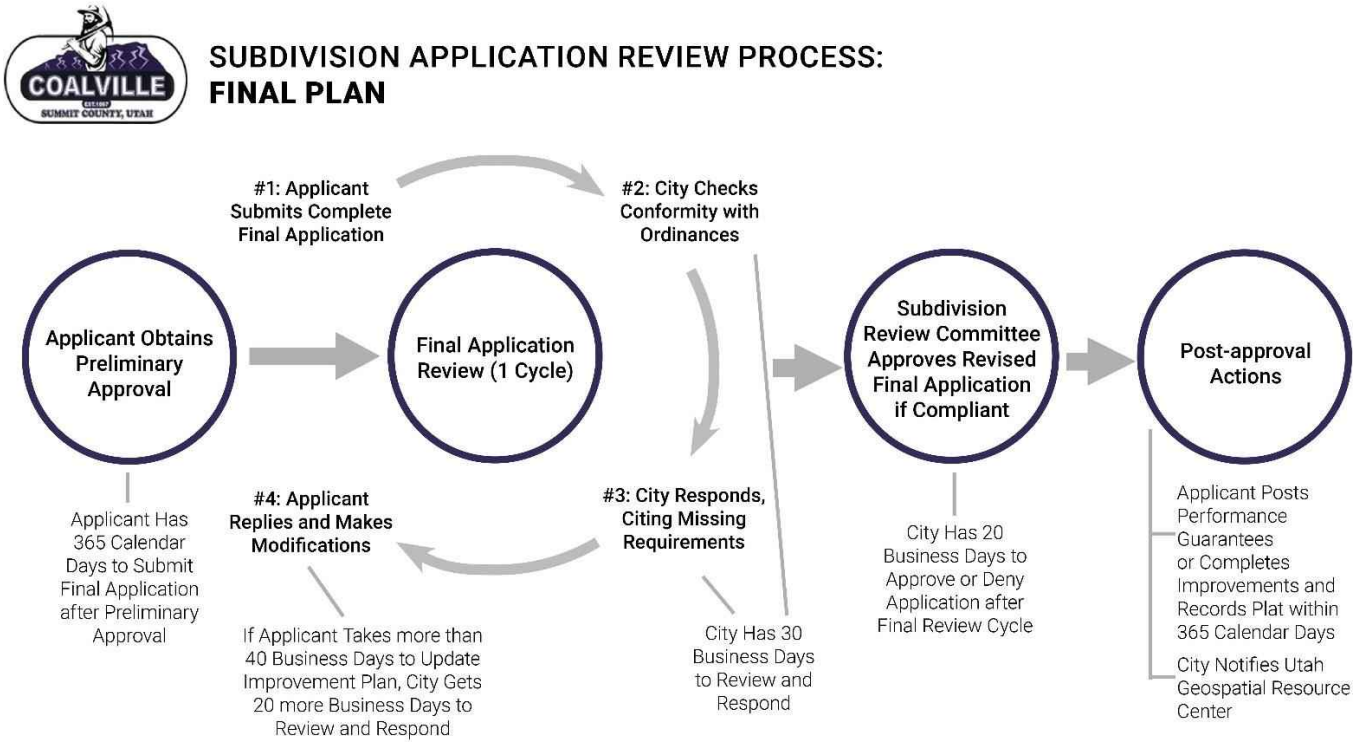
On August 19, 2024, the Planning Commission reviewed and discussed the amendments, conducted a public hearing, and recommended approval of the amendments to the City Council.

ANALYSIS

To assist with processing these required amendments to the development code the city partnered with the Hansen Planning Group, a state-funded consultant, to prepare and facilitate the amendments for updating the development code.

Attachment A includes a "Track Changes", and *Attachment B* includes a "Clean Copy" of the updated development code which brings the City into compliance with state law by implementing the required changes and tightening up subdivision application requirements to give the city as much protection as possible under the state law. Most importantly, the new review-and-approval process developed for the city is as follows:





Mike and/or Jacob Hansen from the Hansen Planning Group are planning on attending the meeting to present the development code amendments and answer any questions from the City Council.

RECOMMENDATION

Staff recommends the City Council review and discuss the updated development code amendments and provide any input and direction to the Hansen Planning Group and Staff for preparation of a public hearing at a subsequent meeting.

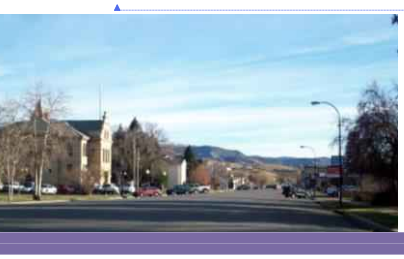
ATTACHMENTS

- **A.** Draft "Track Changes" Development Code Update Amendments (please disregard the formatting comments in the right column)
- **B.** Draft "Clean Copy" Development Code Update Amendments (Page 386)

ATTACHMENT A

Coalville City

DEVELOPMENT CODE















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Acknowledgements

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Chapter 1

GENERAL PROVISIONS

01-010: Short Title
01-020: Purpose
01-030: Effect of Chapter
01-040: Application
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01-010: SHORT TITLE

This Code shall be known as the *COALVILLE CITY LAND USE AND DEVELOPMENT MANAGEMENT CODE* and may be so sited and pleaded.

01-020: PURPOSE

It is the intent and purpose of the Legislative Body of Coalville City, Utah, to promote health, safety, morals. convenience, order, prosperity, and general welfare of the present and future inhabitants of the City by guiding development within the City in accordance with a comprehensive plan prepared and adopted by the City to accomplish the following:

A. Allow development in a manner that encourages the preservation of scenic resources and unique settings of Coalville.

B. Encourage and facilitate orderly growth and development in the City.

C. Facilitate adequate provisions for transportation, water, sewage. schools, parks, and other public requirements.

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D. Promote sanitation and health of the inhabitants.

E. Properly manage sensitive/critical lands within Coalville.

F. Provide for well-planned commercial and residential developments.

G. Promote safety from fires, floods, traffic hazards, and other dangers.

H. Discourage the overcrowding of land and undue concentration of population.

I. Discourage undue scattering of population and unnecessary expenditure of monies for excessive streets, water and sewer lines, and other public infrastructure.

J. Stabilize and improve property values.

K. Protect the residents from objectionable noise, odor, dust, fumes, and other deleterious substances or conditions.

L. Promote an attractive and wholesome environment.

M. Protect and enhance the quality of the rural small-town character of the community.

01-030: EFFECT OF CHAPTER

The provisions of this Chapter are general in nature and, as applied, affect this entire Code.

01-040: APPLICATION

The regulations and restrictions as set forth in this Code shall be so interpreted and applied as to further the purposes of this Code.

01-050: DECLARATION

In establishing the zones, the boundaries thereof, and regulations and restrictions applying within each of the zones, due and careful consideration was given, among other things, to the suitability of the land for particular uses, and to the character of the zone, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

01-060: INTERPRETATION

In interpreting and applying this Code the provisions hereof shall be held to be the minimum requirements adopted for the promotion of public health, safety, comfort, convenience, and general welfare. In the case that this Code imposes a greater restriction than is imposed or required by other existing provisions of law or ordinance, then in such case the provisions of this Code shall control (Ord. 2009).

01-070: CONFLICTING PROVISIONS REPEALED

The zoning ordinance of Coalville City heretofore adopted is hereby repealed, also, all ordinances, resolutions, or parts thereof in conflict with the provisions of this Code are

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hereby repealed insofar as they conflict with the provisions of this Code, provided, however, that any building, use of land, or any construction thereon which was not authorized by or under the ordinances of the City or which was illegal under such ordinances, shall remain unauthorized and illegal unless expressly authorized or permitted by the provisions of this Code (Ord. 2009).

01-080: RELATION TO PRIOR DEVELOPMENT AND SUBDIVISION ORDINANCE

The procedures set forth in this Code are intended to supersede any inconsistent ~~procedural provisions in previous~~ development and subdivision ordinances. ~~The substantive requirements of the~~ Any application ~~form and the review process~~properly vested under prior ordinances at the time this Code is adopted shall ~~remain unchanged,~~proceed procedurally according to this Code but ~~all final actions under that ordinance are subject to~~ substantively according to the ordinances in effect at the ~~appeal processes set forth herein.~~time of vesting.

01-090: CONFLICTS WITHIN THIS CODE

Every effort is made by the City to ensure that this Code is readable and understandable~~.~~ and contains as few defects as possible. If, however, any conflicts, defects, inconsistencies, or ambiguities are found within different sections or chapters of this Code, the Land Use Authority shall ~~follow~~apply the section or wording that is more restrictive, stringent or of a higher standard as defined or interpreted by the Staff and Land Use Authority.

The Land Use Authority shall then make every effort to amend this Code to further clarify or repair the defect, conflict, inconsistency, or ambiguity.

01-100: EFFECTIVE DATE

This Code shall take effect upon proper publication of this Code following the date of passage.

01-110: USES NOT PERMITTED IN ZONES UNLESS EXPRESSLY PERMITTED OR CONDITIONAL

Uses of land which are not expressly either permitted or conditional within a particular zone and are not identified as permitted or conditional uses in any other zone that is included in this Code, are hereby expressly declared to be not permitted in all zones, pursuant to the express authority given under terms of this code. The Land Use Authority shall only permit such a use within a zone by the terms of Chapter 8 of this code.

01-120: SCOPE OF CODE

The Legislative Body designed and enacted this Code in accordance with a General Plan for Coalville City to designate, regulate, and restrict:

A. The use of land.

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B. Conditional Uses.

C. The erection, construction reconstruction, alteration, location, and uses of buildings.

D. The height, size, arid bulk of buildings and other structures hereafter erected or altered.

E. The size of lots, courts, yards and other open spaces and the percentage of the lot that occupants may use.

F. The height, bulk, and location of objects of natural growth where the City deems such objects as hazardous to life or property.

G. The density and distribution of population.

01-130: SEPARABILITY AND VALIDITY CLAUSE

If any chapter, section, subsection, sentence, clause, phrase, or part of this Code is for any reason held invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remaining provisions of this Code but shall confine its operation to the specific chapter, section, sentence, clause, or part of this Code held invalid and shall not affect the validity of the remaining portion of this Code.

01-140: EFFECT OF OTHER ORDINANCES AND REGULATIONS

Wherever the provisions of any other applicable statute, ordinance, or regulation establish higher or more restrictive standards than the provisions of this Code, the provisions of such other statute, ordinance, or regulation shall govern.

01-150: EFFECT OF PRIVATE COVENANTS AND AGREEMENTS

This Code shall not nullify the more restrictive provisions of private covenants and agreements entered into between private persons but shall prevail over any such provisions that are less restrictive. Enforcement of private covenants and agreements affects only the parties in interest and the City, or its agents may not assume the responsibility for enforcement. Neither shall the provisions of this Code supersede the terms of a valid development agreement entered into by the City.

01-160: COMPLAINTS REGARDING VIOLATION

Whenever a violation of this Code occurs, or a person submits an allegation of such an occurrence, the complaining individual may file a written complaint, stating fully the causes and bases thereof, with the Community Development Department which shall record properly such complaint and timely investigate and take action thereof as provided by this Code.

01-170: PENALTIES

Any person, firm, partnership, or corporation, or the principals or agents thereof whether as principal, agent, employee, or otherwise, willfully violating, causing, or permitting the violation of any of the provisions of this Code or of a decision of the Land Use Authority,

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Legislative Body, or Appeal Authority, shall be guilty of a Class C misdemeanor and, upon conviction thereof by a court of competent jurisdiction, shall be punishable to the full extent allowed by law. ~~Said court shall deem such person, firm, or corporation to be guilty of a separate offense for each and every day during which they commit, continue, or permit any portion of any violation of this Code, punishable as herein provided In addition. the~~The City shall be entitled to bring an action to enjoin the continuation of the violation. Private Citizens of Coalville or property owners shall also have a right to file actions to enjoin the continuation of a violation affecting their interests, provided that the plaintiff in such action shall give notice of the action to the City Recorder prior to filing the action. Notwithstanding the foregoing, where a subsequent section of this Code specifies a specific penalty for a specific violation, that penalty shall apply in place of the misdemeanor described in this provision.

01-180: DELEGATION

The City of Coalville may, by resolution or ordinance from time to time, entrust the administration of this Code, in whole or in part, to any officer of Coalville City without amendments to this Code.

01-190: PLANNING COMMISSION

There is hereby created the Coalville City Planning Commission (Land Use Authority) consisting of five (5) members recommended by the Mayor and approved by a majority vote of the City Council at a regularly scheduled City Council meeting. Reappointments of existing planning commission members may be made by the City Council. The Coalville City Planning Commission, hereinafter referred to as the Planning Commission or Commission shall be organized and have the duties and responsibilities as indicated below.

A. **Terms, Eligibility and Compensation of Members**. Each member of the Planning Commission shall serve a term of three years. Members shall be appointed in December of the year upon the expiration of a current member. The terms shall be staggered so that no more than two (2) members are appointed at the same time. Terms expire on the last day of the year, but members on the Planning Commission shall continue to serve until their successors are appointed. The Mayor, with the consent of the City Council, shall appoint a new Planning Commission member to fill vacancies that might arise, and such appointments shall be to the end of the vacated term. No member shall serve more than three (3) consecutive terms, including portions of unexpired terms.

Members of the Planning Commission shall be residents of Coalville City and have resided within the City for at least ninety (90) days prior to being appointed. Members are deemed to have resigned when they move their residences outside the City limits.

Members may be compensated per diem, based upon meetings attended as determined by the City Council.

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B. **Absence Deemed Resignation or Grounds for Removal.** Any Planning Commission member who is absent from two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings in a calendar year may be called before the City Council and asked to resign or be removed with cause by the Council. All members of the planning commission shall serve at the pleasure of the City Council and may be removed by a majority vote of the City Council.

C. **Duties and Responsibilities.** The Coalville Planning Commission, referred to as Planning Commission, Commission, or Administrative Land Use Authority, organized in accordance to § 10-9-201 et. seq. of the Utah Code 1996, as amended, shall have the following duties and responsibilities:

1. To prepare a General Plan, any maps required by the plan, and amendments to the General Plan and recommend the plan or amendments to the plan to the City Council.
2. To prepare a Development Code including zoning and subdivision regulations, any maps or exhibits required by the Code, and amendments to the Development Code and recommend the code or amendments to the code to the City Council.
3. Administer provisions of the Development Code as provided in the Code and approved by the City Council.
4. To review and make recommendations to the City Council regarding amendments to the City Zone District Map.
5. To initiate a subpoena to compel documents and testimony required in the normal processing and review of matters pertaining to the Planning Commission.
6. To hear, review ~~and~~, approve or deny, or recommend approval or denial of all applications for conditional uses, temporary uses, minor and major subdivision of property, master planned developments, major development review, development agreements, or other procedures or applications identified in the Development Code in accordance with the rules and regulations established by the City Council.
7. Recommend approval or denial of annexation petitions in accordance with the Development Code or other ordinances of the City.
8. Advise the City Council on matters as the Council directs and hear or decide any matters that the Council designates.
9. To enter upon any land, under consideration for development approval or which has been granted a Conditional Use Approval, at reasonable times, to examine and evaluate the conditions of the project development.

D. **Planning Commission Chair.** At the first meeting held in March, after the appointment of any new members, the members of the Planning Commission

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shall elect one of its members as chair and one member as vice chair. In the absence of the chair, the vice chair shall act as chair and shall have all powers of the chair. The chair shall serve an initial term of one year and no member shall serve as chair for more than two (2) consecutive one-year terms. In the event the chair or vice chair resigns or is no longer eligible to serve on the commission, the members of the Planning Commission shall elect a replacement chair or vice chair at the next regularly scheduled meeting.

The chair, or in the chair's absence the vice chair, shall oversee all proceedings before the Planning Commission, and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the Planning Commission. The Chair may participate in any discussions, be counted for the purpose of forming a quorum, and shall be a voting member of the Planning Commission.

Planning Commission meetings are open to the public and will conform to the Utah Open Meetings Act. Notice will be provided for as per Section 03-060 herein, and an annual meeting schedule will be posted and published at least once a year in a newspaper of general circulation.

E. **Quorum and Necessary Vote**. No meeting of the Planning Commission may be called to order without a quorum consisting of at least three (3) members of the Commission being present. No business shall be transacted without at least a majority of all members being present. All actions shall require the concurring vote of a majority of the members present. The chair shall be considered for purposes of establishing a quorum and shall act as a voting member. In the event of a tie vote, the agenda item will automatically be continued until the next meeting where a full quorum is present for a vote. If the agenda item cannot be brought to a majority vote due to a member abstaining it shall be equivalent to a majority nay vote.

F. **Meetings, Hearings and Procedures.**

~~10.~~1. The Planning Commission shall establish a regular meeting schedule. Special meetings, work sessions and field trips for any purpose, may be held at the call of the City Council, the Planning Commission or the CDD or designated planning staff member.

~~11.~~2. If a matter is postponed due to lack of quorum, the matter shall be rescheduled to either the next regular meeting or special meeting. The CDD or designated planning staff member shall notify all members and interested parties of the date of the rescheduled matter.

G. **Joint Planning Meetings**.

~~12.~~1. At the discretion of the City Council at least one joint planning meeting shall be held annually to provide for discussion and coordination among planning commission members, City council members, City staff and members of the public regarding issues of city-wide concern.

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~~13.~~2. The purpose of joint planning meetings is to provide for discussion among Planning Commission and City Council members, City staff, other public officials, developers, and the public on various issues related to matters in question. Notice of such joint planning sessions shall be for the purpose of discussion and information and are not intended to result in any formal action being taken during the joint planning sessions, although information presented at such sessions may be made part of the record of subsequent proceedings of either Planning Commission or City Council.

H. **Planning Commission Staff**. City employees, committees or agents of the City may assist the Planning Commission with its duties. The City Staff shall assist the Commission with technical matters and attend Commission meetings to assist and advise the Commission.

The City Council may appoint a secretary to keep minutes and post agendas of meetings and hearings. The secretary may be paid for services rendered as agreed upon by the City Council. The secretary shall keep minutes of all proceedings of the Planning Commission, which minutes shall be a summary of all proceedings before the Commission, attested to by a majority of the members of the Planning Commission voting. In addition, the recording secretary shall maintain all records of Planning Commission meetings, hearings and proceedings, and the correspondence of the Planning Commission.

I. **Planning Commission Project Review.** The Planning Commission will review each project application for compliance with all requirements and regulations of this Code, including, but not limited to the following:

~~14.~~1. **City Comprehensive Planning and Zoning Review.** The Planning Commission shall have the primary responsibility to initiate long-range planning for the City, including streets, parks, trails, and recreation facilities, long-range zoning objectives, and periodic review of existing plans to keep them current. The Commission shall review proposed annexations to the City and recommend action and zoning on land to be annexed. The Commission shall initiate, hear or recommend zone changes and review development standards within zoning districts.

~~15.~~2. **Subdivision Approval.** The Planning Commission shall review all applications for subdivisions and commercial projects for compliance with the provisions of all applicable regulations of this Code. Following such review, the Commission will forward a recommendation for approval or denial of all subdivision plat, or site plan applications to the City Council.

~~16.~~3. **Master Planned Developments (MPD) Approval.** All proposals for Master Planned Development approval shall be reviewed by the Planning Commission. Following such review, the Commission shall forward a recommendation for approval or denial of all applications to the City Council.

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~~17.~~4. **Conditional Use Approval.** The Planning Commission shall review all applications for conditional use approval for compliance with the provisions of all applicable regulations of this Code. Following such review, the Commission shall forward a recommendation for approval or denial of all applications to the City Council.

J. **Consent Agenda**. Applications for approval of uncontested items may be placed on the consent agenda of the Planning Commission. All items on the consent agenda shall be passed or denied by a single motion at the Commission meeting, unless the Commission believes discussion of an item is necessary. When an item is removed from the consent agenda, it shall be acted on at the same meeting at which the removal occurs, unless the applicant requests the item to be tabled in order to provide additional information.

K. **Review of Staff Actions.** At any time, an interested party may request that staff actions on a project application be reviewed by the Planning Commission. The scope of review by the Planning Commission shall be the same as the scope of review at the staff review level on the matters at issue.

L. **Sensitive Lands Review.** Any project containing sensitive lands may be subject to additional requirements and regulations as outlined in the Sensitive Lands Regulations of Chapter 18 of the Code. The Planning Commission shall review required sensitive lands analysis with project applications as prescribed in **Section 18-050** herein.

Right to Farm Review. Any project falling within the scope of Chapter 26 of the Code may be subject to additional requirements and regulations as outlined in the Right to Farm Provisions. The Planning Commission shall review an agriculture impact analysis with project applications as prescribed in **Section 26-020**.

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Chapter 2

DEFINITIONS

For purposes of this Chapter, terms and words used herein shall be used, interpreted, and defined as set forth in this Code. Where definitions are given in another chapter or section of this Code that apply to only that section or chapter, those definitions shall apply first.

Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations"; the word "Code" means "this Code".

A "person" includes a group of people, a corporation, a partnership, a limited company, a limited liability company, and an incorporated association of persons such as a club; "shall" is always mandatory; a "building" includes "structure"; a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

~~18.~~1. **Access**. The provision of vehicular and/or pedestrian ingress and egress to building lots, structures, or facilities.

a. **Access**, **Private**. Private access is access not under public ownership or control by means of deed, dedication, or easement.

b. **Access**, **Public**. A means of physical approach...available to the general public. This may also include a visual approach.

~~19.~~2. **Accessory Dwelling Unit**. A residential dwelling unit, but not a mobile home, located on the same lot as a single-family dwelling, either within the same building as the single-family dwelling or in a detached building. Secondary dwelling units shall be developed in accordance with the standards set forth in his code, and only in those zoning districts where the use is listed as permitted.

~~20.~~3. **Accessory Structures and Uses.** A detached subordinate structure, the use of which is incidental to that of the principal structure and located on the same lot therewith.

a. A use conducted on the same lot as the primary use or structure with which it is associated; and is a use that is clearly incidental to and is customarily found in connection with such primary use; and is either in the same ownership as such primary use or is maintained and operated on the same lot substantially for the benefit or convenience of the owners, occupants, employees, customers, or visitors of the primary use.

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b. No accessory structure or use shall be allowed on any lot or parcel unless the permitted primary use is being actively engaged.

c. To be subordinate, the structure or use must be proportionally smaller or less intense than the primary structure or use.

d. To be customary, the structure or use must be commonly or habitually found in connection with the primary structure or use.

e. To be incidental, the structure or use must be reasonably related to the primary structure or use.

f. Accessory Structures and Uses are permanent non-habitable structures or uses including, but not limited to, storage or tool sheds, barns, detached garages, playhouses, gazebos, trellises, greenhouses, patios, decks, swimming pools, hot tubs, fences, retaining walls, or similar structures and uses.

~~21.~~4. **Accessory Use**. A use conducted on the same lot as the primary use or structure with which it is associated; and is a use that is clearly incidental to and is customarily found in connection with such primary use; and is either in the same ownership as such primary use or is maintained and operated on the same lot substantially for the benefit or convenience of the owners, occupants, employees, customers, or visitors of the primary use. No accessory use shall be allowed on any lot or parcel unless the permitted primary use is being actively engaged.

~~22.~~5. **Administrative Permit**. A permit issued by the Community Development Director for specified uses after compliance with applicable development code regulations.

~~23.~~6. **Affected Entity**. A state, county, municipality, local district, special service district, school district, property owners' association, public utility, or any person who owns or occupies land, property or other assets or structures which may be adversely affected as a result of Development Activity or a Development Approval Application.

~~24.~~7. **Agent**. The person with written authorization to represent an Owner.

~~25.~~8. **Adult Business**. An Adult Theater, Adult Cabaret, Adult Motion Picture Theater, Adult Escort Services, Outcall Services, Adult Bookstore or Adult Video Store.

~~26.~~9. **Adult Bookstore or Adult Video Store**. A business establishment which:

a. Holds itself out to be such a business; or

b. Excludes minors from more than thirty (30%) percent of the retail floor or shelf space of the premises; or

c. Which as one of its principal purposes, offers for sale or rental, for any form of consideration, any one or more of the following: Books,

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magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations the central theme of which depicts or describes "specified sexual activities" or "specified anatomical areas," or instruments, devices or paraphernalia which are designated for use in connection with specified sexual activities, except for legitimate medically recognized contraceptives.

~~27.~~10. **Adult Cabaret.** An establishment which features as a principal use of its business, waiters, waitresses, or bartenders who are in a state of nudity or semi-nudity, and/or which features on regular basis entertainers who perform in a state of nudity or semi-nudity.

~~28.~~11. **Adult Motion Picture Theater.** A business establishment which:

a. Holds itself out as such a business; or

b. As its principal business, regularly shows, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions which are primarily characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

~~29.~~12. **Adult Sex Oriented Facility or Business**. Nude or Semi-Nude Entertainment Businesses and Adult Businesses as defined in this Ordinance.

~~30.~~13. **Adult Theater.** A theater, concert hall, auditorium, or similar business establishment which:

a. Holds itself out as such a business; or

b. As its principal business, regularly features persons who appear in live performance in a state of nudity or semi-nudity, or which are characterized by the exposure of "specified anatomical areas" or by "specific sexual activities."

~~31.~~14. **Agribusiness Uses**. Includes businesses that are involved in the marketing and distribution of farm products such as farm to table offerings.

~~32.~~15. **Agriculture**. The tilling of the soil, cultivation of crops, raising of animals, foraging, and grazing, for private or commercial agricultural purposes. Agriculture does not include any agricultural industry or business such as logging, animal hospitals, recreational activities not normally associated with farming and ranching or similar uses.

~~33.~~16. **Allowed Use**. A Use that is permitted in a Zoning District without a Conditional Use Permit, not including Non-Conforming Use.

~~34.~~17. **Alley**. A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

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~~35.~~18. **Animal, domestic**. Any animal customarily kept by humans for companionship, including but not limited to dogs, cats, birds, rabbits, hamsters, mice turtles, and the like.

~~36.~~19. **Animal, farm**. Animals other than household pets that may, where permitted, be kept, and maintained for commercial production and sale or family food production, education, or recreation. Farm animals are identified by these categories: large animals, e.g., horses and cattle; medium animals, e.g., sheep and goats; or small animals, e.g., rabbits, chickens, turkeys, pheasants, geese, and ducks.

~~37.~~20. **Animal Specialties**. The raising of exotic animals, reptiles or fowl as an agricultural commercial business or hobby, which is not customarily associated with the historic and traditional agricultural uses and activities of Coalville City.

~~38.~~21. **Annexation**. The addition of territory to Coalville City.

~~39.~~22. **Antenna**. A transmitting or receiving device used in telecommunications that radiates or captures radio, television, data, or similar communication signals.

~~40.~~23. **Antenna Structures**. Equipment, buildings, and appurtenances associated with supporting a device for sending and/or receiving radio, television, data, or similar communication signals.

~~41.~~24. **Apartment**. A dwelling unit within a Multi-Unit Dwelling Building with exclusive living, cooking, sleeping and bathroom areas. A multiple dwelling; see Dwelling, Multi-Family.

~~42.~~25. **Applicant**. The owner or representative of land proposed to be subdivided or developed or any person who submits an official application form. Consent shall be required from the legal owner if required.

~~43.~~26. **Application**. A form or checklist supplied by the City indicating the data and information necessary to process the applicants' proposal(s).

~~44.~~27. **Application**, **Complete**. A submission that includes all information required on the appropriate form or the Code, and payment of all applicable fees.

~~45.~~28. **Architectural Detail.** Physical Properties, features or components of a Building or Structure which embody distinctive characteristics of a type, period, or method of construction and refers to the way in which the property was conceived, designed, or fabricated by a people or culture. Within a Historic District, these physical features or traits commonly recur in individual Buildings. The characteristics can be expressed in terms of form, proportion, Structure, plan, architectural style, or materials such as siding, doors, windows, or trim.

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~~46.~~29. **Arterial**. A road intended to allow through-traffic to and from such major activity centers such as central business districts, regional shopping centers, major industrial areas, and similar traffic generators and/or as a route for traffic between communities.

~~47.~~30. **Attached Building**. Units connected on one or more sides to an adjacent unit or units by a common party wall with separate exterior entrance(s) for all unit(s). This shall apply to commercial as well as residential units.

~~48.~~31. **Balcony**. A platform that projects from the wall of a building; and is surrounded by a railing or balustrade.

~~49.~~32. **Bar**. A Business that primarily sells alcoholic beverages for consumption on the premises; includes Private Clubs.

~~50.~~33. **Bed and Breakfast Inns**. A dwelling, including those dwellings of historical significance, in which two (2) to eight (8) rooms are rented out nightly or weekly, offering overnight lodging to travelers, and where one or more meals are provided to the guests only, the price of which is usually included in the room rate.

~~51.~~34. **Billboard**. A board, panel, or tablet used for the display of posters, printed or painted advertising matter, either illuminated or non-illuminated, that directs attention to goods, merchandise, entertainment, or services offered elsewhere than the premises where the sign is located.

~~52.~~35. **Block**. A tract of land bounded by streets or by a combination of streets, public parks, cemeteries, railroad or utility rights-of-way, shorelines of water ways, or boundary lines of municipalities.

~~53.~~36. **Boarding House**. A building other than a hotel, motel, cafe, or restaurant with two (2) or more bedrooms where, for direct or indirect compensation, lodging and/or kitchen facilities or meals are provided for boarders and/or roomers associated with the primary use of the property such as an equestrian center or recreational facility.

~~54.~~37. **Building**. Any structure built for the support, shelter, or enclosure of persons, animals, equipment, or other personal property of any kind.

a. **Building, Area**. The area of a building includes exterior walls and basement. Unenclosed porches, balconies, patios, and decks are not considered building area.

b. **Building, Attached**. (See Attached Building.)

c. **Building, Detached**. Any building or structure separated from another building on the same lot by at least six (6) feet.

d. **Building, Primary**. The principal building or one of the principal buildings on a lot; or the building housing a principal use upon a lot or parcel.

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e. **Building, Public**. Structures constructed by or intended for use by the general public such as libraries, museums, municipal or public works buildings, etc.

~~55.~~38. **Building Inspector or Official**. The person designated by the City to review building permit applications, enforce the Building Code, and conduct inspections of building construction.

~~56.~~39. **Building Pad**. The building pad denotes the area in which the proposed new structure(s) must be located. The area of construction disturbance attributable to the structure(s) (as opposed to utilities installation) may not extend beyond ten (10) feet from the building pad line.

~~57.~~40. **Building Permit**. A permit issued by the Building Official authorizing Construction Activity on a Property or Lot.

~~58.~~41. **Business**. Any activity within Colville carried on for the purpose of gain or economic profit. The acts of employees rendering service to employers are not included in the term Business unless otherwise specifically prescribed. Business includes but is not limited to, the sale or rental of tangible personal or real Property, the manufacturing of goods, or Property and the rendering of personal services for others for consideration by Persons engaged in any professional trade, craft, occupation, or other calling.

~~59.~~42. **Business Offices**. Any site or location that provides space for the transactions, service, or administration by a commercial enterprise and/or where storage of goods and sale of merchandise is minimal and secondary to performance of the service.

~~60.~~43. **Canopy**. A roof structure constructed of fabric or other material placed so as to extend outward from a building providing a protective shield for doors, windows, and other openings; supported by the building and supports extended to the ground directly under the canopy or cantilevered from the building.

~~61.~~44. **Capital Improvements Program**. A proposed schedule of all new, replacement or upgrade of public capital facility projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project.

~~62.~~45. **Certificate of Occupancy**. A certificate issued by the Chief Building Official authorizing occupancy of a dwelling, Business, or any other Structure requiring a Building Permit.

~~63.~~46. **Childcare Center**. A building, other than the operator's primary place of residence, where children receive childcare from a provider:

a. While unattended by a parent, legal guardian, or custodian for regular compensation; and for more than four hours but less than

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24 hours in each of 10 consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

b. The childcare provider must hold a valid license from the State.

c. It is intended that childcare centers be classified as commercial uses and can be located in commercial zoning districts.

~~64.~~47. **Child Day Care Home**. See Daycare Center

~~65.~~48. **City**. Coalville City, Utah.

~~66.~~49. **City Attorney**. The licensed attorney designated by the City to furnish legal assistance for the administration of these and other regulations.

~~67.~~50. **City Council**. The Coalville City Council and Legislative Body.

~~68.~~51. **City Engineer**. Engineer, licensed by the State of Utah, that is designated by the City to furnish engineering assistance for the administration of these and other regulations.

~~69.~~52. **City Staff**. The employees and outside consultants of the City including the Public Works Director, Community Development Director, Building Inspector or Official, City Engineer and City Attorney charged with the duties of performing the administrative functions under this Code. All City Staff functions are under the direction of the Mayor and City Council.

~~70.~~53. **Clear view of Intersecting Streets**. On any Corner Lot, an Area is kept clear of Structures, Fences, or tall vegetation, to allow vehicle drivers an unobstructed view of traffic approaching on the intersecting Street.

~~71.~~54. **Code**. The Land Management Code (LMC).

~~72.~~55. **Collector Road**. A road intended to move traffic from local roads to arterial roads. A collector road serves a neighborhood or large subdivision and should be designed so that no residential properties front onto it.

~~73.~~56. **Co-Location**. The location of Telecommunications Facility on an existing Structure, tower, or Building, in such a manner that precludes the need for that Telecommunications Facility to be located on a free-standing Structure of its own.

~~74.~~57. **Commercial Retail Uses**. Means establishments primarily engaged in the sale of goods, merchandise, and materials to the public. Examples of commercial retail uses include archery and gun shops, bicycle shops, pet shop, pharmacy, drugstore, photography shop, thrift shop, sporting goods store, bookstores, antique stores, convenience stores, bakeries, grocery stores, or similar commercial retail uses.

~~75.~~58. **Commercial Service Uses**. Means business and consumer services, primarily offering a service to the public such as, plumbing, carpet cleaning, appliance or small engine repair, linen and catering services,

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reprographic services art galleries, museums, bowling alleys, dance studios, gymnasiums, martial arts, karate studios, pet grooming, childcare centers, or similar commercial service uses.

~~76.~~59. **Common Area**. Facilities, land, and yard areas identified within projects for the use and enjoyment of all the residents and maintained and operated by an organization of property holders of that project.

~~77.~~60. **Community Development Director (CDD)**. The Director of Community Development, with overall administrative responsibility for the Planning, Building, and Engineering functions of this Code, under the direction of the Mayor and City Council.

~~78.~~61. **Compatible Development**. A development is compatible with existing properties if its architectural features, building height and materials, approved uses, intensity of such use and other features are complementary and do not have a significant adverse economic and aesthetic impact on the existing development or property, including agricultural properties.

~~79.~~62. **Concept Plan**. A plan indicating the proposed use and layout of a development project. Concept Plans do not require approval but must be completed for review and discussion prior to preparation of a Preliminary Plan or Final ~~Plat~~Plan.

~~80.~~63. **Conditional Use**. A use requiring special consideration and review in the manner set forth herein.

~~81.~~64. **Condominium**. Any structure that has been converted to condominium ownership under the provisions of the Utah Condominium Ownership Act. This includes residential, nonresidential, and any other space.

~~82.~~65. **Construction Documents**. The maps, drawings and documentation associated with a ~~final~~preliminary subdivision plat or site plan showing the specific location, design, and construction of improvements to be installed in accordance with the development and engineering standards of the City. See also "Improvement Plan".

~~83.~~66. **Coverage**. Lot area covered by a building or other impervious surfaces such as parking areas, driveways, or sidewalks.

~~84.~~67. **Crest of Hill**. The highest point on a hill or slope as measured continuously throughout the property. Any given property may have more than one hill crest.

~~85.~~68. **Cul-de-sac**. A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement as well as firefighting and other public safety vehicles.

~~86.~~69. **Demolish or Demolition**. Any act or process that destroys in part or in whole a Building or Structure. Excludes Building(s) and/or Structure(s)

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undergoing relocation and/or reorientations, disassembly, or Reconstruction.

~~87.~~70. **Daycare Center**. A residential structure, which is the primary residence of the child care provider, in which at least 6 children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative) at any time receive child care from a provider: (1) while unattended by a parent, legal guardian, or custodian; (2) for compensation; and (3) for more than 5 hours but less than 24 hours in each of 10 consecutive days per year, excluding intervening Saturdays, Sundays, and holidays. The childcare provider must hold a valid license from the State.

~~88.~~71. **Density**. The intensity or number of non-residential and Residential Uses per acre or Lot, or units per acre.

~~89.~~72. **Detached**. Completely separate and disconnected. Not sharing walls, roofs, foundations, or other structural elements.

~~90.~~73. **Developer**. The person, persons, corporation, firm, entity, partnership, or designated legal representative owning the land proposed to be developed in any way. Consent shall be required from the legal owner of the property.

~~91.~~74. **Development/Development Activity**. Any of the following activities requiring City approval pursuant to this Code:

a. Change in use of a building, structure, or land;

b. Construction, clearing, filling, excavating, grading, paving, dredging, mining drilling or otherwise significantly disturbing the soil of a site;

c. Building, installing, enlarging, replacing, or substantially restoring a structure or impervious surface;

d. Erection of a sign;

e. Alteration of a historic property for which authorization is required under this Code;

f. Any activity increasing the demand or need for additional public services or facilities, parking or generates additional traffic;

g. Construction, elimination, or alteration of a driveway within a public road right-of-way.

~~92.~~75. **Development Approval Application**. Includes any application for any development approval including but not limited to grubbing, grading, an alteration, or revision to an approved MPD, conditional use approvals, zoning or rezoning, subdivision, or annexation. The term "development approval application" shall not include any building permits associated with

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construction within an approved subdivision or on an existing platted lot unless otherwise specified.

~~93.~~76. **Development Code**. The Coalville City Development Code, as adopted and amended.

~~94.~~77. **Development, Major**. All subdivisions of six (6) or more lots, or multi-family developments of six (6) or more units. Applications for commercial uses, retail commercial establishments, offices, institutional uses, or industrial uses with more than twenty-five thousand (25,000) square feet of floor area.

~~95.~~78. **Development, Minor**. Any subdivision of property resulting in up to, but not more than five (5) lots. Multi-family developments resulting in up to, but not including more than five (5) units. Applications for commercial uses, retail commercial establishments, offices, institutional uses, or industrial uses with less than twenty-five thousand (25,000) square feet of floor area.

~~96.~~79. **Distance.** All distances discussed herein as they pertain to buffers are measured in a straight line, without regard to intervening structures, from the nearest property line to the nearest property line.

~~97.~~80. **Driveway, Residential.** Private access serving up to five (5) residential lots or dwellings and must comply with the Driveway Standards.

~~98.~~81. **Dude/Guest Ranch.** An equestrian or recreational facility operating as a commercial business use, which includes the short-term stay of guests or participants.

~~99.~~82. **Dwelling.** A building or portion thereof designed for use as the residence or sleeping place of one or more persons or families with cooking and bathroom facilities, but not including hotel, motel, lodge, or nursing home rooms.

~~100.~~83. **Dwelling, Accessory.** An area within or attached to a single-family dwelling or above an accessory garage, or as a separate building for the private use of the property owner's relatives, domestic help, house guests or similar users.

a. These quarters shall be subordinate to the primary dwelling.

b. Shall not exceed 1,000 square feet or 2/3 the size of the primary dwelling whichever is less.

c. Accessory dwellings shall use the same utility meter as the primary dwelling.

d. Only one (1) accessory dwelling unit per detached primary single-family dwelling will be allowed.

e. The accessory dwelling unit may be separately rented or leased.

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~~101.~~84. **Dwelling, Multi-Family.** A building arranged or designed to be occupied by three or more families living independently of each other in separate but attached dwellings.

~~102.~~85. **Dwelling, Primary.** Primary dwelling means a dwelling that is occupied as the primary residence of the owner of record and where a person usually lives.

a. It may be a single-family dwelling, townhome, or condominium unit.

b. At a given time, a person shall not have more than one primary residence.

c. A primary dwelling is the legal residence of an individual for purposes of income tax calculation, real property exemption for primary resident in Summit County, or for acquiring a mortgage.

d. Generally, a primary residence is determined based on the mailing address, telephone listing, the time spent at the residence per year, and other such factors.

~~103.~~86. **Dwelling, Single Family Detached.** A building arranged or designed to be occupied by only one family; a structure having only one dwelling unit, including mobile homes on permanent foundations and manufactured homes.

~~104.~~87. **Dwelling, Two Family.** A building containing two (2) dwelling units sharing one or more vertical and no horizontal common walls. Each of which is designed for and used as a dwelling unit exclusively by one (1) family and its guests. It may also be referred to as a duplex.

~~105.~~88. **Easement**. Authorization by a property owner for the use by another and for a specified purpose of any designated part of the property.

~~106.~~89. **Egress**. An exit for vehicles from public or private parking lots and drives.

~~107.~~90. **Equestrian Facility.** A facility created and maintained for the purpose of accommodating, training or competing equids, especially horses.

a. Includes a barn, stables, or riding hall and may involve commercial operations described by terms such as a boarding stable, livery yard, or livery stable.

b. Larger facilities may be called equestrian centers and co-located with complementary services such as a riding school, farriers, veterinarians, tack shops, or equipment repair.

~~108.~~91. **Erect**. To build, construct, place, relocate, enlarge, substantially alter, attach, suspend, paint, post, or display. Normal maintenance,

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including refinishing is not included in this definition provided the sign copy is not changed or altered.

~~109.~~92. **Escrow**. A deposit of cash with the City or approved alternate entity in lieu of an amount required on a performance or maintenance guarantee. Such escrow funds shall be deposited in a separate account.

~~110.~~93. **Escort**. Any person who, for pecuniary compensation, dates, socializes, visits, consorts with or accompanies or offers to date, consort, socialize, visit, or accompany another or others to or about social affairs, entertainment, or places of amusement or within any place of public or private resort or any business or commercial establishment or any private quarters. "Escort" shall not be construed to include persons who provide business or personal services such as licensed private nurses, aides for the elderly or handicapped, social secretaries or similar service personnel whose relationship with their patron is characterized by a bona fide contractual relationship and who provide a service not principally characterized as dating or socializing.

~~111.~~94. **Escort Service**. An establishment which features as a principal use of its business, for pecuniary compensation, furnishing or offering to furnish escorts, or provides or offers to introduce patrons to escorts.

~~112.~~95. **Family**. An individual, or two or more persons related by blood, marriage, or adoption, or a group of not more than four (4) persons who are not related, occupying the same dwelling unit, and maintaining a common household.

~~113.~~96. **Fence**. A structure constructed for reasons of privacy, security, or aesthetics that is located in such a manner as to separate or divide areas. Includes hedges and masonry walls and may or may not be sight obscuring or opaque.

~~114.~~97. **Filtered Light Fixture**. Any outdoor light fixture that has a refractive light source. Quartz or clear glass does not refract light.

~~115.~~98. **Final Approval**. Final approval by the City Council, Planning Commission or Administrative Law Judge of a development plan, plat, project, rezoning, use, variance, appeal, enforcement, activity, or other action that shall be given after all the requirements set forth in the Code have been met and after all concerns of the reviewing agency have been addressed and answered.

~~116.~~99. **Final ~~Plat~~Plan/Site Plan**. The final map, plat, plan, or record of a subdivision, commercial or industrial project, with any required accompanying information as described in these regulations.

~~117.~~100. **Flood Plain Area**. An area adjacent to a river, stream, or water course, or other body of standing water in which a potential flood hazard exists due to inundation or overflow of water having sufficient volume and

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velocity to transport or deposit debris, scour the surface soil, dislodge, or damage buildings, or erode the banks of water courses. Any area designated as a flood plain by the Department of Housing and Urban Development or the Federal Emergency Management Agency or any other agency of the United States Government or State and Local Government Agencies, including Coalville City.

~~118.~~101. **Floor Area**. The area of a building that is enclosed by surrounding exterior walls. It is the intent of this definition to include lower levels into the floor area calculation that are not true basements. A true basement has all four walls underground. Therefore, a lower level will be counted into the floor area of a building if it is less than 80% underground or has an outside door. If an entire lower level does not meet the criteria for exclusion from the floor area calculation, no part of the lower level may be excluded. Garages, unenclosed porches, balconies, patios, and decks will not be considered floor area. This definition is for planning purposes only and may conflict with other methods of calculating square footage such as the Building Code.

~~119.~~102. **Floor Area Ratio**. The floor area of a building as defined in this Chapter, divided by the total area of the lot or parcel on which the building is situated.

~~120.~~103. **Frontage**. That side of a lot abutting on a street or right-of-way and ordinarily regarded as the front of the lot.

a. **Frontage Block**. All property abutting one side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street line.

b. **Frontage Street**. Any street to be constructed by the developer or any existing street in which development shall take place on one or both sides.

~~121.~~104. **Gabled Roof.** Gabled refers to the family of houses classified by the straight slope falling from ridge to eave, creating a peak or triangle on the side or front facade.

~~122.~~105. **Garage, Private**. A detached accessory building or a portion of a primary building used for the storage of motor vehicles for the tenants or occupants and not by the general public.

~~123.~~106. **Garage, Public**. A building or a portion thereof, other than a private garage, used for servicing, repairing, equipping, hiring, selling, or storing motor vehicles.

~~124.~~107. **General Plan**. A Comprehensive Plan for the City prepared and adopted by the Planning Commission and City Council, pursuant to State

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law, and including land use planning and development goals, objectives, and policies.

~~125.~~108. **Geologic Hazard**. A hazard inherent in the crust of the earth, or artificially created, that is dangerous or potentially dangerous to life, property, or improvements due to the movement, failure, flooding, or shifting of the earth.

~~126.~~109. **Governing Body**. The governing or Legislative Body of the City (Coalville City Council) having power to adopt, amend or rescind ordinances, including this Code.

~~127.~~110. **Grade**. The ground surface elevation of a Site or Parcel of land.

a. **Grade, Existing**. The Grade of a Property prior to any proposed Development or Construction Activity.

b. **Grade, Natural**. The Grade of the surface of the land prior to any Development Activity or any other man-made disturbance or Grading. City Staff shall estimate the Natural Grade, if not readily apparent, by reference elevations at points where the disturbed Area appears to meet the undisturbed portions of the Property. The estimated Natural Grade shall tie into the elevation and Slopes of adjoining Properties without creating a need for a new retaining wall, abrupt differences in the visual Slope and elevation of the land or redirecting the flow of run-off water.

c. **Grade, Final**. The finished or resulting Grade where earth meets the Building after completion of the proposed Development Activity.

~~128.~~111. **Guarantee**. Any form of security including a letter of credit, escrow agreement, bond, or instrument of credit in an amount and form satisfactory to the City Council. All guarantees shall be approved by the City Staff or City Council wherever required by these regulations.

~~129.~~112. **Guest House**. An accessory dwelling unit intended for the inhabitation by non-rent paying guests. Includes separate cooking and sleeping quarters and is maintained and owned by the primary residence.

~~130.~~113. **Guyed Wire Tower**. An open steel frame supported by guyed wires which extend 80% of the height of the structure away from the structure.

~~131.~~114. **Hard surfaced.** A land surface covered with concrete, asphalt, or other impervious material.

~~132.~~115. **Health Department and Health Officer.** The agency and person designated by the City Council to administer the health regulations of the City. This may be the Summit County Health Department and Director or the applicable Department of Health and Director of the State of Utah.

~~133.~~116. **Height, Building**. The vertical distance from natural undisturbed grade to the highest point of a flat roof or the ridge of a hip or gable roof or

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to the deck line of a mansard roof. The building height measurement shall occur at any point within the building plane where height occurs.

~~134.~~117. **Highway, Limited Access**. A freeway or expressway providing a traffic way for through traffic to which owners or occupants of abutting property and other persons have no legal right to access to or from the same; except at such points and in such manner as may be determined by the Utah Department of Transportation, having jurisdiction over such traffic way.

~~135.~~118. **Home Occupation**. An occupation or profession which may be conducted within a dwelling unit or on the premises thereof, by the Persons residing within the same dwelling, which Business is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

~~136.~~119. **Hospital**. An institution specializing in clinical, temporary, or emergency medical services to humans and/or licensed by the state to provide facilities and services in surgery, obstetrics, and general medical practices. Does not include Uses defined as "Office, Medical".

~~137.~~120. **Hotel/Motel**. A building containing sleeping rooms for the temporary occupancy of guests. Accessory facilities may include a lobby, meeting rooms, recreation facilities, group dining facilities and/or other facilities or activities customarily associated with hotels or motels. This does not include lock-out units or boarding houses.

~~138.~~121. **Hotel/Motel Room**. A unit consisting of one room, without a kitchen, intended for temporary living and sleeping purposes and including a separate, exclusive bathroom.

~~139.~~122. **Household Pet**. See Animal, domestic.

~~140.~~123. **Impact Analysis**. A determination of the potential impact of a proposed residential, commercial, or industrial development upon the environment, community, and public services.

~~141.~~124. **Improvements.** See Lot Improvements or Public Improvements.

125. **Improvement plan.** A plan to complete permanent infrastructure on the subdivision that is essential for the public health and safety, that is required for human occupation, or that is required by applicable law and that an applicant must install in accordance with public installation and inspection specifications for public improvements and as a condition of recording a subdivision plat.

~~125.~~126. **Ingress**. Access or entry point to public and/or private parking areas and/or driveways for vehicles.

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~~126.~~127. **Joint Ownership**. The ownership among persons construed as the same owner or "constructive ownership" for the purpose of imposing development regulations.

~~127.~~128. **Kitchen**. A room or space within a room equipped with such electrical or gas hook-up services that would enable the installation of a range, oven, or like appliance for the storage and preparation of food.

129. **Land Use Administrator**. A City official or employee tasked with administering and enforcing various land use regulations, as identified in City ordinances.

130. **Land Use Application**. An application required by the City and submitted by a land use applicant to obtain a land use approval; this does not mean an application to enact, amend, or repeal a land use regulation.

131. **Land Use Authority**. An individual, board, or commission appointed or employed by the City to make land use decisions. "Land Use Authority" includes any appropriately authorized designees.

~~128.~~132. **Landscaping**. Process of making a property more attractive by altering the existing design, adding ornamental features, installing materials, and planting trees and shrubs.

a. **Landscaping, Interior**. Planting islands located within a Parking Area.

b. **Landscaping, Parking Area**. Includes all spaces, aisles, and drives as defined by the top-back of curb or edge of pavement.

c. **Landscaping, Perimeter**. Planting Areas between the Property Line and Parking Area.

~~129.~~133. **Lattice Tower**. A self-supporting, multiple sided, open steel frame structure used to support telecommunications equipment.

~~130.~~134. **Light Source**. A single artificial point source of luminescence that emits a measurable radiant energy in or near the visible spectrum.

a. **Light Source, Refractive**. A Light Source that controls the Vertical and Horizontal Foot Candles and eliminates glare.

~~131.~~135. **Limits of Disturbance Line**. A boundary line(s) on a final site plan or subdivision plat indicating the area in which construction activity must be contained. Construction disturbance may not extend beyond the limits of the disturbance line(s) as indicated unless amended as per this Code.

~~132.~~136. **Local Government**. Coalville City, Utah.

~~133.~~137. **Local Government Attorney**. See City Attorney.

~~134.~~138. **Local Government Engineer**. See City Engineer.

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~~135.~~139. **Local Road**. A road intended to provide access to other roads from individual lots or parcels and/or to provide a right-of-way for sewer, water, and storm drainage pipes and all other public and private utilities.

~~136.~~140. **Lot**. A parcel or unit of land describable either by metes and bounds, or by other legal plat designation, held or intended to be held in separate ownership or leasehold. A parcel or unit of land shown as a lot on a recorded subdivision plat, used in the lease, sale or offer of lease or sale, of land resulting from the division of a larger tract into smaller units. A lot may not necessarily be buildable.

~~137.~~141. **Lot, Corner (Corner Lot)**. A lot situated at the intersection of two streets with the interior angle of such intersection not exceeding 135 degrees.

~~138.~~142. **Lot Depth**. The minimum distance measured from the front property line to the rear of same property boundary.

~~139.~~143. **Lot Improvement**. Any building, construction, paving, landscaping, work of art, or other improvement of the land constituting a physical betterment of real property. Certain lot improvements shall be guaranteed as provided for in these regulations.

~~140.~~144. **Lot Line Adjustment**. The relocation of the Property Line between two (2) adjoining Lots, where no additional lot(s) are created, and all final lots conform to the regulations set forth in each respective zone.

~~141.~~145. **Lot Line, Front**. The property line dividing a lot from the right-of-way of the street. A front setback shall be required for each side of a parcel that borders a public or private street right-of-way. See the Supplementary Regulation Chapter 3 for specific setbacks on unusual lots.

~~142.~~146. **Lot Line, Rear**. The property line opposite the front lot line.

~~143.~~147. **Lot Line, Side**. Any lot line other than a front or rear lot line.

~~144.~~148. **Lot Width**. The minimum distance between the side property lines.

~~145.~~149. **Lot of Record**. A parcel or lot that was lawfully created prior to the effective date of the original Coalville City Development Code (January 8, 1994).

~~146.~~150. **Low-Power Radio Services Facility**. An unmanned structure which consists of equipment used primarily for the transmission, reception or transfer of voice or data through radio wave or wireless transmissions. Such sites typically require the construction of transmission support structures to which antenna equipment is attached.

~~147.~~151. **Major Road**. Main Street north and south to the City limits and Chalk Creek and Border Station Roads east to the City limits.

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~~148.~~152. **Master Street Plan**. A master street plan which identifies future access points, arterial, collector and local street classifications, current and proposed traffic volumes, and projections of needs for future growth.

~~149.~~153. **Master Plan**. See General Plan.

~~150.~~154. **Master Planned Development (MPD)**. A development reviewed under the Master Planned Development processes described in this Code. A form of Development characterized by a comprehensive and unified Site Plan and Design. The MPD generally includes a number of housing units; a mix of Building types and land Uses; clustering Buildings and providing Open Space; flexibility in Setback, Height, and Density allocations; and providing additional valued community amenities.

~~151.~~155. **Maximum Extent Feasible**. Means no prudent, practical, and feasible alternative exists, and all possible planning to minimize potential harm has been undertaken. Economic considerations may be considered but shall not be the overriding factor in determining "maximum extent feasible."

~~152.~~156. **Model Home**. A dwelling unit used initially for display purposes that typifies the type of units that will be constructed in the subdivision. Such dwelling units may be erected, at the discretion of the Planning Commission and City Council, by permitting a portion of a subdivision to be created according to the procedures for as set forth in this Code.

~~153.~~157. **Monopole**. A single cylindrical steel or wood pole that acts as the support structure for antennas.

~~154.~~158. **Municipality**. Coalville City, Utah.

~~155.~~159. **Neighborhood Park and Recreation Improvement Fund**. A special fund that may be established by the City Council to retain monies contributed by developers in accordance with the "money in lieu of land" provisions of these regulations to develop land within reasonable proximity of the property to be subdivided so as to be of local use to the future residents of the subdivision(s).

~~156.~~160. **Nightly Rental (Short-Term Rental)**. The rental of a room, apartment, house, or lockout unit for a short-term period of less than thirty (30) days. Nightly rentals require a business license and are subject to all applicable off-street parking requirements, noise disturbance regulations, transient room tax, and other requirements.

~~157.~~161. **Non-conforming Use**. As used in this Code, a nonconforming use is the use of land that:

a. Legally existed before its current land use designation; and

b. Has been maintained continuously since the time the land use ordinance regulation governing the land changed; and

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c. Because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

~~158.~~162. **Non-complying Structure**. As used in this Code, a non-complying structure is a structure that:

a. Legally existed before its current land use designation; and

b. Because of one or more subsequent land use ordinance changes, does not conform to setback, height restrictions, or other regulations, excluding those regulations that govern the use of land.

~~159.~~163. **Non-Residential Subdivision**. A subdivision whose intended use is other than residential, such as agricultural, commercial, or industrial. Such subdivision shall comply with the applicable provisions of the City General Plan and the requirements of this Development Code.

~~160.~~164. **North Summit Fire District (NSFD)**. The local fire district with responsibility of ensuring subdivisions, commercial structures, individual single-family dwellings, and other structures meet the requirements of the International Fire Code as amended.

~~161.~~165. **Nude or Semi-Nude Entertainment Business**. A business, including an Adult Theater, where employees/entertainers perform or appear in the presence of patrons of the business in a state of nudity or semi-nudity. A business shall also be presumed to be a Nude or Semi-Nude Entertainment Business if the business holds itself out as such a business.

~~162.~~166. **Nudity or State of Nudity**. A state of dress in which the areola of the female breast, or male or female genitals, pubic region, or anus are covered by less than the covering required in the definition of semi-nude.

~~163.~~167. **Nursery, Greenhouse**. A place or structure in which young plants are raised for experimental purposes, for transplanting, or for sale.

~~164.~~168. **Nursing Home**. An institution described also as a "rest home" or "convalescent home", other than a hospital in which persons are lodged and furnished with care rather than diagnoses or treatment.

~~165.~~169. **Off-site**. Any premises not located within the area of the property to be developed, whether or not in the same ownership of the applicant for development approval.

~~166.~~170. **Official Zoning Map**. The map established by the City Council pursuant to law showing the zoning districts, adopted, and established by law.

~~167.~~171. **Official Master Plan**. See General Plan.

~~168.~~172. **Obscene**. Any material or performance is Obscene if:

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a. The average person, applying contemporary community standards, finds that, taken as a whole, it appeals to prurient interest in sex;

b. It is patently offensive in the description or depiction of Nudity, sexual conduct, sexual excitement, sado-masochistic abuse, or excretion; and

c. Taken as a whole, it does not have serious literary, artistic, political or scientific value.

~~169.~~173. **One-Bedroom Apartment**. A dwelling consisting of a living room, a kitchen (which may be a part of the living room), a single room designed and intended as a bedroom, and a bathroom for the exclusive use of that unit, all having a combined floor area of not more than 1,000 square feet.

~~170.~~174. **Open Space**. Land area that is unoccupied or unobstructed by any aboveground buildings or real property so designated as open space. All forms of open space are referred to collectively as "open space" in this Code. Any of these forms of open space could be publicly or privately owned or controlled. They shall include:

a. **Open Space, Agricultural**. Open lands left undisturbed or dedicated primarily as usable agricultural lands for farming and ranching purposes and intended for use by residents of the development, neighborhood, or community.

b. **Open Space, Landscaped.** Landscaped Areas, which may include local government facilities, necessary public improvements, and playground equipment, recreation amenities, public landscaped and hard-scaped plazas, and public pedestrian amenities, but excluding Buildings or Structures.

c. **Open Space, Natural**. Natural, undisturbed areas with little or no improvements or irrigation. This may include such areas as ridge lines, slopes over thirty (30) percent, wetlands, stream corridors, trail linkages, visual linkages, or view sheds. These areas may be subject to an open space conservation easement to ensure that they remain undisturbed and to provide public access as deemed appropriate by the Planning Commission and City Council.

~~171.~~175. **Operator**. The manager or other natural person principally in charge of an Establishment.

~~172.~~176. **Ordinary High-Water Mark**. The line on the bank to which the high water ordinarily rises annually in season as indicated by changes in the characteristics of soil, vegetation or other appropriate means which consider the characteristics of the surrounding areas. Where the ordinary high-water mark cannot be found, the top of the channel bank shall be substituted. In braided channels, the ordinary high-water mark or substitute shall be measured so as to include the entire stream feature.

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~~173.~~177. **Ordinary Repairs and Maintenance**. Work done on a Building, or any part thereof, in order to correct any deterioration, decay, or damage in order to restore the same to its condition prior to such deterioration, decay, or damage.

~~174.~~178. **Ordinance**. Any legislative action of the Coalville City Council that has the force of law, including any amendment or repeal of any ordinance.

~~175.~~179. **Outcall Services**. Escorts and businesses which provide, as any portion of their business, nude or semi-nude services outside of the premises in any place of private resort or private quarters by models, dancers, or other similar employees.

~~176.~~180. **Outdoor Advertising Structure**. A structure erected and maintained for outdoor advertising purposes upon which a poster, bill, printing, or painting may be placed to advertise products, goods, services, or business establishments of those located, conducted, manufactured, or sold upon the premises on which the structure is erected.

~~177.~~181. **Owner**. Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land proposed to be developed or subdivided under these regulations.

~~178.~~182. **Parcel**. An un-platted unit of land described by metes and bounds and designated by the County Recorder's Office with a unique tax identification number.

~~179.~~183. **Parking, Public**. A parking area or facility on private or public property to be used by the public. Fees for the use thereof may or may not be assessed.

~~180.~~184. **Parking, Shared**. The Development and Use of Parking Areas on two (2) or more separate Properties for joint Use by the businesses or residents on those Properties.

~~181.~~185. **Parking Lot, Commercial**. A lot used for the temporary parking of automobiles for compensation.

~~182.~~186. **Parking Lot, Private**. A lot used for the temporary parking of automobiles for exclusive use(s) with or without compensation.

~~183.~~187. **Parking Space**. A 9' x 18' area maintained for the parking of an automobile or other vehicle, that is graded for proper drainage and is hard surfaced or porous paved where specially permitted.

~~184.~~188. **Parking Structure**. A fully enclosed structure designed and intended for parking of more than four (4) vehicles.

~~185.~~189. **Perimeter Street**. Any existing street to which the parcel of land to be subdivided abuts on only one (1) side.

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~~186.~~190. **Permitted Use**. The use of land or a building allowed by right under the provisions of this Code.

~~187.~~191. **Planning Commission**. The Coalville City Planning Commission and Land Use Authority.

192. **Plat.** An instrument subdividing property into lots as depicted on a map or other graphic representation of land that a licensed professional land surveyor makes and prepares in accordance with §10-9a-603 or §57-8-13 of Utah State Code (as amended).

~~188.~~193. **Plat Amendment**. A change in a map or plat of an approved or recorded subdivision affecting any street layout or area reserved thereon for public use or any lot line.

~~189.~~194. **Porous Paving**. A substantial surfacing material designed and intended to support light vehicular movement. Porous paving includes paving systems such as modular pavers that provide at least fifty (50) percent surface exposure suitable for the establishment and growth of plant materials and that substantially abates surface water runoff. Gravel and/or compacted soil are not acceptable as porous paving materials.

~~207. **Preliminary Plat**. The preliminary drawings, described in this Code, indicating the proposed manner or layout, Uses, and Restrictions of the development to be submitted for approval.~~

~~191.~~195. **Primary Use**. The principle use for which the premises, land or a building therein is designed, arranged, or intended, or for which it is or may be occupied or maintained.

~~192.~~196. **Private Road**. See Road, Private.

~~193.~~197. **Professional Office**. A building or space used by persons performing Professional Services who, by virtue of training and/or license, are qualified to perform services of a professional nature, and/or where no goods or merchandise are sold or stored.

~~194.~~198. **Professional Services**. Services that are technical or unique functions performed by independent contractors, firms, businesses, or consultants whose occupation is the rendering of such services. Includes the performance of any type of professional service to the public that requires a license or admission to practice or other legal authorization from a licensing board, commission, or division of professional licensing. Examples of professional services include architectural, engineering, surveying, land planning, legal, accounting, appraisal, financial planning, banking, dental and medical offices, real estate brokerages, salons, spas, consulting firms, or similar professional service uses.

~~195.~~199. **Property**. Any parcel, Lot, or Tract of land, including improvement, buildings, and structures thereon.

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~~196.~~200. **Property Line**. The boundary line of a Parcel or Lot.

~~197.~~201. **Property Line, Front**. The part of a lot that abuts a public or private street or public right-of-way.

~~198.~~202. **Property Owner.** Any Person, or group of Persons, having record title to the Property, and the Owner's Agent.

~~199.~~203. **Public Improvement.** Any drainage ditch or system, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, water or sewer system, or other facility for which the City may ultimately assume the responsibility for maintenance and operation, or that may affect an improvement for which City responsibility is established. All such improvements shall be properly guaranteed and installed as per City codes, specifications, and regulations.

~~200.~~204. **Public Use**. A use operated exclusively by a public body or quasi-public body, such use having the purpose of serving the public health, safety, or general welfare, and including uses such as public schools, parks, playgrounds, recreational facilities, administrative offices, service facilities, and public utilities.

~~201.~~205. **Qualified Professional**. A professionally trained person with the requisite academic degree, experience, and professional certification or license in the field or fields relating to the subject matter being studied or analyzed.

~~202.~~206. **Quasi-Public Use**. A use operated by a private nonprofit educational, religious, recreational, or charitable institution. Such use having the purpose primarily of serving the general public, such as churches, private schools, and universities, or similar uses.

~~203.~~207. **Recreational Facilities or Uses**. Means and refers to any land, buildings, and facilities which are operated as recreational facilities, whether public or private or other areas maintained for the purpose of providing active and passive recreation.

a. Recreational uses include private parks, playgrounds, walking trails, bike paths, club houses, pool house, tennis and pickle ball and other sports court(s) athletic/health spas, saunas, steam baths, swimming pools, skating rinks, fitness centers, entertainment, indoor weaponry activities, other similar uses and equipment and associated accessories used for leisure activities performed either singly or collectively through forms of play, sports, amusement, entertainment, or relaxation.

b. Recreational Facilities or Uses do not include dwellings, nightly rental or resort units, outdoor gun ranges, outdoor gun clubs, outdoor archery ranges, hatchet facilities, golf courses, driving ranges or ski resorts.

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~~204.~~208. **Recreation, Private**. Recreation facilities operated on private property and not open to the public.

~~205.~~209. **Recreation, Public**. Recreation facilities operated by a public agency and open to the public with or without a fee.

~~206.~~210. **Registered Engineer**. An engineer properly licensed and registered in the State of Utah.

~~207.~~211. **Registered Land Surveyor**. A land surveyor properly licensed and registered in the State of Utah.

~~208.~~212. **Restaurant**. A building in which food is prepared and served for consumption on the premises.

~~209.~~213. **Restaurant, Drive-Through**. A building in which food is prepared and served for consumption on the premises and includes a drive-in facility which allows food to be ordered and taken from the premises for consumption elsewhere.

~~210.~~214. **Re-subdivision**. See - Plat Amendment.

~~211.~~215. **Ridgeline**. An area including the crest of a hill or slope which is a prominent topographic feature as viewed from major highway corridors including, but not limited to, Interstate 80, Main Street and Chalk Creek Road.

~~212.~~216. **Right-of-Way**. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use.

~~213.~~217. **Roads, Classification**. For the purpose of providing for the development of the streets, highways, roads, and rights-of-way for future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks and drainage. The classification of each street, highway, road, and right-of-way is based upon its location in the respective zoning districts of the City and its present and estimated future traffic volume and its relative importance and function as specified on the Streets Master Plan.

~~214.~~218. **Road, Dead End**. A road or a portion of a street with only one vehicular traffic outlet.

~~215.~~219. **Road, Major**. That portion of 1-80 within Coalville City limits and all of Main Street and Chalk Creek Road within the City limits.

~~216.~~220. **Road, Private**. A road not owned by Coalville City, providing access to more than five (5) dwellings; in accordance with International Fire Codes, and Coalville City standards for Private Roads.

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~~217.~~221. **Road Right-of-Way Width**. The distance between property lines measured at right angles to the center line of the street.

~~218.~~222. **Roof-Mounted Antenna**. An antenna or series of antennas mounted on an existing roof, mechanical room, or penthouse of a building.

~~219.~~223. **Sale or Lease**. Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, interstate succession, or transfer, of an interest in a development or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, interstate succession, or other written instrument.

~~220.~~224. **Same Ownership**. Ownership by the same person or persons, corporation or corporations, firm or firms, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, associate, or a member of a family owning interest in each corporation, firm, partnership, entity, or unincorporated association.

~~221.~~225. **Satellite Receiving Station**. Any apparatus or device that is designed for the purpose of transmitting and/or receiving radio, television, satellite microwave, or other electromagnetic energy signals between terrestrial and/or orbital based units. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, satellite microwave antennas, TVRO's or dish antennas. This definition does not include conventional television antennae or ham radio antennae.

~~222.~~226. **Screen or Screened**. A method of visually shielding or obscuring an abutting or nearby use or structure from another by fencing, walls, berms, or densely planted vegetation.

~~223.~~227. **Semi-Nude**. A state of dress in which a person wears opaque clothing covering only the male or female genitals, pubic region, and anus, by an opaque cover that is four inches wide in the front and five inches wide in the back tapering to one inch at the narrowest point, and only the nipple and areola of the female breast, if applicable.

~~224.~~228. **Sensitive Lands**. For the purposes of this Code, any development, development activity or use located within Sensitive Lands must satisfy the requirements of this Chapter. Sensitive Lands include, but are not limited to:

a. Drainage ways, floodplains, lake shores, water shed and recharge zones.

b. Entry corridors and important vantage points.

c. Natural or environmentally hazardous areas.

d. Scenic view sheds, foothills, and ridgelines.

e. Slopes greater than fifteen (15) percent.

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f. Unique natural features such as dense tree or shrub stands, rock outcroppings, ponds or springs and historic features.

g. Stream corridors.

h. Wetlands

i. Wildlife habitat and fisheries.

~~225.~~229. **Setback**. The distance between a building or structure foundation wall and the street or road right-of-way line, or nearest property line, thereto with exceptions for accessory structures, covered patios and decks, window wells and similar structures as specified in each zone district for a minimum 3-foot setback. A front setback is required for each side of a lot bordering a public or private street or driveway right-of-way.

~~226.~~230. **Sexually Oriented Business Employees**. Those employees who work on the premises of the Adult/sex-oriented facility or business in activities related to the sexually oriented portion of the business.

a. This includes all managing employees, dancers, escorts, models, and other similar employees whether or not hired as employees, agents, or independent contractors.

b. Employees shall not include individuals whose work is unrelated to the sexually oriented portion of the business, such as janitors, bookkeepers, and similar employees.

c. All persons employed by an outcall service making outcall meetings under this Ordinance, including dancers, escorts, models, guards, drivers, and other similar employees, regardless of the employee's state of dress, shall be considered sexually oriented business employees.

~~227.~~231. **Sign**. Any copy, words, lettering, parts of letters, figures, numerals, phrases, sentences, devices, designs, pictures, trade names, or trademarks by which anything is made known.

a. Used to designate or identify a firm, association, corporation, profession, business, goods, or service, whether placed on the ground, rocks, trees, stumps, or other natural objects, or on a building, wall, roof, frame, support, fence, or other manmade structure, that is visible from any public street, highway, trail, public right-of-way, or easement.

b. For the purpose of this Code, the word "sign" does not include the flag, pennant, or insignia of any nation, state, city, or other political unit, or of a nonprofit organization.

c. It shall not include any official notice issued by any court, public body or officer, or directional warning or information sign or structure required or authorized by law.

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~~228.~~232. **Site Development Standards**. Established regulations for lot areas, yard setbacks, building height, lot coverage, open space, and any other special regulations deemed necessary to accomplish the goals and purposes of the General Plan and this Code.

~~229.~~233. **Slope**. The level of inclination of land from the horizontal is determined by dividing the horizontal run of the slope into the vertical rise of the same slope and converting the resulting figure into a percentage value.

~~230.~~234. **Slope, Steep**. Slopes greater than fifteen (15) percent.

~~231.~~235. **Specified Anatomical Areas**. The human male or female pubic area or anus with less than a full opaque covering, or the human female breast from the beginning of the areola, papilla, or nipple to the end thereof with less than full opaque covering.

~~232.~~236. **Specified Sexual Activities**. Means:

a. Acts of masturbation, human sexual intercourse, or sodomy; or

b. Manipulating, caressing, or fondling by any person of the genitals of a human, the pubic area of a human, or the breast of a human female; or

c. Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of the one so clothed.

~~233.~~237. **Stream**. Water Courses, excluding ditches and canals constructed for irrigation and drainage purposes, flow year around or intermittently during years of normal rainfall.

~~234.~~238. **Stream Corridor**. The corridor as defined by the stream's ordinary high-water mark and riparian vegetation boundary.

~~235.~~239. **Street, Public**. A street under the control of and kept by the public, established by regular government proceedings for the purpose or dedicated by the owner of the land and accepted by the proper authorities which are responsible for the maintenance of said street.

~~236.~~240. **Street Vacation**. The relinquishment of any interest of any dedicated public street.

~~237.~~241. **Structure**. Anything constructed, the use of which requires fixed location on or in the ground, or attached to something having a fixed location upon the ground and that imposes an impervious material on or above the ground; definition includes "building".

~~238.~~242. **Studio Apartment**. A dwelling unit of not more than one thousand (1000) square feet combined floor area consisting of a single room

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equipped for cooking, living, and sleeping having a separate bathroom and kitchen for the exclusive use of that apartment.

~~239.~~243. **Subdivider**. Any person, group of persons, corporation or corporations, firm or firms, or other entity who having an interest in land, causes it, directly or indirectly, to be divided into a subdivision; engages directly or indirectly through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development of a subdivision.

~~240.~~244. **Subdivision Agent**. Any person who represents, or acts for or on behalf of, a subdivider or developer in selling, leasing, developing, or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or subdivision plat, except an attorney-at-law whose representation of another person consists solely of rendering legal services.

~~241.~~245. **Subdivision**. Any land~~, vacant or improved,~~ that is divided, subdivided, or proposed to be divided into two ~~(2)~~ or more lots~~, parcels, site, units, plots, or interests~~ or other division of land for the purpose ~~of~~, whether immediate or future, for offer, sale, lease, or development~~,~~ either on the installment plan or upon any ~~or~~and all other plans, terms, and conditions~~, including re-subdivision. Subdivision includes the division or development of residential and nonresidential zoned land, whether by deed, metes and bound description, devise, intestacy, lease, map, plat, or other recorded instrument.~~.

a. Subdivision~~, **Major**. All subdivisions~~ includes:

~~a.~~i. The division or development of ~~six (6) or more lots.~~land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and

ii. Except as provided below, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

b. Subdivision~~, **Minor**. Any subdivision of property~~ does not include:

~~b.~~i. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting ~~in up to, but not more than 5 (5) lots or~~ 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 land use ordinance;

ii. ~~**Subdivision Plat**. The final map or drawing described in this Code, on which the subdivider's plan of a subdivision is presented to the Planning Commission and~~ A boundary line agreement recorded with the Office of the County Recorder

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between owners of adjoining parcels adjusting the mutual boundary in accordance with §10-9a-524 of Utah State Code (as amended) if no new parcel is created;

iii. A recorded document, executed by the owner of record revising the legal descriptions of multiple parcels into one legal description encompassing all such parcels or joining a lot to parcel;

iv. A boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with §10-9a-524 and §10-9a-608 of Utah State Code (as amended) if no new dwelling lot or housing unit will result from the adjustment and the adjustment will not violate any applicable land use ordinance;

v. A bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division is in anticipation of future land use approvals on the parcel or parcels does not confer any land use approvals, and has not been approved by the land use authority;

vi. A parcel boundary adjustment;

vii. A lot line adjustment;

viii. A joining of one or more lots to a parcel;

ix. A road, street, or highway dedication plat;

x. A deed or easement for a road, street, or highway purpose; or

xi. Any other division of land authorized by law.

~~259. City Council for approval and that, if approved, may be submitted to the Summit County Recorder for filing at the subdivider's expense.~~

~~243.~~246. **Substantial economic hardship**. Denial of all reasonable economic use of the property.

~~244.~~247. **Support Commercial Facilities and Uses**. Those commercial uses and facilities that are associated with a Master Planned Development for the purpose of serving the needs of the residents or users of that development, and not the general public. Examples of support commercial uses include barber shops, beauty salons, travel agencies, clothing stores, gift shops, convenience stores, art galleries, auto rentals, camera stores, liquor stores, pharmacies, sporting goods stores, day care nurseries, information centers, tennis or club houses, or other similar uses.

~~245.~~248. **Tandem Parking**. Parking designs which necessitate parking one vehicle behind another. Such parking may not include more than two (2)

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cars in depth and may not require occupants of separate dwellings to park behind one another.

~~246.~~249. **Telecommunications**. The transmission between or among points specified by a user, of information of the user's choosing, without change in the form or content of the information as sent or received.

~~247.~~250. **Telecommunications Facility**. A Telecommunications Facility consists of Antenna, Equipment Shelters, and related Structures used for transmitting and/or receiving Telecommunications and/or radio signals.

a. **Telecommunications Facility, Co-Location**. The location of Telecommunications Facility on an existing Structure, tower, or Building, in such a manner that precludes the need for that Telecommunications Facility to be located on a free-standing Structure of its own.

b. **Telecommunications Facility, Equipment Shelter**. A cabinet or Building used to house equipment for Telecommunications Facilities.

c. **Telecommunications Facility, Stealth**. A Telecommunications Facility which is disguised as another object or otherwise concealed from public view.

d. **Telecommunications Facility, Technical Necessity**. A particular design, placement, construction, or location of a Telecommunications Facility that is technically necessary for Telecommunications consistent with the Federal Telecommunications Act of 1996, as amended.

~~248.~~251. **Temporary Improvement**. Improvements built and maintained by a developer during construction of a development and prior to release of the performance guarantee.

~~249.~~252. **Use**. The purpose or purposes, for which land or Structures are occupied, maintained, arranged, designed, or intended.

~~250.~~253. **Use, Intensity**. The maximum number of residential units, commercial space, or industrial space within a specified land area designated for that purpose.

~~251.~~254. **Use, Main**. See Primary Use.

~~252.~~255. **Variance**. A reasonable deviation from provisions of the ordinance regulating the size, area, bulk or location of a building or structure on a lot.

~~253.~~256. **Wall-Mounted Antenna**. An antenna or series of antennas mounted against the vertical wall of a building or structure.

257. **Water conveyance facility**. This means the same as that term is defined in state law.

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~~254.~~258. **Wetland, Significant**. Wetlands which occupy a surface area greater than 1/10 acre or are associated with permanent surface water, riparian vegetation, and soils, or which are adjacent to or contiguous with a stream corridor as identified by the Army Corps of Engineers, Soils Conservation Service, or other applicable state or federal agency.

~~255.~~259. **Whip Antenna**. An antenna that is cylindrical in shape and can be directional or omni directional and vary in size depending upon the frequency and gain for which it is designed.

~~256.~~260. **Wildland Interface Zone.** Those areas with special safety considerations because of their location on the urban fringe. All areas within the Sensitive areas Overlay Zone shall be considered to be in the wildland interface zone unless the Fire Marshall determines otherwise based upon the amount of vegetative cover, including coniferous or deciduous trees, gamble oak or high shrub, and mixed forest, and steep slope.

~~257.~~261. **Yard**. A required space on a lot other than a court, unoccupied and unobstructed by buildings from the ground upward, except as otherwise provided herein. Yard areas for below grade structures must be provided unless a variance is obtained.

a. **Yard, Front**. A required space between the front line of a building and the front lot line or closer right-of-way line of an abutting street or right-of-way and extending across the full width of a lot. The "depth" of the front yard is the minimum distance between the front lot line and the front line of a building.

b. **Yard, Rear**. A required space between the rear line of a building and the rear lot line, or closer public street 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 a building.

c. **Yard, Side**. A required space between the sideline of a building and the side lot line and extending from the front yard to the rear yard. The "width" of the side yard is the minimum distance between the side lot line and the sideline of a building.

~~258.~~262. **Zoning District.** An Area identified on the Official Zoning Map to which a uniform set of regulations applies as set forth herein, which districts are co-terminus with, and which are designed to implement the Coalville City General Plan.

~~259.~~263. **Zoning Map, Official**. The map adopted by the City Council depicting the geographic scope of the City's land Use designations.

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Chapter 3

ADMINISTRATIVE AND DEVELOPMENT REVIEW PROCEDURES

03-010: Purpose
03-020: Scope
03-030: General Application Requirements
03-040: Land Use Decisions and Appeal Process
03-050: Public Hearings and Meetings
03-060: Noticing
03-070: General Plan Amendments
03-080: Zoning Map and Text Amendments
03-090: Infrastructure/Engineer Review
03-100: Variances
03-110: Building Permits
03-120: Conditional Use Permits
03-130: Low Impact Permits
03-140: Permitted Uses
03-150: Temporary Uses
03-160: Appeal of Administrative Decisions
03-170: Vesting of Rights
03-180: Annexations
03-190: Street Vacations
03-200: Lot Line Adjustments
03-210: Exactions
03-220: Short-Term Rentals
03-230: Accessory Dwellings
03-240: Sensitive Lands Review

03-010: PURPOSE

The purpose of this Chapter is to set forth procedures for considering various types of land use and development applications to assure that applications of the same type will be processed on a uniform basis consistent with applicable law.

03-020: SCOPE

Applications for land use and development approvals shall be submitted, reviewed, and approved as provided in this Chapter.

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03-030: GENERAL APPLICATION REQUIREMENTS

The following general requirements shall apply to any application required by this Code:

A. **Application Forms**. Applications shall be submitted on forms provided by the Community Development Department. Applicants shall submit all applications for land use permits, rezone requests, conditional use permits, building permits, lot line adjustments, plat amendments, street vacations, or other land-use permits to the Community Development Department for zoning review. Such review shall ~~assure~~ensure compliance with the requirements of this Code.

B. **Accurate Information**. All documents, plans, reports, studies and information provided to the City by an applicant in accordance with the requirements of this Code shall be accurate and complete.

C. **Determination of Complete Application**. After receipt of an application, the Community Development Department, after a reasonable period of time shall determine whether all objective ordinance-based application criteria have been met.

D. **Fees**. When an application is filed, the applicant shall pay to the City a fee as provided in the City's schedule of fees as adopted by the Legislative Body. Any application not accompanied by a required fee shall be returned to the applicant as incomplete.

~~277.~~1. Fees shall be non-refundable except as provided in Subsection (E) below.

~~278.~~2. Fees shall not be required for applications initiated by the City.

E. **Remedy of Deficiencies**. If an applicant fails to correct specified deficiencies within thirty (30) days after notification thereof the City may deem the application to be withdrawn and shall return it to the applicant upon request. Application fees shall be refunded to the applicant, less any fee established to cover the cost of determining completeness of the application.

F. **Decision Date**. The date of a decision or recommendation shall be the date when the decision or recommendation is made by the decision-making body or official and will be given within a reasonable amount of time that is reflective of the scope of the application.

G. **Extensions of Time**. Unless otherwise prohibited, upon written request, any decision-making body or official having authority to grant approval of an application, may without notice, or hearing, grant extensions of any time limit imposed by this Code on such application, its approval, or the applicant. All written requests must be received prior to the original expiration date, unless the City Staff, or Land Use Authority, has initiated an extension prior to the original expiration date. The total period of time granted by any such extension or extensions shall not exceed half the length of the original time period.

H. **Expired Application**. If within six (6) months after an application has been filed, the applicant has not taken substantial action to obtain approval thereof, the

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application shall expire, and any vested rights accrued there under shall terminate.

I. **Written Findings**: The Land Use Authority or Legislative Body shall prepare written findings on any application that it denies, amends, or approves. These findings shall state the reasons for the action and the provisions of this Code, other City ordinances and guidelines, or applicable state or federal laws or regulations, the proposed conditions of action to be imposed and the reasons why those conditions were necessary.

J. **Pending Ordinance Amendments**. See **Subsection 03-080:I.**

03-040: LAND USE DECISIONS AND APPEAL PROCESS

This Chapter shall not nullify the more restrictive provisions of covenants, agreements, other ordinances, or laws but shall prevail over provisions that are less restrictive.

~~Table 3-1~~Table 3-1 of this Chapter reflects the proper procedures governing land use decisions and appeals. Land use applicants shall have fifteen (15) days to appeal any decision to the appropriate Appellate Body. If the applicant desires to continue the appeal beyond the decision of the Appellate Body, they must file such appeal with the District Court within fifteen (15) days from the date on which the Appellate Body rendered its decision.

All required Public Hearing and Notice will follow provisions in 03-050 and 03-060.

No person may challenge in district court a municipality's **land use** decision made under this chapter, or under a regulation made under authority of this chapter, until that person has exhausted the person's administrative remedies as provided in Part 7of Utah State Code, Appeal Authority and Variances, if applicable.

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***~~Table 3-1~~Table 3-1* – Land Use Authority Procedures**

Decision To Be Made	Advisory Body	Land Use Authority	Appellate Body	External Appeal
Adoption of or Amendments to General Plan	Planning Commission (public hearing and notice required)	City Council (public hearing and notice required)	District Court	15 days from decision by legislative body
Adoption of or Amendments to Land Use Ordinance	Planning Commission (public hearing and notice required)	City Council (public hearing and notice required)	District Court	15 days from decision by legislative body
Annexation Policy Plan	Planning Commission (public hearing and notice required)	City Council (public hearing and notice required)	Administrative Law Judge (ALJ)	District Court (appeal within 15 days from decision by Appellate Body)
Annexation Application	Planning Commission (Public hearing if required by local ordinance)	City Council (public hearing and notice required)	Administrative Law Judge (ALJ)	District Court (appeal within 15 days from decision by Appellate Body)
Administrative Decisions	None	Planning Commission/Land Use Administrator (minimum of 15 days to appeal)	Administrative Law Judge (ALJ) (appeal within fifteen [15] days of decision)	District Court (appeal within 15 days from decision by Appellate Body)
Conditional Use Permits	Land Use Administrator/ Planning Commission	City Council	Administrative Law Judge (ALJ) (fifteen [15] days from decision by Land Use Authority)	District Court (appeal within 15 days from decision by Appellate Body)
Non-Conforming Uses and Non-Complying Structures	None (As designated by municipal ordinance. *Need to allow rebuild provision in lieu of fire, etc.)	Planning Commission (Land Use Authority as designated by Legislative Body in municipal ordinance)	Administrative Law Judge (ALJ) (fifteen [15] days from decision by Land Use Authority)	District Court (appeal within 15 days from decision by Appellate Body)

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Adoption of or Amendments to Subdivision Ordinance	Planning Commission /Land Use Authority as designated by Legislative Body in municipal ordinance (Public hearing and notice required)	City Council	District Court	15 days from decision by land Use Authority
Preliminary Subdivision Applications and Plat Approvals	~~**Planning Commission**~~None	Planning Commission~~City Council~~	~~District Court~~City Council	15 days from decision by Land Use Authority
Final Subdivision Applications and Plat Approvals	None	Subdivision Review Committee (SRC)	City Council	15 days from decision by Land Use Authority
Vacations or amendments of Subdivision Plats	Planning Commission	City Council (public hearing and notice required). * (see below)	District Court	15 days from decision by Land Use Authority
Amendments to Platted Streets/ Vacations	Planning Commission	City Council (public hearing and notice required)	Administrative Law Judge (ALJ)	District Court (appeal within 15 days from decision by Appellate Body)

* *Public hearing requirement does not apply, and a land use authority may consider at a public meeting an owner's petition to alter a subdivision plat if: (a) the petition seeks to join two or more of the owner's contiguous, residential lots; and (b) notice has been given to adjacent property owners (see Notice 03-060) and pursuant to local ordinance.*

03-050: PUBLIC HEARINGS AND MEETINGS

Any public hearing or meeting required under this Code shall be scheduled and held subject to the requirements of this section.

A. **Public Hearings**.

~~279.~~1. **Scheduling a Public Hearing**. An application requiring a public hearing or meeting shall be scheduled within a reasonable amount of time: subject to the requirements of Notice set forth in **Section 03-060** of this Code.

~~280.~~2. **Public Hearing Procedures**. The following procedures shall apply to a public hearing conducted pursuant to this Code, once opened the hearing may be continued, if necessary, without republication of notice until the hearing is closed.

a. All persons speaking before any City department, committee, commission, board, or the City Council on behalf of the owners of any project shall provide reasonable evidence of their agency relationship with the owner. This agency shall be presumed if the spokesman is associated with the architect or engineer whose name appears on the plans or if the owner is present.

b. The Planning Commission or Staff may request an agent to provide a statement signed by the owner indicating the nature of the relationship and the authority of the agent to make decisions or representations concerning the project.

c. The body, or official conducting a public hearing, may exclude testimony or evidence that it finds to be unduly repetitious or otherwise inadmissible.

d. The body or official conducting a public hearing may, upon the body's or official's own motion, postpone the hearing or meeting. An applicant may request and be granted one (1) postponement. Thereafter, any postponement shall be granted at the discretion of the body or official conducting the public hearing or meeting.

~~281.~~3. **Withdrawal of Application**. An applicant may withdraw an application at any time prior to action on the application by the decision-making body or official. Application fees shall not be refundable under the following circumstances:

a. A staff review of the application has been undertaken; or

b. Notice for a public hearing on the application has been mailed, posted, or published.

~~282.~~4. **Record of Public Hearing**. Except where required otherwise by statute, the body or official conducting the public hearing shall record the proceedings thereof by any appropriate means.

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a. A copy of the public hearing record may be acquired upon request with the payment of a fee to cover the cost of duplication of the record.

b. The minutes, tape recordings, applications, exhibits, papers, and reports submitted in any proceeding before the decision-making body or official, and the decision of the decision-making body or official shall constitute the record thereof.

~~283.~~5. **General Requirements for Findings and Decisions**. Action shall be taken in compliance with any time limits established in this Code. Except for those public bodies whose decisions shall be made by motion or ordinance, all decisions shall be in writing and shall include the following elements at minimum:

a. A summary of evidence presented to the decision-making body or official;

b. A statement of approval, approval with conditions, or disapproval.

~~284.~~6. **Notification**. Notice of a decision by the decision-making body or official shall be provided to an applicant within a reasonable time.

B. **Other Public Meetings**.

~~285.~~1. **Scheduling a Public Meeting.** An application requiring a public meeting shall be scheduled within a reasonable time in light of:

a. The complexity of the application submitted;

b. The number of other applications received which require a hearing;

c. Available staff resources; and

d. Applicable public notice requirements.

~~286.~~2. **Record of Public Meeting**. Except where required otherwise required by statute, the body or official conducting the public meeting shall record the proceedings thereof by any appropriate means. A copy of the public meeting record may be acquired upon request and payment of a fee to cover the cost of duplication of the record. The minutes, tape recordings, all applications, exhibits, papers and reports submitted in any proceeding before the decision-making body or official, and the decision of the decision-making body or official shall constitute the record thereof.

~~287.~~3. **Notification**. Notice of a decision by the decision-making body or official shall be provided to an applicant within a reasonable time.

C. **Joint Hearings**.

~~288.~~1. All directives outlined under Subsection 03-050:A shall be followed in Joint Hearings.

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289.2. At the option of the Legislative Body, the hearings before the Land Use Authority and the Legislative Body may be consolidated into a single hearing, provided that separate votes shall be taken by the Land Use Authority and the Legislative Body. The Land Use Authority vote shall be taken first followed by a vote of the Legislative Body on the recommendation of the Land Use Authority.

290.3. Notice for any joint hearing shall comply with the notice requirements set forth in **Section 03-060** of this Code.

03-060: NOTICING

A. **Purpose**. Notice to "affected entities" of hearings before the designated Land Use Authority and Legislative Body concerning amendments to the General Plan, Zoning Map, and this Development Code, preliminary and final subdivision plat approvals, conditional use approvals, master planned development approvals, temporary use permits, certificates of appropriateness for design or demolition, appeals, variances and other requests or actions of the Appeal Authority shall be provided in accordance with this section. The provisions of Utah SB 201 shall apply and are incorporated in addition to the "Application Notice Matrix" with respect to public notices in the City.

B. **Notice Period**. ~~See **Table 3-2.**~~See **Table 3-2.**

291.1. Notice of amendments to the General Plan, Development Code and Zoning Map shall be given at least ten (10) calendar days before the date set for the hearing.

292.2. Notice of amendments or vacation of subdivision plats, or city streets, shall be given in accordance with State law.

293.3. All other notice required herein shall be given at least ten (10) calendar days before the hearing.

294.4. All notice required under this section shall be given as noted in ~~**Table 3-2.**~~**Table 3-2.**

C. **Posted Notice**. See ~~**Table 3-2.**~~**Table 3-2.** The City Staff or Land Use Authority Chair shall post or cause to be posted, notice in three (3) public places within the City. Notice shall state: Date, Time, Place, and Content/Reason for Hearing, or Meeting.

295.1. Internet Postings on the Official City Website and Utah Public Notice Website may each be counted as one (1) public place.

296.2. Posting notice on the Property may be required at the discretion of the Land Use Authority. The notice shall be in a prominent, visible location on the property so as to inform passersby.

a. Posting on property shall not be required to stay posted for the duration of proceedings regarding said property.

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D. **Published Notice**. ~~See **Table 3-2.**~~See **Table 3-2**. Published notice, at the applicants' expense, shall be given by posting on the City Website and the Utah Public Notice Website. The notice shall state: Date, Time, Place, and Content/Reason for Hearing or Meeting.

E. **Mailed/E-mailed Notice**. The applicant shall provide the City with:

~~297.~~1. Mailing List of each owner of record of each parcel located entirely, or partly, within three hundred (300) feet from any boundary of the property or project site subject to the application.

~~298.~~2. Mailing list for said adjoining owners shall include the addresses shown on the most recently available Summit County tax assessment rolls.

~~299.~~3. This courtesy notice shall state: Date, Time, Place, and Content/Reason for Hearing or Meeting.

~~300.~~4. Courtesy notice is not a legal requirement, and any defect in courtesy notice shall not affect or invalidate any hearing or action by the Land Use Authority, Legislative Body, or Appeal Authority.

F. **Proof of Notice**. Proof that notice was given pursuant to either **Subsection 03-060:C** or **03-060:D** above is prima facie evidence that notice was properly given. If notice given under authority of this section is not challenged within thirty (30) days from the date of the hearing for which the challenged notice was given, as provided for under State law, the notice is considered adequate and proper.

G. **Notice to Applicant and Possible Waiver of Requirements**.

~~301.~~1. For each land use application, the municipality shall:

a. Notify the applicant of the date, time, and place of each public hearing and public meeting to consider the application.

b. Provide the applicant a copy of each staff report regarding the pending application at least three (3) days before the public hearing or public meeting.

c. Notify the applicant of any final action on a pending application.

H. If a municipality fails to comply with these requirements, an applicant may waive the failure so that the application may stay on the public hearing or public meeting agenda and be considered as if the requirements had been met.

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***~~Table 3-2~~Table 3-2* – Coalville City Application Notice Matrix**

Land Use Decision	Time	Notice Type
Preparation, Adoption or Amendments of General Plan	A. Upon inception of the initial process to generally plan or the process for any comprehensive Plan amendment B. 10 days prior to first public hearing C. 24-hour notice of each public meeting	A. Notice mailed or emailed to "affected entities." B. Posted in 3 public places or on websites. C. Posted in 3 public places or on websites.
Adoption or Amendments of Land Use Ordinance	A. 10 days prior to first public hearing; B. 24-hour notice of each public meeting	A. Posted in 3 public places or on websites and Notice mailed or emailed to: "affected entities". B. Posted in 3 public places or on websites.
Annexation Policy Plan	A. 14 days prior to first public meeting B. 14 days prior to first public hearing C. 30 days after adoption	A. Notice mailed or emailed to: "affected entities" B. Notice mailed or emailed to: 1. "Affected entities" 2. Posted in 3 public places or on websites. C. Copy to County
Appeal of Permit Decision	Ten (10) day minimum.	Notice must be given to applicant.
Appeals to Administrative Law Judge (ALJ), City Council	Ten (10) days prior to first hearing.	Published in paper and posted in 3 public places or on websites and Notice mailed or emailed to "affected entities".
Acquisition/ Disposition of Public Property	Fourteen (14) days prior to first public hearing	Notice mailed or emailed to "affected entities" and posted in 3 public places or on websites.
Nonconforming Uses/Non-Complying Structures	See **Variance, Special Exemptions**	
Preliminary and Final Plats or Site Plans, Conditional Uses, Master Planned	Ten (10) days prior to public meeting	Notice mailed or emailed to "affected entities" and posted in 3 public places or on websites.

Developments		
Subdivision Plat Approval or Amendment	Ten (10) days prior to public meeting	Notice mailed or emailed to "affected entities" and posted in 3 public places or websites.
Vacating a Subdivision Plat	Ten (10) days prior to public meeting.	Notice mailed or emailed to "affected entities" and posted in 3 public places or on websites.
Vacating some or all of a public street, right of way or easement	Ten (10) days prior to public hearing.	A. Mailed to the record owner of each parcel that is accessed by the public street, right-of-way, or easement; mailed to each affected entity. B. Published in a newspaper of general circulation in the municipality in which the land subject to the petition is located. C. Notice may be posted on or near the street, right-of-way, or easement in a manner that is calculated to alert the public.
Variance, Special Exemption (Modifications and Hardship Relief Petitions) requests to Administrative Law Judge (ALJ)	24-hour notice of each ALJ hearing.	Posted in 3 public places or on websites.

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03-070: GENERAL PLAN AMENDMENTS

A. **Purpose**. For purposes of this Section, amendment shall include the addition of new provisions to the General Plan and any comprehensive revisions to or adoption of the same.

~~302.~~1. The Legislative Body has previously adopted the Coalville City General Plan. It may become desirable to amend the provisions of the General Plan, to stay viable and useful to the City. Any amendment to the General Plan, Code or Zoning Map should be consistent with each other. This section sets forth procedures for amending the Coalville City General Plan.

B. **Authority**. The Legislative Body may from time to time amend the General Plan as provided in this section. Such amendments may include any matter within the scope of the General Plan.

C. **Initiation**. Amendments to the General Plan may be initiated by the Planning Commission, City Council, an applicant for development approval, or member of the general public. Amendments may be initiated by, but are not necessarily limited to, the following reasons:

~~303.~~1. Allowing a use previously prohibited

~~304.~~2. Prohibiting a use previously allowed.

~~305.~~3. Increasing or decreasing the density of the uses previously allowed.

~~306.~~4. Changing the zone of any property.

~~307.~~5. Procedural or regulatory changes, both minor and major.

~~308.~~6. Zoning map amendments or modifications

~~309.~~7. Any other miscellaneous changes that may become necessary.

A. It should be noted that many amendments to the Zoning Map and this Development Code may require an amendment to the General Plan as well. If a petition requires changes to the General Plan, it should be so noted on the petition and the changes should be considered accordingly.

D. **Procedure**. General Plan amendments shall be considered and processed as provided in this subsection.

~~310.~~1. An application shall be submitted to the Community Development Department in a form established by the Department, along with any fee established by the City's schedule of fees. The Legislative Body, Land Use Authority, or authorized City staff may initiate a General Plan amendment at any time without submittal of an application or payment of any fee.

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~~311.~~2. A person proposing General Plan amendments shall do the survey and analysis work necessary to justify the proposed amendment. To ensure the Land Use Authority and Legislative Body have sufficient information to evaluate a proposed amendment, an applicant shall submit a completed application, following all directions and requests on the application.

~~312.~~3. After an application is determined to be complete or prior to the initiation of a City-initiated General Plan amendment, the City shall provide notice of intent to prepare or amend the General Plan in accordance with the provisions of **Section 03-060**.

a. After providing notice of intent to prepare or amend the General Plan, the Community Development Department shall prepare a staff report evaluating the application.

~~313.~~4. The Planning Commission shall schedule and hold a public hearing on the proposed amendment. Public notice shall be provided in accordance with the provisions of **Section 03-060**.

a. After the public hearing, the Planning Commission may modify the proposed General Plan.

b. The Planning Commission shall then forward its recommendation regarding the proposed General Plan amendment to the Legislative Body.

~~314.~~5. The Legislative Body shall schedule and hold a public hearing on the proposed General Plan recommended to it by the Land Use Authority. Public notice shall be provided in accordance with the provisions of **Section 03-060**.

E. **Joint Hearings**. Joint Hearings involving General Plan Amendments will follow the provisions outlined in **Subsection 03-050:C**..

F. **Standards for Decision**. A decision to amend the General Plan is a matter within the legislative discretion of the Legislative Body.

~~315.~~1. After the public hearing described in Subsection (d)(5) of this Section, the Legislative Body may make any modifications to the proposed General Plan it considers appropriate.

~~316.~~2. The Legislative Body may adopt or reject the proposed General Plan amendment either as proposed by the Land Use Authority or after making any revision that the Legislative Body considers appropriate.

a. The Legislative Body may also table the matter for further information, consideration or action.

~~317.~~3. A decision to amend the General Plan is a matter committed to the legislative discretion of the Legislative Body and is not controlled by any

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one standard. However, in making an amendment, the Legislative Body should consider the following factors:

a. Is the Amendment consistent with the goals, objectives, and policies of the General Plan.

b. Is the amendment compatible with adjacent land uses and will not adversely impact the character of the surrounding area

c. Is the proposed development plan for the property is in general compliance with all applicable standards and criteria for approval as described in the development code.

d. Will the amendment adversely affect the public health, safety and general welfare of the community.

e. The adequacy of facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and wastewater and refuse collection.

G. **Appeal of Decision**. Any person adversely affected by a final decision of the Legislative Body to amend the General Plan may appeal that decision to the district court as provided in Utah Code Ann. as amended.

H. **Effect of Decision (Approval)**. Approval of an application to amend the General Plan shall not be deemed an approval of any zone, conditional use permit, site plan, or other permit. Approval of a particular zone or permit shall be obtained in accordance with the respectable applicable provisions of this Code.

I. **Effect of Decision (Denial)**. Disapproval by the Legislative Body of an application to amend the General Plan shall preclude a person from filing of another application covering substantially the same subject or property, or any portion thereof, for six (6) months from the date of the disapproval.

~~3~~18.1. This section shall not limit the Legislative Body, Land Use Authority, or authorized City staff from initiating a General Plan amendment at any time.

03-080: ZONING MAP AND TEXT AMENDMENTS

A. **Purpose**. This section sets forth procedures for amending the provisions of this Code and the zoning map.

B. **Authority**. The City Council may amend the text of this Code and the zoning map as provided in this section as they deem necessary. Amendments may include changes in the number, shape, boundaries, or area of any zoning district, zoning district regulations or any other provision of this Code. The provisions set forth herein shall not apply to temporary zoning regulations which may be enacted without public hearing in accordance with the Utah Code, as amended.

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C. **Initiation**. Proposed amendments to the text of this Code and the zoning map may be initiated by the Legislative Body, Land Use Authority or a property owner affected by the proposed amendment as provided in Subsection 03-080(d) below.

D. **Procedure**. Zoning text and map amendments shall be considered and processed as provided in this subsection.

~~3~~19.1. A complete application illustrating or describing the proposed amendment shall be submitted to the City on a form established by the City along with an application fee established by the City's schedule of fees.

~~3~~20.2. After the application is determined to be complete, the Community Development Director shall prepare a staff report evaluating the application.

~~3~~21.3. The Planning Commission shall schedule and hold a public hearing on the application following the provisions in **Sections 03-050**, and **03-060.** of this Chapter.

a. Following the public hearing the Planning Commission shall recommend approval, approval with modifications, or denial of the proposed amendment and shall submit its recommendation to the City Council for review and decision.

~~3~~22.4. The Legislative Body shall schedule and hold a public hearing on the application following the provisions in **Sections 03-050**, and **03-060** of this Chapter.

a. At the public hearing the City Council may approve, approve with modifications, or deny the proposed amendment.

~~3~~23.5. At the option of the City Council, a Joint public hearing may be scheduled. Joint hearings will follow the provisions set forth in **Subsection 03-050:C**.

E. **Standards for Decision**. A decision to amend the text of this Code or the zoning map is a matter committed to the discretion of the Legislative Body and is not controlled by any one standard. However, in making an amendment, the Legislative Body will consider the following factors:

~~3~~24.1. Is the amendment consistent with the goals, objectives, and policies of the General Plan.

~~3~~25.2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property.

~~3~~26.3. Whether the proposed amendment is consistent with the standards of any applicable overlay zone.

~~3~~27.4. Will the proposed amendment adversely affect adjacent property; and

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~~328.~~5. The adequacy of facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.

F. **Appeal of Decision**. Any party adversely affected by a decision of the Legislative Body to amend the text of this Code, or the zoning map may, within thirty (30) days after such decision, appeal to the District Court as provided in Section of the Utah Code, as amended.

G. **Effect of Decision (Approval)**. Approval of an application to amend the provisions of this Code or the zoning map shall not be deemed an approval of any conditional use permit, site plan or other permit. Approval of such permits shall be obtained in accordance with their own respectable and applicable provisions of this Code.

H. **Effect of Decision (Denial)**. Denial of an application to amend the provisions of this Code or the zoning map shall preclude the filing of another application covering substantially the same subject or property, or any portion thereof, for one (1) year from the date of the disapproval, except as follows:

~~329.~~1. Another application may be sooner considered if:

a. The Land Use Authority determines a substantial change in circumstances has occurred to merit consideration of the application; or

b. The application is for a change to a different zone.

~~330.~~2. The Legislative Body or Land Use Authority may propose any text or zoning map amendment at any time.

I. **Pending Ordinance Amendments**.

~~331.~~1. When the City has formally initiated proceedings to amend the zoning map or text of this Code, a person who thereafter files an application which may be affected by the proposed amendment shall not be entitled to rely on the existing zoning map or text which may be amended.

a. A proposed zoning map or text amendment shall be deemed formally initiated when the amendment proposal first appears on a Land Use Authority or Legislative Body agenda and such agenda has been noticed as required in this Chapter.

b. An application shall be deemed filed when all materials required for the application have been submitted and all applicable fees paid, as set forth in this Code.

~~332.~~2. An application affected by a pending amendment to the zoning map or text of this Code shall be subject to the following requirements:

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a. The application shall not be acted upon until six (6) months from the date when the pending amendment to the zoning map or text of this Code was first noticed on a Land Use Authority or Legislative Body agenda unless:

i. The applicant voluntarily agrees to amend his application to conform to the requirements of the proposed amendment; or

ii. The proposed amendment is sooner enacted or defeated.

b. If a pending amendment to the zoning map or text of this Code is enacted within six (6) months after being noticed on a Land Use Authority or Legislative Body agenda, an affected application, which was filed while the amendment was pending, shall conform to the enacted amendment.

c. If a pending amendment to the zoning map or text of this Code is not enacted within six (6) months after being noticed on a Land Use Authority or Legislative Body agenda, the amendment shall no longer be considered pending, and any affected application may be approved without regard to the previously pending amendment.

~~3.~~3. The Community Development Department shall give an applicant affected by a pending amendment written notice that:

a. There is pending legislation;

b. The application may require changes to conform to a zoning map or text amendment which may be enacted; and

c. Copies of the pending legislation are available at the Community Development office.

~~4.~~4. All provisions herein are intended to and shall comply with the provisions of Utah Code Ann. as amended.

03-090: INFRASTRUCTURE/ENGINEER REVIEW

The City Council and Planning Commission have determined that the various aspects of the Permitted and Conditional Review process, as well as the infrastructure review and environmental impact review process of sensitive lands require certain expertise in dealing with special or unique technical situations. These situations may be better dealt with through a Structural/Engineer Review made up of experts in the field to review the permit and make recommendations to the Planning Commission and City Council regarding conditions of approval. The members shall be appointed by the Mayor, with input of the City Council. The members of the Committee shall act as Staff to the Planning Commission.

The Structural/Engineer Experts may review a project as directed by the Planning Commission and submit a certificate of review, or memorandum with comments,

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findings, and concerns to the Planning Commission prior to their approval of conditions to the permit.

03-100: VARIANCES

A. **Purpose**. Where the Appeal Authority (Administrative Law Judge) finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations or the purposes of these regulations may be served to a greater extent by an alternative proposal, the Appeal Authority may approve variances to these development standards and subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations. Further, the Appeal Authority shall not approve variances unless findings are made based upon the evidence presented that the requirements outlined in this Code have been satisfied.

In approving variances, the Appeal Authority may require any conditions that will, in their judgment, support the objectives of the standards or requirements of these regulations.

A petition for any such variance shall be submitted on an application form provided by the City and approved or denied in accordance with the Utah Code and **Section 03-100** herein.

Any variances or special exceptions to this Code shall be granted only by the Appeal Authority under the provisions of 03-100, herein, prior to the issuance of any conditional use, master planned development, subdivision approval or any other development approval. All action on an application shall be stayed upon learning that a variance or special exception is required until the applicant shall have obtained the variance, special exception, or denial by the Appeal Authority.

This section sets forth procedures for considering and approving a variance to the provisions of this Code. Variance procedures are intended to provide a narrowly circumscribed means by which relief may be granted from particular unforeseen applications of the provisions of this Code that create unreasonable hardships.

B. **Authority**. The Appeal Authority is authorized to hear and decide variances to the provisions of this Code as provided in this section.

C. **Initiation**. A property owner, or the owner's agent, may request a variance to the provisions of this Code as provided in Subsection 03-100:D below.

D. **Procedure**. An application for a special exemption shall be considered and processed as provided in this subsection.

~~335.~~1. A complete application shall be submitted to City Officials, fulfilling all requirements, fees, and requests presented therein.

~~336.~~2. City Staff will review the application and determine its completeness as set forth in **Section 03-030** of this Chapter.

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~~337.~~3. After the application is determined to be complete, the City shall schedule a Hearing before the Appeal Authority and follow procedures set forth in **Section 03-050** of this Chapter.

~~338.~~4. Notice of the Hearing should follow procedures set forth in **Section 03-060** of this Chapter.

~~339.~~5. A staff report evaluating the application shall be prepared by the Community Development Department before the Hearing takes place.

~~340.~~6. The Appeal Authority shall conduct the hearing and approve, approve with conditions, or deny the variance request pursuant to the standards set forth in Section (E) below.

~~341.~~7. After the Appeal Authority makes a decision, the Community Development Department shall comply with the Notice of Decision procedure in **Section 03-050:A.6** of this chapter.

~~342.~~8. Record of all variances shall be maintained as set forth in **Section 03-050:A.4** of this Chapter.

E. **Approval Standards**. In accordance with Sections of the Utah Code, the following standards shall apply to a variance.

~~343.~~1. The Appeal Authority may grant a variance only if:

a. Literal enforcement of this Code would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this Code;

b. There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district;

c. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zoning district;

d. The variance will not substantially affect the General Plan

e. The variance will not affect the health, safety, and welfare of the general public.

f. The spirit of this Code is observed, and substantial justice done.

~~344.~~2. The Appeal Authority may not find an unreasonable hardship unless the alleged hardship:

a. is located on or associated with the property for which the variance is sought.

b. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.

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~~345.~~3. The Appeal Authority may not find an unreasonable hardship exists if the hardship is self-imposed or economic.

~~346.~~4. The Appeal Authority may find that special circumstances exist only if the special circumstances:

a. relate to the hardship complained of; and

b. deprive the property of privileges granted to other properties in the same zoning district.

~~347.~~5. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

~~348.~~6. Variances run with the land.

~~349.~~7. The Appeal Authority may not grant a use variance.

~~350.~~8. In granting a variance, the Appeal Authority may impose additional requirements on an applicant that will:

a. Mitigate any harmful effects of the variance; or

b. Serve the purpose of the standard or requirement that is waived or modified.

~~351.~~9. The Appeal Authority may grant a more restrictive variance than that requested, when the record supports the applicant's right to relief, but not to the extent requested.

F. **Appeal of Decision**. Any person adversely affected by a decision of the Appeal Authority regarding a variance may only appeal such decision to the District Court as provided in Utah State Code (10-9a-801).

G. **Effect of Approval**. A variance shall not authorize the establishment of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any approvals or permits that may be required by this Code or other applicable provisions of the Coalville City Code.

H. **Amendments**. The procedure for amending any variance decision shall be the same as the original procedure set forth in this Section.

I. **Expiration**. Variances shall not expire but shall run with the land.

03-110: BUILDING PERMITS

A. **Purpose**. This section sets forth procedures for determining zoning compliance of a building permit application.

B. **Authority**. The Community Development Director or his/her designee is authorized to review building permits for zoning compliance as provided in this section.

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C. **Development Approval Required**. No building permit(s) shall be issued for any project without final development approval. Development proposals shall be reviewed according to either the Permitted Use Review process or the Conditional Use Review process, which includes Master Planned Developments, Subdivisions and Commercial Developments. Final approval of subdivisions, commercial developments and conditional uses must be granted by the Legislative Body. Upon issuance of final development approval, the plans will be forwarded to the Building Official for review and building permit issuance under the provisions of the Building Code.

D. **Zoning and Building Permits**. Construction, enlargement, alteration, repair, movement, improvement, removal, conversion or demolition of any building or structure or any part thereof, as provided for or as restricted in this Code and the Building Code, shall not be commenced except as approved by the City for compliance with this Code and a building permit has been issued.

E. **Initiation and Procedure**. Any person may apply for a building permit as provided in the current building codes adopted by the City. Zoning compliance of a building permit application shall be determined as follows.

~~3~~52.1. A completed building permit application must be submitted to City Staff, along with the applicable fee established in the Schedule of Fees.

~~3~~53.2. The Land Use Administrator, or appointee, will review the application to determine zoning compliance. The following will be considered in the process.

a. If the building, structure, or use when built, or the land on which it is located is in complete compliance with every provision of this Code

b. Any applicable conditions of approval required under a permit application.

F. **Approval Standards**. No building permit shall be approved for zoning compliance unless the proposed building, structure or use when built and the land on which it is located will conform in every respect with applicable provisions of this Code and any applicable conditions of approval required under a permit applicable to the subject property.

G. **Appeal of Decision**. Any person adversely affected by a decision of the Land Use Administrator regarding zoning compliance of a building permit may appeal to the Appeal Authority in accordance with the provisions of **Section 03-160** of this Chapter.

H. **Effect of Approval**. Approval of zoning compliance shall authorize an applicant to proceed with the building permit review process.

I. **Amendments**. The procedure for amending any zoning compliance decision shall be the same as the original procedure set forth in this Section.

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J. **Expiration**. Subject to an extension of time, a building permit shall expire and have no further force or effect if the building, activity, construction, or occupancy authorized by the permit is not commenced within one hundred eighty (180) days.

03-120: CONDITIONAL USE PERMITS

A. **Purpose**. This section sets forth procedures for conditional use permit review and decision.

B. **Authority**. The Land Use Authority is authorized to issue conditional use permits as provided in this section.

C. **Initiation**. A property owner, or the owner's agent, may request a conditional use permit as described below.

D. **Procedure**. An application for a conditional use permit shall be processed in the following manner:

~~3~~54.1. **Pre-Application Conference**. A pre-application conference shall be held with the Staff and applicant to determine the nature of the use and the general nature of conditions that might be imposed. At the pre-application conference, the Staff and the applicant shall review the following:

a. application form

b. materials and information needed to complete the form

c. procedures used in reviewing the conditional use.

~~3~~55.2. **The Application**. A conditional use application must be completed and filed on a form prepared by the City (two sets are required).

a. Additional information may be requested at the pre-application conference based on the nature of the project or the site.

b. Other documentation may be requested as noted on the application.

~~3~~56.3. **Notice/Posting**. Upon receipt of the complete conditional use application and payment of all applicable fees, the Staff shall follow the Notice Provisions set forth in **Section 03-060**.

E. **City Action**.

~~3~~57.1. **Time Frame**: Once an application is received, the Staff shall review the application. The Application will appear before the Land Use Authority with a recommendation within sixty (60) days of receipt of the application, if the applicant has been diligent in responding to requests for additional information required to process the application. A longer processing period may be needed depending on scale, scope, and complexity of the application. In such cases, the Staff shall inform the applicant of the projected processing time frame when an application is filed.

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~~358.~~2. **Staff Review**: Staff shall review the project and may recommend appropriate conditions of approval based on the Standards for Review outlined below to mitigate adverse effects, and to preserve the character of the zone. The conditional use application shall then be placed on the agenda of the Land Use Authority for approval consideration.

a. The Staff may recommend immediate review of the use at the next scheduled Land Use Authority meeting under the following conditions.

i. Notice requirements must be met as defined in **Section 03--060**, and

ii. The City Staff determines that the conditions may be better prepared and evaluated by the Land Use Authority, or

iii. The use requested is a minor or temporary conditional use.

~~359.~~3. **Standards for Review**: The Standards for review are set forth to ensure the proper consideration is taken in lieu of approving a Conditional Use and/or as follows.

a. the Application complies with all requirements of this Code;

b. the Use will be Compatible with surrounding Structures in Use, scale, mass and circulation;

c. the Use is consistent with the General Plan, as amended; and

d. The effects of any differences in Use or scale have been mitigated through careful planning.

e. Review the following items to mitigate adverse impacts.

i. All applicable points of this Code have been complied with

ii. Compliance of the conditional use process has been achieved

iii. size and location of the Site;

iv. Traffic considerations including capacity of the existing streets in the area;

v. utility capacity;

vi. emergency vehicle Access;

vii. location and amount of off-Street parking;

viii. internal vehicular and pedestrian circulation system;

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ix. Fencing, Screening, and landscaping to separate the Use from adjoining Uses;

x. Building mass, bulk, and orientation, and the location of buildings on the Site; including orientation to Buildings on adjoining Lots;

xi. usable Open Space;

xii. signs and lighting;

xiii. physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;

xiv. noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;

xv. control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup areas;

xvi. expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities; and

xvii. Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site.

~~360.~~4. **Land Use Authority Review.** The Community Development Director and/or Land Use Authority must follow Standards for Review outlined above.

The Land Use Authority may further amend, add, or delete conditions recommended by the Staff. The Land Use Authority shall recommend approval or denial of the proposed Conditional Use to the Legislative Body for their review and consideration at the next regularly scheduled Legislative Body meeting, if notice requirements of **Section 03-060** can be met.

~~361.~~5. **Legislative Body Review**. A conditional use shall be approved by the Legislative Body if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the Standards for Review (**Section 03-120**).

If the reasonably anticipated detrimental effects of a proposed conditional use cannot be mitigated by the proposal or the imposition of reasonable

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conditions to achieve compliance with applicable standards, the conditional use may be denied.

The Legislative Body may also remand the Conditional Use Application back to the Land Use Authority for further review and evaluation.

If the Legislative Body denies the use, the applicant may amend and re-submit the application to the Land Use Authority or appeal to the Appeal Authority.

After approval by the Legislative Body, building permits may be issued by the City Building Official as provided in the Building Code and this Code.

~~362.~~6. **Appeal**. If Staff and the Applicant are not able to agree on conditions of approval, the Applicant may still go before the Land Use Authority for review or may withdraw the application. The review shall appear on the agenda for the next regularly scheduled Land Use Authority meeting that meets notice requirements of **Section 03-060**.

If Staff does not act on an application or indicate to the Applicant what aspects of the plan are not acceptable as proposed within sixty (60) working days after submission, the Applicant shall have the right of review by the Land Use Authority. The Applicant may, at any time in the review process, request review of the conditions of approval by the Land Use Authority.

If the applicant does not agree with the findings or actions of the Land Use Authority or the Legislative Body, the appeal is to be heard by the Appeal Authority (Administrative Law Judge), as per **Section 03-160.**

~~363.~~7. **Plat Approval**. When a conditional use requires the recording of a plat, the final plat shall be reviewed by the Land Use Authority and Legislative Body for approval. The scope of review for plat approval is set forth below. Plat approval may be granted at the same time as the Conditional Use Approval.

~~364.~~8. **Transferability**. A Conditional Use Approval including all conditions of development approval may be transferable, conveyed or assigned by the applicant with the title to the underlying property.

Conditional Use cannot be transferred off the site on which the approval was granted.

~~365.~~9. **Expiration**. Conditional Use approvals shall expire one (1) year from the date of the Legislative Body approval or as otherwise specified during the review and approval process unless substantial construction activity has commenced on the project.

Substantial construction activity is evidenced by the developer obtaining building permits for the project (or for the first phase of a phased project).

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Construction of a footing and foundation is not evidence of substantial construction activity unless the permits for the remainder of the structure (or remainder of the phase, in phased projects) are obtained within six (6) months of the issuance of the footings and foundation permit.

Demolition permits do not evidence substantial construction work for purposes of extending a conditional use approval. Whether construction has commenced or not, the Legislative Body may grant an extension of the Conditional Use Approvals for up to one (1) additional year when the applicant is able to demonstrate a legitimate need to delay the start of construction such as inclement weather, delays in financing, or similar reasons.

Where the Legislative Body has granted a temporary conditional use approval, the expiration will occur on the date specified by the Land Use Authority, or the Legislative Body. Renewal of a conditional use will require a complete re-application to be submitted for review and approval.

~~366.~~10. **Standards for Review**. No Conditional Use shall be approved unless the application complies with all requirements of the Code; the use is compatible with surrounding structures in use, scale, mass and circulation; the use is consistent with the General Plan; and that the effects of any differences in use or scale have been mitigated through careful planning. Each of the following items shall be reviewed when considering a Conditional Use Approval:

a. Size and location of the site.

b. Traffic considerations including capacity of the existing streets in the area, location and amount of off-street parking, and internal traffic circulation.

c. Utility capacity.

d. Emergency vehicle access and control of delivery and service vehicles, loading and unloading zones, and screening of trash pick-up or waste storage areas.

e. Fencing, screening, and landscaping to separate the use from adjoining uses.

f. Design, architectural detailing, building mass, bulk, orientation, and the location of buildings on the site including orientation to buildings on adjoining lots.

g. Usable and permanent open space considerations.

h. Signage and lighting.

i. Noise, vibration, pollution, odors, steam, or other mechanical factors that might affect people and property off site.

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j. Review for impact on City infrastructure shall be made as outlined in the **Section 03-090**. All costs associated with infrastructure improvements shall be borne by the developer.

k. Other technical review matters may be applicable or required to evaluate the impacts of the proposed project.

~~367.~~11. **Sensitive Lands Review**. If a conditional use is located within Sensitive Lands, additional requirements and regulations may apply. See the Sensitive Lands Provisions in Chapter 18.

~~368.~~12. **Design Review**. The Land Use Authority or Staff may review the proposal for appropriate design to create or maintain a desired architectural effect.

~~369.~~13. **Technical Review**. The Land Use Authority or Staff may complete a technical review if necessary. A committee may be set up to review and make suggestions to the Land Use Authority regarding unique concerns or features of a project that may be beyond the expertise of the Land Use Authority or Staff. Recommendations of that committee may be used as guidelines in the establishment of conditions of approval, as outlined in **Section 03-120.**

~~370.~~14. **Impact on Public Infrastructure**. Review of impact on City infrastructure shall be made as outlined in **Section 03-090**. All Infrastructure improvements must be concurrently constructed and timed with the development. All costs associated with infrastructure improvements shall be borne by the Applicant. Impact fees will also be required to be paid by the Applicant and/or lot owner in accordance with the Coalville City Impact Fee Ordinance.

03-130: LOW IMPACT PERMITS

A. **Purpose.** The purpose of the low impact permit is to provide a process and procedure for reviewing and approving, approving with conditions, or denying a low impact use. Low impact uses are identified in **Section 08-020**, ~~Table 8-1~~Table 8-1 of this Code. Upon compliance with the provisions of this section, a low impact permit may be granted by the City Council, with reasonable conditions necessary for the protection and preservation of public health, safety, and welfare.

B. **Applicability.** A low impact permit is utilized to obtain administrative approval for projects determined to be low intensity and which are in conformance with the development evaluation standards and general regulations of this Code. An application for approval of a low impact permit shall be commenced by filing a plan and paying the applicable fee with the City.

C. **Review Procedure.**

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~~371.~~1. The applicant shall provide a development plan and description of the proposed project. The plan shall contain enough information, in graphic and text form, to adequately describe to the satisfaction of the Community Development Director the applicant's intentions regarding use, site layout and compliance with this chapter, and any applicable ordinance, development permit, or development agreement.

~~372.~~2. In proposals where the Community Development Director determines that potential issues may arise, or additional comment is needed or has been received from the community, a public hearing on the application may be scheduled with the Planning Commission. Following the public hearing, the Planning Commission shall make a recommendation to the City Council to either approve, approve with conditions, or deny the low impact permit.

~~373.~~3. The Community Development Director shall determine whether the application is sufficient and in compliance with the provisions of this Code. The Community Development Director may require the applicant to submit such additional information as may be necessary to determine whether the application conforms to all applicable requirements of this chapter.

~~374.~~4. The City Council shall take final action on the application for a low impact permit and shall communicate the decision to the applicant. The City Council may impose all reasonable conditions necessary to ensure compliance with applicable provisions of this Code. The Community Development Director may provide written notice of such decision to any persons who have requested notice of such decision. Any person aggrieved by such decision may appeal the final action in accordance with the provisions of this Code.

D. **Findings For Approval**. Before a low impact permit is approved, the City Council must conclude that factual evidence exists to verify the following findings:

~~375.~~1. The use conforms to all applicable requirements of this chapter and State and Federal regulations.

~~376.~~2. The use is consistent with the goals and policies of the General Plan.

~~377.~~3. The use conforms to all applicable requirements of this Code.

~~378.~~4. The use is not detrimental to public health, safety, and welfare.

~~379.~~5. The use is appropriately located with respect to public facilities and services.

~~380.~~6. The natural topography, ridgelines, soils, critical areas, watercourses, and vegetation shall be preserved where possible through careful site planning and design of access routes, circulation areas, buildings and other structures, parking areas, utilities, drainage facilities and other features.

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03-140: PERMITTED USES

A. **Purpose.** To determine if a proposed use is permitted in the current zone.

B. **Authority.** Staff of Coalville City is authorized to review and approve Permitted Use applications. Based on the issues of the application, Staff may schedule a public hearing before the Land Use Authority and/or Legislative Body for review and approval of the project.

C. **Initiation.** A property owner, or the owner's agent, may request review and approval of a Permitted Use.

D. **Standards and Requirements.** On any proposal to construct a building or other improvement(s) on property that is defined by this Code as a permitted use in the zone in which the project is proposed, the Staff shall review the submission to determine whether the proposal:

~~3~~81.1. Is a permitted use within the zone for which it is proposed.

~~3~~82.2. Complies with the requirements of that zone for height, setback, and lot coverage.

~~3~~83.3. Meets the applicable parking requirements.

~~3~~84.4. Conforms to architectural design guidelines established for that zone.

~~3~~85.5. Requires Sensitive Lands review as defined in Chapter 18.

~~3~~86.6. Has met the requirements of the Infrastructure/Engineer review process as defined in **Section 03-090** herein.

~~3~~87.7. Requires a certificate from the Structural/Engineer review as outlined in **Section 03-090** herein.

E. **Procedure.** A Complete application must be submitted to the Community Development Department, the following will be required:

~~3~~88.1. A legal description, plat map and proof of ownership of the property.

~~3~~89.2. Topographic data and/or grading plan may be required when the site is sloping or when the building height cannot be readily determined from the elevations without topographic information.

~~3~~90.3. A certified survey may be required on projects with structures on or near the lot lines or when the lot lines are difficult to determine from existing plats and monuments.

~~3~~91.4. Other information required by this Code to adequately review and address potential impacts of the proposed project.

F. **Commercial and Industrial Developments.**

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Commercial and industrial developments listed as permitted uses shall be subject to the Commercial and Industrial Development Standards Chapter 15 and 16 respectively.

G. **Expiration Time Limit.**

Unless there is actual construction within a period of 180 days from the date of site plan and/or building permit approval by the City, the approval for permitted use shall expire.

H. **Standards for Decision.**

All Standards and Requirements will be reviewed, findings of fact will be recorded, and a decision will be made, the length of time may vary depending on scale, scope, and complexity of the proposal.

Based on the issues of the application, Staff may schedule a public hearing before the Land Use Authority and/or Legislative Body for review and approval consideration of the project.

I. **Appeal of Decision.** See Appeal of Administrative Decisions 03-160.

J. **Effect of Decision.** Upon finding that the proposal complies with the applicable zoning requirements and can be adequately serviced by existing utility systems or lines, the plans shall be reviewed for Building Code compliance and permit issuance.

If the submission does not comply with the requirements of the zone, the Staff shall notify the owner of the project or his agent stating specifically what requirements of the zone have not been satisfied.

03-150: TEMPORARY USES

A. **Purpose.** The following regulations are provided to accommodate those special events, activities, and uses of land or buildings which are temporary in nature and are not, therefore, listed as regular Permitted or Conditional Uses in any zone district of the City. The character of these uses is such that proper conditions are required to protect adjacent properties and the general health, safety, and welfare of citizens. Any use, building or structure which does not meet the requirements of this section shall be classified as permanent land uses and shall conform to all required standards of the building, health, fire, and development codes or other ordinances.

B. **Authority.** Staff of Coalville City is authorized to review and approve Temporary Use applications. Based on the issues of the application, Staff may schedule a public hearing before the Land Use Authority and/or Legislative Body for review and approval of the project.

C. **Initiation.** A property owner, or the owner's agent, may request a Temporary Use permit.

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D. **Uses Allowed.** Uses allowed on a temporary basis in accordance with provisions of this section may include, but are not limited to, the following:

~~392.~~1. Carnivals, circuses, firework stands, firework displays, Christmas tree lots, promotional activities or special events, boutiques, motion picture productions, revivals, retreats, political rallies, or campaign headquarters.

a. Uses shall not be allowed for more than thirty (30) days duration in that same calendar year.

b. Temporary Use approval shall NOT be required for a garage sale, provided following requirements are adhered to:

~~a.~~c. The garage sale operates no more than a total of five (5) days in any calendar year and,

~~b.~~d. Shall be conducted by bona fide residents of the premises and,

~~c.~~e. Goods for sale shall consist of personal belongings of the residents and

~~d.~~f. Goods offered for sale shall not be placed over a public sidewalk or in a public right-of-way.

E. **Approval Required Before Establishment.** Prior to the establishment of any qualifying Temporary Use, (except fireworks stands or fireworks displays which shall be administered by the North Summit Fire District), temporary use approval shall be obtained from the Staff or Land Use Authority.

Temporary Use approval is not required to meet the notification requirements of this Code; however, the proposed use shall comply with the requirements of this Code and the Building Code.

F. **City Celebrations or Events.** Any City sponsored celebrations or special events of a temporary nature are exempt from the requirements of obtaining Temporary Use approval as described by this Section.

G. **Procedure.**

~~393.~~1. The applicant shall submit a completed Application for Temporary Use Permit to the Staff.

~~394.~~2. Staff shall review the application for completeness

~~395.~~3. Staff shall process the application by doing the following

a. Review the application for conformity with the Standards and Requirements of this code.

b. Determine if application adequately passes standards and requirements in a statement of findings of fact.

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c. Communicate findings with applicant.

d. Approve, Approve with conditions, or Deny the application.

H. **Standards and Requirements**. A temporary use established under the provisions of this Chapter shall conform to the following standards and requirements:

~~396.~~1. **Appropriate for Surroundings**. The nature of the requested use will not have any detrimental effects on adjacent properties and will be in harmony with surrounding uses.

~~397.~~2. **Liability Insurance**. Applicant must show proof of adequate liability insurance for the temporary use.

~~398.~~3. **Sanitary Facilities**. Any use requiring sanitary facilities by building, fire, health, or other similar codes shall be located on the same property as a host structure unless independent water and sewer service is provided for the temporary use. Where such codes require sanitary facilities, they may be provided by a host structure provided that there is:

a. No preparation of any food on those premises.

b. No indoor seating of patrons.

c. Written evidence that a host structure will provide permanent sanitary facilities for all employees and that such facilities are conveniently located not more than three hundred (300) feet from the area of use and will be accessible during all periods of operation of the use.

d. Written evidence that all food will be prepared and delivered from an approved catering service and that all waste resulting from the operation of the use will be properly disposed.

~~399.~~4. **Signs**. All signs associated with the temporary use shall be reviewed and approved in accordance with the sign standards of Code 9 herein and shall not be installed more than ten (10) days prior to the event and shall be removed within two (2) days following the event. The number of days signs are displayed for an event shall be included in the total days allowed for a temporary use as provided for in Code 9.

~~400.~~5. **Parking, Access, Circulation and Other Elements**. Parking, access, circulation, and other significant elements of any other uses or structures existing on the site shall be handled on a case-by-case basis.

1. Applicant will take steps to mitigate excessive and hazardous parking on adjacent streets. If needed, applicant will be responsible for all costs associated with traffic control.

~~401.~~6. **Expiration and Vacancy**. Approval for each Temporary Use shall bear an expiration date based upon the nature of the use. In no case shall

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approval be given for a period exceeding thirty (30) days. If any temporary structure becomes vacant prior to the expiration of the approval, it shall be removed within fifteen (15) days of the vacancy.

~~402.~~7. **Site Restoration**. The landowner of the parcel shall provide a cash bond for the restoration of the site of said use to its original condition, including cleanup, re-vegetation, replacement of facilities, and removal of any structures as determined by the Staff or Land Use Authority.

~~403.~~8. **Revocation of Approval**. An approval may be revoked in the event of a violation of any of the provisions of this section or the conditions set forth in the temporary use review.

~~404.~~9. **Business License Required**. Temporary Use approval is not a business license and the granting of said temporary use shall not relieve the applicant of any other license requirement of the City or any other public agency.

~~405.~~10. **Fees**. A fee will be required to process the Temporary Use Permit, as assessed in the City Schedule of Fee's.

I. **Standards for Decision**. The Staff shall review the application for temporary use to determine whether the proposal complies with the standards and requirements of this Code and shall issue a statement of findings of fact.

Staff may also indicate whether the issue should be reviewed by the Land Use Authority and/or Legislative Body or if additional comment is needed from the community in a public hearing.

J. **Appeal of Decision**. See Appeal of Administrative Decisions 03-150.

K. **Effect of Decision**. Upon finding that the proposal complies with the applicable standards and requirements and can be adequately monitored, and the site can be restored, or structures removed within the time duration specified in the application, the Staff shall approve the temporary use with conditions or deny the application and communicate the decision to the applicant.

03-160: APPEAL OF ADMINISTRATIVE DECISIONS

A. **Purpose**. This section sets forth procedures for appealing an administrative decision applying provisions of this Code.

B. **Authority**. The Appeal Authority (Administrative Law Judge), as designated in these ordinances, and ~~Table 3-1~~Table 3-1 **Section 03-040**, shall hear and decide appeals from administrative decisions applying the provisions of this Code as provided in this section.

C. **Initiation**. Any person adversely affected by a decision administering or interpreting a provision of this Code may appeal to the Appeal Authority, as applicable. A complete application for an appeal shall be filed within fifteen (15) days of the decision which is appealed.

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D. **Procedure**. Appeals of City actions shall be by letter or petition and contain the name, address, and telephone number of the petitioner; relationship to the project or subject property; and the reasons for the appeal, including specific provisions of this Code, that are violated by the action taken.

~~406.~~1. **Appeal Petitions Process**.

a. The owner of the property acted on by the City, and any person living or owning property within the City has the right to appeal to final decision of the Land Use Authority or the Legislative Body regarding Planning and Zoning decisions.

b. The petition must be filed in writing with the City Recorder within fifteen (15) calendar days of final project action.

a. The petition for the appeal shall have the following information:

i. Name, address, and telephone number of the petitioner and agent if any

ii. Name of the project

iii. Reason for the appeal.

c. The City shall set a date for the appeal, which shall be no more than thirty (30) calendar days from the date the notice of appeal is filed with the City and can meet the notice requirements of **Section 03-060**.

d. The City Recorder shall notify the petitioner and the owner of the project of the appeal date.

e. The City Recorder shall obtain the findings from the Land Use Authority and Legislative Body as outlined in 03-030(K), these and all other pertinent information shall be made available to the Appeal Authority for their use in the appeal process.

~~407.~~2. **Action on Petitions**. The Appeal Authority may affirm, reverse, or affirm in part or reverse in part any decision of the Land Use Authority or Legislative Body regarding planning and zoning decisions.

2. The Appeal Authority may remand the matter to the Land Use Authority or Legislative Body with directions for specific areas of review or clarification.

3. Appeal Authority review of petitions of appeal shall be limited to consideration of only those matters raised by the petition(s) unless the Appeal Authority enlarges the scope of the appeal to accept information on other matters it may legally hear.

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~~408.~~3. **Stay of Approval Pending Review or Appeal**. Upon the filing of an appeal to the Appeal Authority of a Land Use Authority or Legislative Body decision, any action on the matter by the Land Use Authority or Legislative Body will be suspended until the Appeal Authority acts on the appeal.

~~409.~~4. **Appeal from the Appeal Authority.** The owner of any project, or any person aggrieved by a decision of the Appeal Authority may appeal the final action by filing civil action in the District Court as provided by state law. The decision of the Appeal Authority shall stand, and those affected by the decision may act in reliance on it unless/or until the court enters an interlocutory or final order stating the effectiveness of the decision.

~~410.~~5. Any Appellant must show or demonstrate that damages have occurred as a result of a City action as specified in HB-388 (LUDMA).

~~411.~~6. **Finality of Action**. If no appeal has been filed at the end of fifteen (15) days from the date of final action by the Legislative Body, Land Use Authority or Staff, the action is final. The Legislative Body may extend the appeal time period on a particular project as deemed necessary.

03-170 VESTING OF RIGHTS

A. **Applications and Permits**.

1. An applicant is entitled to approval of a land use application if the application conforms to the requirements of the Coalville City's zoning map and applicable land use ordinance in effect when a complete application is submitted and all fees have been paid, unless:

   a. The governing body, on the record, finds that a compelling, countervailing public interest in the form of Health, Safety, or Welfare, would be jeopardized by approving the application; or

   b. In the manner provided by local ordinance and before the application is submitted, the municipality has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the application as submitted.

~~412.~~2. The City shall process an application without regard to proceedings initiated to amend the municipality's ordinances if:

   a. 180 days have passed since the proceedings were initiated; and

   b. The proceedings have not resulted in an enactment that prohibits the approval of the application as submitted.

~~413.~~3. An application for a land use approval is considered submitted and complete when the application is

   a. deemed Complete by the proper Authority, and

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b. complies with the requirements of format, information, etc., of the applicable ordinances, and

c. all applicable fees have been paid.

~~414.~~4. The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.

~~415.~~5. The City shall not impose on a holder of an issued land use permit a requirement that is not expressed:

a. in the land use permit or in documents on which the land use permit is based; or

b. in the City ordinances.

~~416.~~6. The City will not withhold issuance of a certificate of occupancy because of an applicant's failure to comply with a requirement that is not expressed:

a. in the building permit or in documents on which the building permit is based; or

b. in the City ordinances.

~~417.~~7. The City is bound by the terms and standards of applicable land use ordinances and shall comply with mandatory provisions of those ordinances.

B. **Zoning**. Upon payment of the required application fees and submission of a completed application, an applicant shall be entitled to have a filed application reviewed and acted upon pursuant to the terms of this Development Code and Zoning Map in effect at the time of filing of a complete application, subject to the exceptions set forth below.

~~418.~~1. The applicant may take advantage of amendments to this Code and Zoning Map that would permit greater density or more intense use of the land, provided that these changes may be deemed a modification of the plan and require the payment of additional planning review fees.

~~419.~~2. Vesting of all permits and approvals terminates upon the expiration or termination of the permit or approval.

C. **Complete Applications**. For the purposes of this Code, a complete application includes all documentation required by:

~~420.~~1. this Code,

~~421.~~2. other relevant laws and ordinances of Coalville City,

~~422.~~3. relevant state and federal laws, and

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~~423.~~4. any other information deemed necessary by the Staff or Land Use Authority to complete a thorough review of the proposed project.

~~No application will be deemed complete prior to the Concept Plan meeting with the Land Use Authority.~~

~~At the Concept Plan meeting with the Land Use Authority, the applicant will be informed of any information required in order for the application to be considered complete.~~

Upon receipt of the information required by this Code and any additional information required by the Staff or Land Use Authority, the application will be deemed complete.

An applicant may not appeal the need to provide information required by this Code or any other City ordinance, or any state or federal law.

However, any applicant may appeal the need to provide any additional information requested by the Land Use Authority to the Legislative Body on the next available meeting of the Council with adequate time to fully discuss the matter.

D. **Non-Zoning**. Non-zoning related matters, including, but not limited to, site development standards, procedural requirements and building code requirements will not vest until complete building permit applications have been filed and required fees have been paid.

Water and sewer connection availability, costs of water and sewer connection and water development fees, applicable impact fees and other charges will vest only upon payment of the building permit application fees and submission of all materials necessary for the issuance of a building permit.

E. **Exceptions**. Applicants shall not be entitled to review and approval of applications pursuant to the terms of this Code when revisions to this Code are pending that would prohibit or further condition the approval sought, or when there exists a compelling reason for applying a new standard or requirement retroactively to the time of application.

03-180: ANNEXATIONS

All annexations shall be consistent with the Coalville City Annexation Policy Declaration. Upon receiving a petition for annexation, the City will take action in accordance with the relevant sections of the Utah Code.

03-190: STREET VACATIONS

A. **Procedure**. The following procedures shall apply to any requests for the vacation of a public street or right-of-way:

~~424.~~1. Utah State Law governs the procedure by which a public street or right-of-way may be vacated or closed. State Law also specifies the method of public notice, and who must be noticed.

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425.2. Staff reviews the request, including the City's Transportation Engineer and City Surveyor, and makes a recommendation to the Land Use Authority and Legislative Body.

426.3. The City notifies in writing all owners or operators of underground facilities and utility facilities who have facilities within the boundaries of the street to be vacated, closed or name changed.

427.4. The Land Use Authority will hold a public meeting to consider the Vacation/Closure/Name Change, and forward a recommendation that considers the following:

a. there is good cause for the action; and

b. the action will not be detrimental to the public interest, nor will any person be materially injured by the proposed vacation.

428.5. Notice of the Public Hearing is published. Public Notices are required if all adjacent property owners of the subject street have not jointly filed the application for street vacations and closures.

a. The Public Notice must run in the newspaper once a week for four consecutive weeks prior to the hearing date.

429.6. The Legislative Body will hold a public hearing to consider the Vacation/Closure request and take one of four actions:

a. approve the request as a "vacation";

b. approve the request as a "closure";

c. remand the request to the Land Use Authority or staff for further research and study; or

d. deny the request (the street remains public and is not vacated or closed).

430.7. For a Street Name Change, the Legislative Body may:

a. approve the name change,

b. deny the name change, or

c. remand to the Land Use Authority for further study.

431.8. If the Street or Right-of-Way is "Vacated", then new legal descriptions are prepared by the City Surveyor to deed the street equally between all abutting property owners to the centerline of the street. The new legal descriptions are attached as an exhibit to the ordinance adopted by the Legislative Body approving the Vacation.

432.9. If the Street or Right-of-Way is "Closed", the legal description is attached as an exhibit to the ordinance adopted by the Legislative Body approving the Closure. The street becomes Real Property that can be sold or

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developed. Closed streets are often sold to interested persons at market value.

~~433.~~10. If the Name of the Street is changed, the old and new names will appear as an exhibit, along with a legal description of the section of street to be renamed as an exhibit to the ordinance approving the change.

~~434.~~11. The Ordinance adopting the street vacation/closure/name change is recorded with the Summit County Recorder. If recorded as a Vacation, then legal descriptions for adjacent properties will be amended to include the adjacent portion of the street. The County Tax Maps will be amended to reflect the change, and the wording "Vacated" will generally appear on the maps, often with the ordinance number adopting the vacation. If recorded as a Closure, the County will assign a parcel tax identification number, and the City may then sell or transfer the real property or keep the property for other public uses. If recorded as a Name Change, the county will notify the Post Office of the new street name, and Coalville City will erect new street signs to reflect the new street name.

~~435.~~12. For street name changes. If the street name being changed was originally a coordinate name (i.e., 500 South),

a. The new street sign will include the street coordinate in addition to the new street name.

b. The coordinate will be in a smaller font and appear subordinate to the new name.

c. For name changes from all other types, only the new name will appear, along with the appropriate coordinate (if applicable).

~~436.~~13. Street Vacation/Closure/ Name Changes generally take 8-12 weeks to process. The process can be shorter or longer, depending on the request and the issues raised at the hearing.

B. **Information Required for a Complete Submittal**.

~~437.~~1. Completed General Development Application Form.

~~438.~~2. Letter Describing the Proposed Street Vacation/Closure and reasons or justifications for the granting of the request. The letter should address why the Vacation/Closure will not be contrary to the City's General Plan (including the Transportation Element), or contrary to the City's Land Development Code.

~~439.~~3. Legal Description of proposed street to be vacated or closed. Legal Description should be accompanied by a drawing showing the boundaries of the area proposed to be vacated/closed.

~~440.~~4. Name Change. For requests to change the name of the street, you must submit a letter from the County Recorder approving the proposed street name.

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441.5. Other Information which will aid the Land Use Authority in making a proper determination (as may be determined by the Planning Staff):

442.6. Copy of Property Plat of the area (where applicable). This information is available from the Summit County Recorder's Office.

443.7. Names and Addresses of all Property Owners of Current Record, including your own, who are immediately adjacent to the proposed street to be vacated/closed, typed on mailing labels. (This information is available from the Summit County Recorder's Office, as posted above.)

444.8. Filing Fees: as determined in Coalville City Schedule of Fees.

03-200: LOT LINE ADJUSTMENTS

A. **Application**. The following procedures shall govern the review and approval of any lot line (Parcel boundary) adjustments.

445.1. An Application for Uncontested Lot Line Adjustment (boundary changes) shall be made to the Community Development Department on the prescribed application. All owners of record must sign the application.

446.2. The following items shall be submitted with the application:

a. The signatures of approval of all abutting property owners and property owners directly across any abutting street(s) on the attached form provided by the planning division.

b. Two (2) 24" x 36" and one (1) 11"x 17"copies of a preliminary plat drawing, showing the land to be subdivided, properly and accurately drawn to scale also showing existing and proposed boundaries, all improvements (houses, driveways, trees, etc.), and required building setbacks that may be affected by the proposed boundary change. Plats need to be certified as accurate by a registered land surveyor or professional engineer.

c. A current Sidwell map from the Summit County Recorder's office showing the entire subject area with property ownership boundaries.

d. An explanation of the reason for the adjustment

d.e. Evidence that any holders of Deeds of Trust have no objections to the proposed boundary changes.

e.f. Title reports covering all parcels involved dated within 30 days.

f.g. If applicable, a signed, notarized statement of consent from property owner authorizing applicant to act as an agent.

h. Filing fee and Notification and Publication Costs due at time of application.

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~~g.~~i. Any other information the Community Development Department may request to aid in the review of the application.

B. **Processing**.

~~447.~~1. All uncontested Lot Line Adjustment applications shall be reviewed by the Community Development Director or Staff and the City Engineer. The review will contain the following:

a. Lot size remains conforming to the existing zoning ordinance. If the lots are currently nonconforming as to size, they cannot become further nonconforming (smaller).

b. Setbacks remain conforming or do not become further nonconforming.

c. Lot frontage and lot depth requirements remain conforming.

d. The existing houses do not become nonconforming as to Floor Area Ratio requirements of the zone.

e. The existing buildings meet the requirement of the Uniform Building code for fire separation or fire wall construction.

~~448.~~2. After review by the Community Development Director or Staff, the applicant will be notified of any requirements that must be met before the certificate or map can be recorded.

~~449.~~3. The Community Development Director has authority to approve any Uncontested Lot Line Adjustments. The Community Development Director may approve or deny the application but may not attach conditions, except to meet the requirements of the Building or Zoning regulations. If the application is denied, the applicant may appeal this decision to the Land Use Authority.

~~450.~~4. The Community Development Director shall not approve any Contested Lot Line Adjustments; Contested Lot Line Adjustments must be presented before the Planning Commission and City Council for approval.

C. **Final Action**.

~~451.~~1. Any corrections that must be made will be sent to the Licensed Surveyor or Civil Engineer, and corrected documents resubmitted.

~~452.~~2. The Community Development Director will sign the Certificate of Lot Line Adjustment once the legal descriptions and map documents have been reviewed and approved by the City Engineer.

~~453.~~3. The Coalville City Clerk's Office will send the documents to your title company with instructions for recording.

D. **Additional Information**.

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~~454.~~1. Legal descriptions and maps of the new parcel configurations shall be prepared by a Registered Civil Engineer or Licensed Land Surveyor, these are the only persons authorized to prepare such documents.

~~455.~~2. The applicant shall provide new Grant Deeds for the new parcel configurations and arrange for the recording of these documents.

03-210: EXACTIONS

The City may impose an exaction or exactions on proposed land use development if:

1. an essential nexus exists between a legitimate governmental interest and each exaction; and

~~456.~~2. Each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.

03-220: SHORT-TERM RENTALS

A. **Purpose**. The purpose of this provision is to provide a fair process for the licensing and administration of Short-Term Rental Licenses in Coalville City.

B. **Definitions**. For the purposes of this Section, the following definitions shall apply:

~~457.~~1. Lodger means any person who, individually or as part of a group, reserves and resides in a Short-term Rental.

~~458.~~2. Owner Occupied means a dwelling in which the property owner, whether an individual, couple, or principle of an LLC or Trust, as listed on the City records, currently and permanently resides for no less than 6 months of the year.

~~459.~~3. Short Term Rental means Short-Term Nightly Rental. The rental of any single-family residential dwelling, or any portion thereof, (cannot be a detached unit) for a period of less than 30 days to a single entity or person.

~~460.~~4. Room Rental means the short-term rental of a portion of a single residential dwelling that is owner-occupied.

~~461.~~5. Home Rental means the short-term rental of an entire dwelling that is owner occupied.

~~462.~~6. Accessory Dwelling Unit (ADU) means an accessory residential single-family dwelling unit, but not a mobile home, with required limitations and located on the same lot as a single-family dwelling or in a detached accessory structure (must be rented more than 30-days).

~~463.~~7. Vacation Rental means the short-term rental of an entire dwelling that is not owner occupied.

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C. **Licenses Required**. It is unlawful to engage in a Short-Term Rental business without first receiving a Business License from the City. All Short-Term Rental Business Licenses shall comply with the following:

~~464.~~1. Rental owners shall be onsite or be managed by a rental manager located within ten (10) miles of the rental property. Contact information for said rental managers shall be on file with the City.

~~465.~~2. Coalville City and its departments maintain the right to inspect any Short-Term Rental for the purpose of determining compliance with State, Local, Health, and Safety codes, upon the City's request.

~~466.~~3. Modifications to buildings that include, but are not limited to, remodels, basement finishes, pools, and accessory buildings, require a building permit.

~~467.~~4. Exterior signs associated with short-term rentals are prohibited.

~~468.~~5. The following shall be posted inside the dwelling:

a. Coalville City Business License.

b. Rental Manager Name, Address and Contact information.

c. Occupancy limit.

d. Parking plan.

e. Summary of Quiet Hours and Noise Restrictions.

~~469.~~6. Commercial activities are prohibited.

~~470.~~7. Recreational Vehicles, Campers, or other travel trailers are not allowed as Short-Term Rentals and must be parked off the public street in a designated parking area.

~~471.~~8. Tents or other temporary structures intended for sleeping are prohibited.

~~472.~~9. Room Rental. Room Rentals are permitted in any single-family residential dwelling so long as the following provisions have been met:

a. Room Rentals are limited to no more than one reservation at a single time.

b. Room Rentals are limited to no more than two bedrooms in the dwelling.

c. Property owners shall be present during the hours of 10 pm to 7 am for the entirety of the reservation period.

d. Lodgers shall be limited to no more than one vehicle.

e. Lodgers shall not park on the street. All cars shall be located in a garage, driveway, or permitted parking area.

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f. Owner Occupied Accessory Apartments are considered a Room Rental and shall comply with these provisions.

~~473.~~10. Home Rental. Home Rentals are permitted in any single-family residential dwelling so long as the follow provisions have been met:

a. The entire dwelling shall be rented with a single reservation. Occupancy shall not exceed that of a Family as defined in Chapter 02, or 8 individuals, whichever is more.

b. Lodgers shall not park on the street. All cars shall be located in a garage, driveway, or permitted parking area.

c. Lodgers shall be limited to no more than 4 cars, based upon off-street parking availability.

~~474.~~11. Vacation Rental. Vacation Rentals are permitted in any single-family residential dwelling so long as the following provisions have been met:

a. The entire dwelling shall be rented with a single reservation. Occupancy shall be limited to 1 lodger per 200 square feet, not to exceed 12 lodgers.

b. Lodgers shall not park on the street. Garages shall be clear and available to patrons for parking. All cars shall be located in a garage, driveway, or permitted parking area.

c. Lodgers shall be limited to no more than 4 cars, based upon off-street parking availability.

d. The following shall be posted on the exterior of the property:

i. Property Manager name, phone number, address, and email address.

ii. Business License number.

~~475.~~12. All Short-Term Rentals are subject to Noise Disturbance regulations in Code 13 and any applicable transient room tax assessments.

~~476.~~13. The Total Number of Short-Term Rentals in the City shall not exceed 5% of the total number of primary households, with no more than three (3) Short-Term Rentals allowed within a 500-foot radius in the Residential and Agricultural Zones of the City.

D. **Application Form**. The City shall provide a standard Application Form for Short Term Rental Licenses. Each Application Form shall require the following information, documentation, and fee:

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~~477.~~1. **Review of Written Disclosures.** An affirmation that the Applicant has received and reviewed the disclosure information required by this Chapter.

~~478.~~2. **Contact Information**.

a. Applicant's name, telephone number, home address, mailing address, and email address.

b. Applicant's business name, telephone number, business address, mailing address, and email address.

~~479.~~3. **Proof of Identity.** An in-person verification by the City of the Applicant's true identity by use of any of the following which bear a photograph of said Applicant:

a. Valid driver's license issued by any State.

b. Valid passport issued by the United States.

c. Valid identification card issued by any State; and

d. Valid identification issued by a branch of the United States military.

4. Upon verification of identity, the original identification submitted to establish Proof of Identity shall be returned to the Applicant.

~~480.~~4. **Rental Manager Information.**

a. Manager name.

b. Managing company name.

c. Managers contact address, phone number, and email.

~~481.~~5. **Proof of Registration with Department of Commerce.** The Applicant shall provide proof that either the Applicant, or the Responsible Person or Entity, has registered with the Utah State Department of Commerce.

~~482.~~6. **Properties list.** A list of all Short-Term Rental properties owned and/or operated by the business, including address and parcel ID number.

~~483.~~7. **HOA Consent.** A letter of consent from the Homeowners Association is required for any properties that are governed by a HOA.

~~484.~~8. **Site and Floor Plans.** A site plan and floorplan including the following shall be required for each property listed under the license:

a. Layout of property.

b. Designated parking areas.

c. Floor plan of building with area in square feet that will be used for short-term rentals.

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485.9. **Fees.** The Applicant shall pay such fees as determined applicable by the City, which shall not exceed the reasonable cost of processing the application. Refer to the City Fee Schedule for current fees.

486.10. **Execution of Application.** The Applicant shall execute the Application Form, stating upon oath or affirmation, under penalty of perjury, that based on the present knowledge and belief of the Applicant, the information provided is complete, truthful, and accurate.

487.11. **Sales Tax Number.** The Applicant shall provide the business sales tax number required for transient room tax assessment.

E. **Maintenance of Registry**. All Short-Term Rentals shall maintain a register of lodgers and individual bookings. This register shall be available to the City upon written request.

F. **Non-Transferability**. Short Term Rental Licenses are non-transferable between property owners or business owners. Upon the change of business or property ownership, a new license will be required.

G. **No Property Rights Conferred**. Short Term Rental Licenses shall not be construed as providing property right or vested interests and entitlements in continued operation of a Short-Term Rental. Short Term Rental Licenses are revocable licenses which expire annually. Short Term Rental Licenses shall not run with the land.

H. **Denial, Suspension, or Revocation**.

488.1. **Denial.** The City shall deny a Short-Term Rental application for the following reasons:

a. The application is not complete or does not comply with the requirements of this chapter.

b. The property is in violation of provisions of this chapter or any other Code, Chapter, or Section of the Coalville City Municipal Code.

c. The applicant has any licenses that are currently suspended or revoked.

489.2. **Suspension or Revocation.** The City may either suspend or revoke a Short-Term Renal License when any of the reasons warranting the denial of an application occurs. The process for suspension and revocation are as follows:

a. **Suspension.** Short Term Rental Licenses will be suspended upon the second instance of violation of this chapter, or any other Code, Chapter, or Section of the Coalville City Municipal Code, or failure to resolve any violation within the required time period. Suspensions shall be a minimum of 3 months or until the violation is resolved, whichever is greater, but not to exceed 6 months.

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b. **Revocation.** Short Term Rental Licenses will be revoked upon the third instance of violation of this chapter or any other Code, Chapter, or Section of the Coalville City Municipal Code, or upon failure to resolve any violation during the suspension period, notwithstanding the number of instances of the violation. Revoked Short Term Rental Licenses will become null and void and require a new application. Applicants with a revoked license may not apply for a new business license for a period of 6 months following the revocation of their license or until the violation has been resolved, whichever is greater.

~~490.~~3. **Notice of Denial, Suspension, or Revocation.** Upon determination of the Licensing Officer to deny an Applicant's Completed Application, suspend a current Short Term Rental License, or revoke a current Short Term Rental License, the City shall cause written notice to be sent to the Applicant or Registered Manager by the method indicated in the Completed Application. The Notice shall specify the grounds for the denial, suspension, or revocation, and the documentation or information the City relied on to make the decision.

~~491.~~4. The penalty for operating a Short-Term Rental without a business license or approval is a $1,000 fine, in addition to Daily Non-Compliance Fines per the Coalville City Fee Schedule.

03-230: ACCESSORY DWELLINGS

A. **Purpose**. The intent and purpose of this provision is to provide for and encourage accessory dwellings as an affordable housing opportunity while protecting the existing quality of life throughout the community.

B. **Definitions**. Accessory Dwellings and Short-Term Rentals are defined as follows:

~~492.~~1. **Internal Accessory Dwelling Unit (IADU)**: An area within a primary single-family dwelling including a room, basement, or above an attached garage for the private use of the property owner's relatives, domestic help, house guests, or renters that is subordinate to the primary dwelling. The limit is one (1) IADU per primary single-family detached dwelling. An IADU may be used as a short-term rental (nightly rental) unit in accordance with **Section 03-220**.

~~493.~~2. **Detached Accessory Dwelling Unit (DADU)**: A detached structure from a primary single-family dwelling used as an accessory dwelling for the private use of the property owner's relatives, domestic help, house guests, or renters that is subordinate to the primary dwelling. A DADU shall contain cooking, sanitation and sleeping facilities. The limit is one (1) DADU per primary single-family detached dwelling. A DADU shall not be used as a short-term rental (nightly rental) unit.

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~~494.~~3. **Short-Term Rental (nightly rental)**: The rental of a room, apartment, house, or lockout unit for a short-term period less than thirty (30) days. Nightly rentals require a business license and are subject to all applicable off-street parking requirements, noise disturbance regulations, transient room tax and other requirements (see **Section 03-220**: Short-Term Rentals).

C. **Internal Accessory Dwelling Unit (IADU) Regulations**. IADU's are permitted uses in all zones, except the light industrial zone. Only one (1) IADU per primary single-family dwelling is allowed. The following standards are required prior to approval or issuance of a business license, short-term rental permit, or building permit for an IADU:

~~495.~~1. Installation of a separate utility meter for an IADU is not allowed.

~~496.~~2. An IADU shall be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling.

~~497.~~3. One on-site parking space shall be provided in addition to the underlying parking requirements for the primary single-family dwelling.

~~498.~~4. The creation of an IADU within a mobile home is not allowed.

~~499.~~5. The owner of a primary dwelling shall obtain a business license for renting an IADU.

~~500.~~6. The creation of an IADU is not allowed if the lot containing the primary single-family dwelling is less than 1/8 acre (5,445 square feet) in size.

~~501.~~7. The rental or offering the rental of an IADU for a period of less than 30 consecutive days shall require a Short-Term Rental Permit.

~~502.~~8. The rental of an IADU is not allowed if the IADU is in a primary dwelling that is not occupied as the owner's primary residence.

~~503.~~9. The IADU and associated improvements shall comply with all building, health, and fire code regulations.

D. **Detached Accessory Dwelling Unit (DADU) Regulations**. DADU's are permitted uses in all zones, except the light industrial zone. Only one (1) DADU per primary single-family dwelling is allowed. The following standards are required prior to approval or issuance of a business license or building permit for a DADU:

~~504.~~1. The maximum size of a DADU shall not exceed 1,000 gross square feet as measured from exterior wall to exterior wall, or two-thirds (2/3) the size of the primary dwelling, whichever is less.

~~505.~~2. Installation of a separate utility meter for a DADU is not allowed.

~~506.~~3. A DADU shall be designed and constructed in a manner that is consistent with the appearance of the primary single-family dwelling.

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~~507.~~4. One on-site parking space shall be provided in addition to the underlying parking requirements for the primary single-family dwelling.

~~508.~~5. The creation of a DADU as a mobile home is not allowed.

~~509.~~6. The owner of a primary dwelling shall obtain a business license for renting a DADU.

~~510.~~7. The creation of a DADU is not allowed if the lot containing the primary single-family dwelling is less than 1/4 acre (10,890 square feet) in size.

~~511.~~8. The rental or offering the rental of a DADU unit less than 30 days (nighty rental) shall not be permitted.

~~512.~~9. The rental of a DADU is not allowed if the primary dwelling is not occupied as the owner's primary residence.

~~513.~~10. The DADU and associated improvements shall comply with all building, health, and fire code regulations.

E. **Review Process**. Generally, all accessory dwelling units, both internal and detached, shall be administratively reviewed, and approved by Staff through the building permit and/or Short-Term Rental review and approval process as applicable with the following exceptions:

~~514.~~1. In proposals where the Community Development Director determines that potential issues may arise, or additional comment is needed or has been received from the community, a public hearing on the application may be scheduled with the Planning Commission. Following the public hearing, the Planning Commission shall make a recommendation to the City Council to either approve, approve with conditions, or deny the accessory dwelling unit.

~~515.~~2. The City Council shall approve a business license for rental of an accessory dwelling unit.

~~516.~~3. If a proposed IADU is intended for rental less than 30-days (nightly rental) a Short-Term Rental Permit shall be required in accordance with **Section 03-220**.

03-240: SENSITIVE LANDS REVIEW

Any project proposed in an area defined as Sensitive Lands in this Code or containing lands designated as sensitive by the City may be subject to additional requirements and regulations as outlined in the Sensitive Lands Regulations of Chapter 18 of this Code.

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Chapter 4

NONCONFORMING LOTS, USES, AND STRUCTURES

04-010: Intent
04-020: Purpose
04-030: Effect of Chapter
04-050: Nonconforming Uses
04-060: Determination of Nonconformance and Noncompliance
04-070: Nonconforming Lots of Record
04-080: Nonconforming Uses of Land
04-090: Noncomplying Structures
04-100: Nonconforming Uses of Complying Structures
04-110: Nonconforming Use of Noncomplying Structures
04-120: Change in Status of Non-Conforming Use
04-130: Damaged Buildings

04-010: INTENT

In view of the fact that no further development or change in use can be undertaken contrary to the provisions of this Code, it is the intent of this Code that nonconforming uses and noncomplying structures shall not be increased nor expanded except where a health or safety official, acting in his official capacity, requires such increase or expansion. Such expansion shall be no greater than that which is required to comply with the minimum requirements as set forth by the health or safety official. Nevertheless, a noncomplying structure or nonconforming use of land may be continued to the same extent and character as that which legally existed on the effective date of the applicable regulations. Repairs may also be made to a noncomplying structure housing a nonconforming use.

04-020: PURPOSE

It is the purpose of this Code to permit nonconforming uses and noncomplying structures to continue until such time as they are changed, amended, or abandoned. This Chapter declares nonconforming uses to be incompatible with permitted uses in the zone involved. However, to avoid undue hardship, nothing in this Code shall require a change in the plans, construction, or designated use of any building on which actual construction lawfully began prior to the effective date of adoption or amendment to this Code and is diligently pursued. This Code defines actual construction as the placement of construction materials in a permanent position and fastening in a permanent manner. Where excavation, demolition, or removal of an existing building substantially began preparatory to rebuilding, this Code shall deem such excavation, demolition, or removal to be actual construction, provided the builders carry on the work diligently.

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04-030: EFFECT OF CHAPTER

Structures built prior to the adoption of this ordinance, or for which building permits were issued and on which work commenced as required under the permit shall, to the extent they do not comply with the requirements of this ordinance, shall be considered as existing legal non-conforming structures, and shall not be affected hereby. Uses that were non-conforming under the old enactments shall not be affected by this Code, unless this Code is changed in a manner that makes the use conform to the new code or zone.

04-040: NONCONFORMING USES

~~A.~~F. **Purpose**. This section sets forth procedures for determining the existence, expansion, or modification of a nonconforming use.

~~B.~~G. **Authority**. The Land Use Administrator is authorized to make a determination regarding the existence, expansion or modification of a nonconforming use as provided in this section.

~~C.~~H. **Initiation**. A property owner, or the owner's agent, may request a determination regarding the existence, expansion or modification of a nonconforming use affecting the owner's property as provided in Subsection (D)(1) below.

~~D.~~I. **Procedure**. An application for determination of the existence, expansion or modification of a nonconforming use shall be considered and processed as provided in this subsection.

~~5~~17.1. A complete application shall be submitted to the office of the Community Development Department in a form established by the Department along with any fee established by the City's schedule of fees. The application shall include at least the following information:

a. The name, address and telephone number of the applicant and the applicant's agent, if any;

b. The nonconforming use in question;

c. A description of the action requested by the applicant; and

d. Grounds for finding the use is nonconforming or for allowing expansion or modification of the nonconforming use.

~~5~~18.2. After the application is determined to be complete, the Land Use Administrator shall approve, approve with conditions, or deny the application pursuant to the standards set forth in Subsection (E) below. Any conditions of approval shall be limited to conditions needed to conform the nonconforming use, expansion, or modification to approval standards.

~~5~~19.3. After making a decision, the Land Use Administrator shall give the applicant written notice of the decision.

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~~5~~20.4. A record of all nonconforming use determinations shall be maintained in the office of the Land Use Administrator.

~~E.~~J. **Standards for Decision**. A determination regarding the existence, expansion or modification of a nonconforming use shall be based on applicable provisions of Chapter 04-030 of this Code.

~~F.~~K. **Appeal of Decision**. Any person adversely affected by a decision of the Land Use Administrator regarding a nonconforming use may appeal such decision as provided in **Section 03-160** of this Code.

~~G.~~L. **Effect of Decision**. An applicant may continue, expand, or modify a nonconforming use as determined by the Land Use Administrator.

04-050: DETERMINATION OF NONCONFORMANCE AND NONCOMPLIANCE

Pursuant to the procedures set forth in 04-030, the Land Use Authority shall determine all matters regarding the nonconforming use of lots, land, and non-complying buildings and whether the use is nonconforming with respect to current provisions of this Chapter.

04-060: NONCONFORMING LOTS OF RECORD

A parcel or lot that was lawfully created prior to the effective date of the original Coalville City Development Code (January 8, 1994) and does not conform to the minimum area per dwelling unit requirements of the zone district in which it is located, is entitled to one (1) but not more than one (1) dwelling unit thereon. Lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the application of this Code shall not be denied a building permit solely for reason of non-conformance with the parcel requirements of this Code and are declared an existing Legal Nonconforming Use in accordance with **Section 04-040** herein.

Notwithstanding any other provision of this Code, a single-family dwelling may be permitted on any lot of record in any zone in which dwellings are permitted, even though such lot fails to meet the area or width requirements for single-family dwellings within the zone, provided that where two (2) or more contiguous lots of record having continuous frontage are owned by the same persons at the time of the passage of the controlling ordinance, the land included in the lots shall be considered to be an undivided parcel and no portion of said parcel shall be used as a dwelling site or sold which does not meet the area and width requirements of the zone in which the lot is located. Yard dimensions and other requirements not involving area or width shall conform to the regulations of the zone in which the lot is located except when granted a variance by the appeal authority.

04-070: NONCONFORMING USES OF LAND

A nonconforming use of land lawfully existing on the effective date of this Code may be continued provided:

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A. No one enlarges or increases such nonconforming use or extends such use to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Code.

B. No one moves in whole or in part such nonconforming use to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Code.

C. Any such nonconforming use of land does not cease for any reason for a period of more than one (1) year; otherwise, any subsequent use of such land shall conform to the regulations specified by this Code for the zone in which such land resides.

D. No one erects additional noncomplying structures in connection with such nonconforming uses of land.

04-080: NONCOMPLYING STRUCTURES

A noncomplying structure in any zone district may continue provided no additions or enlargements are made thereto and no structural alterations are made therein, except as allowed by a Conditional Use Approval.

Subject to the provisions of this Code, a Conditional Use Approval may be granted to allow the expansion of a building that does not conform to height, lot coverage setbacks or area requirements if all of the following standards can be met:

~~521.~~1. That granting the expansion will not adversely impact the attainment of the General Plan Goals, Objectives, and Policies.

~~522.~~2. That the expansion will improve the general appearance or safety of the building.

~~523.~~3. That by expanding the building, the character of the neighborhood is not adversely impacted.

~~524.~~4. That the expansion will improve the area by providing adequate parking.

~~525.~~5. That any expansion will be adequately screened or buffered, if needed, so as not to increase impacts to the adjoining properties.

If a noncomplying structure is removed, the future use of the land on which the building was located shall conform to the provisions of this Code.

04-090: NONCONFORMING USES OF COMPLYING STRUCTURES

The nonconforming use of any conforming structure lawfully existing on the effective date of this Code may be continued provided such nonconforming use shall not be expanded or extended into any other portion of the complying structure nor shall any structural alterations except those required by law be made. If such nonconforming use is discontinued for a continuous period of more than one (1) year, any future use of such structure shall conform to the provisions of the zone in which it is located.

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Subject to the provisions of this Code, a Conditional Use Approval may be granted to allow the expansion of a complying structure in which a nonconforming use is operating if all of the following standards can be met:

1. The expansion of the structure will not adversely impact the surrounding properties.

~~5~~2. The proposed expansion is compatible with the surrounding area.

~~5~~3. The site of the proposed expansion conforms to all site development requirements.

04-100: NONCONFORMING USE OF NONCOMPLYING STRUCTURES

The nonconforming use of a noncomplying structure lawfully existing on the effective date of this Code may be continued for the period prescribed in this Section and may be expanded or extended throughout such structure provided no structural alterations except those required by law are made therein. If such nonconforming use is discontinued for a continuous period of more than one (1) year, any future use of the building shall conform to the provisions of this Code, the zone district in which it is located and all other laws and ordinances of the City.

04-110: CHANGE IN STATUS OF NONCONFORMING USE

A. If a nonconforming use is vacated, it may be succeeded by the same use provided such change occurs within one (1) year.

B. If such nonconforming use is discontinued for a continuous period of more than one (1) year, any future use of the building shall conform to the provisions of this Code, the zone district in which it is located and all other laws and ordinances of the City.

C. Residential dwellings shall be permitted in existing structures, both complying and noncomplying, in the historic district of Main Street that were originally residential uses, even if at some point those structures were converted to commercial or some other use.

04-120: DAMAGED BUILDINGS

A noncomplying structure damaged or destroyed by fire, explosion, or other casualty or act of nature or public enemy or natural disaster, may be restored and the occupancy or use of such building or part thereof that existed at the time of such partial destruction may be continued subject to all of the provisions of this Code. The occupancy or use of such noncomplying structures, or part thereof which legally existed at the time of damage, may continue to operate given the building is repaired within one (1) year from the date of loss, provided that such restoration does not increase the floor space devoted to the nonconforming use over that which existed at the time the building became nonconforming

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Chapter 5

OUTDOOR LIGHTING

05-010: Purpose
05-020: Applicability
05-030: Application and Review Procedures
05-040: Definitions
05-050: Lighting Standards and Fixtures
05-060: Specific Requirements for Lighting Applications
05-070: Exemptions
05-080: Penalty
05-090: Appeals

05-010: PURPOSE

The purpose of the Outdoor Lighting regulations is to:

~~A.~~D. To prevent the degradation of the nighttime visual environment by production of unsightly, annoying, or dangerous glare;

~~B.~~E. To minimize light pollution for the enjoyment of Coalville City residents and visitors;

~~C.~~F. To create lighting practices that promote the health and safety of Coalville City residents and visitors;

~~D.~~G. To prevent the unnecessary waste of energy and resources in production of excessive light or wasted light;

~~E.~~H. To prevent interference of the use or enjoyment of property which is not intended to be illuminated at night and the loss of the scenic view of the night sky due to increased urban sky-glow and light trespass.

05-020: APPLICABILTY

All exterior outdoor lighting installed after the effective date of this Chapter in all zones in Coalville City shall conform to the requirements established by this Chapter.

A. These regulations do not apply to indoor lighting, except Window Display Lighting.

B. Should this Chapter be found to conflict with other sections of this Code, or a Development Agreement, Settlement Agreement or other agreement or regulation, the more restrictive shall apply.

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05-030: APPLICATION AND REVIEW PROCEDURES

A. **Lighting Plans Required.** All Development Project permit applications or submittals that propose exterior outdoor lighting or street lighting shall include a lighting plan that shows evidence that the proposed lighting fixtures and light sources comply with this Chapter and shall include the following:

~~5~~28.1. Plans or drawings indicating the proposed location of lighting fixtures, height of lighting fixtures on the premises, and type of illumination devices, lamps, supports, shielding and reflectors used, with installation and electrical details.

~~5~~29.2. Illustrations, including but not limited to a manufacturer's catalog cut sheets of all proposed lighting fixtures. For commercial, and industrial uses, photometric cut-sheet diagrams of proposed lighting fixtures are also required. In the event photometric diagrams are not available, the applicant must provide enough information regarding the light fixture, lumens, degrees kelvin, and shielding mechanisms for the Planning Commission or Community Development Director to be able to determine compliance with the provisions of this Chapter.

~~5~~30.3. A table showing the total number of proposed exterior lights, by fixture type, degrees kelvin, lumens, and lamp type.

05-040: DEFINITIONS

For purposes of these regulations the following terms, phrases, and words shall have the meaning herein given:

A. **Color Temperature (Kelvins)**. Color temperature (correlated color temperature) is a way to describe the light appearance provided by a light fixture and is a gauge of how yellow or blue the color of light emitted from a light source appears. It is measured in degrees of kelvin on a scale from 1,000 to 10,000.

B. **Development Project**. Any residential, commercial, industrial or mixed-use subdivision plan, development plan or building permit application which is submitted to the City for approval.

C. **Diffuse**. To spread or scatter widely, or thinly.

D. **Direct Illumination**. Illumination resulting from light emitted directly from a lamp or luminaire, not light diffused through translucent fixtures or reflected from other surfaces such as the ground or building facades.

E. **Display Lot or Area**. Outdoor areas where active nighttime sales activity occurs and where accurate color perception of merchandise by customers is required. To qualify as a display lot, one of the following specific uses must occur: automobile sales, boat sales, tractor sales, building supply sales, gardening or nursery sales, assembly lots, swap meets. Uses not on this list must be approved as display lot uses by the City.

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F. **Flood Lamp or Light**. A specific form of lamp designed to direct its output in a specific direction (a beam) with a diffusing glass envelope

G. **Full Cut-Off Light Fixture**. A luminaire light distribution where no light is emitted above the horizontal.

H. **Fully Shielded Light Fixture**. A lighting fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection of refraction from any part of the luminaire, is projected below the horizontal as determined by photometric cut-sheets as certified by the manufacturer. Any structural part of the light fixture providing this shielding must be permanently affixed.

I. **Glare**. A light ray emanating directly from a lamp, reflector or lens such that it falls directly on the eye of the observer.

J. **Installed**. The attachment, or assembly fixed in place, whether or not connected to a power source, of any outdoor light fixture.

K. **Light Pollution**. Any adverse effect of manmade light.

L. **Light Trespass**. Light falling where it is not needed or wanted, typically across property boundaries.

M. **Lumens**. The measurement of the total amount of visible light (to the human eye) from a lamp or light source. The higher the lumen rating the “brighter” the lamp or light source will appear. The acceptability of a light fixture is determined by its Lumen output, not wattage.

N. **Luminaire**. The complete lighting assembly, less the support assembly. For purposes of determining total light output from luminaire, lighting assemblies which include multiple unshielded or partially shielded lamps on a single pole or standard shall be considered as a single unit.

O. **Opaque**. Opaque means that a material does not transmit light from an internal illumination source.

P. **Outdoor Light Fixture.** An outdoor illuminating device, outdoor lighting or reflective surface, lamp or similar device, permanently installed or portable, used for illumination or advertisement. Such devices shall include but are not limited to lights used for:

~~5~~31. Parking lot lighting;

~~5~~32. Roadway lighting;

~~5~~33. Buildings and structures;

~~5~~34. Recreational areas;

~~5~~35. Landscape lighting;

~~5~~36. Signs (advertising or other);

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~~537.~~7. Product display area lighting;

~~538.~~8. Building overhangs and open canopies.

Q. **Outdoor Recreation Facility**. An area designed for active recreation, whether publicly or privately owned, including, but not limited to, baseball diamonds, soccer and football fields, golf courses, tennis courts and swimming pools.

R. **Person**. Any individual, tenant, lessee, owner, or any commercial entity including, but not limited to firm, business, partnership, joint venture or corporation.

S. **Special Uses/Events**. Uses and Events because of their temporary nature, uniqueness or public purpose, that warrant special lighting consideration. Special Uses and Events include schools and events, community events, churches, publicly owned buildings, civic centers and events, filming activities, or similar uses and events.

T. **Spot Lamp or Light**. A specific form of lamp designed to direct its output in a specific direction (a beam) and with a clear or nearly clear glass envelope.

U. **Temporary Lighting**. Lighting which will not be used on a continuous or permanent basis which by their nature are of limited duration, such as holiday lighting decorations, civic events or construction projects.

V. **Translucent**. Permitting light to pass through but diffusing it so that the light source is not directly visible.

W. **Window Display Lighting**. Window display lighting includes glass enclosures, top of window or side valance lighting at the exterior frontage walls of a building. They are often designed with elaborate displays intended to attract and draw customers instore.

X. **Total Outdoor Light Output**. The total outdoor light output is the maximum total amount of light, measured in lumens, from all outdoor light fixtures. For lamp types that vary in their output as they age (such as high-pressure sodium, fluorescent and metal halide), the initial output, as defined by the manufacturer, is the value to be considered.

05-050: LIGHTING STANDARDS AND FIXTURES

A. **Full-Cutoff Fixture Requirements**.

~~539.~~1. Unless specifically exempted by this Chapter, all outdoor lighting shall use full cutoff fixtures and shall be installed so light is directed downward with no light emitted above the horizontal plane of the fixture.

~~540.~~2. Lighting shall not be placed at a location, angle, or height that directs illumination or horizontal trespass outside the property boundaries where the light fixtures are located.

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~~541.~~3. In order to qualify as a "full cutoff" fixture, a light fixture top and sides must be opaque material so that light only escapes through the bottom of the fixture. Any glass or diffuser on the bottom of the fixture must be flush with the fixture (no drop lenses). Merely placing a light fixture under an eave, canopy, patio cover, or other similar cover does not qualify as full cutoff.

~~542.~~4. In certain cases, such as but not limited to steep topography, significant changes in grade, development near or within identified ridgelines may require additional shielding to mitigate glare or light trespass. Requirements for additional shielding will be considered as part of the lighting plan review process.

~~543.~~5. Lighting intensities shall be controlled so that neighboring areas will not be adversely affected by reflectivity including glare, indirect illumination, or light trespass.

B. **Prohibited Lighting**. The following types of lights are prohibited:

~~544.~~1. Floodlights or spotlights affixed to buildings or poles for the purpose of lighting parking lots or sales display areas where the light source is directly visible.

~~545.~~2. Search lights, laser source lights or any similar high intensity lighting is prohibited except in emergencies by police and fire personnel or at their direction.

~~546.~~3. Flashing, blinking, intermittent or other lights that move or give the impression of movement, unless approved with a sign permit.

~~547.~~4. Neon or luminous tube lighting except as permitted in the Sign Regulations of Chapter 9.

~~548.~~5. Window Display Lighting between the hours of 10 pm and 7 am

~~549.~~6. Completely transparent light fixture materials, such as clear glass.

~~550.~~7. Single, or multiple light bulb fixtures that directly emit light.

C. **Kelvins (Color Temperature) Per Fixture**. The maximum correlated color temperature for Outdoor Light Fixtures is as follows:

~~551.~~1. All lighting shall make use of lamps with correlated color temperature not exceeding 4,000 degrees kelvin, except for roadway lighting as specified in **Section 05-060.E** herein. Color temperature in the range of 2,700 to 4,000 degrees kelvin is recommended.

~~552.~~2. The correlated color temperature of lighting may exceed 4,000 degrees kelvin in situations where the City determines that accurate color rendition is crucial to public safety or the activities of law enforcement. In no case shall the correlated color temperature of such critical lighting exceed 6,000 degrees kelvin.

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D. **Lumens (Brightness) Per Fixture**. The maximum lumens allowed for Outdoor Light Fixtures are as follows:

~~553.~~1. For single-family and multi-family residential uses, fixtures up to 2,500 Lumens output per lamp.

~~554.~~2. For commercial and industrial, fixtures up to 4,000 lumens output per lamp.

~~555.~~3. Total Outdoor Light Output: Total outdoor light output, excluding streetlights used to illuminate public rights-of-way and under gas station canopy lighting, shall not exceed the following limits averaged over the entire project:

a. For single-family detached dwellings and duplexes, the maximum total outdoor light output shall not exceed 25,000 lumens per parcel.

b. For commercial, industrial and multi-family dwelling units, the maximum total outdoor light output shall not exceed 150,000 lumens per acre.

05-060: SPECIFIC REQUIREMENTS FOR LIGHTING APPLICATIONS

A. **Light Trespass**. Fixtures shall be located at the necessary distance from property boundary lines to ensure light does not trespass onto adjacent property.

B. **Wall-Mounted Area Lighting**. All wall mounted or building mounted fixtures shall not exceed twelve feet (12') above Finished Grade, measured directly below the light fixture. In cases where there is second story access directly from the outdoors, a single fixture may be placed above or adjacent to the access.

C. **Parking Lot Lighting**.

~~556.~~1. Pole top mounted fixtures shall not be mounted higher than twenty feet (20') above Finished Grade, as measured to the top of the fixture.

~~557.~~2. All parking lot lighting shall include Full Cut-Off Fixtures.

~~558.~~3. All pole mounted parking lot lights shall be set back from property lines a distance equal to two (2) times the height of the pole.

~~559.~~4. Pole mounted fixtures shall be limited to two (2) light sources per pole.

~~560.~~5. Spotlighting of parking lots from a building, pole or other structure is prohibited.

~~561.~~6. On parking lots greater than one-fourth (1/4) acre in size, programmable full cut-off fixtures shall be used. These fixtures shall be dimmable and paired with motion sensors that are incorporated into the lighting system. Commercial businesses located within the Highway (HC) Zone are exempt from this requirement.

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D. **Walkway/Pathway Lighting**. All pathway pole top fixtures shall not be mounted higher than ten feet (10') above Finished Grade directly below the fixture, as measured to the top of the fixture.

E. **Roadway Lighting**.

~~562.~~1. Residential Street Lighting shall not exceed fourteen feet (14') above Finished Grade to the top of the fixture. All residential streetlights shall utilize lamp types that are full cut-off with correlated color temperature not exceeding 4,000 degrees kelvin.

~~563.~~2. Major Roadway lighting, including arterial and collector roads, shall not exceed twenty feet (20') above Finish Grade to the top of the fixture. All major roadway lighting fixtures shall utilize lamp types that are full cut-off with correlated color temperature not exceeding 5,000 degrees kelvin.

F. **Gas Station Canopy Lighting**.

~~564.~~1. Lighting levels of gasoline station canopies shall be limited to illuminating the activities taking place under the canopy, not to attract attention to the business.

~~565.~~2. Gas station canopies may be illuminated provided all light fixtures are mounted on the undersurface of the canopy and all light fixtures are full cut-off. The undersurface of the canopy shall be a nonreflective material and non-gloss color.

~~566.~~3. Under gas station canopy lighting shall be exempt and not included in the total outdoor light output calculation for the property in which the canopy is located.

G. **Soffit Lighting**.

~~567.~~1. For Detached Single-Family Dwellings if lighting with fixtures mounted in the soffit of a building, the fixture shall not be mounted above twelve feet (12') in height, as measured from the fixture to Finish Grade.

~~568.~~2. For Commercial, Industrial and Multi-Family Dwellings, if lighting with fixtures mounted in the soffit of a building, the fixture shall not be mounted above twenty feet (20') in height, as measured from the fixture to Finish Grade.

~~569.~~3. Light fixtures mounted in soffits shall be recessed so that the lens cover is recessed or flush with the bottom surface of the soffit and/or shielded by the fixture.

H. **Outdoor Recreation and Athletic Facility Lighting**. Recreational lighting shall minimize the Glare of spill light and up-light by using louvers, hoods, or shielding.

~~570.~~1. Recreational lighting shall only illuminate the field or court area avoiding any direct illumination beyond those areas or into adjoining properties

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~~571.~~2. Pole mounted recreational lighting shall be limited to twenty feet (20') in height.

~~572.~~3. Pole mounted recreational lighting must be set back a minimum of fifty feet (50') from adjacent residential properties.

~~573.~~4. Lighting for outdoor sports fields and courts shall be shut-off no later than eleven o'clock (11:00) pm

~~574.~~5. Lighting for non-field and non-court areas shall conform to the provisions of this Chapter.

5. Exemption-Public Recreational Facilities: Because of their unique requirements for nighttime visibility and limited hours of operation, lighting fixtures for public baseball diamonds, playing fields and tennis courts may exceed the twenty-foot (20') height limit subject to the following:

a. All applications for pole height greater than twenty feet (20') shall be reviewed by the City Staff and approved by the City Council.

b. In no case shall any lighting fixture exceed sixty feet (60') in height as measured from the top of the fixture to the adjacent grade.

c. Maximum lumens per fixture shall not exceed 80,000 lumens.

d. Lighting fixtures shall be subject to all other requirements in this Chapter.

I. **Towers**.

~~575.~~1. All monopole, antenna, tower or support facility lighting not required by the Federal Aviation Administration (FAA) or the Federal Communication Commission (FCC) is prohibited.

~~576.~~2. When lighting is required by the FAA or the FCC, such lighting shall not exceed the minimum requirements of those agencies. Collision markers should have a dual mode for day and night to minimize impact to the night sky and migrating birds.

~~577.~~3. All other lighting used on the property not regulated by the FAA or FCC shall conform to this Chapter.

J. **Subdivision Street Lighting**. Lighting along subdivision streets shall include, at a minimum, lighting poles and fixtures at entry intersections, other street intersections, end of cul-de-sacs, all crosswalks, and other locations as determined necessary for safety by the City engineer.

05-070: EXEMPTIONS

A. The following lighting shall be exempt from the requirements and review standards of this Chapter, provided such lighting does not create dangerous glare on adjacent streets or properties, is maintained, and does not constitute a public hazard or nuisance:

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~~578.~~1. Exemptions to Full Cut-off Fixture Requirements:

a. Fixtures having a total light output less than one thousand (1,000) lumens (allowing a maximum of a 60-watt incandescent or a 15-watt compact fluorescent bulb) are exempted from the full cut-off requirement provided:

i. The fixture has a top that is completely Opaque such that no light is directed upwards.

ii. The fixture has sides that completely cover the light source and are made of Opaque or semi-Opaque material. Fixtures with Opaque sides may have incidental decorative perforations that emit small amounts of light.

iii. Semi Opaque material such as dark tinted glass or translucent plastic may be used if the light source is not discernable behind the material.

iv. The direct light source is not visible beyond the property on which the fixture is located.

~~579.~~2. Low voltage lights used to illuminate pathways, provided the lights are installed no more than eighteen inches (18") above finish grade.

~~580.~~3. Holiday lighting. Holiday lighting which is temporary (45 days before a holiday and 15 days after a holiday) shall be exempt from the provisions of this Chapter.

~~581.~~4. Traffic control signals and devices.

~~582.~~5. Temporary emergency lighting in use by law enforcement or government agencies or at their direction.

~~583.~~6. The lighting of federal or state flags, provided that the light is a narrow beam aimed and shielded to illuminate only the flag. Flag lighting should use appropriate illumination levels to light the flag, while at the same time fulfilling the purposes of this Chapter.

~~584.~~7. Historic lighting in the Historic Downtown Commercial District if the lighting is consistent with the exterior lighting provisions of the Coalville City Architectural Design Guidelines.

~~585.~~8. Architectural lighting intended to accent or draw attention to architectural features of a building or structure within the property boundary and not trespass off-site.

~~586.~~9. Landscape lighting intended to accent or draw attention to landscape elements of the property and not trespass off-site.

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~~587.~~10. Agriculture lighting. Lighting for agriculture activities or agricultural buildings is exempt from the requirements of this chapter, provided such lighting is directed downward and shielded to prevent Glare on adjacent streets or properties.

~~588.~~11. Special Uses and Events Lighting. Uses, events and buildings, defined as Special Uses/Events, may include lighting to illuminate buildings and other structures or activities.

05-080: PENALTY

Any person found guilty of violating any of the provisions, rules and regulations of this Chapter, is guilty of a Class “C” misdemeanor, pursuant to Utah Cade Annotated, as amended. Each violation shall be subject up to a $100 fine for each day the violation continues beyond the correction notice date issued by the City for such violation.

05-090: APPEALS

Any Person aggrieved by an administrative action by the Staff or Planning Commission may appeal the decision to the Administrative Law Judge who shall have authority to reverse, affirm or modify the decision of the Staff or Planning Commission.

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Chapter 6

ON AND OFF-STREET PARKING

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06-010: Purpose
06-020: Effect of Chapter
06-030: Parking On Public Streets
06-040: Off Street Parking
06-050: Minimum and Maximum Parking Spaces
06-060: Off-Street Loading
06-070: Access to Off-Street Parking and Loading Spaces
06-080: Parking Development, Standards, and Maintenance
06-090: Other Parking Provisions

06-010: PURPOSE

The purpose of this Chapter is to provide regulations for off-street parking and loading and sufficient access to such facilities for each type of land use so as to reduce street congestion and traffic hazards and prevent the need to park on public streets.

06-020: EFFECT OF CHAPTER

The regulations contained in this Chapter shall apply and govern in all zones.

06-030: PARKING ON PUBLIC STREETS

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~~A.~~B. **Parking on Public Streets**. It shall be unlawful for any person to park or leave unattended any vehicle or other obstruction within twenty (20) feet of the center line of the street, or in instances where curb is installed, between the curb and center line upon any street in Coalville during the hours of 1:00 am to 7:00 am from the first day of November through the last day of March of each year. No vehicle or other obstructions shall be parked within thirty (30) feet of any intersection at any time.

~~B.~~C. **Parking on Public Sidewalks**. It shall be unlawful to park any motor vehicle on any public sidewalk.

~~C.~~D. **Deposit of Snow or Other Obstructions on Public Ways**. It shall be unlawful for any person to deposit or distribute snow or any other material or obstruction on any public street or sidewalk without first receiving permission from Coalville City.

~~D.~~E. **Removal - Costs**. Employees of Coalville City are hereby authorized to remove or have removed at their direction any vehicle or other obstruction left in a street or sidewalk in violation of this Ordinance and any person who parks, leaves or

deposits any such vehicle or other obstruction and the owner of the same shall be liable for the cost of removal.

~~E.~~F. **Enforcement**. Any person violating this ordinance shall be guilty of a Class B Misdemeanor.

06-040: OFF STREET PARKING

Off-street parking shall comply with the following requirements:

A. **Off-Street Parking Space Required**. Any use of land or main building or structure in the City shall provide sufficient off-street parking spaces, as outlined in this Chapter; along with adequate provisions for ingress and egress by standard-size automobiles and adequate loading facilities at the time anyone establishes a use or erects a building.

B. **Location of Off-Street Parking**. Parking areas, as required by this Chapter, shall be hard surfaces located on the same lot as the main building or structure. The following exceptions apply to buildings other than dwellings:

~~5~~89.1. In cases where size or locations prohibit the landowner from providing the required parking on-site, they may provide parking on other property not more than three hundred (300) feet from the nearest point of the main parcel, provided the off-site location would not require persons to cross a public street.

C. **Prohibited Locations**. It shall be unlawful to park a motor vehicle, trailer, or boat in a frontage area as defined in **Section 02-103**, on any residential property, or other areas not approved for parking.

No one shall pave or improve any portion of a required front yard, other than driveways leading to a garage or properly located parking area, so as to encourage or make possible the parking of vehicles therein.

Residents may use paved driveways leading to a garage or properly located parking area as an approved parking area for additional vehicles to meet the requirements of this Chapter.

All vehicles on the property shall be licensed and operable. The owner of any vehicle that has been inoperable or unlicensed for longer than four (4) months shall remove said vehicle from the property or store it in a completely enclosed structure, including any and all vehicle parts. If a vehicle is under restoration, the vehicle owner shall possess a current and valid Restoration Permit from the City Community Development Department. Restoration Permits shall expire one (1) year from the date of issuance and no individual may have more than two (2) Restoration Permits at any time.

D. **No Parking Reduction**. No one shall reduce the number or size of parking stalls needed for off-street parking in connection with an existing building nor utilize the same for any purpose other than for off-street parking and shall maintain the

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space in perpetuity as long as the requirement for said off-street parking is necessary.

E. **Tandem Parking**. This Chapter prohibits tandem parking except for single and two- (2) family dwellings. In this case, the parking space may be within the driveway area in the required front yard.

F. **Enlargements**. Change of Use, Etc. No one shall enlarge, alter, convert, or change the use of a building or structure unless they provide, and thereafter maintain for such building and its use, a minimum number of parking spaces as hereinafter required.

However, if such alteration, enlargement, conversion, or change does not increase the number of required parking spaces by more than fifteen (15) percent, then no additional parking spaces need be provided.

G. **Uses Not Mentioned**. In the case of a use not specifically mentioned herein, the requirements for the most similar use so mentioned, as decided by the Land Use Authority, shall apply.

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06-050: MINIMUM PARKING SPACES

Each land use as listed below shall provide the required off-street parking. For any use not listed, the requirements for the most similar use listed shall apply. The Land Use Authority shall determine which listed use is most similar.

In special cases where there is not a similar use, the Land Use Authority, in consultation with the developer, shall establish the minimum and maximum parking space requirement.

Any entity that conducts a business in or from a residence, or to which employees come to a residence for work, shall obtain site plan approval subject to the following condition: the site provides two (2) off-street parking spaces per single-family residence plus an additional half (.5) off-street parking space for every full-time, part-time, or contract employee or worker who visits the residence or provides services at the residence during an average week.

Table ~~6-1~~6-1 – Minimum Parking Spaces

Uses	Unit Measure
Banks, Business or Professional Offices	One (1) per each 200 square feet of gross floor area.
Convenience stores, service stations, minimarts	Two (2) space per 100 square feet of retail floor space
Car Wash and Fast Lube Services	Three (3) spaces in approach lane to each bay
Churches and Accessory Uses	One (1) space for each 5 seats in the chapel or assembly area, of if there is no fixed seat assembly area, then 1 space for each one hundred square feet of floor space used for assembly purposes.
Commercial recreational, such as golf courses, bowling alleys, indoor soccer, etc.	Two (2) per one thousand (1,000) square feet
Intensive commercial businesses, stores, and shops	Three (3) per one thousand (1,000) square feet retail floor area
Less Intensive commercial businesses including autos, lumber, appliances, sales, etc. stores, and shops	Two (2) per one thousand (1,000) gross square feet
Dwellings Single-Family	Two (2) per dwelling unit
Two- (2) Family	Two (2) per dwelling unit
Three – (3) Family	Two (2) per dwelling unit
Four – (4) Family	1.5 per dwelling unit
Daycares, preschools, and nursery schools	0.5 per teacher, plus drop-off loading area per seven (7) students
Food Establishments for the Sale of Food and Beverages for mainly Off Premise consumption	One (1) parking space for each 110 square feet of gross floor area.
Food Establishments for the Sale and Consumption on the Premises of Food and Beverages.	One (1) parking space for each 4 seats, including stools, benches, and booths, or 1 for each 100 square feet of floor area when number of seats is unknown. Plus 1 space for each 2 employees on duty during any one shift.
Hotel and Motel	One (1) per room or suite
Hotel and Motel Banquet	One (1) per each 200 square feet of banquet or sit-down restaurant facilities
Libraries	One (1) per each 250 Square feet of gross floor area
Motor Vehicle and Machinery Repair	Three (3) exterior parking spaces for each stall, bay or workstation.

Uses	Unit Measure
Manufacturing Uses, Research and Testing Laboratories, Creameries, Bottling Establishments, Bakeries, Canneries, Printing and Engraving Shops, Etc.	Not less than 1 parking space for each 800 square feet of gross floor area. Additional employee parking may be required during site plan review
Museums and Similar Non-Assembly Cultural Facilities	One Plus (1+) space for each 500 square feet of gross floor area.
Medical and Dental Clinics or Offices	One (1) parking space for each 200 square feet of gross floor area.
Offices and personal services	2.5 per one thousand (1,000) square feet floor area
Offices not Providing Customer Services or Sales on the Premises.	One (1) parking space for each 300 square feet of gross floor area.
Stadiums, Sports Arenas, Auditoriums (Including School Auditoriums) and Other Places of Public Assembly and Dance Halls, Clubs and Lodges having no Sleeping Quarters	One (1) parking space for every 6 seats and/or 1 parking space for each 100 square feet of gross floor area used for assembly and not containing fixed seats
Schools, Private, Vocational, etc.	One (1) parking space for each employee and 1 space for each 3 students of driving age.
Swimming Pools, Commercial and Public	One (1) parking space for each 5 persons based upon capacity load
Special Care Facility	One plus (1+) parking space for each 3 beds or for each 3 patients, residents, or other persons using the facility.
Theaters	1 parking space for each 4 seats up to 800 seats, plus 1 parking space for each 6 seats over 800 seats.
Transportation Terminals and Facilities.	Adequate number of parking spaces, as determined by the Planning Commission
Warehouse and Wholesale Storage Building (Dead Storage of High-Volume Distribution).	1 + parking space for each employee on the maximum shift
Uses Not Listed	The parking requirements for uses not listed above shall be determined to be adequate by the Planning Commission
Handicap Parking facilities designed to accommodate the handicapped may be required by the Planning Commission	

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06-060: OFF-STREET LOADING

A. **Off-Street Loading Required**. For every building or part thereof having a floor area of ten thousand (10,000) square feet or more which is to be occupied by a commercial or industrial use, to or from which deliveries are regularly made by motor vehicle, the property owner shall provide and maintain on the same lot with the building at least one (1) off-street loading space.

B. In buildings larger than ten thousand (10,000) square feet, the property owner shall provide a second loading space for the next thirty thousand (30,000) square feet or fraction thereof plus one (1) additional loading space for each increment of forty thousand (40,000) square feet thereafter.

B. **Size of Off-street Loading Space**. Each loading space shall be not less than fourteen (14) feet wide, twenty-five (25) feet long, and fourteen (14) feet high.

C. **Location of Loading Space**. Required loading spaces may occupy any required yard except the front yard. The design and arrangement of the loading space shall be such that no part of the space would permit loading or unloading or service from a public street or sidewalk. No loading space shall be located closer than fifty (50) feet from a residential boundary except when screened by a six- (6) foot wall or solid fence.

06-070: ACCESS TO OFF-STREET PARKING AND LOADING SPACES

A. **Ingress and Egress**. All uses shall provide adequate ingress and egress as follows:

1. Residential driveway approaches shall have a maximum width of thirty-three (33) percent of the lot width. Measuring a driveway approach width shall be parallel with the street right-of-way boundary at the trough of the cut.

2. Property owners shall maintain a minimum of five (5) feet of full height curbing between cuts. Where multiple cuts for frontages exist, the maximum of all cuts shall not exceed the total width allowed for the frontage of the lot.

3. Where a proposed driveway approach and associated paving in the public right-of-way in asphalt, concrete or any other impervious surface will encase, cover or in any way come into contact with any public utility located in the public right-of-way the property owner shall provide adequate expansion joints in the paving surface as to allow ease of access to such public utilities. In such cases where this situation exists, in addition to the required excavation permit, the property owner shall submit a design detail for protecting the allowed access of any utilities that may be affected by the proposed excavation work.

4. Commercial and industrial uses shall:

    a. Have a maximum of one (1) driveway approach for each one hundred (100) feet of public street frontage.

    b. Said driveway approaches shall be no more than thirty-five (35) feet in width nor less than sixteen (16) feet (for one-way traffic).

    c. Proposed driveway approaches, and associated paving in the public right-of-way with asphalt, concrete or any other impervious surface that will encase, cover, or in any way come into contact

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with any public utility located in the public right-of-way, will cause the property owner to provide adequate expansion joints in the paving surface as to allow ease of access to such public utilities.

a. In such cases where this situation exists the property owner shall submit a design detail for protecting the allowed access of any utilities that may be affected by the proposed excavation work, in addition to the required excavation permit.

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B. **Spacing**. Driveway approaches shall not be located closer to each other than one hundred (100) feet in all commercial and industrial zones.

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C. **Distance from Intersections**. No residential driveway approach shall be located closer than twenty (20) feet to the intersection of two (2) streets. This measurement shall be made along the front property lines/street right-of-way lines to the point of intersection of the two (2) lines. For commercial and industrial uses and apartments with seventeen (17) or more parking spaces, the driveway approach shall be no closer than forty (40) feet to the intersection of two (2) streets.

06-080: PARKING DEVELOPMENT, STANDARDS, AND MAINTENANCE

A. **Size**. Each off-street parking space shall be no less than nine (9) feet by twenty (20) feet, except as otherwise provided.

B. **Handicapped Parking**. All buildings and uses on the site shall have appropriate means of access for disabled persons. Said access shall meet the requirements of the building code and all standards of the Americans with Disabilities Act shall be followed in order to provide safe and convenient access for the disabled.

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C. **Surfacing**. All public parking areas, private multi-family residential parking areas, with five (5) or more vehicles and private industrial parking areas with three (3) or more parking spaces (including driveways and loading spaces) shall have asphalt, concrete, or other approved porous hard surface paving, appropriate bumper guards so cars do not project across sidewalks or property lines, and striping to provide the orderly arrangement and movement of vehicles.

D. **Drainage**. All parking areas having a concrete or asphalt surface shall have proper grading for drainage and provisions for curb, gutter, and waterways as submitted in an accepted site plan approved by the City Engineer.

C. Where available, drainage collection areas should be designed to optimize percolation, and beautify the area.

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E. **Screening and Landscaping**. As a condition of approval at the site plan review stage, the Land Use Authority may require all public and private parking areas, except single- and two- (2) family dwellings, to have effective screening, such as fencing or landscaping.

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F. **Lighting**. The arrangement of lighting used to illuminate any off-street parking area shall reflect the light away from adjoining property in residential districts.

G. **Design of Parking Area**. All parking areas shall comply with the standards set forth in the ~~Table 6-2~~Table 6-2 Parking Standards at the end of this Chapter.

06-090: OTHER PARKING PROVISIONS

A. **Joint Use Parking Areas**. When two (2) dissimilar uses are located next to each other and the demand for parking in conjunction with those uses would not conflict, the Land Use Authority may authorize the use of such combined facilities requiring the maximum number of parking spaces for the larger use.

D. A use may provide a shared parking area for similar adjacent uses as long as the total off-street parking spaces equal the minimum requirement for each individual use. If the common facilities are located on more than one lot, the developer must file a covenant for the preservation of the parking facilities with the City.

B. **Additional Off-Street Parking Areas**. Additional off-street parking areas for common public use is required in residential zones and subdivisions where:

~~5~~94.1. Street widths are at or less than thirty-five (35) feet between the Top-Back-Of-Curb (TBC) on either side of the street, or;

~~5~~95.2. Street widths are at or less than thirty (30) feet of pavement in areas without curb, measured from the edge of asphalt of concrete. The layout, spacing, and number of stalls shall be recommended by the City Engineer and approved by the Land Use Authority and shall include:

a. A minimum of one stall for two dwelling units.

b. A paved surface with proper dimensions, and painted markings.

c. Properly designed drainage into a storm water collection system and shall be subject to the same storm water detention requirements as the entire subdivision.

d. ADA accessibility incorporated into the design based upon the requirements of the entire subdivision.

e. Any given dwelling unit may not be located greater than three hundred and fifty (350) feet within walking distance on paved surfaces from any parking area. vi. A Homeowners Association (HOA) to maintain all public off-street parking areas within the subdivision.

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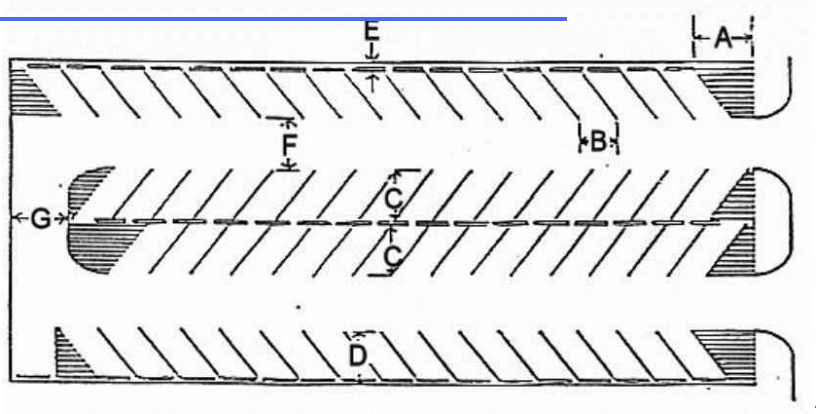
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Table 6-26-2 – Parking Standards

Parking Angle	*	45°	60°	90°
Offset	A	18’	11’	3’
Car Space	B	12’	10’	9’
Stall Depth	C	17’	19’	20’
Stall Depth	D	19’	21’	22’
Overhang	E	2’	2.5’	3’
Driveway	F	14’	18’	26’
Turnaround	G	17’	14’	14’

* *Letters refer to the following diagram.*

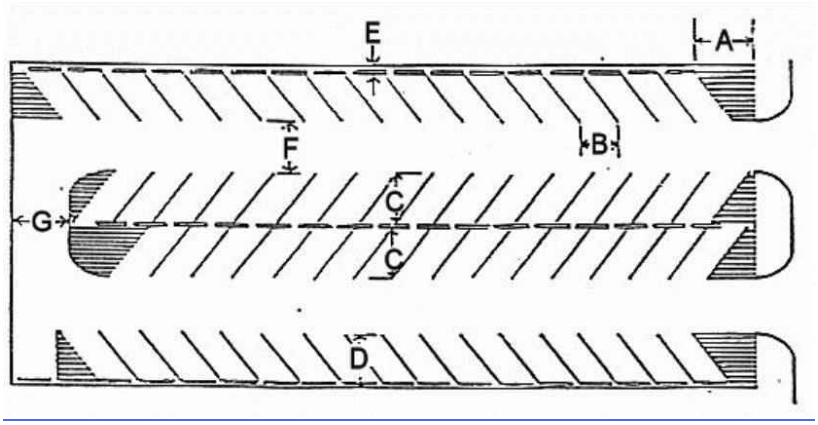


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Chapter 7

HOME OCCUPATIONS

07-010: Purpose
07-020: Home Occupation License
07-030: Categories and Regulation of Home Occupations
07-040: Standards for all Home Occupations
07-050: Minor Home Occupations
07-060: Major Home Occupations
07-070: Prohibited Home Occupations
07-080: Bed and Breakfast Homes
07-090: Notification to Adjacent Property Owners

07-010: PURPOSE

The purposes of this chapter are to:

~~A.~~C. Establish regulations for the establishment, maintenance, and wellbeing of home occupations in order to provide for the betterment of the community, residents, patrons, and neighboring citizens.

~~B.~~D. Provide an opportunity for home occupations as an accessory use, when they are compatible with the neighborhoods in which they are located.

~~C.~~E. Guide business activities, which are not compatible with neighborhoods to appropriate commercial and industrial zones.

~~D.~~F. Promote peace, quiet, and domestic tranquility within all residential neighborhoods and protect residents from the adverse effects of business uses being conducted in residential areas, i.e., noise, nuisances, traffic, fire hazards, or other possible business impacts that are in excess of that customarily associated with the neighborhood.

~~E.~~G. Provide an opportunity for a home occupation to engage in the business of childcare and other appropriately suited businesses that fit within a residential neighborhood.

~~F.~~H. Provide a means to enforce and regulate the businesses that are licensable through the authority of this chapter, and, if necessary, terminate home occupations if violation of the ordinances regulating home occupations occurs, as provided for herein. (Ord. eff. 2009)

07-020: HOME OCCUPATION LICENSE

A home occupation in Coalville City is a lawful and permitted use if it complies with the definitions and guidelines outlined in this section. All home occupations shall be

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licensed in accordance with Code 07 of this code and the provisions of this chapter. Only the owner or official representative of a business may apply for a home occupation business license and the applicant must be a resident of the home where the business will be conducted. Any application for a home occupation may be denied if the Staff and Planning Commission finds the proposed activity to be incompatible with surrounding uses. The authority to issue a license to conduct a home occupation shall be under the jurisdiction of the City Council.

07-030: CATEGORIES AND REGULATIONS OF HOME OCCUPATIONS

Home occupations, as defined in **Section 07-020** of this Code, shall be classified as "minor home occupations", "major home occupations," "prohibited home occupations," and "bed and breakfast homes".

A completed application for a home occupation business license will be approved for a minor home occupation upon the City staff's verification that the proposed home occupation complies with the requirements of **Sections 07-040** and **07-050** of this chapter.

A completed application for a home occupation business license will be approved for a major home occupation or a bed and breakfast home only after issuance of a conditional use permit by the City Council.

Prohibited home occupations are not allowed to operate in residential zones.

Notwithstanding the foregoing, in the event that the land use administrator, or his/her designee, is unable to determine whether the home occupation is a major home occupation or a minor home occupation; or if he/she determines that approval of a home occupation business license may jeopardize the health, safety or welfare of the community, he/she may refer the application to the Planning Commission.

07-040: STANDARDS FOR ALL HOME OCCUPATIONS

All home occupations must comply with the following "standards" at all times. Bed and breakfast homes are regulated by **Section 07-080** of this chapter.

A. **Permitted or Conditional Use**. Home occupations must be a permitted or conditional use in the zone in which the home occupation is to be located and not conflict with the objectives and characteristics of the same zone.

B. **Home Occupations**. Home occupations, which are required to obtain a conditional use permit, shall provide the notice materials and information for property owners within three hundred feet (300') from any boundary of the property. It shall be the sole responsibility of the applicant to verify that the mailing list and envelopes are complete and accurate.

C. **Accessory Use on the Property**. The home occupation shall be clearly incidental and secondary to the primary residential use of the property and dwelling. Home Occupations must be conducted entirely within a dwelling by persons residing in the dwelling or in an accessory building, which use is clearly

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incidental and secondary to the residential use of the property and does not change the character thereof.

D. The home occupation business shall be owned by a resident of the home for which a certificate of occupancy has been issued.

E. No more than one employee from outside the current residents of the home may be employed on site.

F. In the event covenants applicable to the property preclude home occupations, the covenants shall control.

G. **Satellite Offices**. Satellite Offices are allowed but limited to one employee from outside the current residents.

H. A home occupation shall not include the sale of goods or merchandise directly from the home, except those, which are produced on the premises, and shall not involve the use of any yard space or activity outside of the buildings not normally associated with the residential use.

I. **Parking**. All business-related vehicles which park at the location of the home occupation, must be legally parked, either in conventional parking spaces on the lot or adjacent to the frontage of the lot. No parking from the home occupation shall be permitted in front of adjacent lots unless approved by the City as part of a traffic circulation and safety plan. Required parking for resident vehicles shall be available at the close of business each day.

J. No pedestrian, vehicular, or delivery traffic shall be generated by the home occupation in greater volumes than would normally be expected in a residential area.

K. **Signs**. Signs are limited to one sign not larger in area than 2 feet by 3 feet (6 square feet.) The sign shall not be directly or internally illuminated.

L. **External Appearance**. Any exterior alterations to the residence to accommodate the home occupation shall maintain the character and appearance of the residential dwelling in which it is located. Furthermore, the business operation shall not negatively affect the physical appearance, traffic, and other activities of the surrounding neighborhood and not depreciate surrounding property values.

M. **Storage Areas**. Home occupations are not permitted to store materials or products outside of the dwelling unit, except in a City approved and permitted accessory building.

N. **Conformity With Safety Codes**. No hazardous materials or equipment may be used in the home occupation, including, but not limited to, anything flammable or unsafe that is not customary to the home in which the occupation is located. There shall be complete conformity with fire, building, plumbing, electrical and all other city, county, state and federal codes.

O. **Neighborhood Disruptions Not Permitted**. The home occupation shall not disrupt the peace, quiet and domestic tranquility of the neighborhood nor emit

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noise, odor, dust, fumes, vibration, smoke, electrical interference (including interferences with radio and television reception), or any other interference with the residential use of adjacent properties.

P. **Renter/Owner Responsibility**. If the applicant for a home occupation license rents or leases the property wherein the home occupation is intended to be conducted, the applicant must provide a letter of acknowledgment and consent from the property owner at the time the application is submitted to the community development department. (Ord. eff. 2009)

07-050: MINOR HOME OCCUPATIONS

In addition to the standards previously set forth in **Section 07-040** of this chapter, all minor home occupation businesses must comply with the qualifications outlined below. If a business is unable to fully comply with these qualifications, the applicant may request approval as a major home occupation, as outlined in **Section 07-060** of this chapter.

A. **Employees**.

~~596.~~1. One full time or full-time equivalent nonresident may be employed, volunteer, or work at a designated workstation or area on the premises or inside the home where the home occupation business is located. Only one nonresident employee may work at the home, in such manner, at one time. No more than two (2) persons shall comprise the equivalent full-time employee.

~~597.~~2. In addition to the employees described in subsection A1 of this section, any home occupation may utilize employees to work off site. Such off-site employee, volunteer, laborer and any other persons engaged with the home occupation shall not come to the home for purposes related to the home occupation license, except for incidental vehicle stops in accordance with the traffic and operational hours qualifications outlined below.

B. **Operational Hours**. The home occupation shall not generate any traffic before seven o'clock (7:00) am or after eight o'clock (8:00) pm (e.g., clients, patrons, employees, volunteers, students, pupils, etc.). Applicants must show that any operation conducted after eight o'clock (8:00) pm and before seven o'clock (7:00) am, will be compatible with like uses and operations found in the residential neighborhoods between such hours.

C. **Traffic**. Vehicular traffic from business related visitors, employees, volunteers, and customers shall not exceed that which normally and reasonably occurs for a home in the neighborhood and shall be conducted so that the neighbors will not be significantly impacted by its existence. Minor home occupations shall be limited to three (3) business related vehicular stops to the residence during any one hour to a maximum of eight (8) business related vehicular stops per day. Vehicles for delivery or pick up of business-related supplies or products (e.g., UPS package delivery vehicles) shall not exceed two (2) per day.

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Exception. Group activities having an approved traffic circulation and safety plan may exceed the above maximum number of vehicle stops up to a total of sixteen (16) business related vehicle stops at the home in a day but shall not exceed 32 related vehicle stops per week. (e.g., dropping off and picking up a child would count as 2 vehicle stops).

D. **Areas and Property to Be Used**.

~~598.~~1. The business activities in the dwelling shall not occupy more than five hundred (500) square feet or twenty five percent (25%) of the total floor area of such dwelling, whichever is less. For the purposes of this calculation, a garage, carport, patio, breezeway, or any accessory building is not considered to be part of the dwelling.

~~599.~~2. Business activities in an accessory structure shall not exceed eight hundred (800) square feet or fifty percent (50%) of the accessory, structure floor area, whichever is more unless such accessory structure is being utilized for licensed agribusiness functions or is associated with a licensed boarding facility for animals.

E. **Business Related Vehicles**.

~~600.~~1. Business related vehicles include those vehicles owned and operated by a resident of the dwelling, which is used for business related activities.

~~601.~~2. Vehicles on the property that are non-operable due to: a) a collision or other violent act; b) has had parts removed from the vehicle rendering the vehicle inoperable; c) is being stored on a lot for the purpose of restoration. Business related vehicles shall also include any vehicles brought to the residence by the applicant, an employee, customer, client or business-related visitor and shall comply with the following:

a. There shall be no more than two (2) business-related vehicles parked or stored at the residence at any one time.

   Exception. Any vehicle, operable on a road or not, that is inside a fully enclosed, permanent structure shall not be included in the maximum number of vehicles permitted at one time. Single or dual occupancy, off highway recreation vehicles (OHV) or watercraft are also excluded unless such are used as part of the business operation.

b. Business-related vehicles shall not exceed eight feet (8') in height.

   Exception. Delivery or pick up vehicles (e.g., UPS package delivery vehicles) not owned or operated by the owner or employees of the licensed home occupation.

c. Business related vehicles shall not exceed two (2) axles or twenty-two feet (22') in length individually nor three (3) axles or thirty-five feet (35') in length with attachments. No vehicle having more than

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two (2) axles shall travel to the residence for the purpose of delivery of merchandise, goods, or supplies for use in the home occupation.

F. **Number of Licenses Allowed**. Multiple home occupation licenses may be granted per residence as long as the cumulative effects of the businesses do not exceed the above standards and qualifications.

G. Additional Qualifications for Group Activities and Day Care with 4 or less unrelated children:

~~602.~~1. Group oriented home occupations such as music lessons, art lessons or other types of lessons shall not exceed eight (8) students at any one time. A maximum of eight (8) students is permitted per day.

~~603.~~2. Day Care having four (4) or less unrelated children can fall under a minor home occupation

07-060: MAJOR HOME OCCUPATIONS

Major home occupations must comply with all of the standards outlined in **Section 07-040** of this chapter and where possible the qualifications of **Section 07-050** of this chapter. Major home occupations must be reviewed by the Planning Commission and granted a conditional use permit before pursuing a business license through the City. Each major home occupation is subject to the pertinent conditions listed below:

A. **General conditions for all major home occupations.**

~~604.~~1. The conditional use permit and the home occupation business license shall be maintained in good standing for the entire period that business is being conducted.

~~605.~~2. Conditional use permits can be revoked based upon unresolved legitimate complaints as determined by the City land use administrator.

B. Child oriented home occupations having 4 or more unrelated children shall comply with the following conditions:

~~606.~~1. All required State of Utah Childcare licensing procedures will be followed.

~~607.~~2. **Maximum Children Permitted.** The daycare shall limit the number of children at the residence in accordance with Utah State Childcare licensing requirements.

~~608.~~3. **Yard Requirements.**

a. All non-business-related structures or on premises hazards are to be made inaccessible to the children attending the daycare facility.

b. All outdoor play areas must be enclosed in the rear yard by a fence at least four feet (4') in height.

~~609.~~4. **Traffic.**

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a. All on-street vehicular stops for the dropping off or picking up of children shall be done with the passenger side of the vehicle toward the residence.

b. A traffic circulation and safety plan must be submitted to, reviewed, and approved by the City.

c. The street must be of sufficient width to accommodate the increased average daily vehicular traffic (ADT) counts caused by the business and will be determined by the City land use authority.

d. The number of business-related vehicle stops at the home per day shall not exceed twenty four (24) (e.g., dropping off and picking up a child would count as 2 vehicle stops).

~~6~~10.5. **Location Requirements.** No child-oriented home occupation, which requires a conditional use permit, may be operated within one hundred feet (100'), as measured from property line to property line on the same street, of another child-oriented home occupation operating under a conditional use permit. Unless there are legitimate, extenuating factors i.e. traffic flow, number of children (less then permitted).

~~6~~11.6. **Licensure.** Copies of all licenses required by the state shall be provided to the City for verification of compliance with all state standards in order to receive a permanent business license.

C. Businesses not conducted within a home, which must obtain a conditional use permit, must comply with the following:

~~6~~12.1. **Machinery Operation.** No machinery may be operated between the hours of seven o'clock (7:00) pm and eight o'clock (8:00) am.

~~6~~13.2. **Noise Levels.** Business machinery noise levels are not to exceed fifty-five (55) dB when measured at the occupants property boundary.

~~6~~14.3. **Storage Qualifications.** All storage qualifications listed in **Section 07-040** of this chapter must be met.

~~6~~15.4. **Designated Areas.** The applicant shall designate the areas of the home, attached/detached garage or accessory structure that will be used for the home occupation and, if approved, the home occupation may be conducted only in the designated areas. Ref to 07-050-D.

D. Businesses having more than four (4) business related vehicles parked or stored at the home at one time or which utilize a commercial vehicle that exceeds the maximum height and length requirements established in **Section 07-050.E** of this chapter, must comply with the following conditions:

~~6~~16.1. All business-related commercial vehicles are to be parked on the property and behind the front of the home when not being used for business purposes.

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~~617.~~2. No more than 2 cars parked on street at a time.

E. Businesses entailing food or beverage preparation, storage or catering must comply with the following conditions:

~~618.~~1. Obtain all authorizations required by a state or county department or agency prior to approval of a business license and maintain all such authorizations for the duration of the business.

~~619.~~2. Compliance with all business-related vehicle qualifications listed in **Section 07-050.E** of this chapter must be met.

F. Businesses which have operating hours past eight o'clock (8:00) pm and before seven o'clock (7:00) am must comply with the following:

~~620.~~1. Applicants must show that any operation conducted after eight o'clock (8:00) pm and before seven o'clock (7:00) am will be compatible with like uses and operations found in the residential neighborhoods between such hours.

~~621.~~2. All business activities are to be conducted within closed doors between eight o'clock (8:00) pm and seven o'clock (7:00) am unless shown to be compatible with like uses and operations found in the residential neighborhood between such hours.

~~622.~~3. Any business lighting shall be shielded and directed downward away from adjoining properties or contained within the building from which it emanates.

07-070: PROHIBITED HOME OCCUPATIONS

The following uses, by the nature of the occupation, substantially impair the use and value of residentially zoned areas for residential purposes and are therefore prohibited:

A. Mortuaries, crematoriums, columbaria, mausoleums.

B. Clinics, dental offices, medical offices, chiropractic offices, or other healthcare facilities.

C. Junkyards, auto wrecking yards, salvage yards, impound lots, or vehicle towing operations.

D. Storage, service, repair, sales or rental of ambulances, tow trucks, recreational vehicles, watercraft, automobiles, ATVs, or other motorized vehicles.

E. Food or drink preparation, storage or catering which is not permitted by an appropriate state or county department or agency.

F. Fitness or health spa facility.

G. Auto body repair, motor vehicle, dump-truck, and semi- truck repairs.

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H. Any home occupation which entails the use of chemicals exceeding typical household quantities, pesticides, and flammable/combustible materials, and including any other process or business where current, adopted building and fire codes would require an "operational permit"

I. Any home occupation unable to comply with the standards outlined in **Section 07–040** of this chapter. (Ord. eff. 2009)

07-080: BED AND BREAKFAST HOMES

The land use administrator may grant a conditional use permit for a bed and breakfast home, if the following conditions are met:

A. Any bed and breakfast homes must be reviewed by the City's staff to assure compliance with all building, zoning, fire, health, and other applicable ordinances prior to review by the Planning Commission.

B. Bed and breakfast homes are either permitted or conditional use within the zone.

C. Bed and breakfast homes shall not have less than two (2) guestrooms nor more than eight (8).

D. The applicant shall submit a plot plan showing the location of the bed and breakfast home, parking, required yards, and property lines at a scale of not less than one inch to twenty feet (1": 20') to the Planning Commission, health, and fire departments.

E. The bed and breakfast home must be and remain the primary residence of the owner or lessee and must have a certificate of occupancy. If approved by the Planning Commission, employees who are not family members may be hired; however, such employees shall not be allowed to reside at the residence. A notarized letter attesting that the owners or lessee will occupy said bed and breakfast home, except for bona fide temporary absences, shall be submitted to the Planning Commission and kept on record with the City.

F. Signs shall be limited to one non-lighted sign not larger in area than 3’ by 3’ (nine (9) square feet.)

G. Each bed and breakfast home must legally collect and pay all applicable taxes and obtain a Coalville City business license.

H. Abide with the county health department.

I. All applicable licenses and inspections are to be done by the appropriate governing agencies and officials, including, but not limited to, any remodeling or construction requiring a Coalville City building permit, prior to approval of the business license by the City Council.

J. A Coalville City business license must be obtained prior to opening. (Ord. eff. 2009)

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07-090: NOTIFICATION TO ADJACENT PROPERTY OWNERS

A. When notice to adjacent property owners is required, notice requirements of Chapter 3-060 shall apply.

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Chapter 8

ESTABLISHMENT OF ZONES AND TABLE OF USES

08-010: Establishment of Zones
08-020: Table of Uses
08-030: Zoning of Territory Annexed Into the City
08-040: Requirements Declared As Minimums
08-050: The Zoning Map
08-060: Clarification of Zoning
08-070: Density, Lot Size, Frontage Table
08-080: Set-Back, Minimum Lot Size, and Building Height Requirements

08-010: ESTABLISHMENT OF ZONES

The Legislative Body hereby divides the City into the following zones as shown on the map entitled "Coalville City Zoning Map," which map and boundaries, notations, references, and other information shown thereon shall be as much a part of this Code as if the information and matters set forth by said map were all fully described herein.

AG-20: Agricultural Zone (1 Lot per 20 acres)

RA-5: Residential Agriculture Zone (1 Lot per 5 acres)

R-1: Low Density Residential Zone (1 Lot per acre)

R-2: Medium Density Residential Zone (2 Lots/Dwellings per acre)

R-4: High Density Residential Zone (4 Lots/Dwellings per acre)

R-8: Very High-Density Residential Zone (8 Lots/Dwellings per acre)

CC: Community Commercial Zone

HC: Highway Commercial Zone

LI: Light Industrial Zone

PFO: Public Facilities Overlay Zone

SLO: Sensitive Lands Overlay Zone

08-020: TABLE OF USES

This use table sets forth Allowed Uses (A), Conditional Uses (C), Temporary Uses (T), Low Impact Uses (L), and Prohibited Uses (X) for the following zone districts:

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Agriculture (AG-20)

Residential Agriculture (RA-5)

Residential Low-Density (R-1)

Residential Medium-Density (R-2)

Residential High-Density (R-4)

Residential Very High-Density (R-8)

Community Commercial (CC)

Highway Commercial (HC)

Light Industrial (LI)

Uses *Italicized* are defined in Chapter 2.

Table 8-18-1 – Table of Uses

Permitted Uses	**AG**	**RA**	**R-1**	**R-2**	**R-4**	**R-8**	**CC**	**HC**	**LI**	**Additional Reference**
Accessory structures and uses	A	A	A	A	A	A	A	A	A	
Agribusiness; restaurant, café (farm to table)	L	L	L	L	X	X	L	L	L	
Agriculture	A	A	A	A	A	A*	A*	A*	A	*Farm animals prohibited in R-8, CC, and HC, Zones
Airport/helipad	X	X	X	X	X	X	X	X	X	
Animal Specialties including, reptiles, arthropods (insects) aviaries (birds), etc.	L	L	L	X	X	X	X	X	L	
Apiaries (Bee Keeping)	A	A	A*	A*	A*	A*	A*	A*	A*	*Or as regulated by City Ordinance
Assisted Living Center	L	L	L	L	L	L	A	A	X	
Automobile dealership	X	X	X	X	X	X	C	C	A	
Automobile fuel service station, lube/oil, tires, and	X	X	X	X	X	X	A	A	A	

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Permitted Uses	AG	RA	R-1	R-2	R-4	R-8	CC	HC	LI	Additional Reference
repair										
Bed and Breakfast Inn	C	L	X	X	X	X	C	C	X	
Building material sales yard	X	X	X	X	X	X	C	C	L	
Bus or Taxi hub/services	X	X	X	X	X	X	X	C	A	
Bus terminal	X	X	X	X	X	X	C	C	A	
Car wash	X	X	X	X	X	X	A	A	A	
Cement mortar, plaster or paving materials mixing plant	X	X	X	X	X	X	X	X	C	
Cemeteries	C	C	X	X	X	X	X	X	A	
Churches, Synagogues, and Temples	A	A	A	A	A	A	A	A	A	
Coal, fuel and wood yards and offices	X	X	X	X	X	X	X	X	C	
Colleges and Schools, public and private	C	C	C	C	C	C	A	A	X	
Commercial buildings smaller than twenty-five thousand (25,000) square feet	X	X	X	X	X	X	L	L	A	
Commercial buildings larger than twenty-five thousand (25,000) square feet	X	X	X	X	X	X	C	C	A	
Commercial campgrounds, RV parks	C	C	X	X	X	X	X	C	X	
Commercial Retail Uses	X	X	X	X	X	X	A	A	A	
Commercial Retail Uses-Internet Home Based Business	L	L	L	L	L	L	A	A	A	Subject to 07-040 Major Home Occupation Standards, except living on the premises.
Commercial Service Uses	X	X	X	X	X	X	A	A	A	
Communications, substations/facilities	C	C	X	X	X	X	C	C	A	
Construction of building to be sold and moved off premises	X	X	X	X	X	X	X	X	C	
Contractor's Yard	C	C	X	X	X	X	X	C	A	

Permitted Uses	AG	RA	R-1	R-2	R-4	R-8	CC	HC	LI	Additional Reference
Crematorium	X	X	X	X	X	X	X	X	C	
Distillery/microbrewery; agribusinesses	C	C	C	X	X	X	C	C	A	
Dog boarding, kennels	C	C	X	X	X	X	X	C	C	
Domesticated farm animals	A	A	A	A	A	X	X	X	A	See Code 29-050: Farm Animal Point System
Drive-it yourself agency/"U-Haul"	X	X	X	X	X	X	L	L	A	
Dwellings, accessory	A	A	A	A	A	A	A	A	X	
Dwelling, multi-family attached	X	X	X	X	C	C	C	X	X	
Dwellings, single-family detached	A	A	A	A	A	A	A	A	X	
Dwellings, two (2) family attached	X	X	X	A	A	A	C	X	X	
Equestrian facilities, riding academies, schools, and associated stables	L	L	L	X	X	X	X	L	L	
Farmers Market	L	L	L	L	L	L	L	L	L	Sale of products produced off-premises
Fertilizer and soil conditioner manufacturing and processing and/or sales	C	X	X	X	X	X	X	X	C	
Food Manufacturing, compounding, processing, and treatment	X	X	X	X	X	X	C	C	C	
Foundry, casting lightweight non-ferrous metal	C	X	X	X	X	X	X	X	C	
Freight transportation service	X	X	X	X	X	X	C	C	A	
Freighting, trucking yard or terminal	X	X	X	X	X	X	X	C	A	
Fruit and vegetable stands (sale of products produced on owners' premises)	A	A	A	A	A	A	A	A	X	Business license required
Home Occupations, Minor	A	A	A	A	A	A	A	A	X	See Code 07-050

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Permitted Uses	AG	RA	R-1	R-2	R-4	R-8	CC	HC	LI	Additional Reference
Home Occupations, Major	L	L	L	L	L	L	L	L	X	See Code 07-060
Hotel; Motel	X	X	X	X	X	X	A	A	X	
Household Pets (maximum 4 pets of the same species)	A	A	A	A	A	A	A	A	X	Not counting puppies or kittens up to 4 months old
Junk yard/salvage yard	X	X	X	X	X	X	X	X	C	
Liquor retail store	X	X	X	X	X	X	C	C	C	
Marijuana (Cannabis) dispensary	X	X	X	X	X	X	X	X	X	
Marijuana (Cannabis) farming	C	X	X	X	X	X	X	X	X	Must be legally permitted and authorized by the State of Utah
Mortuary; funeral home	C	C	X	X	X	X	C	C	C	
Nursery/Greenhouse	A	A	A	A*	A*	A*	A	A	A	*Non-Commercial in R-2, R-4, and R-8 Zones
Nursing Home	L	L	L	L	L	L	A	A	X	
Onsite manager, caretaker or workers dwelling	L	L	L	L	L	L	L	L	L	
Outdoor gun, archery, or other weaponry activities	C	C	X	X	X	X	X	X	C	
Park and ride facilities	C	C	C	C	X	X	A	A	A	
Parking lot, incidental to a use conducted on premises	T	T	T	T	T	T	T	T	T	
Pest extermination chemical storage	X	X	X	X	X	X	C	C	C	
Processing and Manufacturing	X	X	X	X	X	X	X	X	C	
Professional Service Uses	L	L	L	L	L	L	A	A	A	
Public Parks	L	L	L	L	L	L	L	L	L	
Public or Quasi-Public Uses	L	L	L	L	L	L	L	L	L	
Public utility installations	X	X	X	X	X	X	X	X	A	
Radio and television station	X	X	X	X	X	X	A	A	A	

Permitted Uses	AG	RA	R-1	R-2	R-4	R-8	CC	HC	LI	Additional Reference
Radio/television transmitting towers	C	C	C	X	X	X	X	X	A	
Recreational Facilities or Uses	C	C	C	C	C	C	C	C	C	
Rental equipment	X	X	X	X	X	X	C	C	A	
Residential care facilities for elderly or handicapped persons	A	A	A	A	A	A	A	A	A	Subject to the conditions found in Utah Code, as amended
Restaurant, café,	X	X	X	X	X	X	C	C	C	
RV and boat storage	X	X	X	X	X	X	X	X	A	
Sexually oriented business	X	X	X	X	X	X	X	X	C	
Shopping center	X	X	X	X	X	X	C	C	C	
Single or multiple family dwellings located in the same structure as the principle commercial use	X	X	X	X	X	X	L	L	X	
Social club, billiards, pool hall, bars	X	X	X	X	X	X	C	C	X	
Storage facilities	X	X	X	X	X	X	C*	C*	L	*Not permitted in the historic district
Temporary buildings incidental to construction work	A	A	A	A	A	A	A	A	A	
Theater, indoor	X	X	X	X	X	X	C	C	C	
Towing service	X	X	X	X	X	X	X	L	A	
Trails and *open space*	A	A	A	A	A	A	A	A	A	
Transitional or protective housing facility	X	C	C	C	C	C	C	C	C	
Truck stops and service facilities	X	X	X	X	X	X	X	C	A	
Veterinary Clinics	L	L	X	X	X	X	A	A	A	
Warehouse	X	X	X	X	X	X	X	C	A	

08-030: ZONING OF TERRITORY ANNEXED INTO THE CITY

The Legislative Body, with recommendations by Land Use Authority, shall determine at the time of annexation the most appropriate zoning of all property hereafter annexed into Coalville City.

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08-040: REQUIREMENTS DECLARED AS MINIMUM

The Legislative Body establishes the uses and regulations which apply to each zoning district in accordance with a General Plan designed for the same purposes for which the Legislative Body enacted this Code and declares the requirements set forth herein to be the minimums necessary to accomplish the purposes of this Code.

08-050: THE ZONING MAP

The Coalville City Zoning Map is the official zoning map for Coalville. Upon amendment to the zoning map, the Mayor shall execute a new map, or re-execute the existing map with the amendments noted in a timely manner.

In order to carry out the purposes of this Code, land use districts have been established as set forth in **Section 08-010**, and a Zoning Map has been established. The Zoning Map is adopted as a part of this Code and this Code is intended to be consistent with the Zoning Map. In interpreting the Zoning Map, the following standards shall apply:

~~6~~23.1. The zoning boundary lines are intended to conform to existing property boundary lines when not in a public right-of-way, or to follow the center line of public rights-of-way (including prescriptive rights-of-way), unless the lines are located by specific dimensions, in which case the dimensions shall control. Where the zoning district lines approximately follow the lot lines as they exist at the date of adoption of this Code, the district lines shall be conformed to the lot lines.

~~6~~24.2. Where the zoning district lines appear to have intentionally divided a lot or parcel between two or more districts, the applicable zoning for each portion of the lot or parcel shall be determined by using the scale shown on the map. If the placement of the district line cannot be determined, the standards of the zone allowing the less intensive land use shall be applied to the entire parcel.

~~6~~25.3. Where the district lines are intended to follow natural land contours, such as the ridge tops, hillsides or waterways, the line shall be determined at the point at which the general slope of the land changes fifteen (15) percent in grade or in the case of waterways, the average centerline of the waterway. In the event of a dispute as to the location of the change in grade, the point shall be fixed with reference to topographic data submitted to the City. Where land of less than fifteen (15) percent slope is surrounded by land of fifteen (15) percent or greater slope, the Land Use Authority shall entertain an application to rezone the land of less than fifteen (15) percent slope to a suitable residential use if the City Staff determines that the land is adequately accessible and not within sensitive lands.

~~6~~26.4. If the Land Use Authority, Legislative Body, or member of the public requests an interpretation of a zoning district the matter shall be forwarded to the Appeal Authority for an interpretation.

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08-060: CLARIFICATION OF ZONING

A. **Ambiguous Zone Classification**. Any property which, for any reason, is not clearly zoned on the City's official zone maps or is determined not to be subject to the requirements of a zone classification as provided by this Code is hereby declared to be in the Agricultural Zone and shall be subject to the requirements of the Agricultural Zone.

B. **Ambiguous Use Classification**. If ambiguity arises concerning the appropriate classification of a particular use within the meaning and intent of this Code, or with respect to matters of height, yard requirements, area requirements, or other property development standards, the Land Use Administrator shall determine the proper use or classification.

08-070: DENSITY, LOT SIZE, AND FRONTAGE TABLE

The minimum area of any single lot or parcel and the density of dwellings per acre in all residential zones is indicated in the table below. The ‘Zone’ column in the table represents the particular residential zone. The ‘Density’ column in the table represents the number of dwellings per acre allowed in each zone. The ‘Minimum Lot Size’ column in the table represents the minimum size lot allowed in the zone. The ‘Frontages’ column represents the minimum Frontages required for lots in the specific zones.

Table ~~8-2~~8-2 – Density, Lot Size and Frontage

Zone	Density (dwellings per acre)	Minimum Lot Size	Frontages
Agricultural, AG-20	1 Dwelling Per Twenty Acres	1 Acre (43,560 sq ft)	150’
Residential Agricultural, RA-5	1 Dwellings Per Five Acre	3/4 Acre (32,670 sq ft)	100’
Low-Density Residential, R-1	1 Dwelling Per Acre	1/2 Acre (21,780 sq ft)	100’
Medium Density Residential, R-2	2 Dwellings Per Acre	1/3 Acre (14,520 sq ft)	100’
High Density Residential, R-4	4 Dwellings Per Acre	1/4 Acre (10,890 sq ft)	85’
Very High Density Residential, R-8	8 Dwellings Per Acre	1/8 Acre (5,445 sq ft)	65’

Density of Residential Housing Developments. To encourage the preservation of agricultural and natural open space, enhance its profitability, minimize the cost of public services, reduce yard sizes to conserve water and improve landscaping quality, as well as encourage assorted lot sizes and varying housing types along city streets, clustered residential housing may be approved as a Master Planned Development in accordance with Chapter 33 herein.

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08-080: SET-BACK, MINIMUM LOT SIZE, AND BUILDING HEIGHT REQUIREMENTS

See complete descriptions and requirements of zone district setbacks, minimum lot size and building height and exceptions regarding special situations in the respective Chapters for each Zone.

A. **Lot Coverage**. To minimize the effects of storm water runoff, and consequently save the City money, the maximum percent of the lot area allowed to be developed and/or built upon by impervious surfaces is 60%.

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Chapter 9

AGRICULTURE ZONE (AG-20)

09-010: Purpose
09-020: Permitted Uses
09-030: Lots of Record
09-040: One Dwelling Per Lot
09-050: Minimum Lot Standards
09-060: Setback Requirements - Primary Dwelling
09-070: Setback Requirements - Accessory Structures
09-080: Requirements for Accessory Structures
09-090: Height Requirements and Provisions
09-100: Access
09-110: Trash, Waste Storage and Abandoned Vehicles
09-120: Off-Street Parking and Loading

09-010: PURPOSE

The purpose of this Zone is to provide areas where the growing of crops and the raising of livestock can be encouraged and supported within the City limits. The AG-20 Zone is intended to protect agricultural uses, natural resources, and environmentally sensitive lands from encroachment of urban development.

09-020: PERMITTED USES

Uses permitted in the AG-20 Zone, in addition to agricultural uses, should be incidental thereto and should not change the basic agricultural character of the zone. ~~Table 8-1~~Table 8-1 in **Section 08-020** sets forth Allowed Uses (A), Conditional Uses (C), Temporary Uses (T), Low Impact Uses (L), and Prohibited Uses (X) for the AG-20 Zone District. Permitted uses are by right provided the parcel and buildings meet all other provisions of this Code and any other applicable ordinances of Coalville City.

09-030: LOTS OF RECORD

Lots or parcels of land, which legally existed or were created by a preliminary or final plat approval prior to the adoption of this Code, shall not be denied a building permit solely for a reason of non-conformance with the parcel or density requirements of this chapter and are declared a legal nonconforming use under this Code.

09-040: ONE DWELLING PER LOT

No more than one (1) primary single-family dwelling and accompanying accessory dwelling may be placed upon a lot or parcel of land in the AG-20 Zone.

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09-050: MINIMUM LOT STANDARDS

All lots shall be developed in accordance with the following lot standards. Lot area for properties fronting existing streets shall include all property as described on the most recent plat of record.

Lots or parcels should be arranged in a manner that encourages the retention of open and usable agricultural land. Although clustering of lots is not required, if the applicant chooses not to cluster, evidence and information as to why the lots or parcels will not be clustered should be provided to the Planning Commission.

Open space created by the clustering of lots or parcels shall be clearly indicated on the subdivision plat and all recorded deeds of the subject property. Deed and/or plat restrictions, donation to an approved land trust or the City, or other development restrictions satisfactory to the Planning Commission and City Council shall be required for land designated as open space. Development on land designated as open space will require, at a minimum, a plat amendment and possibly a zone change either of which may be denied by the City.

~~A.~~B. **Density**. One (1) Lot per 20 acres

~~B.~~C. **Lot Size**. Minimum one (1) acre

~~C.~~D. **Lot Frontage**. All lots developed for residential use in the AG-20 Zone shall abut along the right-of-way line of a public street or road for a minimum distance of one hundred fifty (150) feet or be accessed by a Private Driveway/Road/Lane.

09-060: SETBACK REQUIREMENTS - PRIMARY DWELLINGS

The following yard setback requirements for dwellings and main buildings shall apply on all lots or parcels in the AG-20 Zone:

A. **Front Set Back**. The minimum front yard setback for all buildings in the AG-20 Zone shall be fifty (50) feet.

B. **Side Set Back**. The minimum side yard setback for all primary structures in the AG-20 Zone shall be twelve (12) feet. The minimum side yard setback for all buildings on corner lots in the AG-20 Zone shall be twelve (12) feet on the side adjoining another lot and fifty (50) feet on the side adjoining a street.

C. **Rear Setback**. The minimum rear yard setback for all buildings in the AG-20 Zone shall be twenty-four (24) feet.

D. **Easements**. No dwelling or main building shall be located within a Platted easement area of any kind.

09-070: SETBACK REQUIREMENTS - ACCESSORY STRUCTURES

A. **Front Setback**. No accessory structures are allowed in the front setback.

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B. **Side Setback**. No closer than ten (10) feet from the side property line. Accessory Structures may not be located in the required street side yard setback of a corner lot.

C. **Rear Setback**. No closer than ten (10) feet from the rear property line.

D. **Height Restriction**. Any Accessory structure exceeding sixteen (16) feet in height shall meet the setback requirements of primary dwellings.

E. **Setbacks for Accessory Buildings for Animals Accessory**. Buildings used for the housing or shelter of animals shall be located a minimum distance of fifty (50) feet from any dwelling on the same lot or parcel.

~~6~~27.1. All pens, corrals, barns, coops, stables, and other similar enclosing structures to keep animals or fowl shall be located no less than one hundred fifty (150) feet from a public street and no less than one hundred (100) feet from all dwellings on adjacent lots (This Provision shall not apply to pastures).

F. **Easements**. No permanent accessory building shall be located within a platted easement area of any kind.

09-080 REQUIREMENTS FOR ACCESSORY USES

A. Private swimming pools, tennis courts, pickleball courts, and similar uses shall be allowed in a rear and side yard provided they are located at least twenty (20) feet from any dwelling on an adjoining lot and at least six (6) feet from any property line.

B. Detached garages and other detached accessory buildings or accessory dwelling units sixteen (16) feet or less in height as hereinafter provided. Such structures shall not cover over fifty (50) percent of the rear yard area or be located closer than three (3) feet from the property line or within a public utility easement if noted on a subdivision plat.

C. Hard surfaced parking areas are allowed, provided the parking area does not cover over fifty (50%) percent of the rear yard area or is closer than three (3) feet from the property line

D. Air conditioning units,

E. Hot tubs decks or similar uses eighteen (18) inches or less above grade shall be allowed in a rear yard provided they are located at least fifteen (15) feet from a dwelling on an adjoining lot and three (3) feet from the property line.

F. Circular driveways shall be permitted in required front yard areas of residential lots leading to and from a garage or carport on the property subject to the following conditions:

~~6~~28.1. Such drives shall be constructed of asphalt or concrete materials. Roto-milled asphalt material is not allowed for any driveway, road, or parking lot.

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~~629.~~2. Such drives shall not be over sixteen (16) feet in width.

~~630.~~3. There shall be a landscaped area at least fifteen (15) feet in depth from the front property line to the inside of the circular drive.

~~631.~~4. Circular driveway areas are not to be used for the parking or storage of any trailer, camper, motor home, boat, or other equipment at any time.

09-090: HEIGHT REQUIREMENTS AND PROVISIONS

No lot or parcel of land in the Agricultural Zone shall have a building which exceeds a height of thirty-five (35) feet. Silos, windmills, and other agricultural related accessory structures not used for human occupancy exceeding thirty-five (35) feet in height requires Conditional Use Approval.

The total height of a building or structure shall be measured as the vertical distance from the natural grade, as defined in this Code, to the highest point of:

1. A flat roof.

~~632.~~2. The ridge of a hip or gable roof.

~~633.~~3. The deck line of a mansard roof.

In no case shall a mansard roof or the parapet wall of a flat roof extend more than eighteen (18) inches above the maximum height limitation in the zone.

Roofs not clearly fitting any of the above three classifications shall be classified by City Staff in accordance with the roof it most closely resembles. Roofs which drain to the center shall be considered as flat or mansard depending on their configuration.

To allow for roof pitches and provide usable space within the structure, the following **exceptions** apply:

A. Antennas, chimneys, flues, vents, or similar structures may extend up to eight (8) feet above the specified maximum height limit for the zone.

B. Water towers and mechanical equipment may extend up to five (5) feet above the specified maximum height limit.

C. Church spires, bell towers, and like architectural features, may extend over the specified maximum height limit, but shall not contain any habitable spaces above the maximum zone height stated. These features must be approved as part of the site plan review and approval.

09-110: ACCESS

No more than five (5) dwellings may be constructed on a private or public road with only one point of ingress or egress.

A. All private roads must be constructed in such a manner that emergency service vehicles can operate properly upon them and include pull-outs and turnarounds as required in Chapter 31: Requirements for Improvements.

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B. Additionally, the City must be given the authority and ability to use the private road at any time for public safety purposes, including keys to any locked gates.

09-110: TRASH, WASTE, STORAGE AND ABANDONED VEHICLES

No trash, used materials, wrecked, or non-operational or abandoned vehicles or equipment shall be placed or stored within a public right-of-way, on any public sidewalk or in any required yard setback areas. All such materials must be screened from public streets and adjacent property or stored within an enclosed building.

All storage areas within a side yard and rear yard shall be screened from the public or adjoining residential area view by appropriate fencing or landscaping methods and placed in a rear area of the main building if possible.

No hazardous materials, chemicals or oils/solvents shall be stored in areas that do not meet Health Department regulations or are accessible to the public.

09-120: OFF-STREET PARKING AND LOADING

Off-street parking and loading shall be provided as specified in Chapter 6 of this Code. Generally, each residential dwelling is required to provide off-street parking for at least two (2) automobiles per unit.

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Chapter 10

RESIDENTIAL AGRICULTURE ZONE (RA-5)

10-010: Purpose
10-020: Permitted Uses
10-030: Lots of Record
10-040: One Dwelling Per Lot
10-050: Minimum Lot Standards
10-060: Setback Requirements – Primary Dwelling
10-070: Setback Requirements – Accessory Structures
10-080: Requirements for Accessory Structures
10-090: Height Requirements and Provisions
10-100: Access
10-110: Trash, Waste Storage, and Abandoned Vehicles
10-120: Off-Street Parking and Loading

10-010: PURPOSE

The Residential Agriculture Zone, hereinafter also referred to as the RA-5 Zone provides areas where single family residential development and associated uses may be harmoniously integrated with agricultural pursuits.

This zone is intended to allow the keeping of farm animals in conjunction with single-family dwelling units yet retain land in parcels large enough to provide efficient and attractive development or as clustered developments to encourage natural or agricultural open spaces.

The RA-5 Zone is also intended to accommodate equestrian oriented residential developments, allowing a design which could include non-commercial stables, training areas and equestrian or pedestrian trails as an integral part of the development.

10-020: PERMITTED USES

~~Table 8-1~~Table 8-1 in **Section 08-020** sets forth Allowed Uses (A), Conditional Uses (C), Temporary Uses (T), Low Impact Uses (L), and Prohibited Uses (X) for the RA-5 Zone District. Permitted uses are by right provided the parcel and buildings meet all other provisions of this Code and any other applicable ordinances of Coalville City.

10-030: LOTS OF RECORD

Lots or parcels of land, which legally existed or were created by a preliminary or final plat approval prior to the adoption of this Code, shall not be denied a building permit solely for a reason of non-conformance with the parcel or density requirements of this chapter and are declared a legal nonconforming use under this Code.

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10-040: ONE DWELLING PER LOT

No more than one (1) single-family dwelling may be placed on a lot or parcel in a residential zone, except in a zone that allows either two family or multi-family dwellings.

10-050: MINIMUM LOT STANDARDS

All lots shall be developed and all structures and uses shall be placed on lots in accordance with the following standards. Lot area for properties fronting existing streets shall include all property as described on the most recent plat of record.

~~A.~~C. **Density**. One (1) Lot Per Five Acres

~~B.~~D. **Lot Size**. Minimum lot size ¾ Acre

~~C.~~E. **Lot Frontage**. Each residential lot, parcel of land located in a zoning district shall abut along the right-of-way line of a public street for a minimum distance of one hundred (100) feet or be accessed by a Private Driveway/Road/Lane, except for a cluster type subdivision of a Master Planned Development (MPD).

10-060: SETBACK REQUIREMENTS – PRIMARY DWELLINGS

The following requirements shall apply to all dwellings and primary buildings on residential lots.

A. **Front Yard Setback**. The minimum front yard setback for all residential dwellings shall be twenty (20) feet except when located along a Major Road where the minimum setback shall be thirty (30) feet.

B. **Side Yard Setback**. The minimum side yard for all residential dwellings shall be twelve (12) feet. The minimum side yards for all residential dwellings on corner lots shall be twelve (12) feet on the side adjoining another lot and twenty (20) feet on the side adjoining the street, or thirty (30) feet along a Major Road.

C. **Rear Yard Setback**. The minimum rear yard setback for all residential dwellings shall be twelve (12) feet.

D. **Easements**. No dwelling or main building shall be located within a Platted Easement area of any kind.

E. **Height and Building Location**. No lot or parcel of land in the Residential Zones shall have a building intended for human habitants which exceeds a height of thirty-five (35) feet.

~~6~~3~~4~~.1. Silos, windmills, and other agricultural related accessory structures not used for human occupancy exceeding thirty-five (35) feet in height require lots to be a minimum 5 acres in size and receive Conditional Use approval.

10-070: SETBACK REQUIREMENTS – ACCESSORY STRUCTURES

A. **Front Setback**. No accessory structures are allowed in the front setback.

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B. **Side Setback**. no closer than three (3) feet from the side or rear property line. No accessory buildings are allowed in front of the residential dwelling, in the front setback, or in the required side yard setback of a corner lot on the side facing a street.

C. **Rear Setback**. No closer than three (3) feet from the rear property line.

D. **Height Restriction**. Any accessory structure greater than sixteen (16) feet in height shall maintain the setbacks required for a primary dwelling.

E. **Housing/Shelter of Animals**. Accessory structures used for the housing or shelter of animals shall be located a minimum distance of fifty (50) feet from any adjacent dwelling on the same lot or parcel.

~~6~~35.1. All pens, corrals, barns, coops, stables, and other similar enclosing structures to keep animals or fowl shall be located no less than one hundred fifty (150) feet from a public street and no less than one hundred (100) feet from all dwellings on adjacent lots (this provision shall not apply to pastures).

F. **Easements**. No permanent accessory structure shall be located within a platted easement area of any kind.

10-080: REQUIREMENTS FOR ACCESSORY USES

A. Private swimming pools, tennis courts, pickleball courts, and similar uses shall be allowed in a rear yard and side yard provided they are located at least twenty (20) feet from any dwelling on an adjoining lot and at least six (6) feet from any property line.

B. Detached garages and other detached accessory buildings or accessory dwelling units sixteen (16) feet or less in height are allowed as hereinafter provided. Such structures shall not cover over fifty (50) percent of the rear yard area or be located closer than three (3) feet from the property line or within a public utility easement noted on a subdivision plat.

C. Hard surfaced parking areas are allowed, provided the parking area does not cover over fifty (50%) percent of the rear yard area or is closer than three (3) feet from the property line.

D. Air conditioning units.

E. Hot tubs, decks, or similar uses eighteen (18) inches or less above grade shall be allowed in a rear yard provided they are located at least fifteen (15) feet from a dwelling on an adjoining lot and three (3) feet from the property line.

F. Circular driveways shall be permitted in required front yard areas of residential lots leading to and from a garage or carport on the property subject to the following conditions:

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~~636.~~1. Such drives shall be constructed of asphalt or concrete materials. Roto-milled asphalt material is not allowed for any driveway, road, or parking lot.

~~637.~~2. Such drives shall not be over sixteen (16) feet in width.

~~638.~~3. There shall be a landscaped area at least fifteen (15) feet in depth from the front property line to the inside of the circular drive.

~~639.~~4. Circular driveway areas are not to be used for the parking or storage of any trailer, camper, motor home, boat, or other equipment at any time.

G. Accessory driveway leading to a garage or parking area;

~~640.~~1. No portion of a required front yard setback shall be hard surfaced or graveled to encourage or make possible the parking of automobiles, except for approved accessory driveways.

~~641.~~2. Approved Accessory Driveways. only those that provide a primary entrance and/or exit to parking areas for accessory use.

~~642.~~3. Curb cuts may be allowed for approved driveways.

10-090: HEIGHT REQUIREMENTS AND PROVISIONS

The total height of a building or structure shall be measured as the vertical distance from natural grade, as defined in this Code, to the highest point of:

1. A flat roof.

~~643.~~2. The ridge of a hip or gable roof.

~~644.~~3. The deck line of a mansard roof.

In no case shall a mansard roof or the parapet wall of a flat roof extend more than eighteen (18) inches above the maximum height limitation in the zone.

Roofs not clearly fitting any of the above three classifications shall be classified by the Staff in accordance with the roof it most closely resembles. Roofs which drain to the center shall be considered as flat or mansard depending on their configuration.

To allow for roof pitches and provide usable space within the structure, the following exceptions apply:

1. Antennas, chimneys, flues, vents, or similar structures may extend up to eight (8) feet above the specified maximum height limit for the zone.

~~645.~~2. Water towers and mechanical equipment may extend up to five (5) feet above the specified maximum height limit.

~~646.~~3. Church spires, bell towers, and other architectural features, may extend over the specified maximum height limit, but shall not contain any habitable spaces above the maximum height stated. These features must be approved as part of the site plan review and approval.

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10-100: ACCESS

No more than five (5) dwellings may be constructed on a private or public road with only one point of ingress or egress.

A. All private roads must be constructed in such a manner that emergency service vehicles can operate properly upon them and include pull-outs and turnarounds as required in Chapter 31: Requirements for Improvements

B. Additionally, the City must be given the authority and ability to use the private road at any time for public safety purposes, including keys to any locked gates.

10-110: TRASH, WASTE STORAGE, AND ABANDONED VEHICLES

No trash, used materials, wrecked, or non-operational or abandoned vehicles or equipment shall be placed or stored within a public right-of-way, on any public sidewalk or in any required yard setback areas. All such materials must be screened from public streets and adjacent property or stored within an enclosed building.

All storage areas within a side yard and rear yard shall be screened from the public or adjoining residential area view by appropriate fencing or landscaping methods and placed in a rear area of the main building if possible.

No hazardous materials, chemicals or oils/solvents shall be stored in areas that do not meet Health Department regulations or are accessible to the public.

10-120: OFF-STREET PARKING AND LOADING

All residential dwellings must comply with the off-street parking provisions found in Chapter 6 herein. Generally, each residential dwelling is required to provide off-street parking for at least two (2) automobiles per unit.

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Chapter 11

LOW DENSITY RESIDENTIAL ZONE (R-1)

11-010: Purpose
11-020: Permitted Uses
11-030: Lots of Record
11-040: One Dwelling Per Lot
11-050: Minimum Lot Standards
11-060: Setback Requirements – Primary Dwelling
11-070: Setback Requirements – Accessory Structures
11-080: Requirements for Accessory Structures
11-090: Height Requirements and Provisions
11-100: Access
11-110: Landscaping
11-120: Trash, Waste, Storage, and Abandoned Vehicles
11-130: Off-Street Parking and Loading

11-010: PURPOSE

The purpose of the R-1 Zone is to provide for areas in the community characterized by low-density single-family developments. This zone is intended to be residential in nature, although typical domesticated farm animals are allowed in limited numbers pursuant to the Farm Animal Point System in Chapter 29-050. Developments in this zone are characterized by attractively landscaped single family residential lots and structures located on large lots or clustered lots with natural open space.

11-020: PERMITTED USES

~~Table 8-1~~Table 8-1 in **Section 08-020** sets forth Allowed Uses (A), Conditional Uses (C), Temporary Uses (T), Low Impact Uses (L), and Prohibited Uses (X) for the R-1 Zone District. Permitted uses are by right provided the parcel and buildings meet all other provisions of this Code and any other applicable ordinances of Coalville City.

11-030: LOTS OF RECORD

Lots or parcels of land, which legally existed or were created by a preliminary or final plat approval prior to the adoption of this Code, shall not be denied a building permit solely for a reason of non-conformance with the parcel or density requirements of this chapter and are declared a legal nonconforming use under this Code.

11-040: ONE DWELLING PER LOT

No more than one (1) single-family dwelling may be placed on a lot or parcel in a residential zone, except in a zone that allows either two family or multi-family dwellings.

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11-050: MINIMUM LOT STANDARDS

All lots shall be developed and all structures and uses shall be placed on lots in accordance with the following standards. Lot area for properties fronting existing streets shall include all property as described on the most recent plat of record.

~~A.~~C. **Density**. One (1) Lot Per Acre

~~B.~~D. **Lot Size**. Minimum lot size ½ Acre

~~C.~~E. **Lot Frontage**. Each residential lot or parcel of land located in a zoning district shall abut along the right-of-way line of a public street for a minimum distance of one hundred (100) feet or be accessed by a Private Driveway/Road/Lane, except for a cluster type subdivision of a Master Planned Development (MPD).

11-060: SETBACK REQUIREMENTS – PRIMARY DWELLINGS

The following requirements shall apply to all dwellings and primary buildings on residential lots.

A. **Front Yard Setback**. The minimum front yard setback for all residential dwellings shall be twenty (20) feet except when located along a Major Road where the minimum setback shall be thirty (30) feet.

B. **Side Yard Setback**. The minimum side yard for all residential dwellings shall be twelve (12) feet. The minimum side yards for all residential dwellings on corner lots shall be twelve (12) feet on the side adjoining another lot and twenty (20) feet on the side adjoining the street, or thirty (30) feet along a Major Road.

C. **Rear Yard Setback**. The minimum rear yard setback for all residential dwellings shall be twelve (12) feet.

D. **Easements**. No dwelling or main building shall be located within a Platted Easement area of any kind.

E. **Height and Building Location**. No lot or parcel of land in the Residential Zones shall have a building intended for human habitants which exceeds a height of thirty-five (35) feet.

~~6~~47.1. Silos, windmills, and other agricultural related accessory structures not used for human occupancy exceeding thirty-five (35) feet in height require lots to be a minimum 5 acres in size and receive Conditional Use Approval.

11-070: SETBACK REQUIREMENTS – ACCESSORY STRUCTURES

A. **Front Setback**. No accessory structures are allowed in the front setback.

B. **Side Setback**. An accessory building, allowed by this Code, shall not be located closer than three (3) feet from the side property line or in the required side yard setback of a corner lot on the side facing the street.

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C. **Rear Setback**. An accessory building, allowed by this Code, shall be located no closer than three (3) feet from the rear property line.

D. **Height Restriction**. Any accessory building greater than sixteen (16) feet in height shall maintain the setbacks required for a primary dwelling.

E. **Housing/Shelter of Animals**. Accessory buildings used for the housing or shelter of animals shall be located a minimum distance of fifty (50) feet from any adjacent dwelling on same lot.

~~6~~48.1. All pens, corrals, barns, coops, stables, and other similar enclosing structures to keep animals or fowl shall be located no less than one hundred fifty (150) feet from a public street and no less than one hundred (100) feet from all dwellings on adjacent lots (This Provision shall not apply to pastures)

F. **Easements**. No permanent accessory building shall be located within a platted easement area of any kind.

11-080: REQUIREMENTS FOR ACCESSORY USES

A. Private swimming pools, tennis courts, pickleball courts, and similar uses shall be allowed in a rear yard and side yard provided they are located at least twenty (20) feet from any dwelling on an adjoining lot and at least six (6) feet from any property line.

B. Detached garages and other detached accessory buildings or accessory dwelling units sixteen (16) feet or less in height as hereinafter provided. Such structures shall not cover over fifty (50) percent of the rear yard area or be located closer than three (3) feet from the property line or within a public utility easement if noted on a subdivision plat.

C. Hard surfaced parking areas are allowed, provided the parking area does not cover over fifty (50%) percent of the rear yard area or is closer than three (3) feet from the property line.

D. Air conditioning units.

E. Hot tubs, decks, or similar uses eighteen (18) inches or less above grade shall be allowed in a rear yard provided they are located at least fifteen (15) feet from a dwelling on an adjoining lot and three (3) feet from the property line.

F. Circular driveways shall be permitted in required front yard areas of residential lots leading to and from a garage or carport on the property subject to the following conditions:

~~6~~49.1. Such drives shall be constructed of asphalt or concrete materials. Roto-milled asphalt material is not allowed for any driveway, road, or parking lot.

~~6~~50.2. Such drives shall not be over sixteen (16) feet in width.

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651.3. There shall be a landscaped area at least fifteen (15) feet in depth from the front property line to the inside of the circular drive.

652.4. Circular driveway areas are not to be used for the parking or storage of any trailer, camper, motor home, boat, or other equipment at any time.

G. Accessory driveway leading to a garage or parking area;

653.1. No portion of a required front yard setback shall be hard surfaced or graveled to encourage or make possible the parking of automobiles, except for approved accessory driveways.

654.2. Approved Accessory Driveways. only those that provide a primary entrance and/or exit to parking areas for accessory use.

655.3. Curb cuts may be allowed for approved driveways.

11-090: HEIGHT REQUIREMENTS AND PROVISIONS

The total height of a building or structure shall be measured as the vertical distance from the natural grade, as defined in this Code, to the highest point of

1. A flat roof

656.2. The ridge of a hip or gable roof

657.3. The deck line of a mansard roof.

In no case shall a mansard roof or the parapet wall of a flat roof extend more than eighteen (18) inches above the maximum height limitation in the zone.

Roofs not clearly fitting any of the above three classifications shall be classified by the Staff in accordance with the roof it most closely resembles. Roofs which drain to the center shall be considered as flat or mansard depending on their configuration.

To allow for roof pitches and provide usable space within the structure, the following exceptions apply:

1. Antennas, chimneys, flues, vents, or similar structures may extend up to eight (8) feet above the specified maximum height limit for the zone.

658.2. Water towers and mechanical equipment may extend up to five (5) feet above the specified maximum height limit.

659.3. Church spires, bell towers, and similar architectural features, may extend over the specified maximum height limit, but shall not contain any habitable spaces above the maximum zone height stated. These features must be approved as part of the site plan review and approval.

11-100: ACCESS

A. No more than five (5) dwellings may be constructed on a private road, or a road with only one point of ingress or egress.

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B. All private roads must be constructed in such a manner that emergency service vehicles can operate properly upon them and include pull-outs and turnarounds as required in Chapter 31: Requirements for Improvements.

C. Additionally, the City must be given the authority and ability to use the private road at any time for public safety purposes, including keys to any locked gates.

11-110: LANDSCAPING

All property located in front of the residential structure and the front setback, except driveways, parking areas, walkways, utility areas, improved decks, patios, porches, shall be maintained with suitable landscaping of plants, shrubs, trees, grass or other approved landscaping materials.

11-120: TRASH, WASTE STORAGE AND ABANDONED VEHICLES

No trash, used materials, wrecked, non-operational or abandoned vehicles or equipment shall be placed or stored within a public right-of-way, on any public sidewalk or in any required yard setback areas.

All such materials must be screened from public streets and adjacent property or stored within an enclosed building. All storage areas within a side yard and rear yard shall be screened from the public or adjoining residential area view by appropriate fencing or landscaping methods and placed in a rear area of the main building if possible.

No hazardous materials, chemicals or oils/solvents shall be stored in areas that do not meet Health Department regulations or are accessible to the public.

11-130: OFF-STREET PARKING AND LOADING

All residential dwellings must comply with the off-street parking provisions found in Chapter 6 of this Code. Generally, each residential dwelling is required to provide off-street parking for at least two (2) automobiles per unit.

Boats, trailers, campers, and motor homes may not be stored in the front yard setback, the side yard setback of a corner lot, or in the street in front of a lot, for excess of twenty-four (24) hours. A vehicle owned by a guest of the resident may be stored in a required front yard setback or side yard setback of a corner lot for up to seven (7) consecutive days per calendar quarter.

No trucks, motor vehicles, commercial trailers, construction vehicles and similar equipment having a registered weight equal to or exceeding twelve thousand (12,000) pounds, shall be stored, or parked in the front, or side yard of any residential lot or parcel, except the Agriculture and Residential Agriculture Zones.

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Chapter 12

MEDIUM DENSITY RESIDENTIAL ZONE (R-2)

12-010: Purpose
12-020: Permitted Uses
12-030: Lots of Record
12-040: One Dwelling Per Lot
12-050: Minimum Lot Standards
12-060: Setback Requirements – Primary Dwelling
12-070: Setback Requirements – Accessory Structures
12-080: Requirements for Accessory Structures
12-090: Height Requirements and Provisions
12-100: Access
12-110: Landscaping
12-120: Trash, Waste, Storage, and Abandoned Vehicles
12-130: Off-Street Parking and Loading

12-010: PURPOSE

The purpose of the R-2 Zone is to provide areas in the community characterized by medium density single family developments. This zone is intended to be residential in nature and typical domesticated farm animals are only allowed in accordance with the Farm Animal Point System in Chapter 29-050. Developments in this zone are characterized by attractively landscaped single family residential lots and structures located on medium sized lots or clustered lots with natural open space.

12-020: PERMITTED USES

~~Table 8-1~~Table 8-1 in **Section 08-020** sets forth Allowed Uses (A), Conditional Uses (C), Temporary Uses (T), Low Impact Uses (L), and Prohibited Uses (X) for the R-2 Zone District. Permitted uses are by right provided the parcel and buildings meet all other provisions of this Code and any other applicable ordinances of Coalville City.

12-030: LOTS OF RECORD

Lots or parcels of land, which legally existed or were created by a preliminary or final plat approval prior to the adoption of this Code, shall not be denied a building permit solely for a reason of non-conformance with the parcel or density requirements of this chapter and are declared a legal nonconforming use under this Code.

12-040: ONE DWELLING PER LOT

No more than one (1) single-family dwelling may be placed on a lot or parcel in a residential zone, except in a zone that allows either two family or multi-family dwellings.

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12-050: MINIMUM LOT STANDARDS

Lot area for properties fronting existing streets shall include all property as described on the most recent plat of record.

All lots shall be developed in accordance with the following standards:

~~A.~~D. **Density**. Two (2) Lots Per Acre

~~B.~~E. **Lot Size**. Minimum 1/3 acre

~~C.~~F. **Lot Frontage**. Each residential lot, or parcel of land located in a zoning district shall abut along the right-of-way line of a public street for a minimum distance of one hundred (100) feet or be accessed by a Private Road/Lane, except for a cluster type subdivision of a Master Planned Development (MPD).

12-060: SETBACK REQUIREMENTS – PRIMARY DWELLINGS

The following requirements shall apply to all dwellings and primary buildings on residential lots.

A. **Front Yard Setback**. The minimum front yard setback for all residential dwellings shall be twenty (20) feet except when located along a Major Road where the minimum setback shall be thirty (30) feet.

B. **Side Yard Setback**. The minimum side yard for all residential dwellings shall be twelve (12) feet. The minimum side yards for all residential dwellings on corner lots shall be twelve (12) feet on the side adjoining another lot and twenty (20) feet on the side adjoining the street, or thirty (30) feet along a Major Road.

C. **Rear Yard Setback**. The minimum rear yard setback for all residential dwellings shall be twelve (12) feet.

D. **Easements**. No dwelling or main building shall be located within a Platted Easement area of any kind.

E. **Height and Building Location**. No lot or parcel of land in the Residential Zones shall have a building intended for human habitants which exceeds a height of thirty-five (35) feet.

~~660.~~1. Silos, windmills, and other agricultural related accessory structures not used for human occupancy exceeding thirty-five (35) feet in height require lots to be a minimum 5 acres in size and receive Conditional Use Approval.

12-070: SETBACK REQUIREMENTS – ACCESSORY STRUCTURES

A. **Front Setback**. No accessory structures are allowed in the front setback.

B. **Side Setback**. An accessory building, allowed by this Code, shall not be located closer than three (3) feet from the side property line or in the required side yard setback of a corner lot on the side facing the street.

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C. **Rear Setback**. An accessory building, allowed by this Code, shall be located no closer than three (3) feet from the rear property line.

D. **Height Restriction**. Any accessory building greater than sixteen (16) feet in height shall maintain the setbacks required for a primary dwelling.

E. **Housing/Shelter of Animals**. Accessory buildings used for the housing or shelter of animals shall be located a minimum distance of fifty (50) feet from any adjacent dwelling on same lot.

~~6~~61. All pens, corrals, barns, coops, stables, and other similar enclosing structures to keep animals or fowl shall be located no less than one hundred fifty (150) feet from a public street and no less than one hundred (100) feet from all dwellings on adjacent lots (This Provision shall not apply to pastures)

F. **Easements**. No permanent accessory building shall be located within a platted easement area of any kind.

12-080: REQUIREMENTS FOR ACCESSORY USES

A. Private swimming pools, tennis courts, pickleball courts, and similar uses shall be allowed in a rear yard and side yard provided they are located at least twenty (20) feet from any dwelling on an adjoining lot and at least six (6) feet from any property line.

B. Detached garages and other detached accessory buildings or accessory dwelling units sixteen (16) feet or less in height as hereinafter provided. Such structures shall not cover over fifty (50) percent of the rear yard area or be located closer than three (3) feet from the property line or within a public utility easement if noted on a subdivision plat.

C. Hard surfaced parking areas are allowed, provided the parking area does not cover over fifty (50%) percent of the rear yard area or is closer than three (3) feet from the property line.

D. Air conditioning units.

E. Hot tubs, decks, or similar uses eighteen (18) inches or less above grade shall be allowed in a rear yard provided they are located at least fifteen (15) feet from a dwelling on an adjoining lot and three (3) feet from the property line.

F. Circular driveways shall be permitted in required front yard areas of residential lots leading to and from a garage or carport on the property subject to the following conditions:

~~6~~62. Such drives shall be constructed of asphalt or concrete materials. Roto-milled asphalt material is not allowed for any driveway, road, or parking lot.

~~6~~63. Such drives shall not be over sixteen (16) feet in width.

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~~664.~~3. There shall be a landscaped area at least fifteen (15) feet in depth from the front property line to the inside of the circular drive.

~~665.~~4. Circular driveway areas are not to be used for the parking or storage of any trailer, camper, motor home, boat, or other equipment at any time.

G. Accessory driveway leading to a garage or parking area;

~~666.~~1. No portion of a required front yard setback shall be hard surfaced or graveled to encourage or make possible the parking of automobiles, except for approved accessory driveways.

~~667.~~2. Approved Accessory Driveways. only those that provide a primary entrance and/or exit to parking areas for accessory use.

~~668.~~3. Curb cuts may be allowed for approved driveways.

12-090: HEIGHT REQUIREMENTS AND PROVISIONS

The total height of a building or structure shall be measured as the vertical distance from the natural grade, as defined in this Code, to the highest point of

1. A flat roof

~~669.~~2. The ridge of a hip or gable roof

~~670.~~3. The deck line of a mansard roof.

In no case shall a mansard roof or the parapet wall of a flat roof extend more than eighteen (18) inches above the maximum height limitation in the zone.

Roofs not clearly fitting any of the above three classifications shall be classified by the Staff in accordance with the roof it most closely resembles. Roofs which drain to the center shall be considered as flat or mansard depending on their configuration.

To allow for roof pitches and provide usable space within the structure, the following exceptions apply:

1. Antennas, chimneys, flues, vents, or similar structures may extend up to eight (8) feet above the specified maximum height limit for the zone.

~~671.~~2. Water towers and mechanical equipment may extend up to five (5) feet above the specified maximum height limit.

~~672.~~3. Church spires, bell towers, and similar architectural features, may extend over the specified maximum height limit, but shall not contain any habitable spaces above the maximum zone height stated. These features must be approved as part of the site plan review and approval.

12-100: ACCESS

No more than five (5) dwellings may be constructed on a private road, or a road with only one point of ingress or egress.

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A. All private roads must be constructed in such a manner that emergency service vehicles can operate properly upon them and include pull-outs and turnarounds as required in Chapter 31: Requirements for Improvements.

B. Additionally, the City must be given the authority and ability to use the private road at any time for public safety purposes, including keys to any locked gates.

12-110: LANDSCAPING

All property located in front of the residential structure and the front setback, except driveways, parking areas, walkways, utility areas, improved decks, patios, porches, shall be maintained with suitable landscaping of plants, shrubs, trees, grass or other approved landscaping materials.

12-120: TRASH, WASTE STORAGE AND ABANDONED VEHICLES

No trash, used materials, wrecked, non-operational or abandoned vehicles or equipment shall be placed or stored within a public right-of-way, on any public sidewalk or in any required yard setback areas.

All such materials must be screened from public streets and adjacent property or stored within an enclosed building. All storage areas within a side yard and rear yard shall be screened from the public or adjoining residential area view by appropriate fencing or landscaping methods and placed in a rear area of the main building if possible.

No hazardous materials, chemicals or oils/solvents shall be stored in areas that do not meet Health Department regulations or are accessible to the public.

12-130: OFF-STREET PARKING AND LOADING

All residential dwellings must comply with the off-street parking provisions found in Chapter 6 of this Code. Generally, each residential dwelling is required to provide off-street parking for at least two (2) automobiles per unit.

Boats, trailers, campers, and motor homes may not be stored in the front yard setback, the side yard setback of a corner lot, or in the street in front of a lot, for excess of twenty-four (24) hours. A vehicle owned by a guest of the resident may be stored in a required front yard setback or side yard setback of a corner lot for up to seven (7) consecutive days per calendar quarter.

No trucks, motor vehicles, commercial trailers, construction vehicles and similar equipment having a registered weight equal to or exceeding twelve thousand (12,000) pounds, shall be stored, or parked in the front, or side yard of any residential lot or parcel, except the Agriculture and Residential Agriculture Zones.

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Chapter 13

HIGH DENSITY RESIDENTIAL (R-4)

13-010: Purpose
13-020: Permitted Uses
13-030: Lots of Record
13-040: One Dwelling Per Lot
13-050: Minimum Lot Standards
13-060: Setback Requirements – Primary Dwelling
13-070: Setback Requirements – Accessory Structures
13-080: Requirements for Accessory Structures
13-090: Height Requirements and Provisions
13-100: Access
13-110: Landscaping
13-120: Trash, Waste, Storage, and Abandoned Vehicles
13-130: Off-Street Parking and Loading

13-010: PURPOSE

The purpose of the R-4 Zone is to provide areas of the community characterized by higher density single family and two-family developments. This zone is intended to be residential in nature and typical domesticated farm animals are only allowed in accordance with the Farm Animal Point System in Chapter 29-050. Developments in this zone are characterized by attractively landscaped single family and two-family residential dwellings located on relatively small lots or clustered lots to provide open space.

13-020: PERMITTED USES

~~Table 8-1~~Table 8-1 in **Section 08-020** sets forth Allowed Uses (A), Conditional Uses (C), Temporary Uses (T), Low Impact Uses (L), and Prohibited Uses (X) for the R-4 Zone District. Permitted uses are by right provided the parcel and buildings meet all other provisions of this Code and any other applicable ordinances of Coalville City.

13-030: LOTS OF RECORD

Lots or parcels of land, which legally existed or were created by a preliminary or final plat approval prior to the adoption of this Code, shall not be denied a building permit solely for a reason of non-conformance with the parcel or density requirements of this chapter and are declared a legal nonconforming use under this Code.

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13-040: ONE DWELLING PER LOT

No more than one (1) single-family dwelling may be placed on a lot or parcel in a residential zone, except in a zone that allows either two family or multi-family dwellings.

13-050: MINIMUM LOT STANDARDS

Lot area for properties fronting existing streets shall include all property as described on the most recent plat of record.

All lots shall be developed and all structures and uses shall be placed on lots in accordance with the following lot standards:

~~A.~~C. **Density**. Maximum Four (4) Lots/Units Per Acre

~~B.~~D. **Lot Size**. Minimum lot size ¼ Acre

~~C.~~E. **Lot Frontage**. Each residential lot, or parcel of land located in a zoning district shall abut along the right-of-way line of a public street for a minimum distance of eighty-five (85) feet or be accessed by a private Driveway/Road/Lane, except for a cluster type subdivision of a Master Planned Development (MPD).

13-060: SETBACK REQUIREMENTS – PRIMARY DWELLINGS

The following requirements shall apply to all dwellings and primary buildings on residential lots.

A. **Front Yard Setback**. The minimum front yard setback for all residential dwellings shall be twenty (20) feet except when located along a Major Road where the minimum setback shall be thirty (30) feet.

B. **Side Yard Setback**. The minimum side yard for all residential dwellings shall be twelve (12) feet. The minimum side yards for all residential dwellings on corner lots shall be twelve (12) feet on the side adjoining another lot and twenty (20) feet on the side adjoining the street, or thirty (30) feet along a Major Road.

C. **Rear Yard Setback**. The minimum rear yard setback for all residential dwellings shall be twelve (12) feet.

D. **Easements**. No dwelling or main building shall be located within a Platted Easement area of any kind.

E. **Height and Building Location**. No lot or parcel of land in the Residential Zones shall have a building intended for human habitants which exceeds a height of thirty-five (35) feet.

~~6~~73.1. Silos, windmills, and other agricultural related accessory structures not used for human occupancy exceeding thirty-five (35) feet in height require lots to be a minimum 5 acres in size and receive Conditional Use Approval.

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13-070: SETBACK REQUIREMENTS – ACCESSORY STRUCTURES

A. **Front Setback**. No accessory structures are allowed in the front setback.

B. **Side Setback**. An accessory building, allowed by this Code, shall not be located closer than three (3) feet from the side property line or in the required side yard setback of a corner lot on the side facing the street.

C. **Rear Setback**. An accessory building, allowed by this Code, shall be located no closer than three (3) feet from the rear property line.

D. **Height Restriction**. Any accessory building greater than sixteen (16) feet in height shall maintain the setbacks required for a primary dwelling.

E. **Housing/Shelter of Animals**. Accessory buildings used for the housing or shelter of animals shall be located a minimum distance of fifty (50) feet from any adjacent dwelling on same lot.

~~6~~74.1. All pens, corrals, barns, coops, stables, and other similar enclosing structures to keep animals or fowl shall be located no less than one hundred fifty (150) feet from a public street and no less than one hundred (100) feet from all dwellings on adjacent lots (This Provision shall not apply to pastures)

F. **Easements**. No permanent accessory building shall be located within a platted easement area of any kind.

13-080: REQUIREMENTS FOR ACCESSORY USES

A. Private swimming pools, tennis courts, pickleball courts, and similar uses shall be allowed in a rear yard and side yard provided they are located at least twenty (20) feet from any dwelling on an adjoining lot and at least six (6) feet from any property line.

B. Detached garages and other detached accessory buildings or accessory dwelling units sixteen (16) feet or less in height as hereinafter provided. Such structures shall not cover over fifty (50) percent of the rear yard area or be located closer than three (3) feet from the property line or within a public utility easement if noted on a subdivision plat.

C. Hard surfaced parking areas are allowed, provided the parking area does not cover over fifty (50%) percent of the rear yard area or is closer than three (3) feet from the property line.

D. Air conditioning units.

E. Hot tubs, decks, or similar uses eighteen (18) inches or less above grade shall be allowed in a rear yard provided they are located at least fifteen (15) feet from a dwelling on an adjoining lot and three (3) feet from the property line.

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F. Circular driveways shall be permitted in required front yard areas of residential lots leading to and from a garage or carport on the property subject to the following conditions:

~~675.~~1. Such drives shall be constructed of asphalt or concrete materials. Roto-milled asphalt material is not allowed for any driveway, road, or parking lot.

~~676.~~2. Such drives shall not be over sixteen (16) feet in width.

~~677.~~3. There shall be a landscaped area at least fifteen (15) feet in depth from the front property line to the inside of the circular drive.

~~678.~~4. Circular driveway areas are not to be used for the parking or storage of any trailer, camper, motor home, boat, or other equipment at any time.

G. Accessory driveway leading to a garage or parking area;

~~679.~~1. No portion of a required front yard setback shall be hard surfaced or graveled to encourage or make possible the parking of automobiles, except for approved accessory driveways.

~~680.~~2. Approved Accessory Driveways. only those that provide a primary entrance and/or exit to parking areas for accessory use.

~~681.~~3. Curb cuts may be allowed for approved driveways.

13-090: HEIGHT REQUIREMENTS AND PROVISIONS

The total height of a building or structure shall be measured as the vertical distance from the natural grade, as defined in this Code, to the highest point of

1. A flat roof

~~682.~~2. The ridge of a hip or gable roof

~~683.~~3. The deck line of a mansard roof.

In no case shall a mansard roof or the parapet wall of a flat roof extend more than eighteen (18) inches above the maximum height limitation in the zone.

Roofs not clearly fitting any of the above three classifications shall be classified by the Staff in accordance with the roof it most closely resembles. Roofs which drain to the center shall be considered as flat or mansard depending on their configuration.

To allow for roof pitches and provide usable space within the structure, the following exceptions apply:

1. Antennas, chimneys, flues, vents, or similar structures may extend up to eight (8) feet above the specified maximum height limit for the zone.

~~684.~~2. Water towers and mechanical equipment may extend up to five (5) feet above the specified maximum height limit.

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~~6~~85.3. Church spires, bell towers, and similar architectural features, may extend over the specified maximum height limit, but shall not contain any habitable spaces above the maximum zone height stated. These features must be approved as part of the site plan review and approval.

13-100: ACCESS

No more than five (5) dwellings may be constructed on a private road, or a road with only one point of ingress or egress.

A. All private roads must be constructed in such a manner that emergency service vehicles can operate properly upon them and include pull-outs and turnarounds as required in Chapter 31: Requirements for Improvements.

B. Additionally, the City must be given the authority and ability to use the private road at any time for public safety purposes, including keys to any locked gates.

13-110: LANDSCAPING

All property located in front of the residential structure and the front setback, except driveways, parking areas, walkways, utility areas, improved decks, patios, porches, shall be maintained with suitable landscaping of plants, shrubs, trees, grass or other approved landscaping materials.

13-120: TRASH, WASTE STORAGE AND ABANDONED VEHICLES

No trash, used materials, wrecked, non-operational or abandoned vehicles or equipment shall be placed or stored within a public right-of-way, on any public sidewalk or in any required yard setback areas.

All such materials must be screened from public streets and adjacent property or stored within an enclosed building. All storage areas within a side yard and rear yard shall be screened from the public or adjoining residential area view by appropriate fencing or landscaping methods and placed in a rear area of the main building if possible.

No hazardous materials, chemicals or oils/solvents shall be stored in areas that do not meet Health Department regulations or are accessible to the public.

13-130: OFF-STREET PARKING AND LOADING

All residential dwellings must comply with the off-street parking provisions found in Chapter 6 of this Code. Generally, each residential dwelling is required to provide off-street parking for at least two (2) automobiles per unit.

Boats, trailers, campers, and motor homes may not be stored in the front yard setback, the side yard setback of a corner lot, or in the street in front of a lot, for excess of twenty-four (24) hours. A vehicle owned by a guest of the resident may be stored in a required front yard setback or side yard setback of a corner lot for up to seven (7) consecutive days per calendar quarter.

No trucks, motor vehicles, commercial trailers, construction vehicles and similar equipment having a registered weight equal to or exceeding twelve thousand

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(12,000) pounds, shall be stored, or parked in the front, or side yard of any residential lot or parcel, except the Agriculture and Residential Agriculture Zones.

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Chapter 14

VERY HIGH DENSITY RESIDENTIAL (R-8)

14-010: Purpose
14-020: Permitted Uses
14-030: Lots of Record
14-040: One Dwelling Per Lot
14-050: Minimum Lot Standards
14-060: Setback Requirements - Primary Dwellings
14-070: Setback Requirements - Accessory Structures
14-080: Requirements for Accessory Uses
14-090: Height Requirements and Provisions
14-100: Access
14-110: Landscaping
14-120: Trash, Waste Storage and Abandoned Vehicles
14-130: Off-Street Parking and Loading

14-010: PURPOSE

The purpose of the R-8 Zone is to provide areas of the community characterized by high density developments. This zone is residential in nature and typical domesticated farm animals are not allowed. Developments in this zone are characterized by attractively landscaped multi-family residential dwellings located in a planned project providing recreational amenities and open spaces.

14-020: PERMITTED USES

~~Table 8-1~~Table 8-1 in **Section 08-020** sets forth Allowed Uses (A), Conditional Uses (C), Temporary Uses (T), Low Impact Uses (L), and Prohibited Uses (X) for the R-8 Zone District. Permitted uses are by right provided the parcel and buildings meet all other provisions of this Code and any other applicable ordinances of Coalville City.

14-030: LOTS OF RECORD

Lots or parcels of land, which legally existed or were created by a preliminary or final plat approval prior to the adoption of this Code, shall not be denied a building permit solely for a reason of non-conformance with the parcel or density requirements of this chapter and are declared a legal nonconforming use under this Code.

14-040: ONE DWELLING PER LOT

No more than one (1) single-family dwelling may be placed on a lot or parcel in a residential zone, except in a zone that allows either two family or multi-family dwellings.

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14-050: MINIMUM LOT STANDARDS

All lots shall be developed and all structures and uses shall be placed on lots in accordance with the following lot standards, Lot area for properties fronting existing streets shall include all property as described on the most recent plat of record.

~~A.~~C. **Density**. Maximum Eight (8) Lots/Units per Acre

~~B.~~D. **Lot Size**. Minimum lot size 1/8 Acre

~~C.~~E. **Lot Frontage**. Each residential lot, or parcel of land located in a zoning district shall abut along the right-of-way line of a public street for a minimum distance of sixty-five (65) feet or be accessed by a private Driveway/Road/Lane, except for a cluster type subdivision of a Master Planned Development (MPD).

14-060: SETBACK REQUIREMENTS – PRIMARY DWELLINGS

The following requirements shall apply to all dwellings and primary buildings on residential lots.

~~A.~~E. **Front Yard Setback**. The minimum front yard setback for all residential dwellings shall be twenty (20) feet except when located along a Major Road where the minimum setback shall be thirty (30) feet.

~~B.~~F. **Side Yard Setback**. The minimum side yard for all residential dwellings shall be twelve (12) feet. The minimum side yards for all residential dwellings on corner lots shall be twelve (12) feet on the side adjoining another lot and twenty (20) feet on the side adjoining the street, or thirty (30) feet along a Major Road.

~~C.~~G. **Rear Yard Setback**. The minimum rear yard setback for all residential dwellings shall be twelve (12) feet.

~~D.~~H. **Easements**. No dwelling or main building shall be located within a Platted Easement area of any kind.

~~E.~~I. **Height and Building Location**. No lot or parcel of land in the Residential Zones shall have a building intended for human habitants which exceeds a height of thirty-five (35) feet.

1. Silos, windmills, and other agricultural related accessory structures not used for human occupancy exceeding thirty-five (35) feet in height require lots to be a minimum 5 acres in size and receive Conditional Use Approval.

14-070: SETBACK REQUIREMENTS – ACCESSORY STRUCTURES

A. **Front Setback**. No accessory structures are allowed in the front setback.

B. **Side Setback**. An accessory building, allowed by this Code, shall not be located closer than three (3) feet from the side property line or in the required side yard setback of a corner lot on the side facing the street.

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C. **Rear Setback**. An accessory building, allowed by this Code, shall be located no closer than three (3) feet from the rear property line.

D. **Height Restriction**. Any accessory building greater than sixteen (16) feet in height shall maintain the setbacks required for a primary dwelling.

E. **Easements**. No permanent accessory building shall be located within a platted easement area of any kind.

14-080: REQUIREMENTS FOR ACCESSORY USES

A. Private swimming pools, tennis courts, pickleball courts, and similar uses shall be allowed in a rear yard and side yard provided they are located at least twenty (20) feet from any dwelling on an adjoining lot and at least six (6) feet from any property line.

B. Detached garages and other detached accessory buildings or accessory dwelling units sixteen (16) feet or less in height as hereinafter provided. Such structures shall not cover over fifty (50) percent of the rear yard area or be located closer than three (3) feet from the property line or within a public utility easement if noted on a subdivision plat.

C. Hard surfaced parking areas are allowed, provided the parking area does not cover over fifty (50%) percent of the rear yard area or is closer than three (3) feet from the property line.

D. Air conditioning units.

E. Hot tubs, decks, or similar uses eighteen (18) inches or less above grade shall be allowed in a rear yard provided they are located at least fifteen (15) feet from a dwelling on an adjoining lot and three (3) feet from the property line.

F. Circular driveways shall be permitted in required front yard areas of residential lots leading to and from a garage or carport on the property subject to the following conditions:

~~2.~~1. Such drives shall be constructed of asphalt or concrete materials. Roto-- milled asphalt material is not allowed for any driveway, road, or parking lot.

~~3.~~2. Such drives shall not be over sixteen (16) feet in width.

~~4.~~3. There shall be a landscaped area at least fifteen (15) feet in depth from the front property line to the inside of the circular drive.

~~5.~~4. Circular driveway areas are not to be used for the parking or storage of any trailer, camper, motor home, boat, or other equipment at any time.

G. Accessory driveway leading to a garage or parking area;

~~6.~~1. No portion of a required front yard setback shall be hard surfaced or graveled to encourage or make possible the parking of automobiles, except for approved accessory driveways.

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~~7.~~2. Approved Accessory Driveways. only those that provide a primary entrance and/or exit to parking areas for accessory use.

~~8.~~3. Curb cuts may be allowed for approved driveways.

14-090: HEIGHT REQUIREMENTS AND PROVISIONS

The total height of a building or structure shall be measured as the vertical distance from the natural grade, as defined in this Code, to the highest point of

1. A flat roof

~~9.~~2. The ridge of a hip or gable roof

~~10.~~3. The deck line of a mansard roof.

In no case shall a mansard roof or the parapet wall of a flat roof extend more than eighteen (18) inches above the maximum height limitation in the zone.

Roofs not clearly fitting any of the above three classifications shall be classified by the Staff in accordance with the roof it most closely resembles. Roofs which drain to the center shall be considered as flat or mansard depending on their configuration.

To allow for roof pitches and provide usable space within the structure, the following exceptions apply:

1. Antennas, chimneys, flues, vents, or similar structures may extend up to eight (8) feet above the specified maximum height limit for the zone.

~~11.~~2. Water towers and mechanical equipment may extend up to five (5) feet above the specified maximum height limit.

~~12.~~3. Church spires, bell towers, and similar architectural features, may extend over the specified maximum height limit, but shall not contain any habitable spaces above the maximum zone height stated. These features must be approved as part of the site plan review and approval.

14-100: ACCESS

No more than five (5) dwellings may be constructed on a private road, or a road with only one point of ingress or egress.

A. All private roads must be constructed in such a manner that emergency service vehicles can operate properly upon them and include pull-outs and turnarounds as required in Chapter 31: Requirements for Improvements.

B. Additionally, the City must be given the authority and ability to use the private road at any time for public safety purposes, including keys to any locked gates.

14-110: LANDSCAPING

All property located in front of the residential structure and the front setback, except driveways, parking areas, walkways, utility areas, improved decks, patios, porches,

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shall be maintained with suitable landscaping of plants, shrubs, trees, grass, or other approved landscaping materials.

14-120: TRASH, WASTE STORAGE AND ABANDONED VEHICLES

No trash, used materials, wrecked, non-operational or abandoned vehicles or equipment shall be placed or stored within a public right-of-way, on any public sidewalk or in any required yard setback areas.

All such materials must be screened from public streets and adjacent property or stored within an enclosed building. All storage areas within a side yard and rear yard shall be screened from the public or adjoining residential area view by appropriate fencing or landscaping methods and placed in a rear area of the main building if possible.

No hazardous materials, chemicals or oils/solvents shall be stored in areas that do not meet Health Department regulations or are accessible to the public.

14-130: OFF-STREET PARKING AND LOADING

All residential dwellings must comply with the off-street parking provisions found in Chapter 6 of this Code. Generally, each residential dwelling is required to provide off-street parking for at least two (2) automobiles per unit.

Boats, trailers, campers, and motor homes may not be stored in the front yard setback, the side yard setback of a corner lot, or in the street in front of a lot, for excess of twenty-four (24) hours. A vehicle owned by a guest of the resident may be stored in a required front yard setback or side yard setback of a corner lot for up to seven (7) consecutive days per calendar quarter.

No trucks, motor vehicles, commercial trailers, construction vehicles and similar equipment having a registered weight equal to or exceeding twelve thousand (12,000) pounds, shall be stored, or parked in the front, or side yard of any residential lot or parcel, except the Agriculture and Residential Agriculture Zones.

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Chapter 15

COMMERCIAL DISTRICT (CC, HC) ZONES

15-010: Purpose
15-020: Permitted Uses
15-030: Residential Uses within Commercial Zones
15-040: Area, Width, Frontage, Yard, and Coverage Regulations
15-050: Height Regulations
15-060: Protection of Residential Property - Setbacks
15-070: Landscaping
15-080: Parking
15-090: Signs
15-100: Special Provisions
15-110: Trash, Waste Storage and Abandoned Vehicles

15-010: PURPOSE

The purpose of the Commercial Zones is to create orderly, efficient, aesthetic, and appropriate commercial developments which will support and enhance the Coalville City Community and preserve the rural, small-town character. The Following Zones are hereby created under this Code and may be collectively referred to as the Commercial Zones.

~~A.~~C. **Community Commercial (CC) Zone**. The purpose of the CC Zone is to encourage commercial and retail development. ~~businesses~~Businesses that provide services directly to the residents of Coalville are highly encouraged. Transportation, parking, and other site design issues may limit the types of businesses approved in the CC Zone. The location of the CC Zone is designed to provide a focal point for the community downtown center of Coalville City and provide convenient pedestrian and vehicle access without hazards and conflicts in residential neighborhoods.

The provisions contained herein will be used to encourage greater integrity and aesthetic improvements as these areas are developed, redeveloped, and improved. Integrated and coordinated landscaping, parking, access, signing and building designs will be considered. New construction should be in harmony with the historic characteristics of the community. The use characteristics of this zone are small retail, office, business/service stores and shops. Parking must conform to Chapter 6 herein and is encouraged to be located at the side or behind buildings. This zone is commercial in nature and typical domesticated farm animals are not allowed.

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Approval procedures, landscaping requirements and design guidelines are applicable in the CC Zone. These regulations can be found under Special Provisions herein.

~~B.~~D. **Highway Commercial (HC) Zone.** The HC Zone was established to provide for the service commercial needs of motorists on Interstate 80. The location of the HC Zone is in close proximity to the off-ramps of Interstate 80, which provide convenient access for higher traffic volumes without hazards and without traversing through residential areas. The use characteristics of this zone are highway service, limited retail, convenience stores, and shops. Sign standards are provided for in Chapter 27. This zone is commercial in nature and typical domesticated farm animals are not allowed.

15-020: PERMITTED USES

~~Table 8-1~~Table 8-1 in **Section 08-020** sets forth Allowed Uses (A), Conditional Uses (C), Temporary Uses (T), Low Impact Uses (L), and Prohibited Uses (X) for the CC and HC Zone Districts. Permitted uses are by right provided the parcel and buildings meet all other provisions of this Code and any other applicable ordinances of Coalville City.

15-030: RESIDENTIAL USES WITHIN COMMERCIAL ZONES

Any proposed Residential Use or Development within the Community Commercial (CC) Zone shall be subject to the R-8 Zoning provisions contained in Chapter 14. Residential uses in the Highway Commercial (HC) Zone are not allowed.

15-040: AREA, WIDTH, FRONTAGE, YARD, AND COVERAGE

A. The area, width, frontage, and yard standards shall be regulated by the following, except that no commercial use building shall be located closer than fifteen (15) feet to any residential district boundary line or to any public right-of-way that continues as frontage into a residential district within the same City block, not including Main Street, unless in compliance with the exception noted below through a conditional use permit.

Exception. A commercial building that meets all the following requirements:

- Not greater than two thousand (2,000) square feet in area.
- Less than twenty (20) feet in height.
- Built with materials that are aesthetically compatible to a residential district.
- Located adjacent to a residential lot rear or side yard.
- In the opinion of the Planning Commission does not adversely affect the residential district due to noise, odor, or similar nuisances.

B. **Lot Frontage**. Each lot or parcel of land in the Commercial Zones shall have adequate frontage on a public street; except for residential lots accessed by a private driveway.

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C. **Lot Area**. Lot area requirements in the Commercial Zones shall be dictated by off-street parking, adequate circulation, and site design requirements. The maximum floor area ratio shall not exceed sixty percent (60%) of the lot or parcel.

D. **Lot Width**. There shall be no requirements for lot width, provided all off-street parking and circulation regulations can be satisfied.

15-050: HEIGHT REGULATIONS

The maximum height for all buildings and structures shall be thirty-five (35) feet.

15-060: PROTECTION OF RESIDENTIAL PROPERTY - SETBACKS

A. Where a commercial development adjoins any residential zone or residential use, there shall be provided along the adjoining property line a six (6) foot solid fence or masonry wall. A fence or wall is not required along the adjoining property line in the required front yard setback.

~~13.~~1. If a fence or wall is installed along the property line in the required front yard setback it shall comply with the height and location standards as referenced in the Regulations Governing Fences and Walls Section of this Code.

B. Where a multiple family residential development adjoins any single-family residential use, there shall be provided along the adjoining property line a six (6) foot solid fence or masonry wall (chain link fencing with slats is not considered a solid fence or wall for purposes of this Section). A fence or wall is not required along the adjoining property line in the required front yard setback.

~~14.~~1. If a fence or wall is installed along the property line in the required front yard setback it shall comply with the height and location standards as referenced in the Regulations Governing Fences and Walls Chapter of the Code.

C. **Front-Yard Setback**. Each structure in the Commercial Zones shall be located at least twenty (20) feet from the edge of any public street, provided however, that no off-street parking shall be located closer than ten (10) feet from any public street. Commercial structures within the Historic District along Main Street do not require a front setback and may be located adjacent to the public sidewalk.

D. **Side-Yard Setback**. Each structure in the Commercial Zones shall be located at least twelve (12) feet from the nearest building and no less than three (3) feet from the property line.

E. **Rear-Yard Setback**. Each structure in the Commercial Zones shall be located at least twelve feet (12) feet from the rear property line or adjacent building in order to provide adequate alleyways for deliveries.

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15-070: LANDSCAPING AND OUTDOOR AMENITIES

Landscaped areas and Outdoor Amenities are used to frame and soften structures, to define site functions, to enhance the quality of the environment, provide outdoor seating, and to screen undesirable views. Landscaping and Outdoor Amenities should complement the buildings and surroundings to make a positive contribution to the aesthetics and function of both the specific site and the area. The following characteristics will need to be addressed in the design of each commercial project:

A. Landscaped areas can incorporate many kinds of designs. Xeriscapes and more traditional Landscapes are the most common. Xeriscape designs should include

~~15.~~1. A ground cover (rock, bark, water wise grasses, etc.)

~~16.~~2. Shrubs or trees (buffalo grass, native trees, etc.)

J. Traditional Landscape designs should generally incorporate planting utilizing a three-tiered system including:

1. grasses and groundcover.

~~17.~~2. shrubs and vines; and

~~18.~~3. trees.

K. Xeriscape and water wise plants are encouraged by the City to reduce water usage.

B. All areas not covered by approved buildings and structures or required parking must be completely landscaped and maintained. All areas not covered by an approved building, required parking, trees or shrubs shall be covered by grass or another acceptable ground cover such as bark, wood chips, or decorative rocks. Dirt, weeds, and similar materials are not considered acceptable ground cover.

C. All required landscaping must be properly maintained.

D. Plant materials will be placed in a manner that avoids interference with project lighting or restriction of access to emergency apparatus such as fire hydrants or fire alarm boxes. Landscaping should preserve the clear view area defined in this Code.

E. Planting areas will be protected from vehicular and pedestrian encroachment by raised planting surfaces, bumper guards, or the use of curbs.

F. Plants in containers or planter boxes and outdoor seating areas are encouraged for areas adjacent to store fronts along walkways provided that the containers, planter boxes, seating amenities, or any other enhancements do not obstruct pedestrian or vehicular circulation.

G. Vines and climbing plants integrated upon buildings, trellises, and perimeter walls are not only attractive, but also help discourage graffiti and are encouraged in appropriate areas.

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H. Existing mature trees, riparian corridors, and view sheds should be preserved and incorporated into the project landscaping.

I. Storm drainage facilities should be incorporated into the landscape design and appear to be a part of the overall project.

J. No species of trees or large shrub should be planted under overhead lines or over underground utilities if its natural growth may interfere with the installation or maintenance of any public or private utility.

K. A complete landscaping plan is considered part of an application for Site Plan review and shall include the types and sizes of all planting materials. Each plan should include a variety of planting material and a mixture of evergreen and deciduous trees.

15-080: PARKING

All Commercial buildings must follow the parking provisions provided in Chapter 6 herein.

A. Have a maximum of one (1) driveway approach for each one hundred (100) feet of public street frontage.

B. Said driveway approaches shall be no more than thirty-five (35) feet in width nor less than sixteen (16) feet (for one-way traffic).

C. Proposed driveway approaches, and associated paving in the public right-of-way with asphalt, concrete or any other impervious surface that will encase, cover, or in any way come into contact with any public utility located in the public right-of-way, will cause the property owner to provide adequate expansion joints in the paving surface as to allow ease of access to such public utilities.

D. In such cases where this situation exists the property owner shall submit a design detail for protecting the allowed access of any utilities that may be affected by the proposed excavation work, in addition to the required excavation permit.

E. For commercial and industrial uses and apartments with seventeen (17) or more parking spaces, the driveway approach shall be no closer than forty (40) feet to the intersection of two (2) streets.

15-090: SIGNS

All signs erected in the Commercial Zones shall be in conformance with the sign regulations of Chapter 27 of this Code.

15-100: SPECIAL PROVISIONS

A. Any area outside of a building used for any commercial activities other than off-street parking and loading shall be completely enclosed within a solid fence or wall of a height sufficient to completely screen such activity from the street or

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from adjoining parcels (chain link fencing with slats is not considered a solid fence or wall for purposes of this Section).

B. All commercial uses shall be conducted from enclosed buildings except automobile fuel or service stations, carwashes, automobile and recreational vehicle sales, rental or lease, off-street parking and loading, plant material nurseries, outdoor restaurants, and commercial recreation, unless otherwise permitted by planned unit development or conditional use permit.

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

15-110: TRASH, WASTE, STORAGE, AND ABANDONED VEHICLES

No trash, used materials, wrecked, or non-operational or abandoned vehicles or equipment shall be placed or stored within a public right-of-way, on any public sidewalk or in any required yard setback areas. All such materials must be screened from public streets and adjacent property or stored within an enclosed building.

All storage areas within a side yard and rear yard shall be screened from the public or adjoining residential area view by appropriate fencing or landscaping methods and placed in a rear area of the main building if possible.

Hazardous materials, chemicals or oils/solvents shall not be stored in areas that are accessible to the public and do not meet Health Department regulations.

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Chapter 16

LIGHT INDUSTRIAL (LI) ZONE

16-010: Purpose
16-020: Permitted Uses
16-030: Lots of Record
16-040: Area, Frontage, Width, and Height Requirements
16-050: Setback Requirements
16-060: Setback Requirements – Accessory Structures
16-070: Parking and Loading
16-080: Trash, Waste, Storage, Abandoned Vehicles
16-090: Signs
16-100: Special Provisions

16-010: PURPOSE

The purpose of the Light Industrial Zone is to provide appropriate locations where light industrial, manufacturing, and warehousing process may be established and properly maintained so as to not produce objectionable effects to the surrounding property and zones. The regulations of this District are designed to protect and encourage the environmental, aesthetic, and community quality of Coalville City.

16-020: PERMITTED USES

~~Table 8-1~~Table 8-1 in **Section 08-020** sets forth Allowed Uses (A), Conditional Uses (C), Temporary Uses (T), Low Impact Uses (L), and Prohibited Uses (X) for the CC and HC Zone Districts. Permitted uses are by right provided the parcel and buildings meet all other provisions of this Code and any other applicable ordinances of Coalville City.

16-030: LOTS OF RECORD

Lots or parcels of land, which legally existed or were created by a preliminary or final plat approval prior to the adoption of this Code, shall not be denied a building permit solely for a reason of non-conformance with the parcel or density requirements of this chapter and are declared a legal nonconforming use under this Code.

16-040: AREA, FRONTAGE, WIDTH AND HEIGHT REQUIREMENTS

~~A.~~D. **Area**. Except as may be allowed through Master Plan Development (MPD) approval, buildings and structures may cover no more than fifty (50) percent of the lot.

~~B.~~E. **Frontage**. Each lot or parcel of land shall have frontage on a public street for a minimum distance of fifty (50) feet.

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~~C.~~F. **Width**. there are no width requirements, provided all parking and circulation requirements can be satisfied.

~~D.~~G. **Height**. Any building design over thirty (35) feet in height shall be of Conditional Use. No building in the LI Zone shall exceed fifty (50) feet in height from natural grade to the tallest portion of the building.

16-050: SETBACK REQUIREMENTS

A. **Front-Yard Setback**. Each primary structure in the LI Zones shall be located at least twenty (20) feet from the edge of any public street, provided however, that no off-street parking shall be located closer than ten (10) feet from any public street.

B. **Side-Yard Setback**. Each primary structure in the LI Zones shall be located at least twelve (12) feet from the nearest building or property line.

C. **Rear-Yard Setback**. Each primary structure in the LI Zones shall be located at least twelve (12) feet from the rear property line to provide adequate alleyways for loading and deliveries.

D. **Easements**. No Primary Structure shall be located within a platted easement area of any kind.

16-060: SETBACK REQUIREMENTS – ACCESSORY STRUCTURES

A. **Front Setback**. No accessory buildings are allowed in the front setback.

B. **Side Setback**. no closer than three (3) feet from the side or rear property line. No accessory buildings are allowed in the required side yard setback of a corner lot on the side facing the street.

C. **Rear Setback**. No closer than three (3) feet from the rear property line.

D. **Height Restriction**. Any accessory building greater than thirty-five (35) feet in height shall maintain the setbacks required for a primary building.

E. **Easements**. No permanent accessory building shall be located within a platted easement area of any kind.

16-070: PARKING, LOADING, AND ACCESS

All buildings must follow the provisions provided in Chapter 6 herein, as well as the following provisions. In the case where two provisions conflict, the more restrictive provision shall take precedent.

A. All parking spaces shall be paved with asphaltic cement or concrete and shall be provided with adequate drainage which shall not run across a public sidewalk. Parking spaces shall be located no closer than ten (10) feet from any public street within a required front or side setback.

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16-080: TRASH, WASTE STORAGE AND ABANDONED VEHICLES

No trash, used materials, wrecked or non-operational or abandoned vehicles or equipment shall be placed or stored within a public right-of-way, on any public sidewalk or in any required yard setback area. All such materials must be screened from public streets and adjacent property located within the LI Zone with an opaque fence or wall or must be stored within an enclosed building.

All storage within side yard and rear yard areas shall be screened and hidden from the public or adjoining residential area view by appropriate fencing or landscaping methods and placed in a rear area of the main building if possible.

No hazardous materials, chemicals or oils/solvents shall be stored in areas that do not meet Health Department regulations or are accessible to the public.

16-090: SIGNS

All signs erected in the LI Zone shall be in conformance with the sign regulations of Chapter 27 of this Code.

16-100: SPECIAL PROVISIONS

A. **Landscaping**. All lots, parcels, or sites shall have a minimum of ten (10) percent of the total area landscaped, including all required front yards, and permanently maintained in good condition.

B. **Industrial Performance Standards**. The following performance standards shall ensure that all industries will provide necessary modern control methods to protect the City from hazards and nuisances; set objective, quantitative standards for the maximum tolerated levels of frequently hazardous or annoying emissions; and protect any industry from arbitrary exclusion or persecution based solely on the characteristics of that type of industry's past uncontrolled operation.

~~19.~~1. **General.**

a. No one shall use or occupy any land or building devoted to uses authorized by this Chapter in any manner so as to create a dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise or vibration; smoke, dust, odor, or other form of air pollution; heat, cold, dampness, glare, electrical, or other disturbance; liquid or solid refuse or waste; or other substance, condition, or element in such a manner or in such an amount as to affect adversely the surrounding area or adjoining premises. The foregoing are hereinafter referred to as "dangerous or objectionable elements."

b. In addition to meeting other application requirements for site plan approval or a conditional use permit, parties seeking approval for an industrial use shall include in the application a description of the proposed machinery, products, and processes to be located at the development. The application shall include an investigation and

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report from a qualified consultant outlining all possible environmental impacts industrial use may have. The cost of such expert report shall be borne by the applicant.

c. Within twenty (20) days after the Land Use Authority receives the aforesaid application and report, the Commission shall determine whether the plans will employ reasonable measures to assure compliance with the applicable performance standards. On such basis, the Land Use Authority may approve or refuse to approve the use or may require a modification of the proposed plans.

~~20.~~2. **Dangerous and Objectionable Elements.**

a. Noise. No use shall emit or cause the emission of sound from a stationary source such that the one hour equivalent sound level (LEQ) of resultant sound measurement, at the lot line of the establishment or use, exceeds, by 6dba or more, the one hour equivalent sound level (LEQ) caused by ground transportation as estimated for that point of measurement and that time of day, pursuant to FHWA-RD-77-108 Highway Traffic Noise Prediction Model, or by other techniques at least as accurate. The sound level measuring instrumentation shall conform with ANSI S1.4-1971 Type 1 and compatible measurement procedures, according to ANSI S1.13-1971, with the following adjustments:

i. Adjustment for Temporal and Tonal Characteristics of Sound. If the sound has a pronounced audible tonal quality, such as a whine, screech, buzz, or hum, or an audible cyclic variation in sound level, such as beating or other amplitude modulation, the measured sound level shall increase by 5 dB to allow for more subjective response to the sound.

ii. Quasi-Steady Impulsive Sound. Where the sound is of a repetitive impulse nature, providing a steady reading using the "slow response" setting on the sound level meter, the measured value shall increase by 10 dB to allow for more subjective response to the sound. Only one of the paragraphs (i) or (ii) may apply to qualify for an adjustment. In a case where both paragraphs apply, paragraph (ii) takes precedence.

No use shall emit, cause, or permit the emission of sound of an impulsive nature from a stationary source such that it results in an impulsive sound level at a point of measurement in excess of 80 dba or, in a one-hour equivalent level (LEQ), exceeding that one hour equivalent level (LEQ) caused by ground transportation as estimated for that point of

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measurement and that time of day, pursuant to FHWARD-77-108 or equivalent method.

b. Vibration. No use shall create or permit a vibration (other than from transportation facilities or temporary construction work) that is discernible without instruments at the points of measurement specified in Subsection 10-17-100(B)2(a).

c. Odors. Other than municipal sewer facilities, no use shall emit odorous gases or other odorous matter in such quantities as to be readily detectable when diluted in the ratio of one (1) volume of odorous air to four (4) volumes of clean air at the points of measurement (at the lot line of the establishment or use) or at the point of greatest concentration. Any process that may involve the creation or emission of any odors shall provide a secondary safeguard system in order to maintain control should the primary safeguard system fail.

d. Glare. No use shall permit direct or sky-reflected glare that penetrates beyond the property upon which the light source is located, whether from flood lights or from high temperature processes such as combustion or welding or otherwise, in a manner constituting a nuisance or hazard.

e. Fire and Explosion Hazards. All activities and all storage of flammable and explosive materials shall include adequate safety, firefighting, and fire-suppression equipment and devices standard in the industry to protect against the hazard of fire and explosion. No use shall permit the burning of waste materials in open fires at any point.

f. Air Pollution. No use shall emit particulate or gaseous pollutants into the air in violation of the Utah State Air Conservation Act, its amendments, or resulting regulations.

g. Liquid or Solid Wastes. No use shall discharge, at any point, into a public sewer, public waste-disposal system, private sewage system, or stream, or into the ground contrary to the Utah State Water Pollution Control Act, its amendments, the subsequent Wastewater Disposal Regulations, or the Utah Code of Solid Waste Disposal Regulations.

C. **Enforcement**. The Land Use Administrator shall investigate any purported violation of performance standards; and, if necessary for such investigation, may request the Land Use Authority to employ qualified experts. If, after public hearing and due notice, the Land Use Authority finds that a violation existed or does exist, it shall order the Land Use Administrator to serve notice that compliance with the performance standards must be achieved within a specified period of time or the plant will be closed. Should the violation of performance

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standards threaten the public health, convenience, or welfare, the Land Use Authority may order the offending plant to cease operation until proper steps are taken to correct the conditions which cause the violation. The violator shall pay for services of any qualified experts employed by the Land Use Authority to advise in establishing a violation, upon establishment of said violation or the City shall pay otherwise. The determination of the existence of dangerous and objectionable elements shall be made at any point provided, however, the measurements of the noise, vibration, odors, or glare, are taken at the lot line of the establishment or use.

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Chapter 17

MIXED-USE OVERLAY

17-010: Purpose, Scope, and Objectives
17-020: Review and Approval Process

17-010: PURPOSE, SCOPE, AND OBJECTIVES

The Mixed-Use Overlay Zone, as outlined on the city zoning map, is intended to incentivize cooperation and community design flexibility to establish and revitalize commercial and housing opportunities in Coalville City.

The aim of the Mixed-Use Overlay Zone is to create a comprehensive, community-specific land use and design strategy to address community needs, including but not limited to:

~~A.~~D. Construction of cost-efficient public and/or private infrastructure (streets, water, sewer disposal and storm drainage).

~~B.~~E. A range of housing opportunities.

~~C.~~F. Space for local start-up businesses and live-work space.

~~D.~~G. Local employment opportunities.

~~E.~~H. Access to:

~~21.~~1. Commercial retail uses,

~~22.~~2. Professional service uses,

~~23.~~3. Commercial service uses,

~~24.~~4. Civic and institutional uses, and

~~25.~~5. Local and regional public transportation.

17-020: REVIEW AND APPROVAL PROCESS

The Mixed-Use Overlay Review and Approval Process for a proposed development application includes the following steps:

A. **Initiation.** The Mixed-Use Overlay process shall be initiated by the filing of a complete application with Coalville City pursuant to **Section 03-030**: General Application Requirements of this Code.

B. **Mixed-Use Development Area Boundary.** An initial Mixed-Use Development area boundary shall be proposed by the applicant(s) and reviewed by the City Council for a determination of initial acceptance. The area boundary may be subsequently modified during the process of developing a plan; however, the

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area boundary shall not be modified by more than twenty percent (20%) without the review by the City Council.

C. **Creation of a Mixed-Use Plan and Zoning Districts**.

~~26.~~1. **Determination of Acceptance by the City Council.** The City Council shall review the initial request for a Mixed-Use area boundary. Upon a determination of acceptance, the City Council shall refer the proposed Mixed-Use application to the Planning Commission for review and a recommendation.

~~27.~~2. **Mixed-Use Plan Review by Planning Commission.** The Planning Commission shall review the proposed Mixed-Use application for the specific purpose of recommending a proposed plan and zoning districts for the boundary area to the City Council.

~~28.~~3. **Mixed-Use Plan and Zoning Districts.** The Planning Commission shall review the applicants proposed development plan and apply the following criteria for the proposed plan and zoning districts:

a. Land Uses. A mix of residential uses may be considered, including detached single-family, attached single-family, and multi-family. Mixed-use land-uses may also be considered, including residential, commercial, service commercial, and light industrial.

b. Density. Proposed zoning district densities shall be based upon sufficient access, circulation, connectivity, water, sewer disposal and storm drainage infrastructure.

c. Development Standards. Requirements for development, including but not limited to minimum lot sizes, building height, setbacks, parking, streets and circulation, community/civic space, and infrastructure.

d. Infrastructure. Infrastructure implementation including financing and phasing.

e. Historic District Architectural Guidelines. Design review of proposed development within the historic district.

D. **Planning Commission Recommendation.** Upon the development plan and zoning districts review per Chapter 3 of this Code, and subject to review of the Master Planned Development (MPD) requirements in Chapter 6 and the Zoning Map and Text Amendment requirements in **Section 03-080** of this Code, the Planning Commission shall conduct a public hearing and forward a recommendation to the City Council.

E. **City Council Review and Action.** The City Council shall review, conduct a public hearing, and take final action on a Mixed-Use plan and zoning districts pursuant to Chapter 3 of this Code. Final action shall include a Council decision

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to amend the Coalville City Zoning Map to include any new zoning districts intended to implement the plan.

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Chapter 18

SENSITIVE LANDS OVERLAY (SLO) ZONE

18-010: Purpose
18-020: Review Process
18-030: Sensitive Lands Defined
18-040: Sensitive Lands Terms and Usage
18-050: Sensitive Lands Analysis
18-060: Sensitive Lands Determination
18-070: Sensitive Lands Regulations
18-080: Public Projects
18-090: Design Standards
18-100: Tree and Vegetation Protection
18-110: Economic Hardship Relief Provisions

18-010: PURPOSE

The purpose of the Sensitive Land Overlay (SLO) is to:

~~A.~~F. Plan for and require dedicated Open Land in aesthetically and environmentally sensitive areas;

~~B.~~G. Encourage preservation of large expanses of Open Land with wildlife habitat;

~~C.~~H. Cluster development while allowing a reasonable use of property;

~~D.~~I. Prohibit development on Ridgeline, Steep Slopes, and Significant Wetlands; and

~~E.~~J. Protect and preserve environmentally sensitive areas, entry corridors and historic main street.

~~29.~~1. **Applicability.** For the purposes of this Chapter, any development, development activity or use located within Sensitive Lands, as defined in **Section 18-030**, must satisfy the requirements herein.

a. **Annexations.** Whenever an Annexation Petition is presented to the City, the applicant shall be required to provide a Sensitive Lands Analysis which may require varying levels of detail based upon existing conditions of the site. The Sensitive Lands will be determined from a Sensitive Lands Analysis pursuant to **Section 18-050**. The analysis may lead to the designation of additional sensitive land areas which may not have been previously identified.

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18-020: REVIEW PROCESS

The application review process has four primary steps:

A. **Sensitive Lands Analysis.** Applicants for development within the SLO Zone must identify the Property's sensitive environmental and aesthetic areas such as Steep Slopes, Ridgelines, Wetlands, Flood Plains, Stream Corridors, Wildland-Urban Interface, and Wildlife Habitat areas and provide, at time of application, a Sensitive Lands Analysis.

B. **Application of Overlay Zone Regulations.** Regulatory standards apply to the type of Sensitive Lands delineated.

C. S**ite Development Suitability Determination.** City Staff shall review the Sensitive Lands Analysis, apply the applicable Sensitive Lands Regulations (18-050: A through 18-050: I) and prepare a report to the Applicant and the Planning Commission identifying those areas suitable for development as developable land.

D. **Hardship Relief.** If the Applicant demonstrates that these regulations would deny all reasonable use of the property, the City Council may modify the application of these regulations to provide the applicant reasonable use of the property pursuant to **Section 18-110**.

18-030: SENSITIVE LANDS DEFINED

L. The Sensitive Lands Overlay (SLO) Zone includes, but is not limited to:

A. Drainage ways, floodplains, lake shores, water shed and recharge areas.

B. Water spring and well source protection zones, including the Icy Springs Protection Plan incorporated herein by reference.

C. Entry corridors, historic main street, and important vantage points as determined by the City Staff, Planning Commission and City Council.

D. Landfills, active or inactive.

E. Natural or environmentally hazardous areas.

F. Scenic view sheds, hillsides, and ridgelines.

G. Slopes greater than fifteen (15) percent.

H. Unique natural features such as dense tree or shrub stands, rock outcroppings, ponds or springs and historic features.

I. Stream corridors.

J. Wetlands.

K. Wildlife habitat and fisheries.

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18-040: SENSITIVE LANDS TERMS AND USAGE

For the purposes of this Chapter, certain unique terms and words used herein shall be used, interpreted, and defined as set forth in this Section.

A. **Compatible**. A development is compatible with an existing development or property if its architectural features, building height and materials, approved uses, intensity of such use and other features are complementary and do not have a significant adverse economic and aesthetic impact on existing development or property.

B. **Crest of Hill.** The highest point on a hill or steep slope as measured continuously throughout the property. Any given property may have more than one hill crest.

C. **Critical Wildlife Habitat.** Specific geographic areas that contain features essential to the conservation of an endangered or threatened wildlife species and that may require special management and protection.

D. **Development Code.** The Coalville City Development Code, as adopted and amended.

E. **Maximum Extent Feasible.** Means no reasonable or practical alternative exists, and all possible planning to minimize potential impacts has been undertaken.

F. **Open Space (Land).** Shall have the meaning set forth in Chapter 2-Definitions of this Code.

G. **Ordinary High-Water Mark.** The line on the bank to which the high water ordinarily rises annually in season as indicated by changes in the characteristics of soil, vegetation or other appropriate means which consider the characteristics of the surrounding areas. Where the ordinary high-water mark cannot be identified, the top of the channel bank shall be the high-water mark.

H. **Qualified Professional.** A professionally trained person with the requisite academic degree, experience, and professional certification or license in the field or fields relating to the subject matter being studied or analyzed.

I. **Ridgeline**. The natural crest of a hill or mountain as viewed from major roads.

J. **Significant Wetland.** Wetlands which occupy a surface area greater than 1/10 acre or are associated with permanent surface water, riparian vegetation and soils, or which are adjacent to or contiguous with a stream corridor as identified by the Army Corps of Engineers, Soils Conservation Service, or other applicable state or federal agency.

K. **Slope**. The level of inclination of land from the horizontal is determined by dividing the horizontal run of the slope into the vertical rise of the same slope and converting the resulting figure into a percentage value.

L. **Steep Slope**. Slopes greater than fifteen (15) percent.

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M. **Stream**. Water Courses, excluding ditches and canals constructed for irrigation and drainage purposes, that flow year-round.

N. **Stream Corridor.** The corridor is defined by the stream's ordinary high-water mark and riparian vegetation boundary.

O. **Wildland-Urban Interface Zone.** A wildland–urban interface (or WUI) refers to the zone of transition between unoccupied land and human development. Developed areas that are within 0.5 miles of the zone may also be included.

18-050: SENSITIVE LANDS ANALYSIS

Any applicant proposing development within the SLO Zone as defined in **Section 18--030** must submit a Sensitive Lands Analysis performed by a qualified professional that addresses all the following information:

A. **Slope/Topography Map.** A slope and topographic map depicting contours at an interval of five feet (5') or less. The map must highlight areas of high geologic hazard, areas subject to land sliding, and all significant steep slopes in the following categories:

~~30.~~1. Greater than fifteen percent (15%), but less than thirty percent (30%);

~~31.~~2. Thirty percent (30%) and greater.

B. **Ridgeline Areas.** A map depicting all crests of hills and ridgeline areas.

C. **Vegetative Cover.** A detailed map of vegetative cover, depicting the following:

~~32.~~1. Deciduous trees;

~~33.~~2. Coniferous trees;

~~34.~~3. Gamble oak or high shrub; and

~~35.~~4. Sage, grassland, and agricultural crops.

The City may require a more detailed tree/vegetation survey if the site has unusual or significant vegetation, stands of trees, or woodlands.

D. **Designated Entry Corridors, Scenic Viewsheds and Vantage Points.** Entry corridors, scenic viewsheds and vantage points within or adjacent to the project site shall be identified in the analysis. Entry corridors shall include the following:

~~36.~~1. The area between I-80 and the rail trail to the east, and the area west of I-80 to the Weber River.

~~37.~~2. Five hundred fifty (550) feet from the centerline of 100 South and two hundred fifty (250) feet from the center line of Main Street and Chalk Creek Road and Border Station Road to the City limits.

1. Scenic view sheds and designated vantage points shall be determined by the Planning Commission after a recommendation from the City Staff at the time of Concept Plan review.

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E. **Wetlands.** A map delineating all Wetlands established by using the 1987 Federal Manual for Identifying and Delineating Jurisdictional Wetlands, as amended.

F. **Flood Plains.** A map delineating all property which lies within Zone A of the FEMA Flood Zone Designations.

G. **Streams, Canals, and Irrigation Ditches**. A map delineating all stream corridors, canals, and irrigation ditches, defined by the Ordinary High-Water Mark.

H. **Wildlife Habitat Areas.** A map depicting all wildlife habitat areas, as defined by a Wildlife Habitat Report. The Wildlife Habitat Report shall be prepared by a qualified professional in ecology, wildlife biology, or other relevant disciplines and describe the following:

~~38.~~1. The ecological and wildlife use characterization of the property explaining the species of wildlife using the area, the times or seasons the property is used by those species, and the value, e.g. feeding, watering, cover, nesting, roosting, or perching, that the property provides for such wildlife species;

~~39.~~2. The existence of critical wildlife movement corridors;

~~40.~~3. The existence of special habitat features, including key nesting sites, feeding areas, calving or production areas, use areas for migrant song birds and grassland birds, fox and coyote dens, deer and elk winter concentration areas, as identified by the Utah Division of Wildlife, and areas of high terrestrial or aquatic insect diversity.;

~~41.~~4. Areas inhabited by or frequently utilized by any species identified by state or Federal agencies as Threatened or Endangered;

~~42.~~5. The general ecological functions provided by the property and its features;

~~43.~~6. Potential impacts on these existing wildlife species that would result from the proposed development.

I. **Additional Information Requirements.** The City may require the applicant to submit the following additional information, as applicable:

~~44.~~1. **Visual Assessment.** A visual assessment, including photographic simulations, of the property from vantage points designated by the Planning Commission, depicting conditions before and after the proposed development, including the proposed location, size, design, landscaping, and other visual features of the project.

~~45.~~2. **Soil Investigation Report.** A soil investigation report, including but not limited to shrink-swell potential water table elevation, general soil classification and suitability for development, erosion potential, hazardous material analysis, and potential frost action. The soils report shall indicate whether the property is within a water source protection zone.

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~~46.~~3. **Geotechnical Report.** A geotechnical report which must include the location of major geographic and geologic features, the depth of bedrock, structural features, folds, fractures, etc., and potential land slide and other high-hazard areas.

~~47.~~4. **Additional Slope Information.** If the size of the proposed development and visual sensitivity of the site dictate, the City may require the applicant to submit a slope/topographic map depicting contours at an interval of two feet (2').

~~48.~~5. **Fire Protection Report.** A fire protection report that identifies potential Wildland Urban Interface areas. Analysis must include fire hazards, mitigation measures, access for fire protection equipment, existing and proposed fire flow capability and compliance with the International Wildland Urban Interface Code and the Summit County Wildfire Protection Plan.

~~49.~~6. **Hydrological Report.** A hydrological report, including information on groundwater levels, drainage channels and systems, and base elevations in flood plains.

~~50.~~7. **Agricultural Analysis.** An Agricultural Impact Analysis addressing the items in **Section 29-040** may be required to determine the impacts on important agricultural areas. This analysis must address the effects of land use changes on vegetation, irrigation systems, range and crop land quality, weed control, agricultural accesses and rights-of-way, and fire concerns.

18-060: SENSITIVE LANDS DETERMINATION

City Staff shall review the information presented in the Sensitive Lands Analysis and provide a recommendation to the Planning Commission determining and delineating all Sensitive Lands on the development property.

A. **Waiver/Modification of Analysis and Report Requirements.** Based upon a preliminary assessment of the development proposal and a site field inspection, the Planning Commission and/or City Council may modify or waive any of the sensitive lands analysis requirements upon a determination and recommendation from City Staff that the information is not necessary for a full and adequate review of the development or is sufficient at a reduced level of detail.

18-070: SENSITIVE LANDS REGULATIONS

The following provisions shall apply to all Sensitive Lands identified on the development property from the Sensitive Lands Analysis:

A. **Slope and Soil Protection.** The requirements in this Section are in addition to the regulations found elsewhere in this Code. In the event of a conflict, the stricter regulation shall apply.

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~~51.~~1. **Intent.** The intent of these regulations is to protect the visual integrity and environmental sensitivity of hillsides slopes and soils. This shall be accomplished by minimizing the visual and environmental impacts of development through careful site design and planning that maximizes the amount of open land, protects existing vegetation, avoids cut and fill and unsuitable soils, minimizes erosion, recognizes the need for water conservation and locates development on the least visually sensitive area of the property.

~~52.~~2. **Prohibitions.** No development shall be allowed on slopes exceeding thirty (30) percent, lands subject to land sliding, regular flooding, soils deemed unsuitable for development, including land fill and mine shaft areas, and other high-hazard geological areas, as determined by a geotechnical or soils report prepared pursuant to **Section 18-050** herein.

~~53.~~3. **Cut and Fill Slopes.** Cutting and filling to create additional or larger building sites shall be avoided to the maximum extent feasible. All proposed grading shall be reviewed by City Staff to ensure minimum visual impact and geotechnical safety. Cut and fill slopes shall be limited to a 3 to 1 slope or less. All graded slopes shall be re-contoured and re-vegetated to the natural, varied contour of the surrounding terrain.

~~54.~~4. **Streets.** Street construction on hillsides can be the most visually disruptive impact of a development. Development in some areas may not be appropriate if access roads cannot be constructed without causing significant visual impacts. The following standards apply for streets and roads, public and private that are proposed to be constructed on steep slopes:

a. Streets that cross slopes of thirty (30) percent or greater shall not be allowed, except that a short run of not more than one hundred (100) feet across slopes greater than thirty (30) percent may be allowed by the City if such streets will not have significant adverse visual, environmental, or safety impacts.

b. Where streets are proposed to cross slopes greater than fifteen (15) percent, the following standards shall apply:

i. Evidence must be presented that such streets will be built with minimum disturbance and environmental damage within acceptable public safety parameters.

ii. Streets shall, to the maximum extent feasible, follow contour lines, preserve the natural character of the land, and be screened with trees or vegetation and the existing terrain.

iii. Cutting and filling shall be held to a minimum and retaining walls shall be employed to help provide planting areas

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conducive to revegetation. Revegetation plans will be required for all areas disturbed by street construction.

~~55.~~5. **Retaining Walls.** Use of retaining walls may be encouraged to reduce the steepness of man-made slopes and provide planting pockets conducive for revegetation. The use, design, and construction of all retaining walls shall be subject to the approval of the City based upon assessment of visual impact, compatibility with surrounding terrain and vegetation, and safety considerations.

~~56.~~6. **Landscaping and Revegetation.** To mitigate adverse environmental and visual effects, slopes exposed in new development shall be landscaped or revegetated in a manner acceptable to the City. Topsoil from any disturbed portion of a steep slope shall be preserved and utilized in revegetation. Fill soil must be of a quality to support native plant growth.

~~57.~~7. **Location of Development.** Any development permitted in steep slope areas pursuant to this Section shall be located in such a manner to reduce visual and environmental impacts to the maximum extent feasible. To determine the most appropriate location for development, the City shall require the applicant to conduct a visual and environmental analysis considering visual impact from key vantage points, potential for screening, location of natural drainage channels, erosion potential, vegetation protection, access, and similar site design criteria. Based upon the analysis, the City may require any one or a combination of the following mitigation measures:

a. Clustering of development

b. Dispersal of development

c. Transfer of development density to non-sensitive or less sensitive portions of the site.

B. **Ridgeline Protection**

~~58.~~1. **Intent.** The intent of these provisions is to protect the unique visual and environmental character of all ridgelines to ensure that development near ridgeline areas blend in rather than interrupts or modifies the natural contour elevations of these landforms. Significant ridgeline areas should be retained in a natural state, and development should be sighted in such a manner so as not to create a silhouette against the skyline or mountain backdrop as viewed from designated vantage points or major roads.

~~59.~~2. **Minimum setback.** No building, roof or other appurtenant device, except antenna structures, including mechanical equipment, on any building may visually intrude on ridgelines as viewed from designated vantage points or major roads as determined by a visual assessment.

C. **Entry Corridor Protection**

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~~60.~~1. **Intent.** The intent of these provisions is to protect the visual image of Coalville as people enter the community. The City desires to maintain the visual character, small-town atmosphere and charm of all designated entry corridors by eliminating or mitigating visually obtrusive development and ensuring that significant portions of integrated open land remains intact.

~~61.~~2. **Applicability to future annexed properties.** Submission of an annexation petition shall require the applicant to identify relevant sensitive lands pursuant to **Section 18-050** herein of any affected entry corridor areas for designation by the City.

~~62.~~3. **Design Standards.** A visual assessment showing proposed development layout including building design, colors and materials, landscaping, exterior lighting and signing, shall be required for all entry corridor developments.

a. All development within an entry corridor shall comply with the design standards contained in **Section 18-090** and the Multi-family and Affordable Housing Design Guidelines and Architectural Design Guidelines, incorporated herein by reference.

b. Development will not be approved within an entry corridor that will become the prominent visual feature in the view shed, particularly when surrounded by existing open lands.

D. **Wetlands, Lake Shores, Stream or River Corridors, Floodplains and Drainage ways**

~~63.~~1. **Intent.** Wetlands, lake shores, stream(s) and river channel corridors, floodplains and drainage ways provide important hydrologic, biological and ecological, aesthetic, recreational, and educational functions. The following requirements and standards are intended to promote, preserve and enhance these valuable resources and avoid adverse effects and potentially irreversible impacts.

~~64.~~2. **Prohibited Activities.** No person shall engage in any activity that will disturb, remove, fill, dredge, clear, destroy or alter any areas, including vegetation within wetlands, lake shores, stream or river corridors, floodplains, drainage ways and their respective setbacks, except as may be expressly allowed herein.

~~65.~~3. **Boundary Delineation.** The applicant shall provide delineations as follows:

a. Wetlands delineation shall be established using the methods of the 1987 Army Corp of Engineers Manual for Identifying and Delineating Jurisdictional Wetlands, as amended.

b. Lake shores, stream corridors and drainage ways shall be delineated at the ordinary high-water mark and riparian vegetation boundary as defined herein.

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c. Floodplain (Zone A) delineation shall be accordance with FEMA mapping and the Coalville City Flood Insurance Rate Map and Flood Damage Prevention Ordinance.

~~6.~~4. **Setbacks.** The following development setbacks are required:

a. Setbacks from wetlands shall extend a minimum of fifty (50) feet outward from the delineated wetland edge.

b. Setbacks from lake shores and stream corridors shall extend a minimum of one hundred (100) feet outward from the ordinary high-water mark.

c. Setbacks from irrigation ditches, canals and drainage ways that meet the Army Corps of Engineers definition for waters of the United States shall extend a minimum of twenty (20) feet from the ordinary high-water mark.

d. Setbacks do not apply to floodplains. However, development is strongly discouraged within the Zone A Floodplain and will only be approved if the finish floor elevation of occupied structures is a minimum of one (1) foot above the 100-year flood elevation, as determined by a qualified professional.

~~7.~~5. **Runoff Control.** All projects adjacent to wetlands, lake shores, stream corridors, floodplains and drainage ways shall provide appropriate temporary and permanent runoff and erosion control to minimize sediment and other contaminants to the maximum extent feasible. These control systems must be approved by the City.

~~8.~~6. **Habitat Restoration Projects.** The City may approve wetland, lake shores, stream corridor, floodplain and drainage way restoration and enhancement projects providing that the project plan has been reviewed by a qualified professional and approved by the appropriate State and Federal agencies with jurisdiction. All habitat restoration work shall be performed under the direct supervision of a qualified professional.

E. **Wildlife Habitat and Fisheries**

~~9.~~1. **Intent.** Wildlife habitat and fisheries provide important biological and ecological, aesthetic, recreational and educational functions. The following standards shall apply to any development which has the potential of adversely affecting critical wildlife or fishery habitats including winter range, migration corridors, birding areas and Class II Fisheries or other critical habitats identified in **Section 18-050**.

a. Construction Timing. Construction shall be organized and timed to minimize disturbance of Sensitive or Specially Valued Species occupying or using on-site and adjacent natural areas.

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b. Sensitive and Specially valued Species. If the development site contains or is within five hundred feet (500') of a natural habitat area, and the wildlife and habitat report show the existence of Sensitive or Specially Valued Species, the development plans shall include provisions to ensure that any habitat in any such natural area shall not be disturbed or diminished, and to the maximum extent feasible, such habitat shall be enhanced.

c. Connections. If the development site contains existing natural habitat areas that connect to other off-site natural habitat areas, the development plan shall preserve such natural habitat area connections to the maximum extent feasible. If natural habitat areas lie adjacent to the development site, but such natural habitat areas are not presently connected across the development site, the development plan shall, to the extent reasonably feasible, provide such connection. Such connections shall be designed and constructed to allow for the continuance of existing wildlife movement between natural habitat areas and to enhance the opportunity for the establishment of new connections for movement of wildlife.

d. Wildlife Conflicts. If wildlife that may create conflicts for future occupants of the development are known to exist in natural habitat areas adjacent to or on the development site, then the development plan must include provisions to minimize these conflicts to the extent reasonably feasible.

e. Development Layout. Reasonable steps shall be taken to minimize habitat impacts which may require the clustering of development in the least-sensitive portions of the site. Development layout shall preserve critical wildlife habitat areas or floodplain corridors along streams supporting fisheries.

18-080: PUBLIC PROJECTS

A. Development Approvals for Public Projects/Public Works/Public Utilities

~~70.~~1. **Intent.** All public development projects and public utility installations that visually impact or otherwise adversely impact sensitive lands, shall be reviewed according to the following process and guidelines. It is the intent of this section that proposed public utilities projects, both private and public, make all reasonable attempts to comply with the following standards and guidelines:

a. **Review Process.** The project sponsor shall notify the City of the proposed project. A project plan delineating the location, alignment, and scope of the undertaking shall also be submitted. Minor projects which are determined by the City to have no potential for

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significant visual or environmental impacts shall be exempt from this process.

b. **Mitigation.** The City Staff shall review the proposed project and may request the project sponsor prepare an environmental impact assessment (EA) or mitigation plan that addresses and/or mitigates environmental and visual impacts of the project. To the maximum extent feasible, the project sponsor shall design the public works to preserve the natural character of the sensitive land areas and locate structures and facilities in areas not visible from major public rights-of-way or public property such as parks.

c. **Emergency Repairs.** In the event of an emergency that requires immediate action to protect the health and safety of the general public, such action may go forward without the immediate consent of the City. The City shall be consulted at the earliest stage reasonably possible in the construction/repair phase.

d. **Maintenance.** Maintenance projects shall proceed only after notification and approval by the City Staff. If the City Staff determines that due to the size or nature of the maintenance activity, a significant adverse impact may result in sensitive land areas, the project shall proceed through the review procedures and regulations set forth herein.

18-090: DESIGN STANDARDS

All development within Sensitive Lands shall comply with the following design standards which supplement the Coalville City Architectural Design Guidelines and Multifamily and Affordable Housing Design Guidelines and Best Practices, incorporated herein by reference:

A. **Building Color and Material.** All buildings shall be constructed with muted earth tone color materials that reflect the dominant color of the surrounding vegetation or background.

B. **Parking and Landscaping.** Subdivision lots and streets shall be designed so that wherever possible parking is located between or behind buildings. Uses other than single family residences shall break up parking areas into smaller lots running parallel to the slope contours. The perimeter of parking areas shall be screened with vegetation, fencing, or other architectural or natural elements. A minimum fifteen (15) percent of the internal total parking lot area shall also include landscaping.

C. **Rooftop Mechanical Equipment.** All rooftop mechanical equipment must be screened and/or painted to match the color of the roof so as not to be readily visible from nearby properties or hillsides above the equipment.

D. **Roof Pitch, Color, and Materials.** The pitch of any roof shall generally parallel the slope upon which the building is located, but in any case, shall not exceed a

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height to horizontal ratio of 10/12 and shall not descend closer than seven (7) feet from the ground. The minimum roof pitch shall be 4/12, except for flat roofs in the Downtown Historic District. Roofs shall be of a dark, muted earth tone color in a shade of gray, brown, or black that reflects the dominant color of the surrounding vegetation or background.

E. **Underground Utilities.** Utility lines servicing developments in sensitive lands shall be installed underground, if the utility line is located within a scenic view corridor and the visual impacts of overhead lines cannot be reasonably mitigated.

F. **Outdoor Lighting.** In addition to the lighting standards of Chapter 5 herein, all outdoor lighting associated with development in sensitive lands shall be of full cut-off variety and directed downward. Fixtures shall be located in such a way that the light source will not be visible when viewed from public areas and streets beyond the immediate lighted area.

18-100: TREE AND VEGETATION PROTECTION

The following provisions and mitigation measures are required as enhancements to existing regulations contained in this Code. These regulations will apply to new and existing subdivisions in Sensitive Lands, including the following criteria:

A. **Establishing Limits of Disturbance.** Limits of disturbance may be required of any development including the construction of a single-family dwelling in Sensitive Lands or any property found to contain sensitive lands. The limits of disturbance will be established using the following criteria:

~~71.~~1. Visual impacts of the development, including but not limited to screening from adjacent properties, ridgeline areas protection, and protection of entry corridors and scenic view-sheds.

~~72.~~2. Erosion protection and control, including but not limited to protection of natural drainage channels.

~~73.~~3. Fire protection and safety, including but not limited to location of trees and vegetation near structures.

~~74.~~4. Irrigation and water conservation.

~~75.~~5. Wildlife and fisheries habitat, including but not limited to, preservation of critical vegetation, migration routes, winter range, birthing areas, stream corridors and lakeshores.

~~76.~~6. Stream and wetland protection and buffering.

B. **Tree or Vegetation Removal.** No trees or vegetation within Sensitive Lands shall be removed for the purpose of providing open views to or from structures on a site.

C. **Revegetation Plan.** All applicants proposing development in Sensitive Lands involving cut and fill and graded slopes shall submit a revegetation and landscaping plan for City approval. The plan shall include the type, size, and

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location of any vegetation and trees being planted and illustrate how the site will be recontoured with sufficient topsoil to ensure revegetation. The plan shall also indicate a time frame for revegetation which is acceptable to the City. Retaining walls shall be used to provide breaks in manmade steep slopes exceeding fifteen (15) percent and to provide planting pockets.

18-110: ECONOMIC HARDSHIP RELIEF PROVISIONS

A. **Hardship Relief Petition.** Any applicant for development, after a final decision is taken by the City on a development application, may file a hardship relief petition with the City seeking relief from certain of the sensitive lands regulations on the basis that the denial of the application has created a substantial economic hardship, depriving the applicant of all reasonable use of the property. The petitioner shall have the burden of proving that the denial of the application created a substantial economic hardship.

B. **Affected Property Interest.** The hardship relief petition must provide information sufficient for the City to determine that the petitioner possesses a protectable interest in property under Article I, Section 22 of the Constitution of Utah, and the Fifth Amendment to the United States Constitution.

C. **Economic Hardship Standard.** For purposes of this ordinance, a substantial economic hardship shall be defined as a denial of all reasonable use of the property. Upon a finding that a City action or determination has resulted in a denial of all reasonable use of the property, the City may provide the petitioner relief from certain provisions of the sensitive lands regulations.

D. **Time for Filing Notice of Petition and Petition.** No later than ten (10) calendar days from final action by the City on any development application, the applicant shall file a notice of petition in writing with the City Recorder. Within thirty (30) days of filing of a petition, the applicant shall file a Hardship Relief Petition with the City Recorder.

E. **Information to be Submitted with Hardship Relief Petition.** The hardship relief petition must be submitted in letter form and must be accompanied at a minimum by the following information:

~~7.~~1. Name of the petitioner.

~~8.~~2. Name and address of current owner of the property, form of ownership, whether sole proprietorship, for-profit or not-for-profit corporation, partnership, joint venture or other, and if owned by a corporation, partnership, or joint venture, name and address of all principal shareholders or partners.

~~9.~~3. Price paid and other terms of sale of the property, the date of purchase, and the name of the party from whom purchased, including the relationship, if any, between the petitioner and the party from whom the property was acquired.

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~~80.~~4. Nature of the protectable interest claimed to be affected, such as, but not limited to, fee simple ownership, leasehold interest.

~~81.~~5. Terms (including sale price) of any previous purchase or sale of a full or partial interest in the property within the previous three (3) years.

~~82.~~6. All appraisals of the property prepared for any purpose, including financing, offering for sale, or ad valorem taxation, within the previous three (3) years prior to the date of application.

~~83.~~7. All information concerning current mortgages or other loans secured by the property, including name of the mortgagee or lender, current interest rate, remaining loan balance and term of the loan and other significant provisions, including but not limited to, right of purchasers to assume the loan.

~~84.~~8. All listings of the property for sale or rent, price asked and offers received, if any, within the previous three (3) years.

~~85.~~9. All studies commissioned by the petitioner or agents of the petitioner within the previous three (3) years concerning feasibility of development or utilization of the property.

~~86.~~10. For income producing property, itemized income and expense statements from the property for the previous three (3) years.

~~87.~~11. Information from a Code policy or other source showing all recorded liens or encumbrances affecting the property.

~~88.~~12. Review and processing fee in accordance with the Coalville City fee schedule.

The City may request additional information, if necessary, to arrive at a final conclusion concerning whether there has been a denial of all reasonable use of the property constituting a substantial economic hardship.

F. **Findings of the City Council**

M. The City Council shall, after receiving all the necessary information, hold a Public Hearing in accordance with the notification requirements of Chapter 3 herein. The City Council shall make their decision on the petition based on the evidence and testimonies presented, and address the following issues with their findings:

~~89.~~1. Whether the petitioner has complied with the submittal requirements for the hardship relief petition.

~~90.~~2. Whether the petitioner has a protectable interest in property.

~~91.~~3. The market value of the property considering the Sensitive Lands designation.

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~~92.~~4. The market value of the property disregarding the Sensitive Lands designation.

~~93.~~5. Whether it was feasible to undertake construction on or development of the property as of the date of the development application, or in the reasonably near future thereafter.

~~94.~~6. Whether, in the opinion of the City Council, the actions by the City regarding the application created a substantial economic hardship.

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Chapter 19

BEEKEEPING

19-010: Purpose
19-020: Certain Conduct Unlawful
19-030: Hives on Residential Lots
19-040: Beekeeper Registration
19-050: Hives
19-060: Flyways
19-070: Water
19-080: Beekeeping Equipment
19-090: Conflict with County Health Department Regulations
19-100: Violations

19-010: PURPOSE:

The purpose of this chapter is to authorize beekeeping subject to certain requirements intended to avoid problems that may otherwise be associated with beekeeping in populated areas.

19-020: CERTAIN CONDUCT UNLAWFUL:

Notwithstanding compliance with the various requirements of this chapter, it shall be unlawful for any person to maintain an apiary or to keep any colony on any property in a manner that threatens public health, safety, or creates a nuisance.

19-030: HIVES ON RESIDENTIAL LOTS:

~~A.~~G. As provided in this chapter, and notwithstanding any contrary provision in this Code, an apiary, consisting of up to three (3) hives on any size lot, may be maintained in a side yard or the rear yard based on the size of the lot in the residential zone. On a residential lot within an AG Zone which is one (1) acre or larger, the number of hives located on the lot may be increased up to ten (10) and additional conditions may be considered for a request of over ten in any zone.

~~B.~~H. A permit for three (3) years will be given as a conditional use for all residential lots. A fee for the permit will be assessed. The fee amount is $25.00 and shall be paid at the time of the application for a conditional use permit. After three (3) years the applicant will have to reapply to extend the permit. No additional fees will be assessed to renew the permit.

~~C.~~I. The City will notify all property owners within 300 feet and a notice and mailing fee will be assessed to the applicant.

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~~D.~~J. A person shall not locate nor allow a hive on property owned or occupied by another person without first obtaining written permission from the owner or occupant.

19-040: BEEKEEPER REGISTRATION:

Each beekeeper shall be registered with the Utah Department of Agriculture and Food as provided in the Utah bee inspection act set forth in Code 4, chapter 11 of the Utah code, as annotated.

19-050: HIVES:

A. Honeybee colonies shall be kept in hives with removable frames which shall be kept in sound and usable condition.

B. Hives shall be placed at least ten feet (10) from any property line and six inches (6") above the ground, as measured from the ground to the lowest portion of the hive; provided, however, that this requirement may be waived by the adjoining property owner by executing a written waiver, a copy of which must be provided to the City.

C. Hives shall be operated and maintained as provided in the Utah bee inspection act.

D. Each hive shall be conspicuously marked with the owner's name, address, telephone number, and state registration number.

19-060: FLYWAYS:

A hive shall be placed on property so the general flight pattern of bees is in a direction that will deter bee contact with humans and domesticated animals. If any portion of a hive is located within fifteen feet (15') from an area which provides public access or from a property line on the lot where an apiary is located, as measured from the nearest point on the hive to the property line, a flyway barrier at least six feet (6') in height shall be established and maintained around the hive except as needed to allow access. Such flyway barrier, if located along the property line or within five feet (5') of the property line, shall consist of a solid wall, fence, dense vegetation, or a combination thereof, which extends at least ten feet (10') beyond the hive in each direction so that bees are forced to fly to an elevation of at least six feet (6') above ground level over property lines in the vicinity of the apiary.

19-070: WATER:

Each beekeeper shall ensure that a convenient source of water is available to the colony continuously between April 15 and October 31 of each year. The water shall be in a location that minimizes any nuisance created by bees seeking water on neighboring property. In the event that water is needed by the bee colony, either before April 15 and/or after October 31, the beekeeper will take whatever steps that is necessary in order to ensure adequate water is supplied during those times.

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19-080: BEEKEEPING EQUIPMENT:

Each beekeeper shall ensure that no bee comb or other beekeeping equipment is left upon the grounds of an apiary site. Upon removal from a hive, all such equipment shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.

19-090: CONFLICT WITH COUNTY HEALTH DEPARTMENT REGULATIONS:

In the event of a conflict between any regulation set forth in this chapter and honeybee management regulations adopted by the Summit County health department, the most restrictive regulations shall apply.

19-100: VIOLATIONS:

A violation of this chapter may be remedied as provided in Title 7: Health and Safety, Title 11: Nuisance Enforcement. When a violation of this chapter is committed, and provided it is not charged in conjunction with another criminal offense and does not constitute a habitual notice of violation within a twenty-four (24) month period, an authorized agent of the City shall issue a civil notice of nuisance. A penalty of up to $500.00 dollars may be assessed for any such violation in addition to any other penalties that may be applicable under the Coalville City Code and/or Coalville City Ordinances.

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Chapter 20

WIRELESS TELECOMMUNICATIONS

20-010: Purpose
20-020: Permit Required
20-030: Submittal Requirements
20-040: Building Permits
20-050: Antenna Site Locations
20-060: Co-Location Requirement
20-070: Lease Agreements for Use of City Land
20-080: Standards for Antennas and Antenna-Support Structures
20-090: Additional Conditional Use Permit Considerations
20-100: Additional Regulations for Monopoles and Towers
20-110: Safety Requirements
20-120: Abandonment
20-130: Site Requirements

20-010: PURPOSE

The intent of this section is to ensure that Telecommunications Facilities are compatible with the unique characteristics of each Zoning District of Coalville, and that adverse impacts on community quality and safety in residential, commercial, and industrial areas are mitigated. The intent of these requirements is to locate Telecommunications Facilities and related equipment where they are least visible from Public Streets, public areas, designated view corridors, ridgelines, and sensitive lands to the best extent possible while still providing screening from adjacent property owners. The City will encourage Co-location of devices wherever possible to limit the total number of individual towers. The installation of these devices is governed by the following regulations.

Each facility shall be considered as a separate use and an annual business license shall be required for each such facility.

20-020: PERMIT REQUIRED

The installation of Telecommunications Facilities, unless otherwise addressed in this Code, shall be deemed Conditional Use and subject to the Coalville City Building Permit Process. It shall be unlawful to install any Telecommunication Facility without first having a conditional use permit and building permit from the City.

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20-030: SUBMITTAL REQUIREMENTS:

Any person desiring to develop, construct, or establish a personal wireless-service facility in the City shall submit a building permit application, site plan, and other documentation to the City for approval.

The City shall only consider complete applications. The applicant shall provide the following submittal requirements.

~~A.~~E. A fee for Telecommunication use and site plan review as outlined in the Fee Schedule

~~B.~~F. Site plan, which shall include the following:

~~95.~~1. Vicinity map with sufficient information to accurately locate the property shown on the plan.

~~96.~~2. Footprints of existing and proposed buildings and structures, including a notation of each unit's height above the grade.

~~97.~~3. Location and size of existing and proposed buildings and structures, including a notation of each unit's height above the grade and dimensions of space, cabinets, or rooms within residential structures used to provide computer-Internet service provisions or equipment.

~~98.~~4. Location and size of existing and proposed antennas with dimensions to property lines.

~~99.~~5. Location of existing or proposed fire-protection devices.

~~100.~~6. Location and description (height, materials) of existing and proposed fences.

~~101.~~7. Location and description (dimensions, distance to property lines, and type) of lighting (direct or indirect).

~~102.~~8. A security lighting plan, if proposed.

~~103.~~9. A signed lease agreement with the City if the site is located on City property.

~~C.~~G. The application shall include written descriptions regarding:

~~104.~~1. **Maintenance.** A description of the anticipated maintenance needs for the facility, including frequency of service, personnel needs, equipment needs, and traffic ingress and egress points for the facility.

~~105.~~2. **Service Area.** A description of the service area for the antenna or tower and documentary evidence regarding the need for Telecommunications Facilities within the city, this documentation shall identify the applicants existing facilities and coverage areas to demonstrate the need for the proposed facility within the City.

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~~106.~~3. **Location.** A map showing the site and the nearest telecommunications facility sites within the network, a description of the distance between the telecommunications facility sites, and a description of how this service area fits into the service network.

~~107.~~4. **Liaison.** The name, address, telephone number, and fax number of a contact person who can respond to questions concerning the application and the proposed facility.

20-040: BUILDING PERMITS:

A. **General Requirements.** Applicants shall obtain a building permit from the City prior to the construction of any tower or antenna-support structure. The City shall not issue a building permit for any project requiring a site plan, amended site plan, or conditional use permit until after the approval of such site plan, amended site plan, or conditional use permit by the appropriate authority.

B. **Requirements for Monopoles and Towers.** If the applicant is constructing a monopole or other tower-type structure, the applicant shall submit a written report from a qualified structural engineer, licensed in the State of Utah, documenting the following:

~~108.~~1. Height and design of the monopole or tower, including technical and engineering factors governing the selection of the proposed design

~~109.~~2. Seismic-load design and wind-load design for the monopole or tower

~~110.~~3. Total anticipated capacity of the monopole or tower, including number and type of antennas it could accommodate

~~111.~~4. Structural failure characteristics of the monopole or tower and a demonstration that the site and setbacks are of adequate size to contain debris

~~112.~~5. Soil investigation report, including structural calculations

~~113.~~6. Electrical design according to the Electrical Code as adopted by State law.

20-050: ANTENNA SITE LOCATIONS

Coalville City shall not authorize the location of Wireless Service Antennas on sensitive lands, including but not exclusively, wetlands, steep slopes, ridgelines, and scenic view corridors, without the applicant showing undue hardship to this limitation.

20-060: CO-LOCATION REQUIREMENT

Unless otherwise authorized by the Legislative Body for good cause shown, the design and construction of every new monopole shall be of sufficient size and capacity to accommodate at least one additional wireless telecommunications provider on the structure in the future. Any conditional use permit for the monopole may require an agreement of the applicant to allow co-location of other personal wireless providers on such terms as are common in the industry.

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20-070: LEASE AGREEMENTS FOR USE OF CITY LAND

The City shall enter into a standard lease agreement with the applicant for any facility built on City property. The Mayor or the Mayor's designee shall have the authority to execute the standard lease agreement on behalf of the City. The Lease shall contain the condition that applicant acquire site plan and/or conditional use permit approval from the City Council before the Lease can take effect, and that failure to obtain such approval renders the Lease null and void.

20-080: STANDARDS FOR ANTENNAS AND ANTENNA-SUPPORT STRUCTURES

The type or location of the antenna structure characterizes personal wireless-services facilities. There are five (5) general types of antenna structures contemplated by this Chapter: wall-mounted antennas; roof-mounted antennas; monopoles with no platform; monopoles with a platform; and stealth facilities. If this Chapter allows a particular type of antenna structure as a permitted or conditional use, the minimum standards for that type of antenna are as follows, unless otherwise provided in a conditional use permit:

A. **Wall-Mounted Antennas.** (Whip antennas are not allowed on a wall mounted antenna structure)

~~114.~~1. **Maximum height.** Wall-mounted antennas shall not extend more than four (4) feet above the roof line of the building or structure or extend more than four (4) feet horizontally from the face of the building.

~~115.~~2. **Setback.** Wall-mounted antennas shall not locate within one hundred (100) feet of any residence.

~~116.~~3. **Mounting Options.** Antennas mounted directly on existing parapet walls, penthouses, or mechanical-equipment rooms are considered wall-mounted antennas if no portion of the antenna extends above the roof line of the parapet wall, penthouse, or mechanical equipment room. Whip antennas are not allowed on a wall-mounted antenna structure.

~~117.~~4. **Compatibility.** Antennas and associated equipment shall be painted to match the color of the predominant background against which they are attached and most commonly seen. All support structures and antennas should be architecturally compatible with the building or structure.

B. **Roof-Mounted Antennas.**

~~118.~~1. **Maximum height.** The maximum height of a roof-mounted antenna shall be ten (10) feet above the roof line of the building

~~119.~~2. **Setback.** Roof-mounted antennas shall be located at least five (5) feet from the exterior wall of the building or structure and one (1) additional foot for every one (1) foot of vertical antenna height starting at five (5) with a maximum of ten (10) feet. At least fifty (50) feet from any neighboring residential structure.

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120.3. **Mounting Options.** Antennas may only be erected on buildings or structures with a flat roof, and shall be screened, constructed and/or colored to match the structure on which they are located.

C. **Monopoles with no platform.**

121.1. **Maximum Height and Width.** The maximum height of the monopole antenna shall be eighty (80) feet, although the approving body may allow an antenna or antenna-support structure up to one hundred (100) feet in height if the applicant demonstrates to the satisfaction of the approving body that the additional height is necessary to obtain coverage or allow co-location and that the applicant has taken steps to mitigate adverse effects on the surrounding neighborhood. The entire antenna structure mounted on the monopole shall not exceed two (2) feet in width. The antenna itself shall not exceed ten (10) feet in height.

122.2. **Setback.** Monopoles shall be set back a minimum of two hundred fifty (250) feet from any residential dwelling, measured from the base of the monopole to the nearest residential lot line.

D. **Monopoles with Platform.**

123.1. **Maximum Height and Width.** The maximum height of the monopole antenna shall be sixty (60) feet, although the approving body may allow an antenna or antenna-support structure up to one hundred ten (110) feet in height if the applicant demonstrates to the satisfaction of the approving body that the additional height is necessary to obtain coverage or allow co-location and that the applicant has taken steps to mitigate adverse effects on the surrounding neighborhood. The antennas and antenna-mounting structures on the monopole shall not exceed eight (8) feet in height or thirteen (13) feet in width.

124.2. **Setback.** Monopoles shall be set back a minimum of five hundred (500) feet, measured from the base of the monopole to the nearest residential dwelling.

E. **Stealth Facilities.**

125.1. **Maximum Height.** The maximum height of a stealth facility shall be the maximum structure height permitted in the zoning district wherein the stealth facility will be located. The applicant may exceed the maximum structure height if allowed pursuant to a conditional use permit.

20-090: ADDITIONAL CONDITIONAL USE PERMITS CONSIDERATIONS

In addition to the City's standard conditional use permit considerations, the City shall consider the following factors when deciding whether to grant a conditional use permit for a personal wireless-services facility:

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A. **Compatibility.** The facility or antenna shall be compatible with the height, mass, and design of buildings, structures, neighborhood aesthetics, and uses in the vicinity of the facility.

B. **Screening.** The facility or antenna shall use existing or proposed vegetation, topography, or structures in a manner that effectively screens the facility.

C. **Disguise.** The facility or antenna shall include a disguise that mitigates potential negative impacts on surrounding properties.

D. **Parcel Size.** The parcel upon which the facility or antenna will be located shall be of sufficient size to adequately support the facility.

E. **Location on Parcel.** The structure or antenna shall be located on the parcel in a manner that can best protect the interests of surrounding property owners but still accommodate other appropriate uses of the parcel.

F. **Co-Location.** The applicant shall be willing to allow co-location on its facility by other personal wireless-services providers on such terms as are common in the industry.

20-100: ADDITIONAL REGULATIONS FOR MONOPOLES AND TOWERS

A. **Distance from other Monopoles.** Monopoles and towers shall be located at least one mile from each other except upon showing of necessity by the applicant, or upon a finding by the City, that a closer distance would adequately protect the health, safety, and welfare of the community. This distance requirement shall apply to stealth facilities or to antennas attached to lawful structures such as transmission towers, utility poles, outdoor lighting structures, and water tanks.

B. **Location on Parcel.** Monopoles shall be located as unobtrusively on a parcel as possible, given the location of existing structures, nearby residential areas, and service needs of the applicant. Monopoles shall not be located in a required landscaped area, buffer area, or parking area.

C. **Co-Location.** Co-Location of more than one antenna structure is a permitted use on all approved monopoles and is approved administratively by the Land Use Authority.

20-110: SAFETY REQUIREMENTS

A. **Regulation Compliance with FCC and FAA Regulations.** All operators of personal wireless-services facilities shall demonstrate compliance with applicable Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) regulations, including FCC radio frequency regulations, at the time of application and periodically thereafter as requested by the City. Failure to comply with the applicable regulations shall be grounds for revoking a site plan or conditional use permit approval.

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B. **Protection Against Climbing.** Monopoles shall be protected against unauthorized climbing by removal of the climbing pegs from the lower twenty (20) feet of the monopole.

C. **Fencing.** The applicant shall fully enclose all monopoles and towers with a minimum six- (6) foot tall fence or wall, as directed by the City.

D. **Security Lighting Requirements.** Monopoles and towers shall comply with the FAA requirements for lighting. As part of the conditional use permit consideration, the City may also require security lighting for the site. If using security lighting, the applicant shall minimize the lighting impact on surrounding residential areas by using indirect lighting, where appropriate.

20-120: ABANDONMENT

The City may require the removal of all antennas and monopoles if the facility has been inoperative or out of service for more than twelve (12) consecutive months.

A. **Notice.** Notice to remove shall be given in writing by personal service or by certified mail addressed to the last known applicant.

B. **Violation.** Failure to remove the antennas and monopoles as instructed after receiving written notice to remove the same is a violation of the terms of this Chapter. The City may initiate criminal and/or civil legal proceedings against any person, firm, or corporation, whether acting as principal, agent, property owner, lessee, lessor, tenant, landlord, employee, employer, or otherwise, for failure to remove antennas and monopoles in accordance with this Chapter.

Any lease agreement with the City shall also stipulate that failure to remove

the antennas and monopoles, after receiving written notice to do so pursuant to this Chapter automatically transfers ownership of the antennas, monopoles, support buildings, and all other structures on the site to the City.

20-130: SITE REQUIREMENTS

A. **Regulations for Accessory Structures.**

~~126.~~1. **Storage Areas and Solid-Waste Receptacles.** The site shall not permit any outside storage of solid-waste receptacles.

~~127.~~2. **Equipment Enclosures.** All electronic and other related equipment and appurtenances necessary for the operation of any personal wireless-services facility shall, whenever possible, be located within a lawfully pre-existing structure or completely below grade. When a new structure is necessary to house such equipment, the structure shall blend with the natural features, buildings, and structures in the zone wherein the facility will be located.

~~128.~~3. **Accessory Buildings.** Freestanding accessory buildings used with a personal wireless-services facility shall not exceed four hundred fifty (450)

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square feet and shall comply with the setback requirements for structures in the zone wherein the facility will be located.

B. **Parking.** The City may require a minimum of one (1) parking stall for sites containing a monopole, tower, and/or accessory buildings, if there is insufficient parking available on the site.

C. **Landscaping.** Applicants shall landscape all sites with personal wireless services facilities per conditions of approval by the Land Use Authority.

D. **Maintenance Requirements.** Applicants shall maintain all personal wireless services facilities in a safe, neat, and attractive manner.

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Chapter 21

ADULT/SEX ORIENTED FACILITIES AND BUSINESSES

21-010: Purpose
21-020: Definitions
21-030: Conforming Criteria
21-040: Mandatory General Conditions
21-050: Mandatory Design of Premises
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21-180: Dramatic Works Exception
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21-010: PURPOSE

The purpose and objective of this provision is to establish reasonable and uniform regulations and guidelines to approve conditional uses for adult/sex-oriented facilities and businesses in order to prevent the concentration of such facilities and businesses or their location in areas deleterious to the City and prevent inappropriate exposure of such facilities and businesses to the community. This provision is to be construed as a regulation of time, place, and manner of the operation of these facilities and businesses to protect legitimate governmental interests and mitigate the secondary effects of such businesses in a manner consistent with the constitutional protections provided by the United States and Utah Constitutions.

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Adult/sex-oriented facilities and business shall be a conditional use within the Light Industrial (LI) Zoning District and are prohibited in all other zoning districts. The following provisions are adopted governing the granting of conditional use permits for adult/sex-oriented facilities and businesses and regulating the conduct of such businesses.

21-020: DEFINITIONS

~~A.~~E. **Adult Business.** An Adult Theater, Adult Cabaret, Adult Motion Picture Theater, Adult Escort Services, Outcall Services, Adult Bookstore, Adult Video Store, Adult Boutique, Adult Novelty Shop or Adult Clothing/Lingerie Store.

~~B.~~F. **Adult Bookstores, Adult Novelty Store, Adult Video Store.** A business establishment which has a significant or substantial portion of its stock in trade, or derives a significant or substantial portion of its revenues, or devotes a significant or substantial portion of its interior business or advertising, or maintains a substantial section of its sales or display space for the sale or rental, for any form of consideration, of any one or more of the following:

~~1.~~1. Books, magazines, periodicals, or other printed matter; photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations; clothing of any type; the central theme of which depicts, describes, or encourages "specified sexual activities" or "specified anatomical areas,"

~~2.~~2. Instruments, devices or paraphernalia which are designated for use or marketed primarily in connection with specified sexual activities, except for legitimate medically recognized contraceptives.

~~C.~~G. **Adult Cabaret.** An establishment which features as a principal use of its business, waiters, waitresses, or bartenders who are in a state of nudity or semi-nudity, and/or which features on a regular basis entertainer who perform in a state of nudity or semi-nudity.

~~D.~~H. **Adult Motion Picture Theater.** A business establishment which:

~~1.~~1. Holds itself out as such a business; or

~~2.~~2. As its principal business, regularly shows, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions which are primarily characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

~~E.~~I. **Adult/Sex Oriented Facility or Business.** Nude or Semi-Nude Entertainment Businesses and Adult Businesses as defined in this Ordinance.

~~F.~~J. **Adult Theater.** A theater, concert hall, auditorium, or similar business establishment which:

~~1.~~1. Holds itself out as such a business; or

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~~134.~~2. As its principal business, regularly features persons who appear in live performance in a state of nudity or semi-nudity, or which are characterized by the exposure of "specified anatomical areas" or by "specific sexual activities."

~~G.~~K. **Distance.** All distances discussed herein as they pertain to buffers from other SOBs, churches, schools, parks, and residential zone districts are measured as follows:

~~135.~~1. In a straight line, without regard to intervening structures, from the nearest property line of the school, park, church, residential zone district or other SOB to the nearest property line of the SOB.

~~H.~~L. **Escort.** Any person who, for pecuniary compensation, dates, socializes, visits, consorts with or accompanies or offers to date, consort, socialize, visit or accompany another or others to or about social affairs, entertainment or places of amusement or within any place of public or private resort or any business or commercial establishment or any private quarters. "Escort" shall not be construed to include persons who provide business or personal services such as licensed private nurses, aides for the elderly or handicapped, social secretaries or similar service personnel whose relationship with their patron is characterized by a bona fide contractual relationship and who provide a service not principally characterized as dating or socializing.

~~I.~~M. **Escort Service.** An establishment which features as a principal use of its business, for pecuniary compensation, furnishing or offering to furnish escorts, or provides or offers to introduce patrons to escorts.

~~J.~~N. **Nude or Semi-Nude Entertainment Business.** A business, including an Adult Theater, where employees/entertainers perform or appear in the presence of patrons of the business in a state of nudity or semi-nudity. A business shall also be presumed to be a Nude or Semi¬-Nude Entertainment Business if the business holds itself out as such a business.

~~K.~~O. **Nudity or State of Nudity.** A state of dress in which the areola of the female breast, or male or female genitals, pubic region, or anus are covered by less than the covering required in the definition of semi-nude.

~~L.~~P. **Obscene.** Any material for performance is Obscene if:

~~136.~~1. The average person, applying contemporary community standards, finds that, taken as a whole, it is intended, implied, or conceivably sexually oriented.

~~137.~~2. It is patently offensive in the description or depiction of Nudity, sexual conduct, sexual excitement, sado-masochistic abuse, or excretion; and

~~138.~~3. Taken as a whole, it does not have serious literary, artistic, political or scientific value.

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~~M.~~Q. **Operator.** The manager or other natural person principally in charge of an Adult/Sex Oriented Facility or Business.

~~N.~~R. **Outcall Services.** Escorts and businesses which provide, as any portion of their business, nude or semi-nude services outside of the premises in any place of private resort or private quarters by models, dancers or other similar employees.

~~O.~~S. **Semi-Nude.** A state of dress in which a person wears opaque clothing covering (1) only the male or female genitals, pubic region, and anus, by an opaque cover that is four inches wide in the front and five inches wide in the back tapering to one inch at the narrowest point, and (2) only the nipple and areola of the female breast, if applicable.

~~P.~~T. **Sexually Oriented Business Employees.** Those employees who work on the premises of the Adult/sex-oriented facility or business in activities related to the sexually oriented portion of the business. This includes all managing employees, dancers, escorts, models, and other similar employees whether or not hired as employees, agents or independent contractors. Employees shall not include individuals whose work is unrelated to the sexually oriented portion of the business, such as janitors, bookkeepers and similar employees. All persons employed by an outcall service making outcall meetings under this Ordinance, including dancers, escorts, models, guards, drivers, and other similar employees, regardless of the employee's state of dress, shall be considered sexually oriented business employees.

~~Q.~~U. **Specified Anatomical Areas.** The human male or female pubic area or anus with less than a full opaque covering, or the human female breast from the beginning of the areola, papilla or nipple to the end ~~-¬~~thereof with less than full opaque covering.

~~R.~~V. **Specified Sexual Activities.** Means:

~~1~~1. Acts of masturbation, human sexual intercourse, or sodomy; or

~~2~~2. Manipulating, caressing, or fondling by any person of the genitals of a human, the pubic area of a human, or the breast of a human female; or

~~3~~3. Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound, or otherwise physically restrained on the part of the one so clothed.

~~4~~4. Bestiality in any form.

21-030: CONFORMING CRITERIA

Adult/sex-oriented facilities and businesses shall conform to the following criteria:

A. Adult/sex-oriented facilities and businesses may be constructed or operated as conditional uses within the Light Industrial Zoning District.

B. Adult/sex-oriented facilities and businesses shall not be located within five hundred (500) feet of any other adult/sex-oriented facility and business.

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C. Adult/sex-oriented facilities and businesses shall not be located within five hundred (500) feet of a church, public park or public or private school accredited by the State of Utah, or within three hundred (300) feet of any residential zone district, residential dwelling or use.

D. All applicants for a conditional use must provide the following information, in addition to any other requirements required under this Code:

~~143.~~1. The correct legal name of each applicant, corporation, partnership, limited partnership or entity doing business under an assumed name who is making application for a conditional use permit hereunder.

a. If the applicant is a corporation, partnership or limited partnership or individual or entity doing business under an assumed name, the information required below shall be submitted for each partner and each principal of an applicant and for each officer or director. Any holding company or entity holding more than ten percent of an ownership shall be considered an applicant for purposes of disclosure under this provision.

b. All corporations, partnerships or non-corporate entities included on the application shall also identify each individual authorized by the corporation, partnership, or non-corporate entity to sign checks for such corporation, partnership or non-corporate entity.

~~144.~~2. All applicants must provide any other names or aliases used by that individual, present physical and mailing business address and telephone number, present mailing, as well as physical, residential addresses and telephone number, Utah driver's license or identification number and social security number with appropriate proof that the individual is at least twenty-one (21) years of age. Where an applicant is a non-resident of the State of Utah, that applicant must provide an agent resident within the State to act on its behalf.

~~145.~~3. The applicant's fingerprints on a form provided by the Summit County Sheriff's Department. For persons not residing in Summit County, the fingerprints shall be on a form from the law enforcement jurisdiction where the person resides. Fees for fingerprints shall be paid by the applicant directly to the issuing agency.

~~146.~~4. A statement detailing the license or permit history of the applicant for the five-year period immediately preceding the date of the filing of the application, including whether such applicant possesses or previously possessed any liquor licenses. The statement shall list all other jurisdictions in which the applicant owned or operated an adult/sex-oriented facility or business. The statement shall also state whether the applicant has ever had a license, permit, or authorization to do business denied, revoked or suspended in this or any other county, city, state, or territory. In the event of any such denial, revocation or suspension, state

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the date, the name of the issuing or denying jurisdiction and state in full the reasons for the denial, revocation or suspension. A copy of any order of denial, revocation or suspension shall be attached to the application for a conditional use permit.

~~147.~~5. In the event the applicant is not the owner of record of the real property upon which the business or proposed business is to be located, the application must be accompanied by a notarized statement from the legal or equitable owner of the property specifically acknowledging the type of business for which the applicant seeks a license for the property. In addition to furnishing such notarized statement, the applicant shall furnish the name, address, and phone number of the owner of record of the property, as well as a copy of the lease or rental agreement pertaining to the premises in which the service is or will be located.

~~148.~~6. A description of the services to be provided by the business, with sufficient detail to allow reviewing authorities to determine what business will be transacted on the premises, together with a schedule of usual fees for services to be charged by the licensee and any rules, regulations, or employment guidelines under or by which the adult/sex-oriented facility or business intends to operate. This description shall also include:

a. the hours that the business or service will be open to the public and the methods of promoting the health and safety of employees and patrons and preventing them from engaging in illegal activity,

b. the methods of supervision preventing the employees from engaging in acts of prostitution or other related criminal activities,

c. the methods of supervising employees and patrons to prevent employees and patrons from charging or receiving fees for services or acts prohibited by other statutes and ordinances, and

d. the methods of screening employees and customers in order to promote the health and safety of employees and customers and prevent the transmission of disease and prevent the commission of acts of prostitution or other criminal activity.

~~149.~~7. All criminal convictions or pleas of nolo contendere, except those which have been expunged, and the disposition of all such arrests for the applicant, individual, or entity subject to disclosure hereunder for five years prior to the date of the application. This disclosure shall include identification of all ordinance violations, excepting minor traffic offenses (any traffic offense designated as a felony shall not be construed as a minor traffic offense); stating the date, place, nature of each conviction, plea, and sentence or other disposition; identifying the convicting jurisdiction and sentencing court and providing the court identifying case numbers or docket numbers. Application for a Conditional Use Permit for an Adult/Sex Oriented Facility or Business shall constitute a waiver of

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disclosure of any criminal conviction or plea of nolo contendere for the purposes of any proceeding to grant a permit for such business.

~~150.~~8. No applicant who has been convicted or pled nolo contendere to a crime involving prostitution, exploitation of prostitution, solicitation of sex acts, sex acts for hire, compelling prostitution, aiding prostitution, sale, distribution or display of material harmful to minors, sexual performance by minors, possession of child pornography, lewdness, indecent exposure, any crime involving sexual abuse or exploitation of a child, sexual assault or aggravated sexual assault, rape, forcible sodomy, forcible sexual abuse, incest, harboring a runaway child, criminal attempt, conspiracy, or solicitation to commit any of the foregoing offenses or offenses involving similar elements from any jurisdiction, regardless of the exact Code of the offense for which less than two years have lapsed from the date of conviction, if the conviction is of a misdemeanor offense, or less than five years if the convictions are of two or more misdemeanors within the previous five years, or if less than five years have elapsed from the date of conviction when the offense is a felony, shall be entitled to receive a conditional use permit to operate an adult/sex oriented facility or business in Coalville City. The fact that a conviction is being appealed shall have no effect on the disqualification provide for in this subpart.

21-040: MANDATORY GENERAL CONDITIONS

All conditional use permits for adult/sex-oriented facilities and businesses shall include conditions which prohibit such facilities and businesses from:

A. Allowing persons under the age of eighteen (18) years on the premises, except that in adult businesses which exclude minors from less than all of the business premises, minors shall not be permitted in excluded areas,

B. Allowing, offering, or agreeing to allow any alcohol to be stored, used, sold, or consumed on or in the premises,

C. Allowing the outside or interior door to the premises to be locked while any customer or employee is in the premises, except that management may lock interior offices for security purposes,

D. Allowing, offering or agreeing to gambling on the premises,

E. Allowing, offering or agreeing to any employee of an adult/sex-oriented facility or business touching any patron or customer in a sexually enticing, explicit, or arousing manner,

F. Allowing, offering, or agreeing to illegal possession, use, sale or distribution of controlled substances on the premises,

G. Allowing, offering, or agreeing to commit prostitution, solicitation of prostitution, solicitation of a minor or committing activities harmful to a minor to occur on the premises,

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H. Allowing, offering, or agreeing to any specified sexual activity as validly defined by Coalville City ordinances or state statute in the presence of any customer or patron,

I. Allowing, offering, or agreeing to allow a patron or customer to masturbate in the presence of an employee or on the premises of an adult/sex-oriented facility or business,

J. Allowing, offering, or agreeing to commit an act of lewdness as defined in Utah State law, and

K. Forbidding or prohibiting the Police Department or other County official from having access during the hours of operation to all premises covered by a conditional use permit for an adult/sex-oriented facility or business or to make periodic inspection of said premises whether the officer or official is in uniform or plain clothes.

L. Allowing a dancer, model, or performer, while performing in any business licensed/permitted pursuant to this Ordinance:

~~151.~~1. To touch in any manner any other person;

~~152.~~2. To throw any object or clothing off the stage area;

~~153.~~3. To accept or solicit any gratuity, money, drink, or any other object directly or indirectly from any patron;

~~154.~~4. To place anything within the costume or adjust or move the costume while performing so as to render the performer in a state of nudity in violation of State Indecency/Lewdness laws.

M. Allowing a patron to touch in any manner any dancer, model, or performer; to place any money or object on or within the costume or person of any dancer, model, or performer; or to give or offer to give to any such dancer, model, or performer any drinks, money, or object.

N. Allowing operation of the business from 11 pm to 10 am.

21-050: MANDATORY DESIGN OF PREMISES

A. **Adult Business.**

~~155.~~1. In addition to all other requirements under this Ordinance, any applicant for a conditional use permit as an Adult Business shall also submit a diagram, drawn to scale, of the premises. The design and construction shall conform to the following:

a. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms;

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b. Restrooms may not contain any video reproduction equipment or any of the business merchandise. Signs shall be posted requiring only one person be allowed in the restroom per stall and only one person in any stall at a time and requiring that patrons shall not be allowed access to-manager's station areas;

c. For businesses which exclude minors from the entire premises all windows, doors and other apertures to the premises shall be darkened or otherwise constructed to prevent anyone outside the premises from seeing the inside of the premises. Businesses which exclude minors from less than all of the premises shall be designed and constructed so that minors may not see into the area from which they are excluded;

d. The diagram must show marked internal dimensions, all overhead lighting fixtures and ratings for illumination capacity.

~~156.~~2. It shall be the duty of the permit holder and its employees to insure that the views from the manager's station of all areas specified in section (1)(a) above remain unobstructed by any doors, walls, merchandise, display racks or any other materials, at all times that any patron is present in the premises, and to insure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.

~~157.~~3. The premises shall at all times be equipped and operated with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one foot-candle measured at floor level. It shall be the duty of the permit holder and its employees present on the premises to insure that the illumination described above is maintained at all times that any patron is present on the premises. Further, there should be adequate outside lighting in such intensity to illuminate the parking lot which services the facility or business.

~~158.~~4. There shall be no outside neon lighting or spotlighting of the building or facility.

~~159.~~5. Outside signage shall be limited to signs which are affixed to the building or facility. Free standing signs or offsite signs are prohibited.

B. **Nude and Semi-Nude Entertainment Business.**

~~160.~~1. Adult Theaters shall require that the performance area shall be separated from the patrons by a minimum of six feet, which separation shall be delineated by a physical barrier at least three feet high.

~~161.~~2. It is unlawful for business premises operating under a conditional use permit for Nude or Semi-Nude Entertainment to:

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a. Permit a bed, sofa, mattress or similar item in any room on the premises, except that a sofa may be placed in a reception room open to the public or in any office to which patrons are not admitted, and except that in an Adult Theater such items may be on the stage as part of a performance;

b. Allow any door on any room used for the business, except for the door to an office to which patrons shall not be admitted, outside doors and restrooms to be lockable from the inside;

c. Provide any room in which the employee or employees and the patron or patrons are alone together without a separation by a solid physical barrier at least three feet high and six inches wide. The patron or patrons shall remain on one side of the barrier and the employee, or employees shall remain on the other side of the barrier;

~~16~~2.3. All illumination at the business premises must be sufficient so that all objects are plainly visible at all times.

21-060: CONDITIONAL USE PERMIT

Adult/sex-oriented facilities and businesses are conditional uses in the Light Industrial Zone and must be approved in accordance with the provisions of this Ordinance. In all cases a site plan diagramming the premises shall be provided as part of the application process. A public hearing shall be required in all cases prior to conditional use approval. The procedures for conditional use approval, as described in the development code, shall be followed in all cases. A final decision by the City as to the approval of a conditional use for a SOB shall be made within 90 days of receipt of a completed application unless a delay is requested or agreed upon by the applicant.

21-070: LOCATION AND ZONING RESTRICTIONS

It shall be unlawful for any Adult/Sex Oriented Facility or Business to do business at any location within the City not zoned for such business and where the necessary conditional use has not been approved.

21-080: BUSINESS LICENSE REQUIRED

It shall be unlawful for any person to operate an Adult/Sex Oriented Facility or Business without first obtaining a business license from the City. Said licenses shall be issued in accordance with Coalville City Ordinance 1982-2, or its successor ordinance, after conditional use approval has been granted, and under the time limits therein provided.

21-090: SINGLE LOCATION AND NAME

It is unlawful to conduct business under a business license and conditional use approval pursuant to this Ordinance at any location other than the licensed/permitted premises. It is further unlawful for any Adult/Sex Oriented Facility or Business to do business under any name other than the business name specified in the license or project applications.

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21-100: TRANSFER LIMITATIONS

Conditional Use Approvals and Business Licenses granted hereunder are not transferable. It shall be unlawful for an individual to transfer such approvals or licenses. It shall be unlawful for an adult/sex-oriented facility or business conditional use approval held by a corporation, partnership, or other non-corporate entity to transfer any part in excess of 10% thereof, without filing a new application and obtaining prior City approval. If any transfer of the controlling interest in an Adult/Sex Oriented Facility or Business occurs, the conditional use approval is immediately null, and void and the business shall not operate until a new conditional use approval has been properly granted by the City as herein provided.

21-110: OBSCENITY AND LEWDNESS

This provision shall not be construed as permitting any use or act which is otherwise prohibited or made punishable by law.

21-120: ALCOHOL PROHIBITED

It is unlawful for any business licensed or permitted pursuant to this Ordinance to allow the sale, storage, supply or consumption of alcoholic beverages on the premises. It is unlawful for any person to possess or consume any alcoholic beverage on the premises of any Adult/Sex Oriented Facility or Business.

21-130: PROFESSIONAL SERVICE EXEMPTION

This Ordinance shall not apply to any sex therapist or similar individual licensed by the State of Utah to provide bona fide sexual therapy or counseling, licensed medical practitioner, licensed nurse, psychiatrist, psychologist, nor shall it apply to any educator licensed by the State of Utah for activities in the classroom.

21-140: NUDE MODELING/ESCORT SERVICES

This Ordinance is not intended to unreasonably or improperly prohibit legitimate modeling which may occur in a state of nudity for purposes protected by the First Amendment or similar state protections. The City does intend to prohibit prostitution and related offenses occurring under the guise of nude modeling or escorting. A contract for nude modeling or escort services must be signed by the parties at least twenty-four (24) hours in advance of such activity. During such nude modeling or escort services it shall be unlawful to:

A. Appear nude or semi-nude in the presence of persons under the age of eighteen (18);

B. Allow, offer or agree to any touching of the contracting party or other person by the individual appearing nude;

C. Allow, offer or agree to commit prostitution, solicitation of prostitution, solicitation of a minor, or committing activities harmful to a minor;

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D. Allow, offer, commit, or agree to any sex act as validly defined by city ordinance or state statute;

E. Allow, offer, agree or permit the contracting party or other person to masturbate in the presence of the individual contracted to appear nude; or

F. Allow, offer, or agree for the individual appearing nude to be within five feet of any other person while performing or while nude or seminude.

21-150: NONCONFORMING USES

Adult/Sex Oriented Facilities and Businesses already existing within the City shall have the right to continue in their businesses without a conditional use permit. However, all such businesses shall be subject to compliance with the criteria, mandatory general conditions, and mandatory design of premise's conditions herein within ninety (90) days of the adoption of this Ordinance. A time extension may be granted where the City Council determines, on a case-by-case basis, that a hardship exists for a business owner/operator.

21-160: CHANGE OR EXTENSION/ENLARGEMENT OF USE

Any nonconforming use herein may not be materially changed, nor extended/enlarged unless it comes into compliance with the then existing Development Code.

21-170: CESSATION OF USE

If active and continuous operations are not carried on in a nonconforming use during a continuous period of one (1) year, the building or land where such nonconforming use previously existed shall thereafter be occupied and used only for a conforming use. Intent to resume active operations shall not affect the foregoing.

21-180: DRAMATIC WORKS EXCEPTION

This Ordinance shall not be construed so as to prohibit:

A. Plays, operas, musicals, films, or other dramatic works which are not obscene;

B. Classes, seminars, and lectures held for serious scientific or educational purposes; or

C. Exhibitions, dances, or works of art which are not obscene.

21-190: EMPLOYEE LICENSES

A. It is unlawful for any sexually oriented business to employ or for any individual to be employed by an adult/sex-oriented facility or business in the capacity of a sexually oriented business employee in Coalville City unless that employee first obtains a sexually oriented business license from the City.

B. Before any applicant may be licensed as a sexually oriented business employee, the applicant shall submit in writing to the City Recorder the following:

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~~163.~~1. The correct legal name of the applicant and any other names or aliases used by the individual;

~~164.~~2. The applicants age, date and place of birth, height, weight, color of hair, color of eyes, present address and phone number, Utah driver's license or identification number, and social security number;

~~165.~~3. Acceptable written proof that the applicant is at least eighteen years of age or, in the case of employees to be employed in businesses where a different age is required by law, proof of the required age;

~~166.~~4. Two color photographs of the applicant clearly showing the individual's face, and the individual's fingerprints on forms provided by the Summit County Sheriff's Office. For persons not residing in Summit County, the photographs and fingerprints shall be on forms from the law enforcement jurisdiction where the person resides. Fees for the photographs and fingerprints shall be paid by the applicant directly to the issuing agency;

~~167.~~5. For any applicant who works as a model, dancer, or escort, a certificate from the Summit County Health Department, stating that the individual has, within thirty days immediately preceding the date of the application, been examined and found to be free of the following contagious diseases: gonorrhea, syphilis, and chlamydia, and is negative for the AIDS antibody;

~~168.~~6. A statement of the business, occupation or employment history of the applicant for five years immediately preceding the date of the filing of the application; and

~~169.~~7. All criminal convictions or pleas of nolo contendere, except those which have been expunged, for five years prior to the date of the application. This disclosure shall include identification of all ordinance violations, excepting minor traffic offenses (any traffic offense designated as a felony shall not be construed as a minor traffic offense), stating the date, place, nature of each conviction or nolo contendere and sentence of each conviction, identifying the convicting jurisdiction and sentencing court and providing the court identifying case numbers or docket-numbers. Application for a sexually oriented business employee license shall constitute a waiver of disclosure of any criminal conviction or plea of nolo contendere for the purposes of any proceeding involving the employee license.

C. Each initial application shall be accompanied by a nonrefundable fee as fixed by the City to defray the costs of processing and investigating the application. Each applicant shall be required to pay regulatory license fees as fixed by the City on a yearly basis. These fees are regulatory fees and shall be in addition to the other licenses and fees required to do business in the City.

D. The City Recorder shall issue a license to the applicant within thirty days after receipt of a complete application unless he or she fords one or more of the following:

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~~170.~~1. The applicant is under eighteen years of age or any higher age if the license sought requires a higher age;

~~171.~~2. The applicant is overdue in payment to the City of taxes, fees, fines or penalties assessed against the applicant or imposed on the applicant in relation to an adult/sex oriented facility or business;

~~172.~~3. The applicant has falsely answered a material question or request for information as authorized by this Ordinance;

~~173.~~4. The applicant has been convicted of a violation of a provision of this Ordinance or a similar ordinance from another jurisdiction within two years immediately preceding the application (the fact that a conviction is being appealed shall have no effect on the denial);

~~174.~~5. The license fees required by this Ordinance have not been paid;

~~175.~~6. An applicant has been convicted of or has pled nolo contendere to a crime:

a. involving prostitution; exploitation of prostitution; aggravated promotion of prostitution; solicitation of sex acts; sex acts for hire; compelling prostitution; aiding prostitution; sale, distribution or display of material harmful to minors; sexual performance by minors; possession of child pornography; public lewdness; indecent exposure; any crime involving sexual abuse or exploitation of a child; sexual assault or aggravated sexual assault; rape; forcible sodomy; forcible sexual abuse; incest; harboring a runaway child; criminal attempt, conspiracy or solicitation to commit any of the foregoing offenses or offenses involving similar elements from any jurisdiction regardless of the exact Code of the offense for which:

i. less than two years have elapsed from the date of conviction if the conviction is of a misdemeanor offense or less than five years if the convictions are of two or more misdemeanors within the fives years, or

ii. less than five years have elapsed from the date of conviction, if the offense is a felony.

b. The fact that a conviction is being appealed shall have no effect on the disqualification pursuant to this Ordinance.

E. Sexually oriented business employee licenses issued pursuant to this Ordinance shall be valid from the date of issuance through July 1st of the next calendar year.

F. Any change in the information required to be submitted by this Ordinance shall be given, in writing, to the City Recorder within fourteen days after such change.

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G. Sexually oriented business employee licenses shall not be transferable. It is unlawful for a sexually oriented business employee to transfer such license to another. Any such transfer or attempted transfer shall render the license null and void. If such license is void, the employee may not reapply for a new license for one year.

H. It is unlawful for any individual licensed pursuant to this Ordinance to fail to carry their employee license on their person at all times while engaged in licensed activities within the City limits. If the individual is nude, such license shall be visibly displayed within the same room as the employee is performing. It is unlawful to fail to show the appropriate licenses while engaged in licensed activities within the City limits upon request by the Summit County Sheriff's Office or other enforcement personnel or health official.

21-200: PENALTIES:

A. Violations of any of the provisions of this Ordinance shall subject the offender to the penalties as provided for in the Coalville City Development Code, other applicable State law, or where no penalty is otherwise provided, a fine of not more than $750 and a 90-day jail sentence.

B. Businesses in violation of this Ordinance shall be subject to license revocation. Such business shall also be subject to conditional use approval revocation. Where revocations occur, those businesses which are nonconforming under the current development code shall thereafter cease to be legal nonconforming uses within Coalville City.

C. Sexually oriented business employees in violation of this Ordinance shall be subject to license revocation proceedings wherein a hearing by the City Council, or by an official whom the Council may designate, shall be awarded to the individual. The individual shall be given written notice of the violation and an opportunity to be heard before the Council or designated hearing official.

D. It shall be unlawful to submit false or materially misleading information on or with a Conditional Use Approval Application for an Adult/Sex Oriented Facility or Business or to fail to disclose or omit information for the purpose of obtaining said approval.

E. Prior to any approval or license revocation hearing, as provided for by the Development Code, City Business License Ordinance, or this Ordinance, a stay of enforcement action shall be granted, pending the outcome of the hearing and subsequent appeals, upon written application to the City by the approval or license holder.

21-210: RIGHT OF APPEAL

A. All appeals from denials by the City Council of conditional use approvals shall all be as provided in Chapter 3 herein of the Coalville City Development Code, and application section of the Utah Code Annotated to the District Court within thirty (30) days of the Planning Commission/City Council's final action.

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B. All appeals from denials by the City Recorder of sexually oriented business employee licenses shall be directed to the City Council.

21-220: NO RIGHTS CREATED IN THIRD PARTIES

This Ordinance is not intended to, nor shall it be construed to create any rights, claims, or causes of action in third parties.

21-230: SAVINGS CLAUSE

In the event one or more of the provisions of this Ordinance shall, for any reason, be held to be unenforceable or invalid in any respect under any applicable laws, such unenforceability or invalidity shall not affect any other provision; and in such an event, this Ordinance shall be construed as if such unenforceable or invalid provision had never been contained herein.

21-240: CONFLICT

Any Ordinance, Resolution, or any provision of the Coalville City Development Code which is inconsistent with this Ordinance is hereby repealed to the extent of that inconsistency.

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Chapter 22

FENCES AND WALLS

22-010: Purpose
22-020: Front Yard Setback
22-030: Side Yard and Corner Lot Setback
22-040: Sidewalk and Right-of-Way Setback
22-050: Other Restrictions
22-060: Maximum Height
22-070: Materials
22-080: Exceptions
22-090: Penalty
22-100: Appeals

22-010: PURPOSE

The purpose of the regulations for Fences and Walls is to ensure safe sight lines and minimize the potential negative visual impact or hazards of high or unsightly fences and walls.

~~A.~~C. Property owners are strongly encouraged to hire a licensed surveyor to locate property lines prior to the construction of a fence or wall. Property line disputes are a civil matter and cannot be resolved by the City.

~~B.~~D. The City may require fencing consistent with the provisions described herein for security, buffering or screening purposes as determined necessary with the review of development applications.

22-020: FRONT YARD SETBACK

A. No fence, wall, or similar structure extending into or enclosing all or part of the front yard setback area adjacent to a street shall be constructed or maintained at a height greater than four (4) feet (except fifty percent (50%) see-through fencing, decorative arbors, gates, and similar entry features).

B. All fences, walls, or similar structures shall be set back at least one (1) foot from the property line along a sidewalk or public street right-of-way.

22-030: SIDE YARD AND CORNER LOT SETBACK

A. No fence, wall, or similar structure shall be constructed in the side yard setback of a corner lot exceeding four (4) feet in height adjacent to a street unless the following conditions are met:

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~~176.~~1. No portion of the fence, wall, or similar structure is located closer than twenty (20) feet to the property line adjacent to the street, and does not extend into the front setback area or the clear vision area of the lot, or;

~~177.~~2. The fence is decorative wrought iron or other fencing material that is similar in appearance and is at least fifty percent (50%) see-through not exceeding six feet (6') in height.

22-040: SIDEWALK AND RIGHT-OF-WAY-SETBACK

All fences, walls, or similar structures shall be set back at least one (1) foot from the property line along a sidewalk or public street right-of-way.

22-050: OTHER RESTRICTIONS

A. All fences shall be constructed with the finished surface facing the neighboring property with support posts placed to the inside, except in cases where the posts are an integral part of the fence design, in-line with the fence.

B. Fencing within a Public Utility Easement (PUE) is permitted only upon approval by the City Engineer.

C. If a fence is located within a recorded public utility easement, there is a possibility of the fence being removed should the easement become active, and the use of the easement is required by the City or other utility company.

D. All fences shall be maintained in a condition of reasonable repair and shall not become or remain in a condition of disrepair including noticeable leaning or missing sections, broken supports, non-uniform height, flaking paint or stain and growing of noxious weeds along the fence.

E. A minimum of three feet (3') of clearance is required around all fire hydrant and electrical or communications transformers.

F. Gates for driveways leading to a public street shall be located a minimum twenty feet (20') behind the property line. The gate shall open onto the property.

22-060: MAXIMUM HEIGHT

A. Fences and walls are not allowed over six (6) feet in height, unless first obtaining a Conditional Use Permit.

B. Retaining walls over four (4) feet in height shall be engineered and are allowed only after obtaining a Building Permit.

22-070: MATERIALS

A. All fences, walls, and similar structures should be constructed of natural or natural appearing materials, if possible. Standard fence wood, vinyl, or metal such as wrought iron or pipe and black vinyl coated chain link are acceptable materials. Non-coated chain-link or other wire fencing shall only be allowed if the

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fence is not readily visible from the public street, except as exempted in **Section 22-080** herein.

B. It shall be unlawful to erect or maintain any barbed wire, concertina, razor wire or electric fencing along or adjacent to Main Street within the Historic District of the City.

C. It shall be unlawful to erect or maintain any concertina or razor wire fencing along or adjacent to Main Street north and south, 100 South, 100 North/Chalk Creek Road and Border Station Road to the City Limits.

22-080: EXCEPTIONS

The following shall be exempt from the requirements and review standards of this Chapter:

A. Fences or walls placed around utility buildings for security reasons as approved by the City Council to adequately protect the facility;

B. Fences and walls constructed in areas not expressly prohibited may be erected provided that no fence shall be higher than six (6') feet, unless a Conditional Use Permit is obtained;

C. Approval of fence or wall height greater than six feet (6') high by the City Council, to provide screening of adjacent uses as a part of a development plan review;

D. Temporary construction fences installed to protect the public from injury during construction or to maintain security for development activity (must be removed at completion of construction);

E. Agricultural fencing which does not adjoin residential neighborhoods or commercial areas and the repair or replacement of existing agricultural fencing;

F. Fences required by State law to surround or enclose public utility installations, public schools, or other public buildings;

G. Fences for uses such as tennis or sports courts, which may be a maximum of fifteen feet (15') high if the fence meets all of the required yard setbacks in the zone district in which it is located, and;

H. Decorative wrought iron or fencing that is similar in appearance and is at least fifty percent (50%) see-through may be installed in front yard and corner lot side yard setback areas up to six feet (6') in height.

22-090: PENALTY

Any person found guilty of violating any of the provisions, rules and regulations of this Chapter, is guilty of a Class "C" misdemeanor, pursuant to Utah Cade Annotated, as amended. Each violation shall be subject to a $100 fine for each day the violation continues beyond the correction notice date issued by the City for such violation.

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22-100: APPEALS

Any person, applicant or entity aggrieved by an administrative action by the Staff or Planning Commission may appeal the decision to the Administrative Law Judge who shall have authority to reverse, affirm or modify the decision of the Staff or Planning Commission.

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Chapter 23

DEMOLITION, RENOVATION AND EXCAVATION

23-010: Purpose
23-020: Demolition
23-030: Excavation Permit Required
23-040: Excavation Application Requirements
23-050: Excavation Permit Fees
23-060: Excavation Permit Contents
23-070: Excavation Permit – No Transfer or Assignment
23-080: Excavation Emergency Work
23-090: Excavation Restoration
23-100: Excavation Insurance Requirements
23-110: Excavation Bonding Requirements

23-010: PURPOSE

To annotate requirements for demolition, renovation, and excavation occurring within Coalville City, the following guidelines will be reviewed and executed by the City Staff.

23-020: DEMOLITION

~~A.~~I. Persons Renovating or seeking a Demolition Permit shall follow the Application and Demolition Permit Procedure which are available at the City Office upon request.

~~B.~~J. All Demolition Permits must comply with State Division of Air Quality requirements. See the Division of Air Quality Renovation/Demolition Application for further details.

(http://www.airquality.utah.gov/HAPs/ASBESTOS/news/Reno-demo.pdf)

~~C.~~K. A Demolition permit will not be issued until plans for a replacement building and/or appropriate landscaping have been completed including the following:

~~1~~8.1. Properly submitted to City Staff

~~2~~9.2. Reviewed by City staff, Advisory Body, and Deciding Body

~~3~~80.3. Approved by City Staff, Advisory Body, and Deciding Body

~~4~~81.4. All Application submissions, Reviews, and Approvals must follow the Application, Notice, and Meeting Standards set forth in **Sections 03-030**, **03-040**, **03-050** of this Code.

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23-030: EXCAVATION PERMIT REQUIRED

Any person desiring to perform excavation work of any kind within the Public Right-Of-Way in Coalville City shall be required to complete an application permit.

23-040: PERMIT APPLICATION REQUIREMENTS

Permit Applications shall be filed with the Public Works Division upon a form, or forms furnished by the City. The following provisions will be considered:

A. Property Owners and or tenants for whom the work is being done shall be responsible for ensuring that permits are obtained; however, Contractors may obtain permits in the Contractors Name.

B. The City Staff may deny the issuance of permits to contractors, utility companies, or other permit Applicants, who have shown by past performance, that in the opinion of the City Engineer, they will not consistently conform to the Development Regulations, Specifications, Design Standards, or the requirements of this chapter.

C. When necessary, the City Engineer, to fully determine the impact of the work proposed to existing or proposed facilities within the Public Way, may require the filing of engineering plans, specifications and sketches showing the proposed work.

D. It is unlawful for any person to commence work on any Public Way until the City has approved the application and until a permit has been issued for such work, except as specifically approved to the contrary in this Chapter.

E. The decision of approving or denying an application falls under the category of administrative decisions and can be contested by following the provisions in **03-150**.

F. A permit is not required from the Public Works Division for hand digging excavations for installation or repair of sprinkler systems and landscaping within the non-paved areas of the Public Way, however conformance to all other City specifications is required.

23-050: PERMIT FEES

The City shall charge and the Permitted shall pay all fees associated with the permit, upon issuance of said permit, as outlined in the City Fee Schedule. All costs shall be assessed in a non-discriminatory manner.

The City may waive permit fees or penalties or portions thereof provided for in this chapter when it is determined that such permit fee or penalty pertains to an encroachment on the Public Way involving a beautification project which furthers specific goals and objectives set forth in the City's strategic plan, master plan, or other official documents, including decorative street lighting, building façade lighting, flower and planter boxes, and landscaping.

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The City may assess additional fees to cover any reasonable costs incurred due to the need for engineering review or inspections or any work site restoration not completed.

23-060: PERMIT - CONTENTS, DURATION, AND EXTENSIONS:

A. Permit Application Completion will be determined by City Staff and shall be completed with all required information before issuance of Permit.

B. Public Works Division shall be notified by the Permittee of commencement of the work within twenty-four (24) hours prior to commencing work. The permit shall be valid for the time period specified in the permit.

C. If work is not completed during such period specified, prior to the expiration of the permit, the Permittee may apply to the City for an additional permit or an extension, which may be granted by the City.

D. The length of the extension requested by the Permittee shall be subject to the approval of the City. No extension shall be made that allows work to be completed in the winter period except during times of emergency or with permission from the City Council.

23-070: PERMIT - NO TRANSFER OR ASSIGNMENT

Permits shall not be transferable or assignable. Work shall not be performed under a permit in any place other than that specified in the permit. A Permittee may subcontract the work to be performed under a permit, provided that the holder of the permit remains responsible for:

A. The performance of the work allowed under the permit;

B. All the bonding, insurance, and other requirements of this chapter under said permit.

23-080: EMERGENCY WORK

A. Any person maintaining, pipes, lines, or facilities in the Public Way may proceed with work upon existing facilities without a permit when emergency circumstances demand the work to be done immediately, provided a permit could not reasonably and practicably have been obtained beforehand.

B. In the event of emergency work needing to be commenced during regular business hours, the City shall be notified within one-half an hour, (30 minutes) from the time the work is commenced or as soon thereafter as possible. The person commencing work shall take all necessary safety precautions and maintain the work standards expected during normal circumstances.

C. Any person commencing emergency work in the Public Way outside normal business hours shall apply for a permit or give notice during the first hour (60, “sixty” minutes) of the next business day the City Offices are open or as soon thereafter as possible.

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D. At the discretion of City Officials, a permit for such work may be issued which shall be retroactive to the date when the work commenced.

23-090: RESTORATION OF PUBLIC PROPERTY AND EXISTING IMPROVEMENTS

A. If any sidewalk or curb ramp is blocked by excavation work, a temporary sidewalk or curb ramp shall be constructed or provided. Such improvement shall be safe, convenient, and consistent with City Standards for such.

B. The Permittee shall, at its own expense, restore the surface of any Public Way to its original condition, and replace any removed or damaged pavement with the same type and depth of pavement as that which is adjoining, including the gravel base material.

~~182.~~1. Excavations made in paved areas shall replace the surface with proper pavement until such time as the permanent repairs are completed.

~~183.~~2. All restoration shall conform to the Development Regulations, Design Standards and Specifications set forth by the City.

~~184.~~3. All restoration shall be accomplished within the time limits set for in the permit unless additional time is granted in writing by the proper authority.

C. At any time, a Permittee disturbs the yard, residence, real or private property of a private owner or the City, such Permittee shall insure that such property is returned, replaced and or restored to a condition comparable to that which existed prior to the commencement of the work or as otherwise directed by the property owner.

~~185.~~1. All costs associated with the disturbance and the return, replacement and/or restoration shall be borne by the Permittee.

~~186.~~2. A Permittee shall reimburse a property owner or the City, for any actual damage caused by the Permittee, its subcontractor, or its independent contractor, in connection with the disturbance of such property.

~~187.~~3. A Permittee shall not be required to reimburse a subscriber/property owner if, said subscriber/property owner requests that improvements be removed, replaced, or relocated, and such Permittee exercises due care in the performance of that service; Or when a subscriber/property owner provides false information to the Permittee on which the Permittee relied to its detriment.

~~188.~~4. By issuing a permit hereunder, the City does not authorize Permittee to perform any work on private property other than the property of the Permittee as specified in the Permit.

~~189.~~5. Permittee shall be required to indemnify the City for any damages that are sustained on private property, public property or in any manner, including any costs and attorney's fees that are incurred by the City.

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D. The requirements imposed upon the Permittee extend to any subcontractor or independent contractor that the Permittee might employ to perform the tasks pursuant to the permit.

E. The requirements of this section shall not apply to the removal by a Permittee of a permanent structure placed by a property owner in a Public way, unless such property owner received prior written permission from the City granting the property owner the right to install a permanent structure on a Public Way, and such permission has been recorded in the Office of the County Recorder.

23-100: INSURANCE REQUIREMENTS

Before a permit is issued, the applicant shall furnish to the City evidence that such Applicant has a comprehensive general liability and property damage policy that includes contractual liability coverage.

A. The insurance companies issuing the policy or policies shall have no recourse against the City for Payment of any premiums due or for any assessments under any form of any policy.

B. The Permittee shall include all subcontractors as insured under its policies or shall furnish separate certificates and endorsements for each subcontractor.

C. A property owner performing work adjacent to his or her residence in connection with a permit issued hereunder may submit proof of a homeowner's insurance policy in lieu of the insurance requirements of this Section.

23-110: BOND REQUIREMENTS

Each applicant, before being issued a permit, shall provide the city with an acceptable corporate cash or surety bond as shown in the fee schedule or determined by the City Staff to guarantee faithful performance of the work authorized by a permit granted pursuant to this Chapter.

A. The amount of the bond required may be increased or decreased at the discretion of the City Staff whenever it appears that the amount and cost of the work to be performed may vary from the amount of bond otherwise required under this Chapter.

B. The form of the bond and the entity issuing the bond shall be subject to the approval of City Staff.

C. The bond required by this Section shall be conditioned as follows:

~~190.~~1. The Permittee shall fully comply with the requirements of the City ordinances and regulations, specifications and standards promulgated by the City relative work in the Public Way, and respond to the City in damages for failure to conform therewith:

~~191.~~2. After work is commenced, the Permittee shall proceed with diligence and expedition and shall promptly complete such work and restore the Public

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Way to construction specifications, so as not to obstruct the Public Way or travel more than is reasonable necessary;

~~192.~~3. The Permittee shall guarantee the materials and workmanship for a period of one (1) year from the date of final inspection for work performed in the summer and two (2) years for work performed in the winter, with reasonable wear and tear excepted. Winter is from October 15 to April 15.

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Chapter 24

RV PARKS AND CAMPGROUNDS

24-010: Conditional Use Approval Required
24-020: Minimum Park Area
24-030: Property Development Standards
24-040: Length of Occupancy
24-050: Eating and Cooking Facilities
24-060: Wastewater and Trash Disposal and Drinking Water Stations

24-010: CONDITIONAL USE APPROVAL REQUIRED

A Conditional Use Approval for a commercial recreational vehicle (RV) park or campground facility must be issued in accordance with the provisions of this Code and this section. In addition to conditions as may be required upon the issuance of a Conditional Use Approval for a RV park or campground, all RV Parks or campgrounds shall be built to the standards set forth in this Code. RV shall mean recreational camping type vehicles, travel trailers as well as tent trailers or tents if applicable.

24-020: MINIMUM PARK AREA

RV parks or camping facilities shall contain at least five (5) acres.

24-030: PROPERTY DEVELOPMENT STANDARDS

The following development standards shall apply to RV or camping sites. Plans for the RV Park or Campground and any proposed accessory buildings or structures shall be submitted with the application for Conditional Use Approval. The plans shall be in conformance with the following development standards:

~~1.~~4. Each RV or camping site shall be plainly marked and numbered for identification and shall meet all requirements of this Code.

~~2.~~5. Each RV or camping site shall have an area of not less than one thousand (1,000) square feet.

~~3.~~6. Each site shall have a minimum width of twenty (20) feet. Trailers shall be separated from each other and from other structures by at least ten (10) feet. Any accessory uses such as slide-outs, attached awnings, or steps, for the purposes of this separation requirement, will be considered part of the trailer.

~~4.~~7. Each site shall abut directly on a park street for a minimum distance of twenty (20) feet. Alignment and gradient shall be properly adapted to topography and provisions shall be made for proper drainage.

~~5.~~8. Not more than one (1) RV shall be placed on an RV site.

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6.9. Each RV site shall provide sufficient parking and maneuvering space so that the parking loading or maneuvering of trailers incidental to parking shall not necessitate the use of any public street, sidewalk, right-of-way, or any private grounds not part of the RV parking area.

7.10. There shall be provided guest parking in each RV or camping park at the ratio of one (1) parking space for each ten (10) RV or camping sites within the park.

8.11. All open areas except driveways, parking areas, walking ways, utility areas, or patios shall be maintained with landscaping in accordance with a detailed landscaping plan to be approved in conjunction with issuance of a Conditional Use Approval. There shall be at least one (1) tree per camping site.

9.12. Streets shall be at least twenty-four (24) feet wide. Parking shall not be allowed on park streets. The park streets shall be paved in accordance with City standards and shall provide concrete curb and gutter if applicable according to current standards. Curb and gutter may be of a "roll" type to provide convenient access to trailer sites.

10.13. A central recreation area shall be established in all RV parks which shall be easily accessible from all trailer sites. The size of such recreation areas shall be not less than ten (10) percent of the gross site area of all RV spaces, or three thousand (3,000) square feet, whichever is greater.

11.14. RV or camping parks may have one (1) or more laundry rooms.

12.15. Restrooms, including toilets, showers, and lavatories, shall be provided within a RV or campground to serve conveniently and adequately said park.

13.16. All utility distribution facilities, including television antenna service lines serving individual RV sites, shall be placed underground. The owner is responsible for complying with the requirements of this section and shall make the necessary arrangements with each of the public serving utilities for installation of said facilities. Transformers, terminal boxes, meter cabinets, pedestals, concealed ducts, and other necessary appurtenances to such underground facilities may be placed above ground. All RV sites must be served with water and electricity. Tent only campgrounds shall only be serviced with water to each site or group of sites. Natural gas hookups shall not be provided to individual RV or camping sites.

14.17. There shall be no open storage of personal belongings within an RV or camping site, nor shall an accessory building, shed, or cabinet be placed upon or erected upon an individual RV or camping site for the storage of materials or personal belongings.

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15.18. All fuel tanks maintained within an RV site must be mounted securely upon or attached to the RV or recreation vehicle which they serve. No such tanks shall be larger than fifty (50) gallon capacity.

16.19. Any skirting surrounding the open space beneath an RV or other recreation vehicle shall be of the same basic material as the exterior skin of the vehicle and shall have the same color(s) as that of the skin of the vehicle, or complimentary color(s) thereto.

17.20. There shall be no removal of axles, wheels or tires from an RV or other vehicle located within an RV or camping park, except for emergency or temporary removal to accomplish repairs.

18.21. There shall be no separate mailboxes, separate street address designations, or other similar accessories which would give the appearance of "permanence" to occupants of a RV site.

24-040: LENGTH OF OCCUPANCY

No RV or camping site located within a park established under these provisions shall be occupied more than thirty (30) consecutive days by the same user, except for the RV park manager.

24-050: EATING AND COOKING FACILITIES

Each RV or camping site shall be equipped with a picnic table and benches or equivalent, and an outdoor cooking facility which meets the approval of the North Summit Fire District.

24-060: WASTEWATER, TRASH DISPOSAL, AND DRINKING WATER STATIONS

Each RV or camping park shall have facilities for disposal from the holding tanks of trailers and similar vehicles which shall be hooked to the City sewer system, or a wastewater disposal system approved by the City Council and State Health Department. Also, a source of potable water for filling RV, travel trailer or other water tanks shall be required. Proper screened facilities for waste storage, handling and disposal shall also be approved by the Planning Commission.

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Chapter 25

RECREATIONAL PARK MODEL TRAILERS

25-010: Purpose
25-020: Definitions
25-030: Installation
25-040: Inspection Required
25-050: Location
25-060: Temporary Dwelling and Occupancy
25-070: Temporary Dwelling Permit

25-010: PURPOSE

The purpose of this section is the governance of Temporary Dwelling Units, including installation and occupancy.

25-020: DEFINITIONS

~~A.~~D. **Temporary Dwelling.** A Manufactured mobile unit (other than a mobile home) designed and permitted by its manufacturer as a temporary dwelling for travel, recreational, and vacation use, including recreational vehicles, such as: travel trailers recreational park model trailers, camp trailers, motor homes, truck campers and vans.

~~B.~~E. **Travel Trailer.** A travel trailer shall not require special highway movement permits when towed on public highways and shall not exceed 8 feet in width or 40 feet in length.

~~C.~~F. **Recreational Park Model Trailer.** shall not exceed an area of 400 square feet and shall follow all standards set forth in ANSI 119.5. The unit must be self-contained or connected to the city public sewer system.

25-030: INSTALLATION

A. No person or firm shall install a Recreational Park Trailer in the city without complying with the standards adopted herein or prior to obtaining an installation permit from the city. Such permits shall be granted only after proper application by the owner or installer made upon forms provided by the city and the payment of a fee set by the City Council. The following standards will be applied to all installation permit requests:

~~2~~1. A working smoke detector shall be installed

a. Per NFPA 1192 current edition, section 6.3 for recreational vehicles; or

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b. Per ANSI A119.5 Current Edition Section 3-3 for recreational park trailers;

~~2~~12. A working carbon monoxide (CO) alarm shall be installed

a. Per NFPA 1192 Current Edition, section 6.4.6 for recreational vehicles; or

b. Per ANSI A119.5 Current Edition Section 3-5 for recreational park trailers;

~~3~~13. There shall be egress directly from the sleeping area consisting of a door, or an egress window with a minimum size of 23 x 17

a. Per NFPA 1192 2008 Edition, Section 6.2 for recreational vehicles; or

b. Per ANSI 119.5 Current Edition Section 3-2 for recreational park trailers;

~~4~~14. Recreational Park model trailer electrical cords' shall be protected within a rigid conduit;

~~5~~15. The unit shall be connected to the water supply provided within the park, in accordance with the applicable plumbing provisions of the adopted uniform plumbing code, and all applicable fees will be paid;

~~6~~16. The unit shall be connected to the sanitary sewer system provided within the park, in accordance with the plumbing provisions of the adopted uniform plumbing code, and all applicable fees will be paid;

~~7~~17. All steps, landings, stairways, decks, and balconies shall meet the requirements of the International Residential Code and shall be independently supported; and

25-040: INSPECTION REQUIRED

The city shall inspect the installation of each such recreational park trailer, or recreational vehicle covered by an installation permit to determine that such installation complies with Coalville City standards in regard to the Health Safety and Welfare of future occupants within City Limits and shall not permit occupancy until such inspection and approval have been given.

25-050: LOCATION

Recreational Park Model Trailers are only allowed to operate within a designated recreational vehicle park and campground area.

25-060: TEMPORARY DWELLING OCCUPANCY

Recreational Park Model Trailers or Recreational Vehicles shall not be occupied for more than thirty (30) consecutive days by the same user. Recreational Park Model Trailers shall not be used as Primary or Secondary Dwellings.

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25-070: TEMPORARY DWELLING PERMIT

A property owner shall obtain a building permit, in conjunction with the Conditional Use Permit, to house a Recreational Park Trailer within any R.V. Park. The City of Coalville requires that a site plan be submitted showing the location of the Recreational Park Trailers and any other improvements on the lot. A Certification of Occupancy must be obtained before human habitation of a Recreational Park Trailer may occur.

The City may discontinue the conditional use permits at any time, if the agreed upon conditions are not being followed.

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Chapter 26

RIGHT TO FARM PROVISIONS

26-010: Purpose
26-020: Impact Analysis
26-030: Applicability
26-040: Factors Considered
26-050: Farm Animal Point System

26-010: PURPOSE

As the City is an agricultural community and because the City Council places a high value on the protection and preservation of agricultural land uses, the City has adopted the following right to farm provisions:

26-020: IMPACT ANALYSIS

All subdivisions and master planned developments that:

1) border an agricultural area; or 2) contain within them an agricultural or irrigation rights-of-way or easements; or 3) will contain agricultural open space or preservation, shall have additional requirements imposed upon the developer in the form of an impact analysis to be reviewed and implemented as part of the conditional use process, MPD review process or subdivision process. This impact analysis shall be used to determine the impact on associated farming and/or livestock operations affected by the development and implement mitigation measures for the development to alleviate conflicts with affected agricultural operations.

26-030: APPLICABILITY

The developer is responsible for the performance of the analysis with the input and review by the City. The planning commission and developer shall use the following review guidelines or issues in determining the impact on farming operations of the development and will apply appropriate conditions during the approval process to ensure that the farm or ranch affected is assured a right to farm without undue burden of residential or commercial growth and complaints by neighbors. All rights to farm are preserved to the best ability of the City, taking into consideration practical land use applications and private property rights and concerns.

26-040: FACTORS CONSIDERED

The following factors shall be used as guidelines or issues in the preparation and review of the agricultural impact analysis. Mitigation measures may be required as permit conditions, restrictive covenants, or agreements:

~~1.~~8. Protection of irrigation access and maintenance of ditches and canals.

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~~2.~~9. Safety and protection of the public from ditches, canals, ponds and drainage systems.

~~3.~~10. Livestock movement corridor protections and safety concerns.

~~4.~~11. Fencing safety (i.e., electrical, barbed wire) and design.

~~5.~~12. Private property protection issues.

~~6.~~13. Hunting protection, access and livestock safety concerns.

~~7.~~14. Protection of farm equipment ingress and egress.

~~8.~~15. Erosion and soil protection and conservation concerns.

~~9.~~16. Drainage of the subdivision and designs to minimize the discharge or impact on agricultural lands and soils.

~~10.~~17. Noxious weeds, pests and pet (dog) controls in the development.

~~11.~~18. Provisions, acknowledgments, and understandings by new property owners (including hold harmless agreements, if necessary) that farm work hours run late and begin early, and that farm operations may contribute to noises and odors.

~~12.~~19. Screening provisions and landscaping designs to reduce noise or visual impact on surrounding or conflicting land uses.

~~13.~~20. Any other provisions or concerns that the City deems necessary to protect the right to farm on adjoining or appurtenant properties.

26-050: FARM ANIMAL POINT SYSTEM

Farm animals. Livestock, fowl, and other animals (excluding household pets) may, where permitted, be kept, bred, and maintained according to the following point system:

A. Animals may total 50 points per one-half acre of ground used solely for their care and keeping.

B. Animals shall be worth the following points:

~~2~~1. Chickens, pigeons, pheasants, and other similar birds: 2 points each.

~~3~~2. Rabbits, chinchillas, and other similar animals: 5 points each.

~~4~~3. Geese, ducks, peafowl, turkey, and other similar birds: 10 points each.

~~5~~4. Sheep, goats, llamas, calves, foals, and other similar sized animals: 25 points each.

~~6~~5. Horses, cattle, and other similar sized animals: 40 points each.

~~7~~6. The keeping of swine will be allowed only to a maximum of four animals.

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~~237.~~7. For the purpose of this point system, an animal and one offspring shall be considered to be one animal until six months after the birth of the offspring.

C. Any building, structure or corral in which livestock is kept must be at least 100 feet from any existing dwelling on a neighboring lot or parcel or 50 feet from side and rear property lines, whichever is greater. This restriction does not include open pasturing on a temporary or seasonal basis.

D. Nothing herein shall be construed as authorizing the keeping of inherently dangerous animals capable of inflicting harm or endangering the health and safety of any person or property.

E. Existing farm animal uses are classified as existing legal non-conforming uses and are allowed and may continue but cannot be expanded per Chapter 4 herein.

Note: Farm animals are not allowed in the Very High Residential (R-8), Community Commercial (CC), and Highway Commercial (HC) Zones of the City.

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Chapter 27

SIGN REGULATIONS

27-010: Purpose
27-020: Permit Requirements
27-030: Approval
27-040: Definitions
27-050: Permitted Signs
27-060: Prohibited Signs
27-070: Exempted Signs
27-080: Nonconforming Signs
27-090: Enforcement
27-100: Penalty
27-110: Appeals

27-010: PURPOSE

The purpose of this chapter is to promote and protect the public health, safety and welfare of the general public by implementing outdoor advertising regulations that promote scenic quality, protect property values and reduce visual clutter:

~~A.~~F. Create an attractive economic and business advertising climate that enhances the aesthetic appearance of the community.

~~B.~~G. Ensure that the constitutionally guaranteed right of free expression is protected.

~~C.~~H. Reduce signs or advertising distractions and obstructions that may contribute to visual clutter or traffic accidents.

27-020: PERMIT REQUIREMENTS

It is unlawful for any person to erect, construct, alter or relocate any sign, other than exempt signs specifically described in **Section 27-070** of this chapter, without first obtaining a sign permit. Routine maintenance or repairing existing like parts shall not be considered an alteration; provided that such change does not alter the surface dimensions, height, message, or copy of the sign. An application for a sign permit shall be submitted to the City and include the following:

A. The name, address and telephone number of the applicant, owner and occupant of the property.

B. Location of the structure or parcel of property on which the sign will be attached or erected.

C. The position of the sign in relation to nearby buildings, property lines, rights-of-way, sidewalks and streets.

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D. A copy of plans and specifications showing materials and method of construction for the sign including applicable supports, illumination and electrical wiring.

E. A colored rendering showing the sign face, colors, exposed surfaces and proposed Copy, accurately represented in scale as to size, height from finish grade, and proportions.

F. The name and contact information of the person erecting the sign.

G. Written consent from the owner of the building, structure or land on which the sign is to be erected.

H. For an application for a temporary sign the applicant shall list the earliest date on which the sign may be established and the date on which the sign shall be removed.

27-030: APPROVAL

The community development director or designated planning staff member shall approve, approve with conditions, or deny the sign permit within thirty (30) days from the date of the submittal of a complete application.

A. **Sign Design.** It is recognized that it is desirable to have some diversity of sign design within the City. However, it is also desirable to ensure that materials and color schemes used on signs be compatible with the image of the Coalville City community and rural small-town character.

B. **Permit Fees.** Prior to issuance of a sign permit by the City, the applicant shall pay the required permit fee for each sign permitted.

27-040: DEFINITIONS

For the purposes of this chapter, the following definitions will be used:

A. **Alterations.** Alterations as applied to a sign means change or rearrangement in the structural parts or its design, whether by extending on a side, by increasing in area or height, or in moving from one location or position to another.

B. **Area of Sign.** The area of a sign is measured by drawing the smallest square, circle, rectangle, triangle, or combination thereof that encompasses the extreme limits of the copy, representation, emblem, graphic or other display on the sign backing. Sign area does not include structural supporting framework, bracing or sign backing or wall to which the sign is attached. If individual letters are mounted directly on a wall or canopy, the sign area shall be the square feet of the smallest rectangle, which encloses the sign, message, logo or other graphic.

C. **Balcony**. A platform that projects from the wall of a building and is surrounded by a railing or balustrade.

D. **Banner**. A strip of cloth, plastic, paper or other material on which letters or logos are painted or written, hung up or carried on a crossbar, staff, string or between two (2) poles.

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E. **Billboard**. A permanent outdoor advertising sign that advertises goods, products, or services not necessarily sold on the premises on which the sign is located.

F. **Building Face or Wall.** All window and wall area of a building on one (1) plane or elevation.

G. **Canopy**. A roofed structure constructed of fabric or other material that extends outward from a building, generally providing a protective shield for doors, windows, and other openings, supported by the building and supports extended to the ground directly under the canopy or cantilevered from the building.

H. **Community or Civic Event**. A public event not intended for the promotion of any product, political candidate, religious leader or commercial goods or services.

I. **Display Box.** A freestanding or wall sign faced with glass or other similar material designed for the express purpose of displaying menus, current entertainment, or other like items.

J. **Electronic Display Terminal.** An electronic terminal, screen, or monitor used to receive or provide information, advertise a good or service or promote an event.

K. **Flag**. A piece of cloth, plastic, or similar material, usually rectangular or triangular, attached by one (1) edge to a staff/pole as a distinctive symbol of a country, government, organization or other entity or cause.

L. **Grade**. The ground surface elevation of a site or parcel of land.

~~238.~~1. **Grade, Existing.** The grade of a property prior to any proposed development or construction activity.

~~239.~~2. **Grade, Natural.** The grade of land prior to any development activity or any other man-made disturbance or grading. Planning Staff shall estimate the natural grade, if not readily apparent, by reference elevations at points where the disturbed area meets the undisturbed portions of the property.

~~240.~~3. **Grade, Finish.** The final or resulting grade where earth meets the building or sign after completion of the proposed development activity.

M. **Handbill**. A paper, sticker, flyer, poster, pamphlet, or other type of medium distributed by hand for identification, advertisement, or promotion of the interest of any person, entity, product, event, or service.

N. **Height of Sign.** The height of a sign is the vertical distance measured from natural or finish grade to the top of the sign.

O. **Opaque**. Opaque means that a material does not transmit light from an internal illumination source. Applied to sign backgrounds, opaque means that the area surrounding any letters or symbols on the sign either is not lighted from within or allows no light from an internal source to shine through it.

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P. **Multiple Uses.** Any lot, building, or other structure or tract of land that has been designated for multiple nonresidential uses, through the approval of a development permit.

Q. **Name Plate.** A sign that identifies the name, occupation, and/or professions of the occupants of a premise.

R. **Premise.** Land and the buildings owned or rented, upon it.

S. **Private Plaza.** Private property more than 1,000 square feet that generally serves as common area to adjoining commercial development and is free of structures, is hard surfaced and/or landscaped. Private plazas generally provide an area for pedestrian circulation, common amenities, and act as a gathering space for private or public purposes.

T. **Public Property.** Any property owned by a governmental entity.

U. **Reproduction**. An object that has been designed and built to resemble a product or service.

V. **Sign**. Sign shall mean and include a display of an advertising message, usually written, such as an announcement, declaration, demonstration, product reproduction, illustration, insignia, surface, or space erected or maintained in view of the observer primarily for identification, advertisement, or promotion of the interest of any person, entity, product, or service. The definition of a sign shall also include the sign structure, supports, lighting system, and any attachments, flags, ornaments or other features used to draw the attention of observers.

~~241.~~1. **Sign, Abandoned.** Any sign applicable to a use which has been discontinued for a period of six (6) months.

~~242.~~2. **Sign, A-Frame.** Any sign or structure composed of two (2) sign faces mounted or attached back-to-back in such a manner as to form a basic triangular shape.

~~243.~~3. **Sign, Awning.** Any sign painted on or attached to an awning or canopy.

~~244.~~4. **Sign, Cabinet.** A frame covered by translucent material. The entire structure is one (1) unit, and the copy is not intended to include the individual letters.

~~245.~~5. **Sign, Campaign.** A temporary sign on or off-premises, announcing, promoting, or drawing attention to a candidate seeking public office; or announcing political events or issues.

~~246.~~6. **Sign, Canopy.** Any sign painted or attached to a canopy.

~~247.~~7. **Sign, Changeable Copy.** A manually operated sign that displays graphics or a message that can be easily changed or altered without altering the face or surface of the sign (also see Sign, Electronic).

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~~248.~~8. **Sign, Construction.** A temporary sign placed on a site identifying a new development or building construction.

a. Project Marketing Sign. A sign identifying the financial institution of a development, and may include a plat map, and real estate information.

b. Construction Identification Sign. A sign identifying the contractor and or builder responsible for a project or development.

c. Construction/Project Marketing Sign. A combination of a construction sign and project marketing sign.

~~249.~~9. **Sign, Copy.** Copy is all the written matter, illustrations, logos or slogans on a sign expressed in words, sentences, or figures designed to convey the desired message of the sign.

~~250.~~10. **Sign, Directional.** Signs which serve as directional guides to recognized areas of local or regional importance and patronage, including:

a. Recreational and entertainment centers of recognized regional significance.

b. Major sports stadiums, entertainment centers or convention centers.

c. Historic landmarks, churches, schools, community centers, hospitals and parks.

d. Public safety, municipal directional, parking, and essential services.

~~251.~~11. **Sign, Directory.** A sign located on the premise to direct traffic, that contains the name of a building, complex or center and name and address of two (2) or more businesses being part of the same sign structure or interior to the building which can be seen from the outdoors.

~~252.~~12. **Sign, Electronic.** A window, wall, or other sign that changes messages through a marquee, reader board, electronic message center, or other replaceable copy area (also see Sign, Changeable Copy).

~~253.~~13. **Sign, Externally Illuminated.** A sign illuminated by light sources from the outside.

~~254.~~14. **Sign, Free-Standing.** A sign that is supported by one (1) or more uprights or braces which are fastened to or embedded in the ground.

~~255.~~15. **Sign, Ghost.** A sign on an exterior building wall, which has been weathered and faded to the extent that it has lost its original brightness of color and visibility.

~~256.~~16. **Sign, Hanging.** A sign attached underneath a canopy, awning or colonnade.

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~~257.~~17. **Sign, Historic.** A sign that by its construction materials, age, prominent location, unique design, or craftsmanship, provides historic character, individuality, and a sense of place or orientation regarding clues to a buildings history.

~~258.~~18. **Sign, Historic Replication.** A sign, which is an exact replication, including materials and size, of a historic sign which once existed in the same location.

~~259.~~19. **Sign, Hours of Operation.** A sign that displays the hours during which the buildings tenant serves the public, this includes “open” and “closed” signs.

~~260.~~20. **Sign, Hybrid.** A sign which is a combination of two or more common types of signs. (ex. Electronic- monument, electronic- projection.)

~~261.~~21. **Sign, Identification.** A sign which identifies only the name and/or logo and/or address of a commercial, industrial, or multi-family complex and the owner and tenants thereof.

~~262.~~22. **Sign, Illegal.** Any sign which does not conform to the regulations of this chapter as currently adopted or as amended at the time of construction.

~~263.~~23. **Sign, Internally Illuminated.** A sign illuminated by light sources enclosed entirely within the sign cabinet and not directly visible from outside the sign.

~~264.~~24. **Sign, Luminous Tube (Neon).** A sign that is outlined, or has characters, letters, figures, or designs that are illuminated by gas filled luminous tubes, such as neon, argon or fluorescent.

~~265.~~25. **Sign, Monument.** A sign that is supported by a foundation embedded in the ground and not attached to any building or wall.

~~266.~~26. **Sign, Municipal Identification.** A sign designed specifically for the purpose of notifying motorists of a City’s municipal boundary and welcoming them.

~~267.~~27. **Sign, Neighborhood Information.** A sign located entirely on private property, designed to provide information or notifications to local residents regarding neighborhood events or issues.

~~268.~~28. **Sign, Non-commercial Opinion.** A sign, which does not advertise products, goods, businesses, or services and which expresses an opinion or point of view, such as, a political, religious, or other ideological sentiment or support or opposition to a candidate or proposition for a public election.

~~269.~~29. **Sign, Non-Conforming (Legal).** Any advertising structure or sign which was lawfully erected and maintained prior to such time as it came within the purview of the development code and any amendments thereto,

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and which fails to conform to all applicable regulations and restrictions of this chapter.

~~270.~~30. **Sign, Off-Premises.** A sign identifying a business, commodity, service, or industry, which is not conducted upon the premises on which the sign is placed.

~~271.~~31. **Sign, On-Premises.** A sign that identifies the name, occupation, and/or professions of the occupants of the premises.

~~272.~~32. **Sign, Permanent.** Any sign which is not temporary by definition and is intended to be displayed for more than sixty (60) consecutive days.

~~273.~~33. **Sign, Pole.** A freestanding sign that is supported by one (1) upright not greater than twenty-four inches (24") in diameter, or as determined by a structural engineer, and is not attached or braced by any other structure.

~~274.~~34. **Sign, Political.** A sign advertising a candidate for public office, proposition or other issue to be voted on by the electorate.

~~275.~~35. **Sign, Portable.** A sign that can be moved from place to place and is not permanently affixed to the ground or a building.

~~276.~~36. **Sign, Projecting.** A sign attached to a building or other structure, perpendicular to the street and extending in whole or in part more than six inches (6") beyond any wall of the building or structure.

~~277.~~37. **Sign, Projection.** A sign that utilizes a beam of light to project a visual image or message onto a surface.

~~278.~~38. **Sign, Public Necessity.** A sign that informs the public of danger or a hazard.

~~279.~~39. **Sign, Real Estate.** A temporary sign advertising the sale, rental or lease of the premises or part of the premises on which the sign is displayed. Real Estate signs are typically T-Post style signs.

~~280.~~40. **Sign, Roof.** A sign erected or painted upon or above the roof or parapet of a building.

~~281.~~41. **Sign, Solicitation.** Sign used to communicate no solicitations.

~~282.~~42. **Sign, Special Purpose.** A sign advertising a special event pertaining to drives or events of a civic, philanthropic, educational, or religious organization.

~~283.~~43. **Sign, Special Sale.** Temporary signs used to advertise a special sale.

~~284.~~44. **Sign, Spot-Lit.** A sign illuminated by spotlights intended to broadcast light on the sign.

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~~285.~~45. **Sign, Temporary.** A banner, pennant, valance, or other advertising display with or without frames, intended to be displayed in or out of doors for a short period of time; A temporary sign shall include, but is not limited to, the following:

a. Open house signs
b. Political signs
c. Special events signs
d. Yard or garage sale signs
e. Grand Opening signs
f. Special business promotional display signs
g. Mobile signs
h. Banners
i. Wind signs
j. Portable signs
k. Inflatables

~~286.~~46. **Sign, Unsafe or Dangerous.** A sign constituting a hazard to public safety, or which does not meet lateral and/or vertical load requirements, or applicable wiring and installation standards of the city building codes.

~~287.~~47. **Sign, Vehicle.** Any sign, logo or advertisement placed, painted, attached, or displayed on a vehicle.

~~288.~~48. **Sign, Wall.** A sign with messages or copy erected parallel to and attached to or painted on the outside wall of a building.

~~289.~~49. **Sign, Window.** A sign installed upon or within three feet (3') from the window, visible from the street and exceeds two (2) square feet in area, for the purpose of viewing from outside of the premises. Window signs do not include merchandise displays.

~~290.~~50. **Sign, Yard.** A temporary sign that announces a garage sale, open house or similar event.

W. **Single Use.** Any lot, building, or other structure or tract of land that has been designated for one nonresidential use, through the approval of a development permit.

X. **Theater Marquee.** A permanent sign with changeable copy, which is used to advertise theater events.

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Y. **Wall Mural.** A work of art, such as a painting applied directly to a wall, fence, pavement, or similar surface that is purely decorative in nature and content and does not include advertising by picture or verbal message.

Z. **Zone District.** Refers to land use regulatory zones under the zoning ordinances of Coalville City.

27-050: PERMITTED SIGNS

The following types of signs are allowed:

- Freestanding Signs
- Monuments Signs
- Building Signs
- Subdivision, Multi-Family Dwellings, and Residential Complex Signs
- Highway Commercial (HC) Zone Sign Exceptions
- Off-Premises Signs
- Temporary Signs

A. **Freestanding Signs.** Each nonresidential use may erect an on-premises freestanding sign. All freestanding signs shall comply with the following standards:

~~291.~~1. **Number of Signs.** One (1) freestanding sign shall be permitted for the primary vehicular access to the parcel. The primary vehicular access is that access located adjacent to the primary parking area.

~~292.~~2. **Location/Setbacks.** Freestanding signs shall be located adjacent to the primary vehicular access to the parcel. In no case shall a freestanding sign encroach into a road right-of-way, nor shall any sign be situated near an intersection in such a manner to interfere with vehicular sight distance. The sign, including supports, base, and sign face, shall be setback at least three feet (3) from the edge of the right-of-way.

~~293.~~3. **Display Area Size.** The display area of all freestanding signs for a single use shall not exceed seventy-five (75) square feet in size. The display area of all freestanding, on premises signs for a parcel containing Multiple Uses shall not exceed one hundred (100) square feet. The display area of a sign, which may be double sided, shall include all copy and architectural embellishments that are an integral part of the sign message and appearance.

~~294.~~4. **Freestanding Sign Height.** In no case shall the highest point of a freestanding sign be more than twenty feet (20') above the grade elevation at the base of the sign.

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~~295.~~5. **Materials.** Freestanding signs shall be constructed of wood or other natural or natural appearing materials, excluding supports. Plastic, Lexan or similar materials are allowed for individual letters and internally illuminated sign cabinets only.

~~296.~~6. **Illumination.** Signs may be illuminated provided that only indirect or internal lighting is utilized and that the light source is not visible. Backlit full sign face illuminated signs are prohibited. Backlighting through individual letters/copy on a dark translucent or opaque material that comprises the letters/copy of the sign face is permitted if the light source is not visible.

~~297.~~7. **Landscaped Area.** Where feasible, all freestanding signs shall be located within a landscaped area. Landscaping, including shrubs, perennials, trees, lawn other appropriate vegetative materials, and landscape boulders where appropriate, shall be designed in a manner that softens the visual impact of the sign and maintains pedestrian and vehicular sight distances. Designs shall integrate the sign into the landform where possible.

B. **Monument Signs.** Each nonresidential use may erect an on-premises monument sign. All monument signs shall comply with the following standards:

~~298.~~1. **Number of Signs.** One monument sign shall be permitted for each separate primary vehicular access to the parcel, up to a maximum of two (2) signs. The primary vehicular access is that access located adjacent to the primary parking area.

~~299.~~2. **Location/Setbacks.** Monument signs shall be located adjacent to the primary vehicular access to the parcel. In no case shall a monument sign encroach into a road right-of-way, nor shall any sign be situated near an intersection in such a manner to interfere with vehicular sight distance. The sign, including base and sign face, shall be set back at least three feet (3') from the edge of the right-of-way.

~~300.~~3. **Monument Sign Base.** All monument signs shall be constructed with a base of stone, stone veneer, textured concrete or weather resistant wood.

~~301.~~4. **Display Area Size.** The display area of all monument signs shall not exceed thirty-two (32) square feet in size. The display area of a sign, which may be double sided, shall include all copy and architectural embellishments that are an integral part of the sign message and appearance.

~~302.~~5. **Monument Sign Height.** In no case shall the highest point of a monument sign be more than eight feet (8') above the grade elevation at the base of the sign.

~~303.~~6. **Materials.** Monument signs shall be constructed of wood, stone or other natural or natural appearing materials. Plastic, Lexan or similar materials

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are allowed for individual letters and internally illuminated sign cabinets only.

~~304.~~7. **Illumination.** Signs may be illuminated provided that only indirect or internal lighting is utilized and that the light source is not visible. Backlit full sign face illuminated signs are prohibited. Backlighting through individual letters/copy on a dark translucent or opaque material that comprises the letters/copy of the sign face is permitted if the light source is not visible.

~~305.~~8. **Landscaped Area.** All monument signs shall be located within a landscaped area. Landscaping, including shrubs, perennials, trees, other appropriate vegetative materials, and landscape boulders where appropriate, shall be designed in a manner that softens the visual impact of the sign and maintains pedestrian and vehicular sight distances. Designs shall integrate the sign into the landform where possible.

C. **Building Signs.** Primary and Secondary Wall Signs, Projecting Sign, Suspended Sign, Awning Sign. Each nonresidential use may choose to utilize three (3) out of the five (5) types of signs, as described below. In no case shall two (2) or more same types of signs be used per use.

~~306.~~1. **Wall Signs.** Wall signs are those signs that are attached to or painted on the wall of a building, the display surface of the sign being parallel to the wall of the building on which the sign is placed. Wall signs shall not project out more than six inches (6") from the wall on which they are mounted.

a. **Display Area.** The area of all wall signs shall be the extreme limits of the display surface. The display surface includes any architectural embellishments or background materials that are an integral part of the display used to differentiate the sign from the wall of which it is mounted.

b. **Materials.** Wall signs shall be wood, metal, other natural or natural appearing materials, or painted on the side of the building. Plastic, Lexan, or similar materials are allowed for individual letters or internally illuminated sign cabinets only.

~~307.~~2. **Primary Wall Sign.** A wall sign that is located on the facade of the building that contains the primary access to the particular use. A primary wall sign shall not exceed one square foot of sign area for each one (1) linear feet of building facade frontage, up to a maximum of fifty (50) square feet.

1. In the case of multiple users in one building, the frontage shall include the length of the individual suite that is exposed to the exterior of the building where the primary access to the use is located.

2. In cases where a use does not contain exterior exposure to a building for the purposes of measuring sign area, that use may have a twenty-four (24) square foot sign.

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~~308.~~3. **Secondary Wall Sign.** A sign that is located on a building facade that is separate from the facade on which the primary wall sign is located. A secondary wall sign shall not exceed a maximum of one-half (1/2) the size of the permitted primary wall sign.

~~309.~~4. **Projecting Signs.** Projecting signs are supported by a building or other structure and project out from the building or structure over sidewalks or similar area in a manner that the display area is generally perpendicular to the face of the building or structure.

a. **Size.** Projecting signs shall not exceed thirty (30) square feet.

b. **Display Area.** The area of a projecting sign shall be the extreme limits of the display surface. The display surface also includes any architectural embellishments or background materials that are an integral part of the display and used to differentiate the sign from its surroundings.

c. **Height.** Signs which project over a pedestrian walkway shall allow at least seven and one-half feet (7.5') of clearance between the bottom of the sign and the sidewalk or ground.

d. **Lighting.** Projecting signs may be illuminated; provided that only indirect or internal lighting is utilized and that the light source is not visible.

e. **Materials.** Projecting signs shall be constructed of wood, metal or similar natural or natural appearing materials. Plastic, Lexan or similar materials are allowed for individual letters or internally illuminated sign cabinets only.

~~310.~~5. **Suspended Signs.** A sign that is suspended parallel or perpendicular from a building roof, facade, porch, overhang or other structural element by brackets, hooks, cables or chains.

a. **Size.** Suspended signs shall not exceed fifteen (15) square feet.

b. **Display Area.** The area of a suspended sign shall be the extreme limits of the display surface. The display surface also includes any architectural embellishments or background materials that are an integral part of the display and used to differentiate the sign from its surroundings.

c. **Height.** Suspended signs shall allow at least seven and one-half feet (7.5') of clearance between the bottom of the sign and the sidewalk or ground.

d. **Lighting.** Suspended signs may be illuminated; provided that only indirect or internal lighting is utilized, and that the light source is not visible.

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e. **Materials.** Suspended signs shall be constructed of wood, metal, or similar natural or natural appearing materials. Plastic, Lexan or similar materials are allowed for individual letters or internally illuminated sign cabinets only.

~~311.~~6. **Awning Signs.** Awning signs are comprised of letters and logos that are attached to the valance of an awning.

a. **Size.** The words and logos on any awning sign shall not exceed eight inches (8") in height. Sign copy shall not exceed a maximum of fifteen percent (15%) of each side or face of the awning.

b. **Lighting.** Backlighted awnings are permitted provided that the light source is not visible.

c. **Number of Signs.** Up to three (3) sides of the awning may be used for a total of three (3) signs. Only one (1) sign is allowed on each side of the awning.

~~312.~~7. **Gas Station Canopy Signs.** Canopy signs are comprised of letters, numbers and logos that are attached to the sides of a canopy.

a. **Size.** The words, numbers and logos on any canopy sign shall not exceed twenty-four inches (24") in height. Sign copy shall not exceed a maximum of twenty-five percent (25%) of each side or face of the canopy.

b. **Lighting**. Backlighted canopies are permitted provided that the light source is not visible.

c. **Number of Signs.** Up to three (3) sides of the canopy may be used for a total of three (3) signs. Only one (1) sign is allowed on each side of the canopy.

~~313.~~8. **Luminous Tube (Neon) Signs.** Luminous tubes (Neon) signs used to draw attention or advertise a business in any manner shall comply with the following standards:

a. **Size.** All luminous-tube signs are limited to fifteen (15) square feet or less in size.

b. **Height Limit.** Luminous-tube signs shall be limited to the ground-floor elevation.

c. **Number of Signs.** Two (2) luminous-tube sign is allowed for every twenty-five feet (25') of building façade width. One (1) luminous-tube sign of less than two (2) square feet in size is allowed per building or commercial tenant space without a permit.

d. **Setback and Orientation.** Luminous-tube signs may be attached to the exterior of the building as a wall sign, installed as projecting sign or suspended sign.

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e. **Zoning Restrictions.** Luminous-tube signs are permitted in the Historic District of the Commercial (CC) Zone. Luminous-tube signs are prohibited in all other zoning districts.

f. **Design.** Luminous-tube signs may not flash, move, alternate, or show animation. The outlining of a building's architectural features is prohibited.

g. **Illumination.** No additional illumination other than the sign itself is permitted.

D. **Subdivision, Multi-Family Dwellings, and Residential Complex Signs.** These signs are intended to identify and state the name of a subdivision, multi-family development, or residential townhome or condominium complex.

~~3~~14.1. **Monument Signs.** One monument sign shall be permitted for each separate primary vehicular access to a subdivision, multi-family dwelling development, or residential townhome or condominium complex. All monument signs shall comply with the following standards:

a. **Monument Base.** All monument signs shall be constructed with a base of stone, stone veneer, textured concrete or weather resistant wood. The monument sign base structure is not subject to the sign display area size requirement.

b. **Size.** The sign display area shall not exceed thirty (30) square feet in size. The display area of a sign, which may be double sided, shall include all copy and architectural embellishments that are an integral part of the sign message and appearance.

c. **Height.** In no case shall the highest point of the sign be more than six feet (6') above the grade elevation at the base of the sign.

d. **Materials.** All monument signs shall be constructed of wood, stone or other natural or natural appearing materials. Plastic, Lexan or similar materials are allowed for individual letters and internally illuminated sign cabinets only.

e. **Landscaped Area.** All monument signs shall be located within a landscaped area. Landscaping, including shrubs, perennials, trees, other appropriate vegetative materials, and landscape boulders where appropriate, shall be designed in a manner that softens the visual impact of the sign and maintains pedestrian and vehicular sight distances. Designs shall integrate the sign into the landform where possible.

f. **Location/Setbacks.** In no case shall a monument sign encroach into a road right-of-way, nor shall the sign be situated near an intersection in such a manner to interfere with vehicular sight distance. Monument signs shall be set back at least three feet (3') from the edge of the right-of-way or property line.

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E. **Highway Commercial (HC) Zone Sign Exceptions.** In addition to the sign standard provisions described in this chapter, the following sign exceptions are allowed in the Highway Commercial (HC) Zone District:

~~3~~15.1. **Freestanding Sign Height.** The highest point of a freestanding sign located in the HC Zone shall not exceed eighty feet (80') above the grade elevation at the base of the sign.

~~3~~16.2. **Freestanding Sign Display Area Size.** The display area of freestanding signs for a single use in the Highway Commercial (HC) Zone shall not exceed three hundred (300) square feet. The display area of all freestanding signs for a parcel containing multiple uses shall not exceed one thousand (1,000) square feet and shall be combined in one sign.

~~3~~17.3. **Primary Wall Sign.** A wall sign that is located on the facade of the building that contains the primary access to the particular use shall not exceed one square foot of sign area for each one (1) linear feet of building facade frontage, up to a maximum of one hundred (100) square feet.

3. In the case of multiple uses in one building, the frontage shall include the length of the individual suite that is exposed to the exterior of the building where the primary access to the use is located.

4. In cases where a use does not contain exterior exposure to a building for the purposes of measuring sign area, that use may have a fifty (50) square foot sign.

~~3~~18.4. **Secondary Wall Sign.** A sign that is located on a building facade that is separate from the facade on which the primary wall sign is located shall not exceed a maximum of one-half (1/2) the size of the permitted primary wall sign.

~~3~~19.5. **Gas Pump Signs.** Signs located on or above gas pumps are exempt up to a maximum of two (2) signs for each side of the pump for a total sixteen (16') square feet of sign area.

~~3~~20.6. **Changeable Copy Signs.** Changeable copy signs are permitted in the Highway Commercial (HC) Zone and shall comply with the following standards:

a. **Electronic Message Signs.** Electronic message signs shall not cause glare or rapid blinking, nor be intensely lighted that may create a nuisance or hazard to vehicular traffic, pedestrians, or adjacent properties. These signs shall have a minimum of two (2) second intervals between screen changes. Any time an electronic message sign is operating between sunset and sunrise, said signs shall be set at not more than forty percent (40%) of the maximum capable light output.

b. **Number of Signs.** The maximum number of changeable copy signs for a commercial or non-profit business is two (2) signs.

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c. **Design.** The sign materials and design shall be compatible with the color, materials, and architecture design of the building. The sign shall be colorfast and resistant to ultraviolet radiation. The individual letters shall be uniform in size and color.

d. **Illumination.** Illumination of changeable copy signs shall be limited to a case with a dark translucent or opaque background face which encloses the sign letters.

F. **Off-Premises Signs.** Off-premises signs are intended to identify a business, commodity, service, or industry, which is not located within and readily visible from the entry corridors of the City. Off-premises signs shall be limited to provide direction to a business or use located in the City and shall be constructed in accordance with the following:

~~3~~21.1. **Size.** Off-premises signs shall not exceed fifty (50) square feet.

~~3~~22.2. **Sign Copy.** Off-premises signs shall contain the business name and directional information only.

~~3~~23.3. **Number of Signs.** There shall be no more than one sign face per direction of facing for each business or use.

~~3~~24.4. **Location.** An off-premises sign shall not be located within a 300-foot radius of any other off-premises sign intended to be read from the same right-of-way. The sign shall not be within a 100-foot radius of any other off-premises sign intended to be read from a different right-of-way. All spacing measurements in this subsection shall refer to a measurement made along the edge of the right-of-way and shall apply only to structures located on the same side of the roadway. These spacing provisions do not apply to signs separated by buildings or other obstructions in such a manner that only one sign facing located within the above spacing distance is visible from the road right-of-way at any one time.

~~3~~25.5. **Lighting.** Off-premises signs shall not be illuminated nor shall blinking or flashing lights be used.

~~3~~26.6. **Height.** In no case shall the highest point of the sign be more than twenty (20) feet above the grade elevation at the base of the sign.

~~3~~27.7. **Setback.** In no case shall an off-premises sign encroach into a road right-of-way, nor shall the sign be situated near an intersection in such a manner to interfere with vehicular sight distance. Off-premises signs shall be set back at least 10 feet (10') from the edge of the right-of-way.

~~3~~28.8. **Written Permission.** Off-premises signs shall only be located on property for which the permit applicant has written permission from the landowner or person lawfully in control of the property to erect and maintain an off-premises sign.

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G. **Temporary Signs.** "Temporary sign" means any sign or advertising display constructed of cloth, wood, canvas, light fabric, paper, vinyl, or other materials with or without frames intended to be displayed for a limited time period and not permanently affixed to a building or the ground.

~~3~~29.1. **General Provisions for All Temporary Signs.** The following standards shall apply to all temporary signs:

a. **Permit Required.** A sign permit is required for a temporary sign prior to Installation, unless otherwise exempted in **Section 27-070**.

b. **Location.** Signs shall be located on the parcel on which the entity requesting the sign is located and may not encroach into the public right-of-way, nor impede pedestrian traffic. Signs shall not be attached to utility poles, fences, trees, or other similar objects.

c. **Illumination.** Illumination of temporary signs is prohibited.

d. **Size.** Signs may not exceed a maximum size of twenty (20) square feet.

e. **Display.** All temporary signs must be subordinate to and be positioned in such a way that any permanent signage display on the same property remains completely visible.

f. **Maintenance.** Temporary signs must always be properly maintained. Any faded, torn, ripped, detached, defaced, sagging or otherwise damaged sign must be promptly repaired, replaced, repositioned or removed.

g. **Timeframe.** Temporary signs may be displayed up to sixty (60) days per calendar year.

h. **Height.** Freestanding temporary signs may not exceed eight feet (8') in height, measured from the top of the sign to the grade directly below. Signs attached to a building may not exceed fifteen feet (15') in height, measured from the top of the sign to the grade directly below.

i. **Number of Signs.** Only one (1) temporary sign is allowed for each use.

27-060: PROHIBITED SIGNS

The following signs are prohibited in Coalville City:

A. **Electronic Message Signs.** A sign where message content is changed in a fixed cabinet composed of electrically illuminated or mechanically driven changeable components. Changeable Copy Signs may be allowed in the Highway Commercial (HC) Zone as exempted in **Section 27-050.E**.

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B. **Flashing Signs.** Any illuminated sign on which the light is not stationary or constant in intensity and color.

C. **Roof Mounted Signs.** A sign that is mounted on the roof of a structure, or signs that project above a roof edge or eave.

D. **Moving Signs.** Any sign or part of a sign that changes physical position by any movement or rotation or that gives the visual impression of movement. Such signs also include strings of pennants, banners, ribbons, streamers, balloons, spinners, or other similar moving or fluttering or inflated devices.

E. **Signs Imitating Official Traffic Signs.** Signs imitating official traffic signs in any manner which are visible from public areas.

F. **Portable Signs.** Portable signs not permanently affixed to the ground, except as otherwise allowed as an off-premises temporary sign in Section G.

G. **Mobile Signs.** Signs attached to stationary vehicles, equipment, trailers, and related devices, when used in a manner to augment approved signage for a business as opposed to normal operation or parking of the vehicle or device.

H. **Obstructing Signs.** Signs which, by reason of size, location, content, coloring or manner of illumination, obstruct the vision of motorists or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on any road or street, as determined by the City.

I. **Hazardous Signs.** Any sign or sign structure which constitutes a hazard to public health or safety, as determined by the City.

J. **Signs on Public Property.** Signs on trees, utility poles, and on other public property, other than public information signs.

K. **Off Premises Signs.** Off-premises signs are prohibited except as provided for in **Section 27-050.F** herein.

L. **Signs in Disrepair.** Any sign in disrepair or which the sign message face has been removed or destroyed, leaving only the supporting frame or other components, and said condition exists for more than ninety (90) days is prohibited and shall be removed.

27-070: EXEMPTED SIGNS

The following signs are exempt from obtaining a sign permit with the following requirements:

A. **Informational Signs.** Signs which are not more than six (6) square feet in size and not more than four feet (4') in height and which are used to direct vehicular and pedestrian traffic or to direct parking and traffic circulation on private property. Informational signs shall not contain advertising material or message. These signs shall not be permitted in a public right-of-way.

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B. **Public Signs.** Legal notices, identification, informational, cultural, promotional, historic or directional signs erected by Coalville City or other governmental entities authorized by the City for public purposes. These signs may be in the public right-of-way.

C. **Public Regulatory Signs.** All public regulatory signs located in the City which meet all the state requirements.

D. **Interior Signs.** Signs located on the interior of any building, or within an enclosed lobby of any building or group of buildings and which cannot readily be seen from the exterior of the building, and the signs are located to be viewed exclusively by the patrons of such use or uses.

E. **Utility Signs.** Signs of public utility or cable television companies which show the locations of underground facilities.

F. **Street Address and Identifications Signs.** A sign with content including only the name or professional Code of the occupant and address of the premises. Such signs shall not exceed two (2) square feet in size. The sign shall be limited to flush mounted or window type signs with only one sign per premises. These signs shall not be permitted in the public right-of-way.

G. **Customer Information Signs.** Customer information signs located on or near the building and outside of required setback areas may display such items as "credit cards accepted", prices and menus. Signs shall not exceed two (2) square feet in size.

H. **Flags.** Single or multiple-use developments may have no more than three (3) freestanding flagpoles at any time. Flagpoles are restricted to only flying one flag per pole. The maximum size of any one flag shall be sixty (60) square feet. Flagpoles may not exceed twenty-eight feet (28') in height, measured from the top of the pole to the grade directly below. Up lighting of all flags, except the flag of the United States of America, is prohibited. The painting of flags on an exterior building surface is also allowed in compliance with these requirements.

I. **Window Signs.** Window signs shall not exceed fifty (50%) of the area of a single window in which it is placed. A single window is any window, or section of windows, that is separated from another window by twelve inches (12") or more. Any door with windows is considered a separate window. Window signs may not be combined in order to gain a larger sign for one particular window.

J. **Neon Signs.** Two (2) neon signs are allowed for each nonresidential use. The sign may be located on the inside of any window. These signs may not exceed two (2) square feet in size and may not flash or be animated in any manner. Neon signs are considered window signs and may not exceed fifty percent (50%) of the area of the window in which they are placed.

K. **Light Pole Banners.** Banner signs on light poles are allowed in all developments. Banner signs may not exceed twelve (12) square feet in size.

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L. **No Trespassing or No Dumping Signs.** No trespassing or no dumping signs may not exceed sixteen (16) square feet in area for a single sign or are limited to four (4) signs at four (4) square feet for each lot or parcel unless the land use administrator, or other authorized officer, finds more signs are required to prevent violation.

M. **Plaques.** Plaques or nameplate signs not more than two (2) square feet which are fastened directly to the building.

N. **Symbols or Insignia.** Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies, provided that no such sign shall exceed eight (8) square feet in area and provided further that all such signs be placed flat against the building.

O. **On Premises Real Estate Signs.**

~~330.~~1. Signs advertising the sale, rent, or lease of property shall be limited to one real estate sign on each lot. Each sign shall not exceed six (6) square feet in size and six feet (6') in height.

~~331.~~2. One real estate sign per street frontage is allowed for any multiuse residential or professional office building or lot intended for such and may not exceed twenty-four (24) square feet in area or eight feet (8') in height. If the parcel is over two (2) acres in size, the sign may not exceed thirty-two (32) square feet.

~~332.~~3. Model home signs shall not exceed sixteen (16) square feet in area, nor exceed six feet (6') in height and shall be placed entirely upon the premises of the model home.

P. **Temporary Open House Real Estate Signs.** Open house signs not to exceed six (6) square feet in area and four feet (4') in height, advertising real estate open houses may be placed on private property in the vicinity of the property open for inspection. They shall not be attached to trees, poles, street signs, etc. Signs may be displayed in the City right-of-way if they are not disruptive to the regular flow of traffic or pedestrians. Open house signs shall be displayed only during those hour(s)/day(s) which the property is open for actual inspection.

Q. **On Premises Signs for Home Occupation in Residential Zones.** Home occupations may have one non-illuminated flat wall sign two (2) feet by three (3) feet for a total of six (6) square feet in size which identifies the name of the business. This exemption applies to uses operated out of a single-family home.

R. **Political or Campaign Signs.** In addition to signage otherwise authorized by this chapter, political or campaign signs on behalf of candidates for public office or measures on election ballots are allowed as follows:

~~333.~~1. Signs for all candidates, regardless of participation in a primary election, may not be erected earlier than sixty (60) days prior to a primary election and shall be removed by the Monday following a general election. Candidates who lose a primary election shall remove signs by the Monday

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following the primary election. Signs relating to elections on special issues may be installed and must be removed on the same basis.

~~3~~2. Any one sign shall not exceed twenty-four (24) square feet in size and shall not exceed six feet (6') in height. Such sign shall not be erected in a manner as to constitute a roof sign. No more than 2 signs of the same candidate or issue shall be posted on the same property. Signs may not be placed on public property or in a public street right of way in which the sign location would impede traffic visibility or safety. Signs along roadways which do not contain improvements of curb, gutter, and/or sidewalks may not be placed closer than ten feet (10') to the edge of the paved surface.

~~3~~3. Campaign signs shall not be placed closer than one hundred fifty feet (150') to a building where any official voting station is located.

S. **Properties Under Development or Construction.** Properties which have an approved subdivision plat, site plan, or other type of development permit upon which construction or development is occurring are exempt subject to the following sign standards:

~~3~~1. **Size.** Signs may not exceed a maximum of twenty (20) square feet in size.

~~3~~2. **Materials.** Signs may only be freestanding and must be made of a rigid material. Banners or other similar signs applied to cloth, paper, flexible plastic, vinyl, or fabric of any kind are not permitted.

~~3~~3. **Height.** Signs may not exceed six feet (6') in height, measured from the top of the sign to the grade directly below.

~~3~~4. **Number of Signs.** Only one (1) sign is allowed per street frontage.

~~3~~5. **Location.** The sign must be located on the parcel that is subject to the approved development permit and may not encroach into the right of way, nor impede pedestrian traffic.

~~3~~6. **Timeframe.** The sign(s) are allowed for the duration of the construction of the development. and shall be removed upon completion of the project.

T. **Non-commercial Opinion Signs.** Noncommercial opinion signs are subject to all requirements and provisions of the Utah State Code annotated and other laws as may be applicable. There are no time frames for noncommercial opinion signs. Such signs are regulated as follows:

~~3~~1. **Residential Properties.** Residential properties are permitted to have nine (9) square feet of a sign area, not to exceed three feet (3') in height. The sign square footage may be split between two (2) or more signs, but the total square footage may not exceed nine (9) square feet.

~~3~~2. **Non-residential Properties.** Nonresidential properties are permitted six (6) square feet of sign area, not to exceed three feet (3') in height. The sign square footage may be split between two (2) or more signs, but the total square footage may not exceed six (6) square feet.

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27-080: NONCONFORMING SIGNS

Existing signs which were lawfully established before the adoption of this chapter, but which are now prohibited, regulated, or restricted, may remain until such time as they are removed or otherwise required to be brought into conformance:

A. **Property Owner Responsibility.** The property owner bears the burden of establishing that any nonconforming sign lawfully exists.

B. **Enlargement of Nonconforming Signs.** A nonconforming sign may not be enlarged in any way unless it conforms to the provisions of this chapter.

C. **Location.** Signs conforming to the provisions of this chapter may be erected on a parcel that contains a nonconforming sign(s); however, the new sign(s) must be a different type than the existing nonconforming sign(s) (i.e., if the nonconforming sign is a freestanding sign, a conforming freestanding sign may not be erected).

D. **Alterations.** A nonconforming sign may be altered to decrease its nonconformity.

E. **Maintenance, Repair and Upgrading of Nonconforming Signs.** All nonconforming signs shall be maintained in a state of good repair; provided, however, that any repainting, cleaning and other normal maintenance or repair and upgrading of the sign or sign structure shall not modify the sign structure or copy in any way which makes it more nonconforming.

27-090: ENFORCEMENT

A. The CDD or designated planning staff member shall be responsible for enforcing the provisions of the sign regulations established herein.

B. Violation of the sign provisions established herein may result in fines or other remedial actions in accordance with the provisions of this code and state law.

C. If signs not conforming to the requirements of this chapter are installed within a public right-of-way, City personnel may remove and impound the signs for (ten) 10 days prior to disposing. If contact information is included on the sign(s) notice to remove the signs will be communicated to the sign owner and if they fail to comply with the notice within twenty-four (24) hours City personnel may remove the sign.

27-100: PENALTY

Any person found guilty of violating any of the provisions, rules and regulations of this Chapter, is guilty of a Class “C” misdemeanor, pursuant to Utah Code Annotated, as amended. Each violation shall be subject up to a $100 fine for each day the violation continues beyond the correction notice date issued by the City for such violation.

27-110: APPEALS

A. **Right To Appeal.** Any person who has been ordered to alter or remove any sign, or any person whose application for a sign permit has been denied because of conflict with regulations stated herein, may appeal to the Administrative Law

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Judge by serving a written notice to the CDD, or designated staff member, within fifteen (15) days of the order or denial. An applicant may also appeal to the Administrative Law Judge an alleged error by the CDD or designated staff member.

B. **Request for Special Exceptions.** Upon request by the sign owner or business, the City Council is empowered to grant a special exception to allow the retention, alteration, movement, or expansion of an existing nonconforming sign, provided the City Council determines that:

~~344.~~1. The nonconforming sign poses an alternative equivalent means of meeting the intent of this chapter and the City's general plan;

~~345.~~2. The action will not impose a burden on other properties in the City beyond that posed by a conforming sign; and

~~346.~~3. Approval will provide a forum for free expression or other measurable benefits to the public.

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Chapter 28

SUBDIVISION GENERAL PROVISIONS

28-010: Enactment
28-020: Introduction
28-030: Purpose
28-040: Authority
28-050: Interpretation, Conflict, Severability
28-060: Saving ~~Provisions~~Provision
28-070: Enforcement
28-080: Violations and Penalties
28-090: ~~Amendments~~
~~28-100:~~ Appeals

28-010: ENACTMENT

In order that land may be divided and developed in an orderly fashion, the following provisions have been enacted to regulate such divisions, Lot line adjustments, and developments for the health, safety, and welfare of the community.

28-020: INTRODUCTION

Developments in Coalville shall be designed in a manner so that they are safe for building purposes without danger to health or peril from fire, flood, landslide, subsidence, geologic and natural hazards, or other menace.

Land shall not be subdivided or developed until available public facilities and improvements exist (or adequate guarantees are in place) and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks and recreation facilities, streets and transportation facilities, and related improvements. If adequate public facilities, infrastructure, and safety protections are not in place or cannot be provided for, the development will not be approved.

Proposed public improvements shall conform to the General Plan, Streets Master Plan, Official Zoning Map, and the capital budget and infrastructure improvement program of Coalville. It is intended that these regulations supplement and facilitate the enforcement of the provisions and standards contained in the currently adopted Building and Housing Codes, this Development Code, General Plan, Official Zoning Map, and capital budget and infrastructure improvement program as they are adopted and amended.

28-030: PURPOSE

The Development Standards and Subdivision Regulations in Chapter ~~29~~31 are adopted for the following purposes:

~~1.~~A. To protect and provide for the public health, safety, and general welfare.

~~2.~~B. To guide future growth and development in Coalville City, in accordance with the General Plan.

~~3.~~C. To provide for adequate light, solar access, open space, air, privacy, safety from fire, flood, landslides and other geologic and natural hazards, and other danger, and to prevent overcrowding of the land and undue population congestion.

~~4.~~D. To protect and conserve the value of land throughout the municipality and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.

~~5.~~E. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, streets, and other public facilities.

~~6.~~F. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion on the streets and the pedestrian traffic facilities, and to provide for the proper width of streets and building setbacks.

~~7.~~G. To establish reasonable standards of design and procedures for development layout and use of land and to insure proper legal descriptions and documenting of subdivided land.

~~8.~~H. To ensure that public facilities are available with sufficient capacity to serve the proposed development.

~~9.~~I. To prevent the pollution or degradation of air, streams, and ponds, assure the adequacy of drainage facilities, protect subsurface water, minimize site disturbance and the removal of native vegetation and soil erosion, encourage the preservation and management of natural resources throughout the municipality, and preserve the integrity, stability, and beauty of the community and value of the land.

~~10.~~J. To provide for open spaces through efficient design and layout of the land using flexible density or cluster development, and flexible width and area of lots, while preserving the overall development density of land as established in Code 10 herein.

28-040: AUTHORITY

A. ~~By authority of ordinance and in accordance with the Utah State Code, Annotated and any other applicable federal state, county or municipal laws, statutes, ordinances, and regulations of the State of Utah, the City Council hereby exercise the power and authority to review, approve, and disapprove development site plans and plats for subdivision of land within the corporate limits of Coalville City.~~ The Land Use Authority for **preliminary** subdivision applications under this Code is the Planning Commission. For the purpose of

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preliminary subdivision applications, the Planning Commission shall be responsible for the following, but may delegate any responsibility to City staff:

1. Rendering land use decisions related to preliminary applications.
2. Reviewing preliminary applications in an impartial manner and according to the standards and deadlines described in this Code.
3. Holding a public hearing for preliminary applications (when needed).
4. Providing feedback to applicants on their preliminary applications.
5. Scheduling and holding a Concept Plan Conference with potential applicants (when requested). This task is delegated to the CDD by default.
6. Keeping application forms (both preliminary and final) and related informational material up to date and publicly accessible and distributing such forms and materials to potential applicants.
7. Providing notice to entities and parties on subdivision applications as required by this Code.
8. Ensuring that documents are properly recorded with the County after final approval as required by this Code.

B. The Land Use Authority for **final** subdivision applications under this Code is the Subdivision Review Committee (SRC), which shall consist of the Community Development Director, one or more representatives of the Planning Commission, the Public Works Director or the City Engineer, and the City Attorney. For purposes of final subdivision applications, the SRC shall be responsible for the following:

1. Rendering land use decisions related to final applications.
2. Reviewing final applications in an impartial manner and according to the standards and deadlines described in this Code.
3. Signing final application approvals as required by this Code.

C. As subdivision application decisions are administrative, not legislative, the Planning Commission and SRC are, respectively, as described by this Code, authorized to make any administrative land use decision regarding subdivision applications without City Council approval.

D. In accordance with Utah Code §10-9a-604.1(1)(b) and §10-9a-604.1(9)(b), the Coalville City Council and its members shall not approve, deny, or require revisions to any preliminary or final subdivision application except in the case of development agreements, Master Planned Developments (which proceed as development agreements), or otherwise as permitted under state law. This provision does not limit the City Council's power to enact ordinances or administer other land use procedures.

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28-050: INTERPRETATION, CONFLICT, AND SEVERABILITY

A. **Interpretation.** In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of public health, safety, and general welfare.

B. **Conflict with Public and Private Provisions.** These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes ~~restriction~~restrictions different from those imposed by any other provision or ordinance, rule or regulation, or law, whichever provision is more restrictive or ~~impose~~imposes higher standards shall control.

Further, these regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall control. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the conditions of approval, and such private provisions are not inconsistent with these regulations or determinations there under, then such private provisions shall be operative and supplemental to these regulations and conditions imposed. Provided, however, that the City is under no obligation to enforce private covenants.

These regulations shall not supersede the terms of a valid development agreement entered into by the City to subdivide or develop land.

C. **Severability.** These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing development regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the municipality under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the municipality except as shall be expressly provided for in these regulations.

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28-060: SAVING PROVISION

If any chapter, section, subsection, sentence, clause, phrase, or part of this Code is for any reason held invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remaining provisions of this Code but shall confine its operation to the specific chapter, section, sentence, clause, or part of this Code held invalid and shall not affect the validity of the remaining portion of this Code.

28-070: ENFORCEMENT

~~These~~The development standards and subdivision regulations described in this Code shall apply to all development of land, as defined herein, located within the corporate limits of Coalville City.

No land shall be subdivided within Coalville until the ~~sub-divider~~subdivider or agent ~~submits a concept plan of the project to the Staff,~~ obtains written ~~recommendation~~approval of the ~~preliminary plan and/or final plat~~Preliminary Plan by the

Planning Commission ~~and receives~~, obtains written approval of the Final Plan by ~~City Council~~the SRC, and records the approved final plat ~~is filed~~ with the County Recorder.

~~No owner, or agent, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a final subdivision plat has been approved by the Planning Commission and the City Council in accordance with the provisions of these regulations and filed with the County Recorder.~~ The subdivision of any lot or any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these regulations, shall not be acknowledged, or accepted by the City for development purposes~~. The City may, however, approve metes and bounds descriptions~~, except for ~~purposes of~~applications for agricultural use, lot ~~line adjustments and~~splits, or resolving ~~conflicting~~ boundary ~~descriptions.~~disputes, as described in this Title.

No building permit or certificate of occupancy will be issued for any parcel or plat of land which was created by a subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations or approved under prior subdivision ordinances. No excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the applicable City regulations.

28-080: VIOLATIONS AND PENALTIES

Any person, firm, or corporation who fails to comply with, or violates, any of these regulations shall be guilty of a Class C misdemeanor. Appropriate actions and proceedings may be taken by law or in equity to prevent violation of these regulations, unlawful construction, to recover damages, restrain, correct, or abate a violation, or prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the penalties described above.

~~28-090: AMENDMENT OF DEVELOPMENT STANDARDS~~

~~For the purpose of protecting the public health, safety, and general welfare, the Land Use Authority may from time to time amend the provisions imposed by the development standards and subdivision regulations. Public hearings on all proposed amendments shall be held by the Planning Commission and Land Use Authority in the manner prescribed by law and outlined in Chapter 03-050.~~

~~28-100~~The City may, in its discretion, void transfers of land done pursuant to an invalid subdivision. In the case of such a voided transfer, the transferor shall be liable to the transferee(s) for any damages resulting from the voiding of the transfer.

28-090: APPEALS

Any applicant, member of the Planning Commission and/or property owner within 300 feet of proposed subdivision property shall have the right to appeal the action of the Land Use Authority within fifteen (15) days of the date of such action to the Appeal Authority. Any action taken and not appealed within said fifteen (15) days shall be final. When a written appeal is received by the City within fifteen (15) days of the time the

action was taken, the City will publish notice of an appeal hearing following the “Notice Schedule” outlined in Chapter 3.

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Chapter 29

SUBDIVISION DEVELOPMENT REQUIREMENTS AND PROCEDURES

29-010: Jurisdiction
29-020: ~~Procedures~~
~~29-030:~~ Subdivision Classification
29-~~040~~030: General Information and Procedures
29-~~050~~040: Concept Plan
29-050: Review
29-060: ~~Preliminary Plan~~Approval
29-070: ~~Final Subdivision Plat~~Notice to Affected Entities

29-010: JURISDICTION

These Subdivision regulations shall apply to all Subdivisions or Re-subdivisions of land, and Lot Line Adjustments, as defined herein, located within the corporate limits of Coalville. Whenever any Subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a Structure in such proposed Subdivision shall be granted, the subdividing Owner, or his authorized Agent, shall apply for and secure approval of such proposed Subdivision in accordance with the following procedure.

~~No land shall be subdivided within the corporate limits of Coalville until:~~

- ~~The Owner, Applicant and/or Developer or his\her Agent submit an Application for Subdivision to the Planning Commission through the Community Development Director;~~
- ~~The Planning Commission holds a public meeting or hearing and makes a final recommendation to the City Council; and~~
- ~~Approval of the Subdivision is obtained through the Planning Commission and City Council; and~~
- ~~The approved Subdivision Plat is reviewed and filed with the City Recorder.~~
- ~~After a successful review, the approved plat is filed with the County Recorder.~~

29-~~030~~020: SUBDIVISION CLASSIFICATION

A. **Minor Subdivision.** A Subdivision in a residential zone, containing not more than five (5) Lots fronting on an existing street, not involving any new street or

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road, or the creation of public improvements. An application for minor subdivision will not be required to separately prepare a Preliminary Plan. ~~(A Minor Subdivision Application combines the Concept Plan Application and Final Plat Application, therefore only the Minor Subdivision application needs to be submitted.)~~

1. **Concept Plan.** ~~A~~The applicant may elect to attend a Concept Plan Conference (pre-application meeting) with a concept plan. This meeting will be conducted in accordance with regulations outlined in this Chapter and Section 30-010.

~~3~~2. **Final Plan.** A Final Plan shall need to be approved in accordance with regulations ~~outlined~~ in this Chapter and Section ~~29-050.~~

~~3~~2. ~~**Final Plat.** A Final Plat shall need to be approved in accordance with regulations in Section 29-070~~30-030.

B. **Major Subdivision.** A Subdivision of land into six (6) or more Lots and any size Subdivision requiring any new Public Street, and concurrent or subsequent review of multiple minor subdivision applications by the same or related entity, or any re-subdivision including six (6) or more lots in a prior approved subdivision.

~~3~~1. **Concept Plan.** ~~A~~The applicant may elect to attend a Concept Plan ~~shall need to~~ Conference (pre-application meeting) meeting with a concept plan. This meeting will be ~~approved~~conducted in accordance with regulations outlined in this Chapter and Section ~~29-050~~30-010.

~~3~~2. **Preliminary Plan.** A Preliminary Plan shall need to be approved in accordance with regulations outlined in this Chapter and Section ~~29-060~~30-020.

~~3~~3. **Final ~~Plat~~Plan.** A Final ~~Plat~~Plan shall need to be approved in accordance with regulations outlined in this Chapter and Section ~~29-070~~30-030.

C. **Master Planned Development.** A subdivision of land that is split into phases or is required to be developed as a Master Planned Development as outlined in the MPD section below.

~~3~~1. **Concept Plan.** ~~A~~The applicant may elect to attend a Concept Plan ~~of the MPD shall need to~~ Conference (pre-application meeting) with a concept plan. This meeting will be ~~approved~~conducted in accordance with regulations outlined in this Chapter, Chapter 33, and Section ~~29-050~~30-010.

~~3~~2. **Preliminary Plan.** A Preliminary Plan shall need to be approved for each phase of the MPD in accordance with regulations outlined in this Chapter, Chapter 33, and Section ~~29-060~~30-020.

~~3~~3. **Final ~~Plat~~Plan.** A Final ~~Plat~~Plan shall need to be approved for each phase of the MPD in accordance with regulations outlined in this Chapter, Chapter 33, and Section ~~29-070~~30-030.

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D. **Plat Amendment.** The adjustment of subdivision lot lines, changes plat notes, or combining Lots.

~~366.~~1. **Final ~~Plat~~Plan.** A Final ~~Plat~~Plan shall need to be approved in accordance with regulations outlined in this Chapter and Section ~~29-070~~30-030.

E. **Record of Survey.**

~~367.~~1. **Final ~~Plat~~Plan.** A Final Plat shall need to be approved in accordance with regulations outlined in this Chapter and Section ~~29-070~~30-030.

F. **Lot Line Adjustment.** The relocation of the Property boundary line between two adjoining Parcels.

~~368.~~1. Procedure shall follow those listed in Section 03-200.

29-~~040~~030: GENERAL INFORMATION AND PROCEDURES

Official Submission Dates. At its discretion, the Planning Commission may waive one or more of the steps in the approval process by allowing the Applicant and Developer to combine the requirements of both Preliminary Plan and Final Subdivision Plats into a single submittal. ~~For the purpose of these regulations, for both major and minor Subdivisions, the date of the regular meetings of the Planning Commission at which the public hearings on final approval of the Subdivision Plat, including any adjourned date thereof, is closed, shall constitute the official submittal date of the plat at which the statutory period required for formal approval or disapproval of the plat shall commence to run.~~

~~**Minor Subdivision.** To qualify for a minor subdivision, the property must be located in a residential zone district and the parcel shall have been lawfully created and qualified for further subdivision.~~

A. In such a case, the single submittal shall be treated as the preliminary application but subject to the combined requirements of both the preliminary and final plans.~~An application for minor subdivision will not be required to separately prepare a Preliminary Plan.~~ ~~Also, a formal public hearing will only be required with the Planning Commission for a minor subdivision plat approval. However, City Council approval is still required on the final plat.~~

~~C.~~B. **Major Subdivision.** A major subdivision review process is used when more than five (5) lots are being subdivided into one phase. Each applicant desiring a Major Subdivision shall follow the application requirements for a Major Subdivision; ~~the~~ if the Planning Commission holds a public hearing in the preliminary review phase, the applicant ~~will then~~or duly authorized agent shall be required to attend ~~Public Hearings before the Planning Commission and the City Council~~.

~~D.~~C. **Master Planned Development.** Master planned developments can be utilized if a developer wishes to pursue density bonuses, or when a project wishes to build separate phases of a development over a period of time. Each applicant desiring a Master Planned Development shall follow the Codes and Regulations in Chapter 6, the requirements outlined in required applications and a phasing plan.

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~~E.~~D. **Phasing Plan.** All Master Planned Developments shall include a phasing plan which specifies the timing of public improvements and residential construction. This plan must address or answer the following:

~~369.~~1. The number of units or parcels to be developed in each phase and the approximate timing of each phase,

~~370.~~2. The timing on construction of public improvements and subdivision amenities to serve each phase whether on or off site,

~~371.~~3. The relationship between the public improvements in the current subdivision and contiguous land previously subdivided and yet to be subdivided.

~~372.~~4. A developer may request a revision of the phasing plan due to such conditions as changing market conditions, inclement weather, or other factors, with the burden of proof lying with the developer to substantiate the claims.

29-~~050~~040: CONCEPT PLAN

~~**Concept Plan Application.** Prior to any process or procedure for subdividing land as required by this code, an owner of the land or an authorized agent shall schedule and hold a Concept Plan Conference with Staff and submit an application for a Concept Plan.~~

A. **Concept Plan, Generally.** A party intending to submit a subdivision application under this Code may request a Concept Plan Conference (pre-application meeting) with the CDD for the purpose of reviewing any element of the party's proposed subdivision application (preliminary or final). The proposed application or concept plan need not be complete for purposes of this meeting.

1. If a party requests a pre-application meeting, the CDD shall schedule the meeting within 15 business days after the request. The meeting shall be scheduled at the earliest convenient opportunity, and, at the option of the party requesting the meeting, shall occur within 20 business days after scheduling.

B. **Concept Plan Conference.** The Concept Plan Conference provides an opportunity for the applicant, and Staff to review and discuss a proposed project in the conceptual stage.

The applicant can use the meeting to ask questions of the Staff and receive direction on project layout. At the Conference, the Staff will inform the applicant what zone the proposed project is located in and what uses are allowed in the zone. The Staff shall provide or have available on the municipal website the following at the time of the meeting: copies of applicable land use regulations, a complete list of standards required for the project, and relevant application checklists.

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The Staff may also discuss the procedure for approval of a subdivision plat and the specifications and requirements as to the general layout of streets, reservations of land, street improvements, drainage, water, sewerage, fire protection, mitigation of environmental impacts, and similar matters, as well as the availability of existing public services.

The Staff may also advise the applicant, where appropriate, to discuss the proposed development with those agencies who must eventually approve those aspects of the subdivision plat within their jurisdiction, including but not limited to, the North Summit Fire District, North Summit School District, and the various utility service providers. Neighbors of the project area ~~should~~may also be notified to get their views and concerns.

29-~~060: PRELIMINARY PLAN~~050: REVIEW

A. **Preliminary Plan Application ~~Procedure and~~ Requirements.** Prior to any process or procedure for subdividing or developing land as required by this code, the owner of the land or an authorized agent shall submit an application for a Preliminary Plan. The Preliminary Application must include all elements as required by Chapter 30 of this title.

~~**Public Hearing.** The Planning Commission shall hold a Public Hearing on the Preliminary Plan to inform the public about the project and receive comment and input. The hearings shall be advertised in accordance with the requirements of Code 10: Chapter 3 - 050. For Minor Subdivisions, only a public hearing with the Planning Commission is required for a final plat.~~

~~**Planning Commission Recommendation of Preliminary Plan.** After the Planning Commission has reviewed the Preliminary Plan, Staff report, and any testimony or exhibits submitted at the public hearing, the applicant shall be advised of any required conditions, changes, or additions to receive a positive recommendation for the project.~~

~~The Planning Commission shall not recommend approval of any Preliminary Plan until all review fees have been paid in full according to the fee schedule.~~

~~Approval of the Preliminary Plan by the Planning Commission is in no way meant to be final approval. Until the~~ **Final** ~~Plat of a subdivision has been approved by the City Council and Planning Commission, Staff may continue to review the subdivision for compliance with this Code. After the Planning Commission has recommended approval, conditional approval, or disapproval of the Preliminary Plan, their recommendation shall be forwarded to the City Council for consideration.~~

~~**City Council Approval of Preliminary Plan.** The Planning Commission recommendation of the Preliminary Plan shall be placed on the City Council Agenda for a public hearing. The Land Use Authority may approve, approve with conditions, or disapprove the recommendation of the Planning Commission. The City Council may also remand the project back to the Planning Commission for further review and evaluation. If the City Council approves or approves with~~

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~~conditions the recommendation of the Planning Commission the applicant may prepare a Final Plat and construction drawings containing all the requirements found herein and any requirements of the City Council , Planning Commission, or Staff.~~

~~**Effective Period of Preliminary Plan Approval.** The approval of a Preliminary Plan shall be effective for a period of one (1) year at the end of which time final approval of the subdivision must have been obtained from the City Council unless an extension has been granted by the City Council. Any project not receiving final approval within the period of time set forth herein shall be null and void, and the developer shall be required to resubmit a new application and Preliminary Plan subject to all new review requirements, zoning restrictions and subdivision regulations that are in effect at that time.~~

~~29-070: FINAL SUBDIVISION PLAT~~

~~A.~~B. ~~Final Plat~~ Plan **Application**~~.~~ Requirements. Following the approval of the Preliminary Plan, ~~or Concept Plan (for Minor Subdivisions)~~ the applicant may proceed with the subdivision ~~or development~~ by filing an application for a Final ~~Plat or Site Plan.~~Plan. The Final Application must include all elements as ~~applicable. The final subdivision plat shall be prepared by a registered land surveyor licensed by the State of Utah as certified on the plat~~required by Chapter 30 of this title.

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~~The applicant shall provide the City with three (3) copies of the Final Plat with one of the copies being produced on reproducible Mylar. A digital copy of the Final Plat prepared in a format approved by the City may be submitted with the application.~~

~~The Final Plat shall be prepared at the same scale and contain the same information as the Concept or Preliminary Plan, except for any conditions, changes or additions indicated in the approval of the Preliminary Plan. The Preliminary Plan may be used as the Final Plat if it meets these requirements and is revised in accordance with the Preliminary Plan approval. These are minimum requirements; other information may be required by the City Council, Planning Commission, or Staff.~~

~~On all projects requiring the recording of Final Plat or recording of a survey map under applicable state law, the plat shall conform to the following standards before approval will be granted by the City.~~

~~3~~2. ~~**Final Plat Zoning Regulations.** Final plats shall conform to existing zoning regulations and subdivision regulations applicable at the time of Final Plat approval, except that any Preliminary Plan which has received approval shall be exempt from any subsequent amendments to this Development Code rendering the plan non- conforming as to bulk or use, provided the Final Plat approval is obtained within the required one-year period.~~

~~372. **Owner's Execution.** A subdivision plat must be signed by the owner of the property and all persons claiming an interest in the property within the plat including those holding a security interest in the property but excluding mechanic liens and judgment liens. All signatures must be legally acknowledged.~~

~~372. **Signing of Plat.** The Chair of the Planning Commission, Rocky Mountain Power, Dominion Energy, North Summit Fire District, City Community Development Director, City Engineer, City Public Works Director, Mayor, and City Attorney shall endorse approval on the plat after all conditions of the plat approval have been satisfied. The survey data and accuracy of the plat must be certified by a licensed surveyor and the plat must bear the surveyor's official stamp.~~

C. **Review Procedure:** The Land Use Authority shall review all subdivision applications in accordance with the requirements of this Section before approving or denying those applications. The City shall not approve, nor shall a party record, any plat or other creating instrument for a new subdivision unless the party has properly applied under this Chapter and received approval from the respective Land Use Authorities.

1. For both preliminary and final applications, the review process begins when an applicant submits a complete application.
    a. The Land Use Authority shall not review an incomplete subdivision application, except to determine whether the application is complete.
    b. If the Land Use Authority determines that an application is incomplete, it shall notify the applicant of the incompleteness, highlighting any insufficiencies and explaining that the application will not be reviewed until it is complete.
2. For both preliminary and final applications, after the applicant submits a complete application, the Land Use Authority shall review and provide feedback to the applicant in a series of "review cycles."

    A review cycle consists of the following phases:

    a. Phase #1: The applicant submits a complete application (or, if after the first cycle, submits a revised version of the complete application).
    b. Phase #2: The Land Use Authority reviews the application in detail and assesses whether the application conforms to local ordinances.
    c. Phase #3: The Land Use Authority responds to the applicant, citing any missing requirements or areas of noncompliance and providing a detailed list of necessary revisions to the applicant. For any required modification or addition to the application or request for more information, the Land Use Authority shall be specific and include citations to ordinances, standards, or specifications that require the modification or addition and

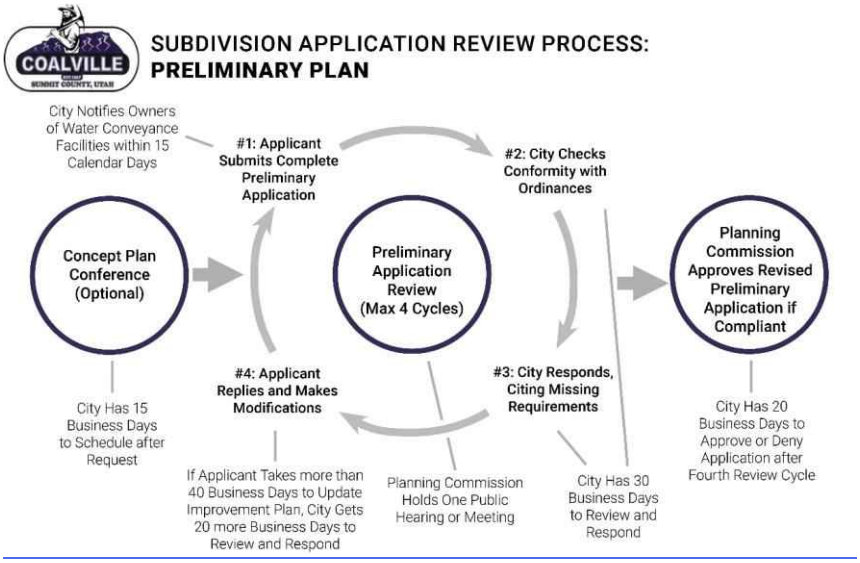
shall provide the applicant with an index of all requested modifications or additions.

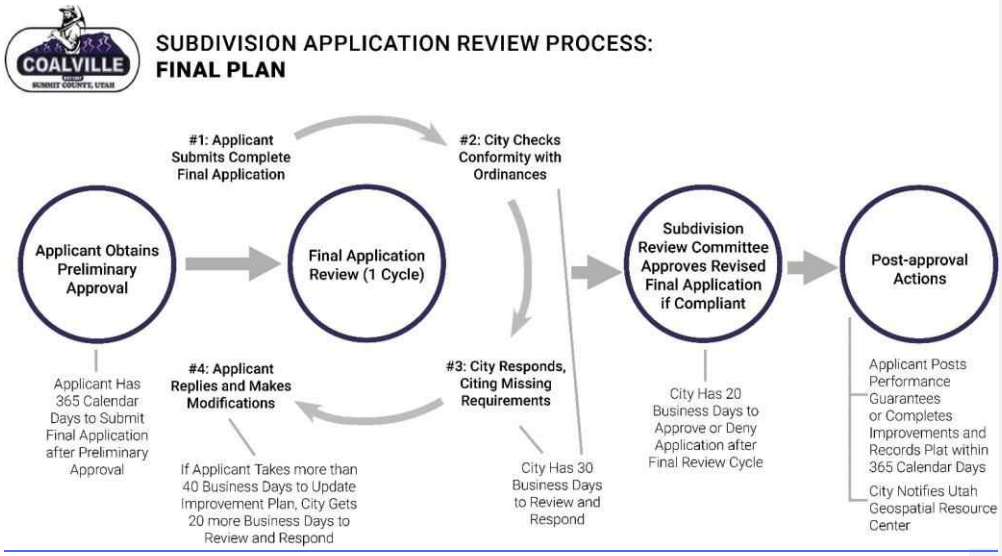
d. Phase #4: The applicant revises the application, addressing each comment or requirement the Land Use Authority made. The applicant must submit both revised plans and a written explanation in response to the City's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any. If the applicant fails to respond to a comment made by the Land Use Authority in its review, the review cycle is not complete and will remain open until the applicant addresses all comments.

Table A – Review Cycles, Hearings, and Timelines by Subdivision Use Type

Use Type	*Approval Stage*	*Max Review Phases*	*Max Public Hearings*	*City Turnaround Deadline**
All Uses	Preliminary	4	1	30 Business Days
	Final	1	0	30 Business Days

*Describes the total time (per review cycle) the City may take to complete both Phase #1 and Phase #3





3. The Land Use Authority (and other City representatives or agents) shall adhere to the maximum number of review cycles and the review deadlines described in Table A, except as described below. If no further revisions are needed, the Land Use Authority may end the review process early and approve or deny the preliminary or final application.

   a. This provision notwithstanding, for any subdivision application that affects property within an identified geological hazard area, the City is exempt from limits on the number of permitted review cycles and the City's deadlines for reviewing and responding (Phases #2 and #3).

   b. If the applicant makes a material change to a preliminary or final application not requested by the City at any point in the review process, the Land Use Authority may restart the review process, but only with respect to the portion of the application that the material change substantively affects.

   c. For both preliminary applications and final applications, if an applicant takes longer than 40 business days to submit a revised subdivision improvement plan responding to the City's requests for modifications and additions (in Phases #1 and #4), the City shall have an additional 20 business days to review and respond to the revised application (Phases #2 and #3 of the next review cycle or issuing an approval decision).

   d. For both preliminary and final applications, if an applicant takes longer than 180 calendar days to submit a revised application and respond to the City's requests for modifications and additions (Phases #1 and #4), the application shall, at the option of the Land Use Authority, expire. If an

application expires, the applicant must restart the subdivision application process.

e. If the applicant has not submitted a final application within 365 calendar days after the Land Use Authority notifies the applicant that it has approved the related preliminary application, the related preliminary approval shall expire. In this case, the applicant shall not submit a final application until the Land Use Authority has issued a new preliminary application approval.

4. When a preliminary or final application's review period ends, the Land Use Authority shall approve or deny the respective preliminary or final application within 20 business days.

   a. If the Land Use Authority has not approved or denied the application within 20 business days after the allotted review cycles are complete, the applicant may request a decision. After such a request, the City shall, within 10 business days:

      i) For a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Utah Code §10-9a-511(5)(d) to review and approve or deny the revised set of plans; or

      ii) For a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to the designated Appeal Authority.

5. After the Land Use Authority provides comments in the last allotted review cycle for a final application, the City shall not require further modifications or corrections to the application unless those modifications or corrections are necessary to protect public health and safety or to enforce state or federal law or unless the review cycle reset due to the applicant making a material change that the Land Use Authority did not request.

   a. With the exception of modifications or corrections that are needed to protect public health and safety, that are needed to enforce state or federal law, or that arise from the review cycle being reset, the municipality waives noncompliant subdivision-related requirements that the Land Use Authority does not identify during the review process.

   b. The applicant shall make reasonable changes, unless prohibited otherwise by a contract or deed, to the subdivision application to accommodate the water conveyance facility to the extent required by Utah Code §73-1-15.5.

6. The Land Use Authority may conduct one or more public hearings (up to the number described in Table A) during the review period for a preliminary subdivision application.

a. The purpose of these public hearings is to ask questions of the applicant and receive commentary on the technical aspects of the application from affected entities, interested parties, and the public.

b. If the Land Use Authority elects to hold a public hearing, the hearing must occur before the end of the Land Use Authority's preliminary review period (end of Phase #3 of the last preliminary review cycle). Scheduling issues shall not extend the review and approval deadlines in this Chapter.

c. The Land Use Authority shall not hold a public hearing during the review period for a final subdivision application.

7. Other chapters of this Title notwithstanding, the Land Use Authority shall approve or deny preliminary and final applications under this Chapter after reviewing the complete applications as described in this Section.

29-060: APPROVAL

A. **Approval**. The respective Land Use Authorities shall approve any complete preliminary and final applications made under this Chapter that comply with applicable municipal ordinances.

B. The respective Land Use Authorities shall issue all approvals in writing and shall certify the approved final plat, either by signing the plat directly or by attaching a signed certification to the plat.

~~**Submission.** The submission for approval must be accompanied by any covenants, declarations, easements, dedications of rights-of-way, or similar documents that are in addition to the contents of the plat. The submission must also be accompanied by a current Code report showing the persons having interest in the property and verifying the ownership is consistent with the ownership as indicated on the plat. The legal descriptions of the property must also be consistent with the plat, declarations or covenants and Code reports.~~

~~3. **Revisions.** All revision dates must be shown as well as notation of any self-imposed restrictions. If any revision is included on the Final Plat which was not present on the Preliminary Plan or a requirement of approval by the City Council, it is the applicant's responsibility to inform the Planning Commission and City Council of the changes. Failure to inform the Planning Commission, or City Council, of revisions that were not present on the Preliminary Plan, Concept Plan, or a requirement of approval, may result in revocation of any or all approvals.~~

~~**Public Hearings.** The Planning Commission and City Council shall hold a Public Hearing on the Final Plat to inform the public about the project and receive comment and input. The hearings shall be advertised in accordance with the requirements of Chapter 03-060.~~

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~~**Planning Commission Recommendation of Final Plat and Construction Drawings.** The Planning Commission will review the Final Plat and construction drawings for compliance with the Preliminary Plan approval and conditions, City Engineering Standards and Construction Specifications and all other requirements of this Code. The Planning Commission shall make a recommendation to approve, approve with conditions, or deny the Final Plat and construction drawings to the City Council.~~

~~D.~~C. **Payment of Fees.** ~~**Payment of Fees.**~~ The ~~Planning Commission~~Land Use Authority shall not ~~recommend approval of~~approve any ~~Final Plat and construction drawings~~application until all review fees have been paid in full according to the fee schedule approved by the City.

~~**City Council Approval of Final Plat and Construction Drawings.** Following a recommendation for approval, approval with conditions, or denial of a Final Plat by the Planning Commission, the Final Plat and construction drawings shall be placed on the City Council Agenda. After reviewing the Final Plat and construction drawings and consideration of the Planning Commission recommendations, the City Council shall approve, approve with conditions, or deny the Final Plat and construction drawings.~~

D. **Recording.** ~~Upon granting of~~The applicant shall record the approved final ~~approval by the City Council, the City Recorder shall submit the~~ plat ~~to~~with the County Recorder's Office ~~for recordation. No~~within 365 calendar days after the Land Use Authority approves the final application, provided that the applicant has completed any improvements or posted any performance guarantee required by the City ordinances or described in the approved improvement plan.

1. An approved final plat ~~shall be~~not properly recorded within the timeline specified in this provision is void, unless the Planning Commission approves an extension.

E. **Submission.** ~~until~~City staff shall submit to the Utah Geospatial Resource Center (so the subdivision can be included in the ~~City Recorder has verified that all fees relative to~~911 database, within 30 calendar days after the ~~project have been paid~~final application is approved either

1. An electronic copy of the approved final plat; or

~~F.~~2. Preliminary geospatial data that depict any new streets and situs addresses for proposed construction within the bounds of the approved final plat.

~~G.~~F. **Effect of Approval.** In approving the plat, the City and its officers and agents are only certifying to substantial compliance with the statute and ordinances regarding the recording of plats and the prior approval of the project as being in compliance with City Ordinances. The City does not make any representation concerning the accuracy of the information on the plat, nor the value of the project. Every site for which a site plan has been approved shall conform to such plan and adhere to the following:

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~~3~~74.1. A building permit shall not be issued for any building or structure, external alterations thereto, or any sign or advertising structure until the provisions of this section have been met. Any building permit issued shall expressly require that development be undertaken and completed in conformity with the approved site plan. No structures or improvements may be added to sites that are not included on the approved site plan.

~~3~~75.2. All improvements shown on the approved site plan or amended site plan shall be maintained in a neat and attractive manner.

~~3~~76.3. Approval of a site plan shall not be deemed an approval of any conditional use permit or other permit. Approval of such permits shall be obtained in accordance with the applicable provisions of this Code.

~~**Cause of Site Plan or Subdivision Disapproval.** The Legislative Body does hereby exercise the power and authority to disapprove development site plans or subdivisions under the following conditions:~~

~~The site plan or subdivision plat has been recorded in the County Recorder's office without prior approval by the City.~~

~~2.a.~~Expiration has occurred as outlined below in 29-070-N.

~~**Dedications.** At the time of Final Plat approval, all dedications shall be completed accompanied by all formal irrevocable offers of dedication to the public of all required streets, public uses, utilities, parks, and easements, in a form approved by the City Attorney.~~

~~If required by the City Attorney, the applicant shall deliver a full covenant and warranty deed to all such lands in proper form for recording, together with a Code policy for the City not older than 30 days and in the sum not less than ten thousand dollars ($10,000.00), which sum shall be determined by the City Attorney and or Engineer before signing of the Final Plat.~~

~~**Proof of Utility Service.** The Final Plat and construction drawings shall be accompanied by an inspection fee in an amount to be determined on the basis of the provisions of these regulations, as established by ordinance, and by written assurance from the public utility companies and improvement districts if applicable or extended, that necessary utilities will be installed and proof that the applicant has submitted petitions in writing for the creation or extension of any improvement districts as required by the City upon Preliminary Plan approval.~~

~~**Outstanding Obligations.** At the time of Final Plat approval, the applicant shall provide evidence that all property taxes are current, and that no other City debts or obligations are outstanding, and no liens or encumbrances are placed on the property.~~

~~**Vested Rights.** Vesting for purposes of zoning occurs upon the filing of a complete application, provided that no vested rights shall accrue until the actual signing of a Preliminary Plan or Final Plat by the Chair of the Planning Commission and the Mayor. All requirements, conditions, or regulations adopted~~

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~~by the Planning Commission and City Council applicable to the subdivision or to all subdivisions generally shall be deemed a condition for any subdivision prior to the time of the signing of the Final Plat.~~

~~M.~~G. **Alterations, Amendments, and Vacations of Subdivision Plats**. Alterations, Amendments, and Vacations of Subdivision Plats may occur through a petition by landowners, recommendation by the Land Use Authority, or through a motion by the Legislative Body. Alterations, Amendments, and Vacations of a Subdivision Plat, Street, Lot, Alley, or Public Use Area shall be considered at a public hearing after following the notification procedures contained in Chapter 03-060.

~~N.~~H. **Expiration.** Failure to obtain a building permit within one (1) year of final approval of a site plan or recordation of a subdivision plat shall terminate and cancel the prior site plan or subdivision plat approval given, whereupon the ~~City Council~~Planning Commission may require that a new site plan or subdivision plat be submitted, and approval obtained pursuant to this section. A written request may be submitted to the ~~Legislative Body~~Planning Commission prior to expiration of the site plan or subdivision plat for a one-time extension of up to six months. The ~~Legislative Body~~Planning Commission can grant such an extension where good cause can be shown.

Appeal of Decision. Any person adversely affected by a decision of the ~~Legislative Body~~Land Use Authority regarding approval or denial of a concept plan, preliminary plan, or final plat, or any site plan may be appealed to the District Court in accordance with the provisions of this Code and Utah Code Annotated.

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I. ~~SPECIFICATIONS FOR~~

29-070: NOTICE TO AFFECTED ENTITIES

Within 15 calendar days after receiving a complete subdivision application under this Chapter, the City Manager or designee shall provide written notice of the proposed subdivision to the facility owner of any known water conveyance facility located, entirely or partially, within 100 feet of the subdivision plat.

A. To determine whether any water conveyance facility is located within 100 feet of a proposed subdivision, the City Manager or designee shall review information:

1. From the facility owner under Utah Code §10-9a-211, using mapping-grade global positioning satellite units or digitized data from the most recent aerial photo available to the facility owner;
2. From the state engineer's inventory of canals; or
3. From a licensed surveyor who has consulted with a representative of an existing water conveyance facility that services an area near the land the application concerns.

B. To give water conveyance facilities time to provide feedback on subdivision applications, the Land Use Authority shall not approve a preliminary (or related final) subdivision application under this Chapter sooner than 20 calendar days after the applicant submits a complete application. This waiting period does not apply to revised applications the applicant may submit during the application review process.

1. A water conveyance facility owner's failure to provide comments to the Land Use Authority about a subdivision application does not affect or impair the Land Use Authority's authority to approve the subdivision application.

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Chapter 30

SUBDIVISION APPLICATION DOCUMENTS ~~TO BE COMPLETED~~

30-010: Concept Plan
30-020: Preliminary Plan
30-030: Final ~~Plat~~Plan
30-040: ~~Construction Drawings~~Exceptions

30-010: CONCEPT PLAN

City Staff may discuss with a potential applicant, at a Concept Plan Conference, the procedure for approval of a subdivision plat and the specifications and requirements as to general layout of streets and for reservations of land, street improvements, drainage, water, sewerage, fire protection, mitigation of environmental impacts and similar matters, as well as the availability of existing services.

~~After the review of the Concept Plan and other reports as submitted by invited agencies and officials, the Staff will~~ City staff may also advise the applicant of ~~the specific~~likely changes or additions, ~~if any, required in the proposed subdivision layout, and the character and extent of improvements and reservations which will~~to the applicant's Concept Plan that will likely be required as a prerequisite to the approval of the ~~Concept~~Preliminary Plan~~.~~..

~~These Concept Plan requirements are the minimum, other information may be required by the Development Code, or Staff.~~

~~A.~~J. **General.** ~~The~~If the applicant elects to attend a Concept Plan Conference before applying, the applicant shall supply the City with a digital and two (2) hard copies of the Concept Plans. ~~. Plans shall be submitted to the City two (2) weeks prior to the desired scheduled meeting of the Planning Commission for review by the Staff and other appropriate agencies.~~

~~**Information to be shown on Concept Plan.** The following information is intended to be as complete as possible. However, the applicant is responsible for including all information required by this Code, or Staff on the Concept Plan whether included in this list or not. Failure to show any information required by this Code, or Staff may result in denial of the Concept Plan~~

K. **Concept Plan elements.** The potential applicant requesting a Concept Plan Conference may include any information the applicant desires on the Concept Plan. The proposed application need not be complete for the applicant to attend. The following elements are strongly recommended:

~~3~~1. A plan prepared at an engineers' scale not more than one~~-~~ inch equals one hundred (100) feet, on standard twenty-four (24) inch by thirty-six (36)

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inch paper, with sheets numbered in sequence if more than one sheet is used. Except when permission is expressly granted by the Staff, no concept plan hand drawn in pen or pencil shall be accepted.

~~379.~~2. The date of the plan, true north arrow, standard scale, and name of the subdivision.

~~380.~~3. The location of property with respect to surrounding property and streets, the names of adjoining streets, and the location of all boundary lines of the property.

~~381.~~4. The location of existing streets, easements, water bodies, rivers, streams, and other pertinent features such as swamps, buildings, parks, cemeteries, drainage or irrigation ditches, bridges, or other features as determined by the Staff.

~~382.~~5. The location and width of all existing and proposed streets, street names and easements, alleys, trails, and other public ways, and easement and proposed street rights-of-way.

~~383.~~6. The location and size of all proposed or existing lots, complete with building pads, utility easements, lot numbers, and building setback lines.

~~384.~~7. The location and size of all property proposed to be set aside for park or playground use, or other public or private reservations and open space dedications, with designation of the purpose thereof, types, and conditions, if any, of the dedication, preservation, or reservation.

~~385.~~8. The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider if other than the owner, and the name of the land surveyor.

~~386.~~9. Indication of the use of all lots or parcels whether single-family, two-family, multi-family, agricultural, commercial, industrial, recreation open space, as well as all uses other than those specified that are proposed by the subdivider.

~~387. All information required by the Land Use Authority or Staff after review of the Concept Plan.~~

~~11.~~10. A preliminary lighting and signing plan showing all proposed exterior lighting and signing.

~~12.~~11. Explanation of reservations and conservation easements, if any.

~~13.~~12. A preliminary utility plan showing all utility facilities existing and proposed throughout the subdivision.

~~14.~~13. A preliminary grading and drainage plan with an indication of all slopes from 0-8%, 8-15%, 15-30% and slopes greater than 30%.

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~~15.~~14. If the plan does not include all contiguous property of the owner of the subdivision, an indication of future use of the contiguous property.

~~16.~~15. Indication of the nearest location of all existing public and private utilities.

~~17.~~16. A preliminary landscape and irrigation plan showing proposed plant species, size and location including means of irrigation.

~~18.~~17. Proposed Phasing Plan per **Section 29-040:E** if applicable.

~~19.~~18. Five (5) or more lots or units will require an Impact Analysis on environmentally sensitive lands and public infrastructure per **Section 03-090** and **Section 18-050.**

~~20.~~19. ~~A~~As applicable, a right to farm provision agreement or study, with appropriate deed restrictions or restrictive covenants.

~~21.~~20. Filing fee as shown on the current City Fee Schedule.

~~**Incomplete Application.** The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause of an incomplete application and disapproval of a Concept Plan.~~

30-020: PRELIMINARY PLAN

~~The Planning Commission may discuss the procedure for approval of a subdivision plat and the specifications and requirements as to general layout of streets and for reservations of land, street improvements, drainage, water, sewerage, fire protection, mitigation of environmental impacts and similar matters, as well as the availability of existing services.~~

~~After the review of the Preliminary Plan and other reports as submitted by invited agencies and officials, the Staff or Planning Commission will advise the applicant of the specific changes or additions, if any, required in the proposed subdivision layout, and the character and extent of improvements and reservations which will be required as a prerequisite to the approval of the Preliminary Plan.~~

The Land Use Authority shall review and approve of the preliminary plan in accordance with the regulations as outlined in sections 29-050 and 29-060.

These Preliminary Plan requirements are the minimum~~;~~. other information may be required by the Development Code, Staff, or Planning Commission ~~or City Council~~.

General. The applicant shall supply the City with a digital and two (2) hard copies of the Preliminary Plans~~. Plans shall be submitted to the City three (3) weeks prior to the scheduled meeting of the Planning Commission for review by the Staff and other appropriate agencies.~~ and an electronic copy in PDF format. To be considered complete, a preliminary subdivision application must include at least the following elements:

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A. ~~**Information**~~An **approved land use application** that describes how the property will be used after it is subdivided.

1. If the intended use is permitted by right under City ordinances, the land use application must include citations to ~~**be Shown**~~the specific ordinance(s) that the applicant believes authorizes the intended use.

2. If the intended use requires a conditional use permit or is otherwise conditioned on City approval, the land use application must include an approved, City-issued permit authorizing the intended use. Should an applicant seek a use permit concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the use permit is issued.

3. If the intended use is prohibited under City ordinances and requires a variance, the land use application must include an approved, City-issued variance authorizing the intended use. Should an applicant seek a variance concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the variance is issued.

B. An **improvement plan,** including Construction Drawings, created in accordance with applicable portions of Chapters 31 and 32 of this Title, for all public improvements proposed by the applicant or required by City ordinances.

1. In addition to the requirements in Chapters 31 and 32, the improvement plan must contain an engineer's estimate of the cost of completing the required improvements.

~~B.~~C. A **Preliminary ~~Plan.~~Plat.** The preliminary plat must include at least the following information, which is intended to be as complete as possible. However, the applicant is responsible for including all information required by this Code, the Planning Commission, ~~City Council~~ or Staff on the Preliminary Plan whether included in this list or not. Failure to show any information required by this Code, the Planning Commission, ~~City Council~~ or Staff may result in denial of the plan.

~~3~~99.1. A plan prepared at an engineers' scale not more than one-inch equals one hundred (100) feet, on standard twenty-four (24) inch by thirty-six (36) inch paper, with sheets numbered in sequence if more than one sheet is used. Except when permission is expressly granted by the Staff, no preliminary plan hand drawn in pen or pencil shall be accepted.

~~4~~00.2. The date of the plan, true north arrow, standard scale, and name of the subdivision, which name must be distinct from any subdivision name on a plat recorded in the County Recorder's Office.

~~4~~01.3. The location of property with respect to surrounding property and streets, the names of adjoining streets, and the location of all boundary lines of the property.

~~4~~02.4. The location of existing streets, easements, water bodies, rivers, streams, and other pertinent features such as swamps, buildings, parks,

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cemeteries, drainage or irrigation ditches, bridges, or other features as determined by the Staff.

~~403.~~5. The location and width of all existing and proposed streets, street names and easements, alleys, trails, and other public ways, and easement and proposed street rights-of-way.

~~404.~~6. The location and size of all proposed or existing lots, complete with building pads, utility easements, lot numbers, and building setback lines.

~~405.~~7. The location and size of all property proposed to be set aside for park or playground use, or other public or private reservations and open space dedications, with designation of the purpose thereof, types, and conditions, if any, of the dedication, preservation, or reservation.

~~406.~~8. The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider if other than the owner, and the name of the land surveyor.

~~407.~~9. Indication of the use of all lots or parcels whether single-family, two-family, multi-family, agricultural, commercial, industrial, recreation open space, as well as all uses other than those specified that are proposed by the subdivider.

10. Any known and unrecorded water conveyance facility located, entirely or partially, within the plat.

11. Filing fee as shown on the current City Fee Schedule.

~~1. All information required by the Planning Commission, City Council, or Staff after review of the Concept Plan.~~

12. If the subdivision includes a condominium, the requirements found in Utah Code §57-8-13, as amended.

D. **Plans and Studies,** including:

~~11.~~1. A preliminary lighting and signing plan showing all proposed exterior lighting and signing.

~~12.1.Explanation of reservations and conservation easements, if any.~~

~~13.~~2. A preliminary utility plan showing all utility facilities existing and proposed throughout the subdivision.

~~14.~~3. A preliminary grading and drainage plan with an indication of all slopes from 0-8%, 8-15%, 15-30% and slopes greater than 30%.

~~412.~~ If the ~~plan~~plat does not include all contiguous property of the owner of the subdivision, an indication of future use of the contiguous property.

~~16.1. Indication of the nearest location of all existing public and private utilities.~~

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~~17.~~4. A preliminary landscape and irrigation plan showing proposed plant species, size and location including means of irrigation.

~~18.~~5. Proposed Phasing Plan as per Section 29-~~040:~~030 E of the Code if applicable.

~~19.~~6. Five (5) or more lots or units will require an Impact Analysis on environmentally sensitive lands and public infrastructure per Section 03-090 and Section 18-050.

7. Indication of the nearest location of all existing public and private utilities.

8. Explanation of reservations and conservation easements, if any.

~~2. A right to farm provision agreement or study, with appropriate deed restrictions or restrictive covenants.~~

~~21.1.Filing fee as shown on the current City Fee Schedule.~~

9. A traffic study, if one is required by an applicable UDOT Access Management Plan.

E. **Certifications,** including:

1. An affidavit from the applicant certifying that the submitted information is true and accurate.

2. The signature of each owner of record of land described on the preliminary plat, signifying their consent to the preliminary subdivision application and their intent to dedicate portions of the preliminary plat to the public as described in the application.

3. Certification that the surveyor who prepared the plat:

   a. Holds a license in accordance with Utah Code 58-22; and

   b. Either

      i. Has completed a survey of the property described on the plat in accordance with state requirements and has verified all measurements; or

      ii. Has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and

   c. Has placed monuments as represented on the plat.

F. **Fees**. Payment of all required fees for a preliminary subdivision application as described on the City's fee schedule.

~~C.~~G. **Incomplete Application.** The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause of an incomplete application and disapproval of a Preliminary Plan.

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30-030: FINAL ~~PLAT~~PLAN

Following the approval of the Preliminary Plan ~~or in the case of a Minor Subdivision a discussion with the Planning Commission on a Concept Plan~~, the applicant may proceed with the subdivision by filing an application for a Final ~~Plat~~Plan.

The ~~final subdivision plat shall be prepared by a registered land surveyor licensed by the State of Utah as certified on the plat. The Final Plat shall be prepared on reproducible mylar at the same scale and contain the same information, except for any conditions, changes or additions indicated in the approval of the Preliminary Plan~~Land Use Authority shall review and approve of the final plan in accordance with the regulations as outlined in sections 29-050 and 29-060.

~~The Preliminary Plan may be used as the Final Plat if it meets these requirements and is revised in accordance with the Preliminary Plan approval. These are minimum requirements and other information may be required by the Planning Commission, City Council, or Staff.~~

General. The applicant shall provide the City with a digital and two (2) hard copies of the Final Plat, with one of the copies being produced on reproducible Mylar for recording~~. The Final Plat shall~~, and electronic copies of the final plat in AutoCAD and other documents in PDF. To be ~~submitted to the City~~considered complete, a final subdivision application must include at least ~~three (3) weeks prior to~~ the ~~regular meeting of the Planning Commission in which the project will be addressed.~~following elements:

~~**Information to be Shown on Final Plat.** The following information is intended to be as complete as possible. However, the applicant is responsible for including all information required by this Code, the Planning Commission, City Council or Staff on the Final Plat whether included in this list or not. Failure to show any information required by this Code, the Planning Commission, City Council or Staff may result in denial of the plat.~~

~~The Final Plat shall comply in all respects with the Preliminary Plan, as approved, or in the case of a Minor Subdivision, the Concept Plan as discussed. The Final Plat application shall include the following required documents:~~

~~4. A plat prepared on reproducible Mylar including all of the requirements of the concept plan, preliminary plan, conditional use permit and master planned development as applicable, and including any other requirements of the Development Code. Applicants may also submit a digital copy of the final plat.~~

A. **Land Use Authority approval of the applicant's preliminary application**, given within the last 365 calendar days.

B. The **approved land use application** that was accepted during the preliminary application review process.

C. A **Final Plat**. The final plat should be the version of the preliminary plat approved by the City during the preliminary application review process, plus any other

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additions and immaterial changes (e.g., formatting) necessary to comply with the recording requirements of the County Recorder's Office. The following elements are also required:

~~4~~17. A final draft of any subdivision restrictive covenants (CC&R's) or agreements

~~418. All monuments erected, corners, and other points established in the field in their proper places. The material and diameter of which the monuments, corners, or other points are made shall be noted at the representation thereof or by legend.~~

~~4.~~1. ~~The final subdivision plat shall be prepared by a registered land surveyor licensed by the state of Utah and certified as to the same on the plat~~, if applicable.

~~5.~~2. The subdivision plat must be signed by the owner of the property and all persons claiming an interest in the property within the plat, including those holding a security interest in the property, excluding mechanic liens and judgment liens. A condominium plat need not be signed by those holding security interests in the property. All owners' signatures must be legally acknowledged.

~~6.~~3. The plat must have signature blocks for ~~the Chair of the Planning Commission,~~ Rocky Mountain Power, Dominion Energy, North Summit Fire District, City Community Development Director, the City Engineer, City Public Works Director, Mayor, City Attorney, and any other signatures required by the City.

~~7.~~4. Owner's dedication and consent to record as required by applicable state law.

D. A **performance guarantee** for all public improvements required by the approved improvement plan and City ordinances, or a statement that such improvements will be completed before development occurs on the proposed subdivision and before the applicant records the plat, as required by Section 32-020 of this Title.

E. **Certifications,** including:

1. A Title Report or Title Insurance Policy for the land to be subdivided verifying property ownership.
2. A Tax Clearance Certificate from the state indicating that all taxes, interest, and penalties owing on the land have been paid.
3. An affidavit from the applicant certifying that the submitted information is true and accurate.

1. Certification that the surveyor who prepared the plat:

   a. Holds a license in accordance with Utah Code 58-22; and

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b. Either

i. Has completed a survey of the property described on the plat in accordance with state requirements and has verified all measurements; or

ii. Has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and

c. Has placed monuments as represented on the plat.

~~0.~~ **Dedications.** ~~The submission for plat approval must be accompanied by any declarations, easements, dedications of rights-of-way or open space, or similar documents that are in addition to the contents of the plat.~~

~~422. A preliminary Code report covering all property located within the Subdivision. The report shall be prepared or updated to within thirty (30) days of the date of recording of the Subdivision Plat.~~

~~422. Any other information that may be useful or necessary for the meaningful review of the project. Additional information may be requested based on the nature of the project or the site.~~

~~422. Filing fee as shown on the current City Fee Schedule.~~

F.

1. Binding dedication documents, as applicable, for proposed public and City spaces and any conveyances of common areas to community associations.

2. Formal, irrevocable offers of dedication to the public of all required streets, public uses, utilities, parks, and easements, in a form approved by the City Attorney.

3. If required by the City Attorney, the applicant shall deliver a full covenant and warranty deed to all such lands in proper form for recording, together with a Code policy for the City not older than 30 days and in the sum not less than 110% of the project cost, which sum shall be determined by the City Attorney and or Engineer before signing of the Final Plat.

4. If applicable, a right to farm provision agreement or study, with appropriate deed restrictions or restrictive covenants.

G. The Land Use Authority may require, and the applicant shall provide, additional information beyond the requirements of this Section or those published by the City relating to an applicant's plans to ensure compliance with City ordinances and approved standards and specifications for construction of public improvements and to protect the health and safety of City residents.

30-040: EXCEPTIONS

A. **Agricultural Land**

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1. Applications to subdivide agricultural land are exempt from the preliminary and final plat requirements (but not the other application requirements) of Chapters 29 and 30 if the resulting parcels:
    a. Qualify as land in agricultural use under Utah Code §59-2-502;
    b. Meet the minimum size requirement of applicable City land use ordinances; and
    c. Are not used and will not be used for any nonagricultural purpose.
2. For subdivision applications for which this exception applies, an applicant may submit to the City—in place of a plat—a record of survey map that illustrates the boundaries of the parcels.
3. If the City approves a subdivision application based on a record of survey map, the applicant shall record the map, signed by the City, with the County Recorder's Office.
4. If a parcel resulting from a subdivision under this exception ever ceases to be used for agriculture, the subdivision shall become invalid. The City may, in its discretion, impose the penalty in Section 28-080 and/or require a subdivision amendment before issuing a building permit.

B. Development Agreements

1. Subdivisions platted in a valid development agreement are exempt from the application requirements and review and approval requirements (Sections 29-050 and 29-060) of this Title.
2. Clauses in a valid development agreement with the City supersede all conflicting requirements in this Title, except where a clause in the development agreement poses a substantial danger to the health and safety of City residents.

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CHAPTER 31

REQUIREMENTS FOR IMPROVEMENTS

31-010: Construction Drawings
31-020: Improvement, Design, & Layout Considerations
31-030: General Subdivision Requirements
31-040: Lot Improvements & Arrangements
31-050: Roads, Streets, & Driveways
31-060: Drainage and Storm Sewers
31-070: Water Facilities
31-080: Sewer Facilities
31-090: Other Utilities
31-100: Parks, Trails, and Open Space
31-110: Preservation of Natural Features & Amenities
31-120: Infill and Flag Lot Development

31-010: CONSTRUCTION DRAWINGS

Construction drawings shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than one (1) inch equals fifty (50) feet. These requirements are the minimum, other information may be required by the Development Code, Staff, Planning Commission or City Council.

The following information is intended to be as complete as possible. However, the applicant is responsible for including all information required by this Code~~,~~ and the ~~Planning Commission, City Council or Staff~~Land Use Authority in the construction drawings, whether included in this list or not. Failure to show any information required by this Code~~, Staff, Planning Commission, or City Council~~ or the Land Use Authority may result in denial of the project, and resubmittal will be required.

A. **Construction Drawings Format.** The Drawings shall be prepared on a similar medium and be the same size as the ~~Preliminary Plans.~~preliminary plat. The applicant shall provide a digital and two (2) hard copies of the Construction Drawings to the City.

~~**Submission and Presentation.** The Construction Drawings shall be submitted with the Final Plat to the City three (3) weeks prior to the scheduled meeting of the Planning Commission for review by the Staff and other appropriate agencies.~~

~~C.~~B. **Information to be Shown on the Construction Drawings.** The following information, at a minimum, shall be shown:

~~4~~23.1. Plans and profiles showing existing and proposed elevations along centerlines of all roads. Where a proposed road intersects an existing road

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or roads, the elevation along the centerline of the existing road or roads within one hundred (100) feet of the intersection shall be shown. Approximate radii of all curves, lengths of tangents, and central angles on all streets. The Planning Commission may require, upon recommendation by the City Engineer, where steep slopes exist, that typical cross-sections of all proposed streets be shown.

~~424.~~2. Plans showing the location of existing and proposed trails, sidewalks, drainage easements, irrigation ditches, and rights-of-way.

~~425.~~3. Utility plan including plans and profiles showing the location, size, and invert elevations of manholes, catch basins, existing and proposed sanitary sewers, storm water drains, culinary and irrigation water lines, fire hydrants, and connections to any existing or proposed utility systems, and exact location and size of all water, gas, or other underground utilities or structures.

~~426.~~4. Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, and easements, and other pertinent features such as water bodies, streams, wetlands, buildings, and each tree or group of trees and shrubs to be preserved. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high and low water elevations of such lakes or streams. All elevations shall be referred to the U.S.G.S. datum plane. If the subdivision borders a lake, river, or stream, the distances and bearings of a meander line established not less than fifty (50) feet back from the ordinary high-water mark of such waterways.

~~427.~~5. Topography at the same scale as the Preliminary Plan with contour intervals of five (5) feet over 30% slope and a minimum contour interval of one (1) foot less than 30% slope, referred to sea-level datum. All datum provided shall be the latest applicable U.S. Geodetic Survey datum and should be so noted on the plat.

~~428.~~6. All other specifications, details, and references required by the Coalville City Engineering Standards and Construction Specifications.

~~429.~~7. Signature approval blocks for the City Engineer, City Public Works Director, and City Community Development Director.

~~430.~~8. Code, name, address, signature, and seal of the professional engineer preparing the plans, and date, including revision dates.

~~431.~~9. Erosion control plan, including limits of disturbance and re-vegetation.

~~432.~~10. Site grading and drainage plans.

~~433.~~11. Landscape, maintenance, and irrigation plans.

~~434.~~12. Phasing plan.

434. Lighting and signing plans.

~~REQUIREMENTS FOR IMPROVEMENTS~~

~~31-010: Improvement, Design, & Layout Considerations~~
13.

31-020~~: General Subdivision Requirements~~
~~31-030: Lot Improvements & Arrangements~~
~~31-040: Roads, Streets, & Driveways~~
~~31-050: Drainage and Storm Sewers~~
~~31-060: Water Facilities~~
~~31-070: Sewer Facilities~~
~~31-080: Other Utilities~~
~~31-090: Parks, Trails, and Open Space~~
~~31-100: Preservation of Natural Features & Amenities~~
~~31-110: Infill and Flag Lot Development~~

~~31-010~~: IMPROVEMENT, DESIGN, AND LAYOUT CONSIDERATIONS

A. **Laws Rules and Adopted Policy Statements.** In addition to the requirements established herein, all Subdivision Plats shall comply with the following law, rules, adopted policy statements and regulations, unless otherwise approved by the City Council:

~~435.~~1. All applicable statutory provisions,

~~436.~~2. Sensitive Lands regulations, Uniform Building and related Codes, City Engineering Standards and Specifications,

~~437.~~3. The Official Streets Master Plan, the General Plan, the Official Zone Map, the Trails Master Plan,

~~438.~~4. Public Utilities Plans, Capital Improvements Program or any other Local Government having jurisdiction in the development, including all streets, trails, drainage systems, and parks,

~~439.~~5. Federal and State Agency regulations as necessary.

B. **Self-Imposed Restrictions.** If the applicant places restrictions on any of the land contained in the development more restrictive than those required by this Code or these regulations, such restrictions or reference thereto may be required to be indicated on the Final Plat, or the Planning Commission or City Council may require that restrictive covenants be recorded with the County Recorder in a form to be approved by the City Attorney.

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C. **Plats Straddling Municipal Boundaries, Annexations.**

440.1. Whenever a development is proposed that includes property under the jurisdiction of another entity, the City may require the annexation of the property involved.

441.2. If the area in the County is not annexed, the City and County shall work together in a cooperative arrangement or through an inter-local agreement, if necessary, to ~~insure~~ensure that the portion of development lying in the County is compatible with the City Codes, development regulations, Zoning Map and General Plan.

D. **Restrictions Attributed to Character of the Land.**

442.1. If the Planning Commission or City Council finds lands unsuitable for development due to natural hazards, flooding, improper drainage, fire hazards, steep slopes, rock formations, geologic hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, utility easements, wildlife habitats that cannot be reasonably mitigated, or other natural features, including view corridors, ridge lines and hilltops, which will be detrimental to the safety, health, and general welfare of the present or future inhabitants of the development or surrounding areas, the land shall not be developed.

443.2. The development may be made suitable if adequate methods are formulated by the developer and approved by the City, upon recommendation of a qualified planner or engineer hired by the developer and approved by the City, to solve or remedy the problems created by the unsuitable land conditions. The burden of proof shall lie with the developer to establish the viability of development in these sensitive or unsuitable areas. Unsuitable land shall be set aside or reserved for uses that will not create a danger or severe environmental impact. Lands located in sensitive lands areas are further regulated by Chapter 18 of this Code.

444.3. Additionally, consideration shall be given to soil conditions and ground water existence and may require appropriate setbacks and conservation measures.

E. **PLAT APPROVAL WITHHELD.** Plat approval may be withheld if a Subdivision is not in conformity with the above guides or policy and purposes of these regulations established in this Code.

31-~~020~~030: GENERAL SUBDIVISION REQUIREMENTS

A. **Monuments.**

445.1. The applicant shall place permanent reference monuments in the development as required herein or as otherwise required by the City.

446.2. Monuments shall be installed in accordance with Coalville City Engineering Standards and Construction Specifications and shall be

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installed on street right-of-way lines, at street intersections, angle points of curve and block corners. They shall be spaced so as to be within sight of each other, the sightlines being contained wholly within the street limits.

~~4~~47.3. All monuments shall be properly set in the ground and approved by a Registered Land Surveyor.

B. **Subdivision Name.** The proposed name of a subdivision and all roadways contained therein shall not duplicate, or too closely approximate phonetically, the name of any other subdivision or street in the area covered by these regulations or nearby communities. The Planning Commission and City Council shall have final authority to designate the name of the subdivision and to select street names.

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C. **Ridge Line and Hillside Development.** Protection of ridges from development which would be visible against the skyline from prominent areas or designated vantage points (as per Section 18-070:B) in Coalville City will be regulated. Hillside development which may impact scenic view sheds may be prohibited unless it can be shown that the development and improvements will be constructed or clustered in a way to minimize visual impacts.

D. **Open Space.** Lots should be clustered in the most developable and least sensitive portions of the site with common open space corridors separating clusters. The open space corridors should be designed to coincide with significant vegetation and in many cases left natural. Open space areas will be the maintenance responsibility of a homeowners association, unless dedicated and accepted by the City. Open space conservation easements dedicated in perpetuity to a qualified land trust are encouraged to prevent future development.

E. **Drainage Ways and Irrigation Ditches.** Existing natural drainage and irrigation ditches or rights-of-ways shall be maintained. Notification and approval of irrigation companies for development may be required in certain circumstances as determined by the City if the development impacts irrigation works or access.

F. **Trails and Sidewalks.** Trails or sidewalks shall be provided to allow efficient internal pedestrian and non-motorized circulation as well as provide links to adjacent trail or sidewalk systems on other properties. Existing trails should be maintained and incorporated into open space elements of the project. This may include trails for pedestrian, bicycle, or equestrian circulation. Construction of new trails will be required concurrently with the installation of other public improvements. Although required trails may not link to adjacent trails immediately, each trail is a vital part of an overall circulation plan. In most cases, a homeowners association will be required to maintain the trails.

G. **Limits of Disturbance/Vegetation Protection.** A separate plan which addresses limits of disturbance and vegetation protection during construction and re-vegetation of disturbed areas will be required as part of the landscape plan for the project. This plan shall address construction necessary for all project improvements such as roads and utilities.

H. **Architectural or Design Standards.** Architectural or design standards may be required on projects or developments which could have a significant effect on the character of the surrounding area. Specific standards will be developed on a case-by-case basis. It is intended by this ~~section~~Section to create a development which will result in compatible building design and materials within the development and the respective zone district consistent with rural small town historic coal mining and Victorian architecture themes. Guidelines should include roof pitch, roofing materials, exterior materials, colors, porch details, window types and similar elements.

I. **Fire Sprinkling.** Fire sprinkler systems may be required in projects as determined by the City or the North Summit Fire District. This determination is based upon an analysis of the size of structures, vegetation surrounding the structures, fire suppression devices and location of the project as it relates to response time.

J. **Roads And Utility Lines.** Roads and utility lines should be designed to work with the Existing Grade and cut and fill Slopes should be minimized. Roads and utilities should be placed so that disturbance of Vegetation is minimized.

K. **Soil Conditions.** Consideration must be given to soil conditions and ground water existence; restrictions may include appropriate Setbacks.

L. **Waterbodies and Watercourses.** If property being subdivided contains a water body or water course, or portion thereof, lot lines shall be drawn to distribute ownership of the water body among the adjacent lots or placed in open space. The Planning Commission may approve a plan whereby the ownership of and responsibility for safe maintenance of the water body will not become a City responsibility. No more than twenty-five (25) percent of the minimum area of a lot required in this Code may be inside the historic high-water elevations. Where a watercourse separates the buildable area of a lot from the street by which it has access, a bridge, culvert, or other structure shall be approved by the City prior to installation.

31-~~030~~040: LOT IMPROVEMENTS AND ARRANGEMENTS

The lot arrangement in subdivisions shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Building Code, this Development Code, and in providing standard driveway access to buildings on such lots from a dedicated public street.

In areas that are determined to be in high fire danger areas, the building sites shall be located or situated in areas of development that are less hazardous or are naturally clear of hazardous vegetation.

If deemed necessary by the Staff and Planning Commission, building sites or envelopes shall be designed to minimize disturbance of existing vegetation. If required, limits of disturbance or building pad lines shall be shown on the Final Plat. If required, all construction activity must be contained within the limits of disturbance line, with the

balance of the parcel remaining undisturbed. Access to the limits of disturbance area should be along the planned driveway.

In some cases, building pad lines may be specified instead of limits of disturbance. If building pad lines are designated, no part of the new construction may lie outside of the building pad line. Construction disturbance may extend as far as ten (10) feet beyond the building pad line. Access to the building pad should be along the planned driveway.

A. **Square Footage.** Maximum dwelling or unit square footage information may be required. Smaller parcels will be expected to limit building sizes so that homes relate to the parcels upon which they are built. Limited building heights may also be required in visually sensitive areas. Limitations, if required, of square footage and height shall be indicated on the Final Plat.

B. **Staggered Front Setbacks.** In new subdivisions, front setbacks may be required to be staggered with consideration of existing site conditions. The minimum front setbacks shall be consistent with the zone in which the subdivision is proposed.

C. **Lot Dimensions.** Lot dimensions shall comply with the minimum standards found in Code 10 Chapter 8 of this Code. Where lots are more than double the minimum required area for the zoning district, the Planning Commission may require that such lots be arranged so as to allow further subdivision and the opening of future streets that would be necessary to serve such potential lots, all in compliance with this Code and these regulations. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this requirement would result in a better street or lot plan. Dimensions of corner lots shall be large enough to allow for construction of buildings, observing the minimum setbacks from both streets.

D. **Double Frontage Lots and Access to Lots.** Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.

N. Lots shall not, in general, derive access exclusively from an arterial or collector street. Where driveway access from an arterial or collector street may be necessary for several adjoining lots, the Planning Commission may require that such lots be served by a combined access drive in order to limit possible traffic hazard on such street. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on arterial or collector roads.

E. **Grading, Drainage and Re-Vegetation.**

~~4~~8.1. **Final Grading.** A building permit shall not be issued for any lot in the subdivision until final grading has been completed in accordance with the development approval. Topsoil should not be removed from residential lots or used as fill but should be redistributed to provide suitable soils for vegetation. Slope stabilization and erosion control, as designed by the

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developer's engineer and approved by the city, is required to be installed according to approved specification.

~~449.~~2. **Property Drainage.** Lots shall be laid out to provide positive drainage away from all buildings in accordance with the Building Code and individual lot drainage shall be coordinated with the general storm drainage pattern of the area. Drainage shall be designed to avoid concentration of storm water drainage from any lot to adjacent lots.

~~450.~~3. **Re-Vegetation.** All disturbed area on the project site or individual lots shall be re-vegetated to avoid erosion and improve the visual quality of the development. Re-Vegetation shall include landscaping and/or reseeding with native grasses.

~~451.~~4. **Debris and Waste.** Unless otherwise approved by the City, no cut trees, timber, debris, earth, rocks, stones, soil, junk, trash, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street, and removal of aforementioned materials shall be required prior to issuance of any building permit, nor shall any be left or deposited in any area of the subdivision at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.

~~452.~~5. **Fencing.** Each applicant shall be required to furnish and install fences when the Planning Commission determines that a hazardous condition may exist, or a buffer screen is necessary for the project. The fences shall be constructed according to standards established in Chapter 22 and shall be noted as to height and material on the Final Plat. No building permit shall be issued until the required fence improvements have been duly installed.

31-~~040~~050: ROADS, STREETS, AND DRIVEWAYS

A. **General Requirements and Standards.** All road, street and driveway layouts and designs are subject to approval of the City. All roads, streets and driveways shall meet the applicable requirements of the Coalville City Engineering Standards and Construction Specifications and Transportation Master Plan, incorporated herein by reference.

B. **Grading and Improvement Plans.** Roads, streets, and driveways shall be graded and improved in conformance with the Coalville Engineering Standards and Construction Specifications and shall be approved as to design by the City. Construction Drawings are required to be submitted prior to Final Plat approval. Prior to Final Plat approval, the City shall make the determination as to whether each road, street or driveway is to be public or private. Such status shall be indicated on the plat.

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~~453.~~1. **Dedication.** It is the general intention of the City for all subdivision streets to be dedicated public streets. If private roads are approved for public

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dedication in the future, they must be constructed to meet all requirements of public streets.

C. **Topography and Arrangement.** Roads, streets, and driveways shall be related appropriately to the topography. Local roads should generally be curved to avoid conformity of lot appearance. Grades of roads, streets and driveways shall conform as closely as possible to the original topography with all cut and fill sections adequately stabilized and revegetated. Steep grades resulting in large cut and fill sections shall be avoided. All cuts and fills shall conform to the Sensitive Land requirements of Chapter 18 herein, regardless of whether the development is located within Sensitive Lands.

~~4~~54.1. **Integration.** All roads and streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established in the General Plan, Streets Master Plan and Zoning Map. Streets shall be laid out to provide efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.

D. **Access.**

~~4~~55.1. **Access to Existing Roads.** All points of access to existing public roads or highways shall meet the standards set forth in the Engineering Standards and Construction Specifications of the City. The design and construction of turn lanes, merging lanes, traffic signs or signals and other improvements required to make access points conform to the City or UDOT standards shall be the responsibility of the developer.

~~4~~56.2. **Ingress and Egress.** A minimum of two (2) access roads for separate ingress and egress shall be required for all developments exceeding five (5) lots or units. (One access road may be allowed for developments of five (5) lots/units or less). All access roads shall be constructed to minimum standards as required herein.

~~4~~57.3. **Spacing.** Except as otherwise provided herein, access roads shall be spaced according to the following table:

~~Table 31-1~~***Table 31-1 – Road Spacing Requirements***

Road Classification	Minimum Spacing	Minimum Distance from Intersection
Local	35 feet apart	50 feet
Collector	50 feet apart	75 feet
Arterials	Access points shall	Arterials

Local Road: *A road having the sole function of providing access to adjacent land and which is designed to feed traffic onto collector roads.*

Collector Road: *A road which is designed to collect and distribute traffic between local roads and arterial roads and to serve as a linkage between land access and mobility needs.*

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Arterial Road: *A road which brings traffic to and from freeways and serves major movements of traffic within or through areas that are not served by freeways. Arterials interconnect and provide direct access to the principal traffic generators within the City, such as offices and retail centers.*

E. **Intersections.**

~~458.~~1. **Grade.** The grade within one hundred feet (100') of any intersection shall not exceed three percent (3%).

~~459.~~2. **Alignment.** Roadways shall be within ten percent (10%) of a perpendicular alignment within one hundred feet (100') of any intersection, unless otherwise approved by the City Engineer.

~~460.~~3. **Intersection Offsets/Spacing.** Intersection offsets shall be based upon the roadway classification, and shall be measured as follows unless otherwise approved by the City Engineer:

~~Table 31-2~~***Table 31-2 – Intersection Offsets***

Road Classification	Offset
Local	125 feet
Collector	330 feet
Arterials	600 feet

Local Road: *A road having the sole function of providing access to adjacent land and which is designed to feed traffic onto collector roads.*

Collector Road: *A road which is designed to collect and distribute traffic between local roads and arterial roads and to serve as a linkage between land access and mobility needs.*

Arterial Road: *A road which brings traffic to and from freeways and serves major movements of traffic within or through areas that are not served by freeways. Arterials interconnect and provide direct access to the principal traffic generators within the City, such as offices and retail centers.*

F. **Road Grades.**

~~461.~~1. The maximum grade of all roads, with the following exceptions, shall be eight percent (8%). Rural collector, rural local, and rural minor roads shall require grades of ten percent (10%) or less. However, these rural roads may contain grades in excess of ten percent (10%) up to a maximum of twelve percent (12%) for short distances only when, at the discretion of the City, it is determined that the steeper road grade is in the best interest of the City for purposes of environmental protection, and it is further determined that the steeper grade will not adversely affect public safety. Roads having grades more than eight percent (8%) shall be privately owned and maintained.

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a. "Short distances" are measured along roadway centerline and are defined as less than or equal to five hundred feet (500') over a continual distance of one thousand feet (1,000').

b. Main through roads (nonstop sign roads) shall remain at a constant grade of less than eight percent (8%) through the intersection.

c. Retaining walls shall be used when cuts or fills exceed ten feet (10') as measured vertically at the edge of the road shoulder. Cut and fill slopes shall be as specified by a qualified engineer to achieve a stable embankment. Cut and fill areas shall be contoured to three feet (3') horizontal to one foot (1') vertical slopes or flatter unless stability at a steeper slope is determined by a qualified engineer and approved by the City Engineer.

~~4~~62. In all instances, the minimum road grade shall be 0.3 percent.

~~4~~63. Revegetation of all disturbed soils meeting City construction standards will be required along all roads.

G. **Road Infrastructure Design.**

~~4~~64. The design and construction of all roads in the City shall be in accordance the Engineering Standards and Construction Specifications of the City, the American Association of State Highway and Transportation Officials ("A Policy of Geometric Design of Highways and Streets"), and those set forth in ~~**Table 31-3, Table 31-4**~~, and ~~**Table 31-5**~~**Table 31-3**, **Table 31-4**, and **Table 31-5** herein.

~~4~~65. All roads and driveways shall have unobstructed vertical clearance of thirteen feet six inches (13'-6").

~~4~~66. Roads on soils having low bearing strengths, high shrink/swell potentials or high frost heave hazards may be required, upon recommendation of the City Engineer, to be constructed to specifications more demanding than those typically required.

~~4~~67. Homeowners may not grant additional vehicular rights-of-way and road easements across their property in addition to those vehicular rights-of-way and road easements that are already on record at the date of the plat recordation.

~~Table 31-3~~***Table 31-3* – Rural Road Standards**

FOR DEVELOPMENT WITH LOT SIZES OF 1 ACRE OR MORE - Agricultural (AG), Residential Agriculture (RA), and Low-Density Residential (R-1) Zones

The City Engineer may require adjustments based on site specific conditions and development characteristics.

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	Rural Collector	Rural Local	Rural Minor
Function	Provides primary access to and through development from other arterial or collectors and is intended to serve as a primary trafficway	Provides supplemental access to adjoining properties and is secondary to a rural collector; provides limited continuity	Provides supplemental access to adjoining properties and is secondary to a rural local road; provides little continuity
Rights-of-way	50-60 feet	50-60 feet	50 feet
Pavement width	24 feet	20-24 feet	18-20 feet
Shoulder width	2-4 feet	2 feet	2 feet
Drainage	Open swale or ditch	Open swale or ditch	Open swale or ditch
Design speed	40 mph	25 mph	20 mph

Notes:

The minimum width of a road surface that will be considered for a public dedication is 24 feet.

The minimum width of a road right of way that will be considered for public dedication shall be 60 feet.

All dimensions noted above represent minimum standards. Required dimensions may be greater depending on specific conditions.

~~Table 31-4~~***Table 31-4 - Moderate Density Road Design Standards***

FOR DEVELOPMENT WITH LOT SIZES LESS THAN 1 ACRE

The City Engineer may require adjustments based on site specific conditions and development characteristics.

	Arterial	Collector	Residential Street
Function	Traffic movement with limited access for adjacent uses	Traffic movement with limited access for adjacent uses	Access to adjacent moderate to high density uses
Rights-of-way	60-100 feet	50-60 feet	50-60 feet
Pavement width	24-50 feet	24-32 feet	20-28 feet
Shoulder width	n/a	n/a	n/a
Drainage	Curb/gutter or open swale or ditch depending on development intensity	Curb/gutter or open swale or ditch depending on development intensity	Curb/gutter
Sidewalks (5-feet wide)	Possibly, depending on development intensity	Possibly, depending on development intensity	Required, both sides of road depending on development intensity
Park Strips (5-8 feet wide)	Possibly, depending on development intensity	Possibly, depending on development intensity	Required, both sides of road depending on development intensity
Parking lanes	Not required	Not required	Possibly, depending on development intensity

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Design speed	45 mph	35 mph	25 mph

Notes:

The minimum width of a road surface that will be considered for public dedication is 24 feet.

The minimum width of a road right of way that will be considered for public dedication shall be 60 feet.

All dimensions noted above represent minimum standards. Required dimensions may be greater depending on specific conditions.

~~Table 31-5~~

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Table 31-5 - High Density, Multi-Family Residential And Commercial Development Road Design Standards

The City Engineer may require adjustments based on site specific conditions and development characteristics.

	Arterial	Collector	Commercial Street	Residential Street	Local Road	Alley
Function	Traffic movement with limited access for adjacent uses	Traffic movement with limited access for adjacent uses	Access to adjacent high density uses	Access to adjacent moderate to high density uses	Access to adjacent low density uses	Access to adjacent uses; not intended for traffic movement
Rights-of-way	60-100 feet	50-60 feet	65-96 feet	42-60 feet	44-48 feet	12-20 feet
Pavement width	24-50 feet	24-44 feet	20-36 feet	20-28 feet	20-24 feet	12-20 feet
Shoulder width	Per AASHTO	Per AASHTO	Per AASHTO	Per AASHTO	2 feet	Per AASHTO
Drainage	Curb/gutter or open swale or ditch depending on development intensity	Curb/gutter or open swale or ditch depending on development intensity	Curb/gutter	Curb/gutter	Curb/gutter or open swale or ditch depending on development intensity	n/a
Sidewalks (5-feet wide both sides of road)	Required	Required	Required	Required	Required, depending on development intensity	n/a
Park Strips (5-8 feet wide)	Possibly, depending on development intensity	Possibly, depending on development intensity	Required, both sides of road depending on development intensity	Required, both sides of road depending on development intensity	Possibly, depending on development intensity	n/a
Parking lanes	No	Possibly	Yes	Yes	Possibly	No
Design speed	45 mph	35 mph	25 mph	25 mph	25 mph	15 mph

~~*Notes:*~~

~~*The minimum width of a road surface that will be considered for public dedication is 24 feet.*~~

~~*The minimum width of a road right of way that will be considered for public dedication shall be 60 feet.*~~

~~*All dimensions noted above represent minimum standards. Required dimensions may be greater depending on specific conditions.*~~

~~*AASHTO = American Association of State and Highway Transportation Officials.*~~

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H. **Cul-De-Sacs.**

~~468.~~1. The maximum length of a cul-de-sac on any non-rural designated road, as defined in subsection F of this section, shall be seven hundred fifty feet (750').

~~469.~~2. The maximum length of a cul-de-sac on a rural designated road, as defined in subsection F of this section, shall be as follows, unless other lengths are approved by NSFD. The length of these cul-de-sacs shall be based on the wildfire hazard rating of the area:

~~Table 31-6~~***Table 31-6 – Maximum Cul-de-sac Length***

Wildfire Hazard Rating	Maximum Length
Moderate	1,200 feet
High	900 feet
Extreme	500 feet

1.

~~470.~~3. Cul-de-sacs on private roads shall not be less than sixty feet (60') in diameter. Public roads having a cul-de-sac shall not be less than ninety feet (90') in diameter, unless otherwise approved by the City Engineer.

~~471.~~4. A hammerhead cul-de-sac design may be allowed in certain instances as approved by NSFD.

~~472.~~5. All cul-de-sacs longer than one-hundred fifty feet (150') must include signage within fifty feet (50') of the road intersection indicating the road is a dead-end road.

~~473.~~6. Project designs including cul-de-sacs within developments where local roads are dedicated for public maintenance are discouraged and will only be allowed where the configuration or constraints of the property necessitates the use of cul-de-sacs.

I. **Road Base Specifications.**

~~474.~~1. All roads shall include compacted road base, covered with either concrete or asphalt material, except for emergency access roads, which may, at the discretion of the City Council, be compacted gravel or road base. Roads must meet all applicable Engineering Standards and Construction Specifications of the City.

~~475.~~2. All roads shall be designed by a qualified engineer. A geotechnical report supporting pavement design shall be required.

~~476.~~3. All roads shall have a base capable of supporting a gross vehicle weight of at least forty thousand (40,000) pounds. The City Engineer may require

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an additional support base depending on the specific function and traffic volumes anticipated on the roadway.

~~477.~~4. All road surfaces must be capable of providing all weather, year-round access.

J. **Bridges and Culverts.**

~~478.~~1. Bridges and culverts shall be constructed to support a gross vehicle weight of forty thousand (40,000) pounds. Vehicle load limits shall be posted. Permanent culverts shall be installed at all intermittent and perennial stream crossings. Specifications for bridges, culverts and other stream crossing devices shall consider at least the 25-year frequency storm and upstream debris hazard. If the development is within the 100-year floodplain, then 100-year frequency storm shall be used in drainage design. Bridges and culverts deemed to be visible from a public roadway shall include materials such as natural stone, wood, or steel.

~~479.~~2. Bridges of primary benefit to the applicant, as determined by the City Council, shall be constructed at the full expense of the applicant without reimbursement from the City. The sharing of expense for the construction of bridges not of primary benefit to the applicant as determined by the City Council will be fixed by special agreement between the City Council and the applicant.

K. **Traffic Control and Street Signage.**

~~480.~~1. All roads will be designated with road names, and signs will be installed at each major road intersection. All lots and/or homesites will be visibly signed with street addresses and numbered as such or at the beginning of the driveway. Emergency access roads shall also be clearly identified.

~~481.~~2. The applicant shall erect or post acceptable guarantees ensuring placement of road and street signs required by the City Engineer. All signs shall be installed before issuance of a building permit for any residence on the streets approved. Street signs shall be designed according to City Specifications and Construction Standards.

~~482.~~3. All roads shall be named or numbered in accordance with the City's addressing system and road identification signs in accordance with City standards and specifications. All permitted structures for residential, commercial and industrial uses shall post addresses prior to occupancy.

~~483.~~4. The developer shall be responsible for the expense of constructing and placing traffic control signs, as follows:

a. Stop signs shall be placed at all intersections of arterial and collector streets or as determined by the City Engineer.

b. Yield signs shall be required at the intersection of all other streets and roads when determined appropriate by the City Engineer.

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L. **Road Maintenance.**

~~484.~~1. **Snow Removal and Road Maintenance.**

a. Snow removal and road maintenance on private roads will be the responsibility of the respective homeowners' association and/or homeowners and will be noted as such on the recorded plat.

~~485.~~2. **Maintenance Cost.**

a. Roads intended to be owned and maintained by the City will not be accepted for such purposes until adequate tax revenues accrue to the City from the development to pay the cost of all related road maintenance services for the roadway, in addition to other applicable City services for the development, or unless the City determines that there are compelling reasons to accept responsibility for the road in the absence of adequate tax revenues. Road maintenance and snow removal services shall be provided in accordance with applicable City ordinances.

M. **Road Layout and Design.**

~~486.~~1. A rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets shall be encouraged where such design will result in a more desirable layout.

~~487.~~2. Stub streets shall be extended to the boundary lines of the property to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Planning Commission and City Council the extension is not necessary or desirable for the coordination of the layout of the subdivision with existing development or future development of adjacent property.

~~488.~~3. The layout of roads and streets shall provide for the continuation of principal access between adjacent properties when such continuation is necessary for convenient movement of traffic, effective safety protection, efficient provision of utilities, and where such continuation is in accordance with the Streets Master Plan. If the adjacent property is undeveloped and the road or street is proposed as a temporary dead-end road or street, the right-of-way shall be extended to the property line and shall include an acceptable turnabout as required by the NSFD.

~~489.~~4. Where a road or street does not extend to the boundary of the subdivision and its continuation is not required by the City for access to adjoining property, its terminus shall normally not be nearer than fifty feet (50') to such boundary. However, the City may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, snow removal/storage or utilities.

N. **Blocks.** Coalville City encourages the use of the grid block system in areas where a continuation of the existing adjacent grid pattern is logical or desirable.

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As such, the following provisions have been outlined to guide development layout:

~~490.~~1. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, or water ways. The lengths, widths, and shapes of blocks shall be appropriate for the locality and the type of development contemplated. Block lengths in residential areas should not exceed one thousand two hundred feet (1,200') or twelve (12) times the minimum lot width required in the zone district, whichever is greater, nor be less than four hundred (400) feet in length. When practicable, blocks along major arterials and collector streets shall be not less than one thousand feet (1,000') in length. In long blocks the City may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic.

~~491.~~2. Pedestrian ways or crosswalks, not less than ten feet (10') wide, may be required by the City through the center of blocks more than eight hundred feet (800') long where deemed essential to provide circulation or access to schools, playgrounds, shopping areas, transportation centers, trails, or other community facilities.

O. **Road and Street Names.** The City Council shall approve names for all roads and streets at the time of final approval. Names shall be sufficiently different in sound and in spelling from other road names in Coalville to eliminate confusion. A Street which is or is planned as a continuation of an existing road shall bear the same name.

P. **Street and Parking Lot Lighting.** Installation of street and parking lot lights shall be in accordance with: Chapter 5.

Q. **Reserve or Protection Strips.** The creation of reserve or protection strips shall not be permitted adjacent to a proposed street for the purpose of denying access from adjacent property to the street.

R. **Excess Right-of-Way.** Right-of-way widths in excess of the standards referenced in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate cut and fill slopes. Such slopes shall not be more than 3:1 grade, unless specifically approved by the City.

S. **Road Dedications and Reservations.** Where a subdivision borders an existing narrow road or when the General Plan or Streets Master Plan indicates plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant may be required to improve and dedicate such areas for widening or realignment of such roads.

T. **Variances.** When circumstances peculiar to the property exist, or if it is in the best interest of preserving the natural environment and when approved by the applicable public agencies, a variance to these road, street or driveway standards may be granted by the City. No Variance shall be given if the hardship

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has been self-imposed. All Variance Proceedings shall follow the procedures set forth in this Code.

U. **Road Level of Service Standards.**

~~492.~~1. No development application may be approved which causes a reduction in the level of service for any road below the adopted level of service as set forth in this Code, the General Plan, and the Transportation Master Plan, as amended.

~~493.~~2. A Transportation Impact Study (TIS) will be required at the time of application and prior to the approval of a project if the proposed development will generate twenty-five (25) or more net new vehicle trips during the weekday AM or PM peak hour or other analysis hour at the discretion of the City Engineer. The City Engineer also reserves the right to require a TIS for any other reason, including traffic safety concerns.

~~494.~~3. The operational character that shall be maintained for roadways and intersections in the City shall be a level of service “C” for City roads and intersections and a level of service “D” for state roads. "Level of service" is as defined by the transportation research board, highway capacity manual (special report 209, 1985).

~~495.~~4. Prior to approval of a final subdivision plat or final site plan, the applicant shall make an offer of dedication of any rights of way which are within but will not serve a development, and which are necessary to effectively link the proposed development with future major roads or future developments, or to prevent the "landlocking" of adjoining properties or to provide the best possible long term traffic circulation pattern.

~~496.~~5. The dedication of wider rights-of-way necessary to facilitate road improvements called for in the City Transportation Plan in response to a request from the City Council or Planning Commission, may be required.

V. **Street Landscaping.**

~~497.~~1. **Tree Planting and Size.**

a. Street trees shall be planted at the rate of a minimum of one (1) tree per thirty (30) lineal feet measured along the centerline of all public streets.

b. Trees shall be 1 ½ - 2” caliper in size. If appropriate, trees may be planted in clusters to create a more natural affect.

~~498.~~2. **Plant Species.**

a. All trees and other landscape plants shall be native and indigenous to the area. Landscape park strips shall contain grass or other ground cover acceptable to the City Council as recommended by the Planning Commission.

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b. Shrubs, flower beds, bark mulch and other appropriate ground cover is highly encouraged, specifically native and drought resistant species.

~~499.~~3. **Irrigation and Maintenance.**

a. All landscaped areas shall be maintained using a sprinkler and/or irrigation system which is capable of being engaged automatically on a regular basis.

b. The applicant shall provide appropriate guarantee on landscaping for a minimum of one (1) year survival as part of the Construction Performance Guarantee of the overall project.

W. **Sidewalks, Curbs, Trails, and Path.** Sidewalks, walkways or nonmotorized trails necessary for adequate internal pedestrian circulation within a development shall be provided by the developer in accordance with **Section 31-080** herein.

~~500.~~1. **Location**.

a. Sidewalks shall be provided in appropriate locations as specified in ~~**Table 31-3, Table 31-4,**~~Table 31-3, Table 31-4, and ~~**Table 31-5**~~Table 31-5 of this chapter and shall be included within the dedicated non-pavement right-of-way of all roads unless an alternate location has been specifically approved by the Planning Commission. In many cases pedestrian paths separate from the road right of way may be preferable.

b. Concrete curbs are required for all roads where sidewalks are required by these regulations and run along roads or where required at the discretion of the Planning Commission.

~~501.~~2. **Improvements**. Sidewalks, Trails, and Paths shall be designed and constructed in accordance with the City Engineering Standards and Construction Specifications.

a. Sidewalks shall be constructed of concrete at least four (4) inches thick, six (5) inches thick through driveway approaches, and not less than five (5) feet wide and shall be designed to best facilitate their assumed use and serve the public interest and safety.

~~502.~~3. **Trails and Paths.** Trails, pedestrian paths, and bike paths shall be related appropriately to topography require a minimum of site disturbance, permit efficient drainage, and provide safe access. Walking and hiking trails, bike paths, and horse trails shall be provided by the developer as specified in **Section 31-080**.

a. Connectivity: Trails should provide a link to schools, recreation facilities, commercial areas, parks, other development areas and significant natural features.

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b. Construction: Trails shall be built to City specifications and easements shall be dedicated for trails. The trails shall be constructed at the time of road construction, unless the Planning Commission determines otherwise, in which case a cash deposit or surety bond shall be required pursuant to Chapter 31 for the trail improvements.

X. **Driveway Access Standards.**

~~503.~~1. All individual driveway access locations shall be designed to function well with existing site conditions and layout of each residential building. Care shall be taken in locating driveways to allow for the least amount of site and vegetation disturbance. Where possible, driveways shall parallel the slope to lessen site impact.

~~504.~~2. The maximum grade of any driveway shall not exceed ten percent (10%), except that twelve percent (12%) grades may be allowed for short distances not to exceed two hundred fifty feet (250') when approved by the North Summit Fire District (NSFD).

~~505.~~3. A driveway may provide access to one or more dwelling units, but not more than five (5) dwellings. The minimum width of any driveway serving up to three (3) dwellings shall be twelve feet (12') in width and shall have a minimum right-of-way width of twenty-four feet (24'). Driveways serving four (4) or five (5) dwellings must be a minimum of twenty feet (20') in width and shall have a minimum right-of-way width of thirty-two feet (32').

~~506.~~4. Retaining walls shall be used with cuts more than ten feet (10'). Cut slopes shall be as specified by a qualified engineer to achieve a stable embankment. Fill areas shall be contoured to three feet (3') horizontal to one foot (1') vertical slopes or flatter. If the disturbed areas fail to match existing grade within ten (10) vertical feet, a retaining wall shall be used.

~~507.~~5. All driveways must provide a NSFD approved turnaround for emergency vehicles where the driveway meets the building pad, and every two hundred feet (200') when longer driveways occur.

~~508.~~6. Driveways more than two hundred feet (200') and less than twenty feet (20') wide must be provided with turnouts. Driveway turnouts must be an all-weather road surface, ten feet (10') wide and thirty feet (30') long. Driveway turnouts to be located as required by NSFD.

~~509.~~7. Driveway access for all lots within a subdivision may not be from any street or road other than interior roads within the subdivision, unless approved by the City based on site specific conditions and development characteristics.

~~510.~~8. Driveways with distances under fifty feet (50') must have a hard surface (concrete or Asphalt).

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~~511.~~9. Driveways over fifty feet (50') must have a paved approach to the public street, with concrete or asphalt, for a distance of fifty feet (50') measured from the pavement edge of the public street.

~~512.~~10. All driveways shall be set back a minimum distance of five (5) feet from any adjacent property line.

~~513.~~11. Minimum setback from a driveway shall be twenty (20) feet.

~~514.~~12. Driveway connections to a public street shall not exceed twenty-four (24) feet in width at the property or street right-of-way line and shall include minimum five (5) flares to the street pavement edge.

~~515.~~13. All subdivisions or developments approved with a common private driveway shall include street addresses on the common driveway for each lot or parcel which shall be shown on the subdivision plat or site plan.

~~516.~~14. Multiple driveways on a single-family dwelling lot must be consolidated so only one driveway access connects with the public street except for circular drives not over sixteen (16) feet in width and a minimum of forty-five (45) feet apart at the centerline of the drives.

31-~~050~~060: DRAINAGE AND STORM SEWERS

The Planning Commission shall not recommend approval of any Final Plat which does not make adequate provision for storm or flood water runoff including, but not limited to channels, catch basins, dry wells, or detention ponds. Plans shall be reviewed for compliance with the Coalville City Engineering and Standards and Construction Specifications, or other standards as may be adopted. The storm water drainage system shall be separate and independent of the sanitary sewer system. Storm sewers, where required, shall be designed by the Rational Method, or other methods as approved by the City Engineer, and a copy of design computations shall be submitted along with Construction Drawings. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than six hundred (600) feet in the gutter. When calculations indicate that curb capacities are exceeded, catch basins shall be used to intercept flow. Surface water drainage patterns of the project site shall be shown on a grading and drainage plan.

The applicant may be required by the Planning Commission, upon the recommendation of the City, to carry away by pipe or open channel any spring or surface water that may exist either previously to, or as a result of the development. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the engineering standards and construction specifications.

Underground Storm Sewer Systems shall be constructed throughout the development and be connected to an approved out-fall. Inspection of facilities shall be conducted by the City. If a future connection to a public storm sewer is provided, as determined by the City, the developer shall arrange for future storm water disposal at the time the plat

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receives final approval. Provision for such connection shall be incorporated by inclusion in the performance guarantee required for the project.

No development shall be approved unless adequate drainage is provided to an approved drainage watercourse or facility. No development shall be approved unless adequate drainage is provided to an approved drainage watercourse or facility. All developments and redevelopments must comply with the current Storm Drain Master Plan.

A. **Accommodation of Upstream Drainage Areas.** Culverts or other drainage facilities shall be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside the subdivision. The development must detain storm water with a release rate of 0.20 cubic feet per second per acre. The developer shall hire a qualified engineer to determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of a ten- year storm event for pipeline design and a one-hundred-year storm event for a one-hour duration for detention basin design. The intent of this design criterion is that pipes flow at or below capacity during a ten-year storm, and these same pipes flow in a surcharged condition during larger storms. Also, the intent of this design criterion is that roadways convey storm water toward the detention basin, thus allowing a greater-than-ten-year storm to be attenuated through the detention basin. The City shall review and approve the design. If the facility must be enlarged to accommodate future upstream development, the City shall contribute the absolute difference between the facility needed for the subdivision and the facility needed for upstream drainage.

B. **Effect on Downstream Drainage Areas.** To determine the effect the subdivision will have on existing downstream drainage facilities outside the project area, the developer shall submit a storm water drainage study prepared by a qualified engineer. City storm drainage studies together with such other studies shall serve as a guide to determine needed improvements. Where it is anticipated that the additional runoff will overload an existing downstream drainage facility, the City may require the applicant to improve the facility in order to serve the subdivision or provide additional on-site drainage facilities.

C. **Flood Plain Areas.** The Planning Commission may, upon recommendation of the City Staff and when determined necessary for the health, safety, or welfare of the present and future population of the area and for the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property which lies within an one hundred year flood plain of any stream, lake or drainage course. Flood plain areas shall be identified and regulated in accordance with the Coalville City Flood Insurance Rate Map and Flood Damage Prevention Ordinance. Flood plain areas should be preserved from any and all disturbance or damage resulting from clearing, grading, or dumping of earth, waste material, or vegetative debris.

D. **Dedication of Drainage Easements.** Where a subdivision is traversed by a watercourse, drainage way, channel, river or stream, there shall be provided a

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storm water easement or drainage right-of-way conforming substantially to the historic high-water lines of such watercourse. Where possible, the drainage must be maintained by a pipe, box culvert, concrete-lined channel, or by an open channel with landscaped banks.

O. Where topography or other conditions make the inclusion of drainage facilities within road rights-of-way impractical, perpetual unobstructed easements at least twenty (20) feet in width for such drainage facilities shall be provided across property outside the road right-of-way lines. Such easement shall include satisfactory access to the road. Easements shall be indicated on the Final Plat. Drainage shall be carried from the road to a natural watercourse or to other drainage facilities. When a proposed drainage system carries water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.

P. The applicant shall dedicate either in fee or by drainage or conservation easement of land on both sides of existing watercourses to the City or other appropriate agency, to a distance to be determined by the City.

E. **Storm Water Pollution Prevention.** A storm water pollution prevention plan (SWPPP) must be incorporated into every development or redevelopment that disturbs an area of land that is one acre and larger. A Utah Pollutant Discharge Elimination System (UPDES) Permit must be filed with the Utah Division of Water Quality (DWQ) if the project requires a Notice of Intent. The SWPPP must include all requirements from Utah DWQ, such as: contact names; construction period; installation, maintenance, and removal of best management practices (BMP); illicit discharge; inspections; and related information. The SWPPP must be certified with a signature and updated as necessary throughout the construction. At the completion of construction, a Notice of Termination must be filed, and a Letter of Compliance must be received prior to transferring the completed project to the owner.

31-~~060~~070: WATER FACILITIES

All applicants proposing development that requires water supply will be responsible for the design, engineering, and construction of extending and developing a safe water supply system for the project. Water supply systems shall provide water capable of serving domestic water use, secondary irrigation water and fire protection demands of the development. All developments and re-developments shall comply with the City Engineering Standards and Construction Specifications and City Culinary Water Master Plan, incorporated herein by reference.

A. **Requirements.** All water supply systems, both domestic and secondary irrigation, shall meet the availability, distribution and delivery system, capacity, storage, design, and construction requirements of the City. All water mains shall be a minimum eight (8) inches in diameter. The City Engineer shall review and approve all water supply systems prior to final subdivision plat, final site plan, conditional use, or permitted use approval.

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B. **Concurrency Management.** All improvements whether on or off-site which provide direct benefit to the development shall be phased, constructed, and paid for by the developer in a manner which does not decrease the existing service levels of the water supply facilities serving the community. The developer will be responsible for the proportionate share of off-site impact created by the proposed development.

~~5~~17.1. **Impact Analysis.** The impact of the development on the City's water systems will be determined through an impact analysis prepared by a qualified engineer and paid for by the developer at the time of preliminary subdivision or site plan review of the development. The impact analysis shall address the water demand required for the proposed development, and the water supply available to serve the project from existing City water resources. The impact analysis should specifically identify available water rights, source capacity, reserve capacity, system capacity and storage capacity required to provide the pressure, volume and quality required by the City regulations in time to meet the projected demand of the development. The impact analysis shall be approved by the City Engineer.

~~5~~18.2. **Water Dedication or Fee in Lieu.** The developer shall either dedicate sufficient water rights to the City to serve the proposed development or "pay a fee in lieu" in accordance with the City's duly adopted ordinances, resolutions, policies and/or water dedication agreements. All secondary water connections require a transfer of a share of water. No "fee-in-lieu" is allowed for secondary water service.

1. The payment of "fee-in lieu" option for culinary water associated with a major development/subdivision is at the discretion of the City Council, based on the following:

   a. Available water capacity, distribution, and storage in the City's system to serve the proposed development.

   b. Location of the proposed development in proximity to existing water distribution main lines.

   c. Proposed infrastructure constructed and paid for by the developer to serve the project.

   d. Developer or Applicant providing all water shares associated with the property or other water rights within Coalville City prior to being eligible for the payment of fee-in-lieu.

      a. The amount of the "fee-in-lieu" shall be determined by an updated water right cost analysis at the time of final subdivision plat or site plan review and approval.

~~5~~19.3. **Proof of "Wet" Water.** Adequate proof of ownership of "wet" water (as opposed to paper water) in quantity, quality, annual duration, or availability throughout the entire year shall be required. The proof must be provided in

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a legal form, opinion or Code policy that is acceptable to the City Attorney. The City shall not accept water certificates that have lapsed, expired, or been revoked by the state engineer. The developer and City shall enter into a Water Dedication Agreement prior to final subdivision plat or site plan approval of the project.

~~5~~20.4. **Developer Options.** If existing water capacity is not available in the City system to serve a proposed development, the developer may consider the following options:

a. Wait until water capacity is available in the city system to serve the development demand (the City Council will not approve any preliminary subdivision plat or site plan until such capacity is available).

b. Enter into an agreement with the City to design, build and pay for the required infrastructure to provide increased water sources, storage, and distribution capacity in the City system.

~~5~~21.5. **Development Improvement Agreement.** A Development Improvement Agreement (DIA) is required between the developer and the City, for all Major Developments and at the discretion of the City Council for Minor Developments, to address the terms of water service and other infrastructure improvements. The DIA shall be executed by the developer and the City prior to final subdivision plat recordation or final site plan signing.

C. **Private Water Systems.** Individual water systems (private wells) may be permitted by the City only in agriculture/remote areas designated on the zoning map as the Agricultural (AG) and Residential Agricultural (RA) Zones. Only lots one (1) acre or more in size for which a connection to the City water system is not feasible will be considered. Private water systems will not be allowed within any water source protection zone.

~~5~~22.1. **Health Department and NSFD Approval.** Applicants must receive preliminary approval by the Summit County Health Department and NSFD on the feasibility of private water systems prior to approval of the development by the City. The developer must submit information concerning site geology, area hydrogeology, site topography, soil types and the proven wet water by the drilling of one or more test wells as determined by a qualified geotechnical engineer. Well logs shall be submitted to the City identifying the depth and yield of the well. The source must be consistently available at sufficient quantities to supply domestic, irrigation, and fire protection needs according to City, State and NSFD regulations.

~~5~~23.2. **Final Plat and Building Permit Requirements.** Language shall be included on the final recordation plat and within the project's CC&Rs that identifies the process for obtaining a building permit as it is related to

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water rights and well drilling confirmation. A water right and associated well permit will remain with each lot and is not transferable. A well of sufficient capacity shall be drilled prior to building permit issuance. Approval from the Summit County Health Department and NSFD shall be a pre-condition to issuance of a building permit.

D. **Existing Systems.** Where a public water main is accessible, as determined by the City Engineer, the developer shall connect and install adequate water facilities (including fire hydrants) subject to the specifications of the City, State and NSFD. Water main extensions and water facility improvements shall be approved by the City Engineer, City Public Works Director, and City Council.

E. **Guarantees.** The location of all fire hydrants and all water storage and supply improvements shall be shown in the Final Construction Drawings. A qualified construction cost estimate for the design and construction costs, including both on and off-site improvements, shall be included in the performance guarantee to be furnished by the developer. All guarantees shall be in an acceptable form described herein.

F. **Ownership of Facilities.** Prior to approval of the final subdivision plat, development site plan or conditional use permit, a determination shall be made by the City Council regarding the location and extent of facilities to be maintained by the City. Private facilities will be required to be so noted on the final subdivision plat or development plans and will be the responsibility of the developer or owners of the development.

G. **Fire Hydrants.** Fire hydrants shall be required in all developments. Fire hydrants shall be located no more than five hundred (500) feet apart and shall be approved by the NSFD and City Engineer. In some instances, the City and NSFD may determine that due to wild land fire potential, hydrants will be required to be located no more than three hundred (300) feet apart. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other water supply improvements shall be installed before any final paving of streets. All fire hydrants shall include clean-outs. Fire hydrants located on cul-de-sacs shall be installed at the direction of the City Engineer and NSFD.

H. **Source Protection.** New residential, commercial, or industrial development shall not be approved within existing well and spring protection zones, identified as sensitive lands in this Code, which are used for domestic consumption purposes, without a contained sewage collection and disposal system. The impact on water source protection zones shall be determined from a study prepared by qualified geotechnical engineer based on distance, soil conditions, slope, and drainage patterns, or in compliance with state law.

I. **Easements, Rights-of-Way.** Easements or rights-of-way required for currently proposed or anticipated future water service by the City shall be provided by all developments prior to final subdivision plat or final site plan approval.

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J. **Water Service Prohibited Outside Coalville City Limits.** Water service extensions or connections outside the City limits are prohibited and will not be considered until or unless the property outside the City limits is duly annexed into the City.

K. **Water Capacity Reservation Ordinance.** In accordance with Ordinance No. 2022-5, at any time that the total connections to the Water System in Coalville City reaches ninety percent (90%) of the Water System's capacity, no additional connections shall be allowed, except for existing approved and platted Subdivision Lots and/or Lots of Record, which may be connected to the Water System beyond the ninety percent benchmark amount.

31-~~070~~080: SEWER FACILITIES

All applicants proposing development that requires sanitary sewer service will be responsible for the design, engineering, and construction of extending and developing a system for the project. All developments and re-developments shall comply with the City Engineering Standards and Construction Specifications, Sanitary Sewer Model and Capital Facilities Plan, incorporated herein by reference.

A. **Requirements.** All sewer system plans shall be designed in accordance with current City, State and EPA rules, regulations, and standards. Off-site requirements may be necessary to mitigate impacts imposed by the development on the City Sewer Facilities. The City Engineer shall review and approve all sewer systems prior to final subdivision plat, final site plan, conditional use, or permitted use approval.

~~524.~~1. **Connection**. Sanitary sewerage facilities shall connect with the public sanitary sewer at sizes required by the City Public Works Director and the City Engineer. Sanitary sewerage facilities (including the installation of laterals in the right-of-way and dedication of easements) shall be subject to City standards.

~~525.~~2. **Sewer Service Prohibited Outside Coalville City Limits.** Sewer service extensions or connections outside the City limits are prohibited and will not be considered until or unless the property outside the City limits is duly annexed into the City.

B. **Concurrency Management.** All improvements whether on or off-site which provide direct benefit to the development shall be phased, constructed, and paid for by the developer in a manner which does not decrease the existing service levels of the sanitary sewer facilities serving the community. The developer will be responsible for the proportionate share of off-site impact created by the proposed development.

~~526.~~1. **Impact Analysis.** The impact of the development on the City's sanitary sewer system will be determined through an impact analysis prepared by a qualified engineer and paid for by the developer. The impact analysis shall address the sewer service demand required for the proposed development, and the sewer disposal capacity available to serve the

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project from existing City sewer system and plant facilities. The impact analysis should specifically identify available sewer plant capacity, reserve capacity and system capacity required to serve the project by the City in time to meet the projected demand of the development. The impact analysis shall be approved by the City Engineer.

~~5~~27.2. The developer and City shall enter into a Development Improvement Agreement (DIA) addressing sewer service prior to final approval.

C. **Public Sewer System.** A connection to the City sewer system will be required for all subdivisions, developments and structures that are less than three hundred feet (300') from an existing or proposed City sewer line or less than three hundred feet (300') from the boundaries of a platted or existing subdivision or development which is served by the City.

D. **Private Sewer System.** Individual sewer systems (septic tank and drain fields) may be permitted by the City only in agriculture/remote areas designated on the zoning map as the Agricultural (AG) and Residential Agricultural (RA) Zones. Only lots one (1) acre or more in size for which a connection to the City sewer system is not feasible will be considered.

No individual disposal systems or treatment plants (private or group disposal systems) shall be permitted in the areas of the City serviced by the sewer system and within (300') from an existing or proposed City sewer line or less than three hundred feet (300') from the boundaries of a platted or existing subdivision or development which is served by the City. Private sewer systems will not be allowed within any water source protection zone.

~~5~~28.1. **Health Department Approval.** Applicants must receive preliminary approval by the Summit County Health Department on the feasibility of private sewer systems prior to preliminary approval of the development by the City. The developer must submit information concerning site geology, area hydrogeology, site topography, soil types and representative percolation test results. The property must meet the minimum requirements of the county health department for consideration of individual sewer systems.

~~5~~29.2. **Final Plat.** Prior to final subdivision plat, final site plan, conditional use or permitted use approval, the county health department shall determine that sufficient percolation tests are undertaken within the buildable area of each lot within the subdivision to verify that soils are capable of percolating at projected wastewater flow rates. The developer must submit such other data and information concerning utilization of individual sewage systems to allow an evaluation of the impact of the private systems on water quality.

~~5~~30.3. **Building Permit.** Language shall be included on the final recordation plat and within the project's CC&Rs that identifies the process for obtaining a building permit as it relates to obtaining a septic tank and drain field

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permit. Approval from the Summit County Health Department shall be a pre-condition to issuance of a building permit.

E. **Guarantees.** The location of all sewer system improvements shall be shown in the Final Construction Drawings. A qualified construction cost estimate for the design and construction, including both on and off-site improvements, shall be included in the performance guarantee to be furnished by the developer. All guarantees shall be in an acceptable form described herein.

F. **Source Protection.** New residential, commercial, or industrial development shall not be approved within existing well and spring protection zones, identified as sensitive lands in this Code, which are used for domestic consumption purposes, without a contained sewage collection and disposal system. The impact on water source protection zones shall be determined from a study prepared by a qualified geotechnical engineer based on distance, soil conditions, slope, and drainage patterns, or in compliance with state law.

G. **Easements, Rights-of-Way.** Easements or rights-of-way required for currently proposed or anticipated future sewer service by the City shall be provided by all developments prior to final subdivision plat or final site plan approval.

31-~~080~~090: OTHER UTILITIES

Utility facilities including but not limited to gas, electric power, telephone, internet and cable TV, shall be located underground in new developments when underground location does not violate safety standards of the particular utility and underground location does not impose any potential additional maintenance burden on the City as determined by the City Engineer. Underground service connections for water and sewer shall be installed to the street property line of each platted lot at the expense of the developer and shall be marked on the surface, including casings or conduits for all other underground utilities as determined by the City Engineer.

A. **Easements.** A ten (10) foot utility easement shall be provided around the perimeter of the subdivision as well as along the frontage of public and private streets for each lot in the subdivision for both private and public utilities. Proper coordination shall be established by the subdivider between the applicable utility companies for the establishment of utility facilities and easements to adjoining properties.

Where topographical or other conditions make it impractical to include utilities within these easements, perpetual unobstructed easements at least sixteen (16) feet in width shall be provided with satisfactory access to the road. All easements shall be indicated on the plat.

Where necessary to determine proper access and maintenance, easement widths shall be increased as required by the City Engineer or Public Works Director.

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31-~~090~~100: PARKS, TRAILS, AND OPEN SPACE

All required parks, trails/sidewalks and open space are subject to approval of the City Council consistent with the Coalville City Parks, Trails and Open Space Master Plan and the applicable Coalville City Engineering Standards and Construction Specifications, incorporated herein by reference. All required open space shall be provided by the developer and all required park and trail/sidewalk improvements shall be constructed and paid for by the developer.

A. **Parks.** All developments including residential subdivisions, master planned developments and commercial or industrial projects require land to be reserved, and improvements Installed for parks and playgrounds or other recreation purposes.

Locations of recreational land shall be identified in the Coalville City Parks, Trails, and Open Space Master Plan or other areas where such reservations would be appropriate and would benefit the development and surrounding residents.

Each reservation shall be of suitable size, dimension, topography, and general character, have adequate access, and benefit the development and surrounding residents. The area shall be shown on the subdivision plat or development site plan. The developer shall also be required to install improvements to the recreation areas which directly benefit the development. All improvements shall be built to City specifications.

Payment of a fee to the City in lieu of reserving land and installing improvements may be considered in unique circumstances, as determined by the City Council, including property location, lack of access or need for parks or other recreational facilities. The fee-in-lieu amount shall be determined from a cost estimate of reserving the required land and installing the associated improvements.

~~5~~31.1. **Required Park Area.** The number of acres to be reserved using level of service standard of five (5) acres per one thousand residents or typically five (5) acres per two hundred fifty (250) dwelling and other units or lots. This calculation equates to eight hundred seventy-one (871) square feet per single family dwelling unit or 3,000 square feet of an equivalent residential unit (ERU) for all other units including but not limited to rental units and commercial or industrial buildings.

~~5~~32.2. **Dedication of Recreation Areas.** The developer shall dedicate all recreation areas and facilities to the City as a condition of final subdivision plat or development site plan approval. If the applicant provides recreational facilities solely for the use of the residents of the development, the facilities shall be privately maintained by the development and not dedicated to the City.

~~5~~33.3. **Easement Area or Fee-in-Lieu of Provisions.** In certain circumstances, such as property location, land characteristics, existing surrounding recreational areas and facilities, or other factors the City Council determines to be applicable, dedicated easement areas or payment of a

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fees-in-lieu may be preferable to on-site land reservations for parks and recreational facilities.

~~534.~~4. **Minimum Size of Park Areas and Recreational Facilities.** In general, land reserved in all subdivisions or other developments for recreation purposes shall have an area of at least one (1) acre. When the proposed area would create less than one acre, the City Council may require that the recreation area be located at a suitable place on the edge of the development so that additional land may be added at the time adjacent land is developed, in no case shall an area of less than one quarter (1/4) acre be reserved for recreation purposes This smaller amount will be accepted only when it is on the edge of the subdivision or when the City Council determines that the reduced size will result in a functional and usable recreation site.

~~535.~~5. **Recreation Sites.** Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, play field, trails or for other recreational purposes, and shall be relatively level and dry; and shall be improved by the developer to the City standards. Such improvements shall be included in the performance guarantee for the development. All land to be reserved for dedication to the City for park and recreational purposes shall be approved by the City Council.

~~536.~~6. **Additional Recreational Areas or Open Space Reserved.** The provisions of this section are minimum standards. None of the paragraphs above shall be construed as prohibiting a developer from reserving land for recreational or open space purposes in addition to the requirements of this section.

B. **Trails and Sidewalks.** Trails and sidewalks shall promote the expansion of the Coalville City trail and sidewalk network as illustrated on the City Parks, Trails, and Open Space Master Plan. All subdivisions, master planned developments and commercial developments shall be designed with trail or sidewalk linkages to the Chalk Creek Corridor, Rails-to-Trail, Historic Main Street trail and sidewalk systems or other areas as applicable. An impact analysis shall be prepared by the developer addressing existing and future trail and sidewalk needs and opportunities.

~~537.~~1. **Required Sidewalks and Trails.** The Coalville City Parks, Trails and Open Space Master Plan shows the existing and proposed future trails and sidewalks in the city. The future trails and sidewalks shown on the master plan are conceptual and are not required to be constructed until such time the property is considered for development. The final alignment, easement dedication, level of improvement (classification) and construction of all sidewalks and trails shall be determined at the time of subdivision review of the property.

All sidewalks and trails are to be non-motorized and dedicated for public use. An easement and construction of the associated sidewalk or trail

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classification shall be required with all major subdivision and master planned development (MPD) applications.

Per **Section 31-090** of the Code, sidewalk and trail requirements shall be based on the "rough proportionality" of the sidewalk or trail with the associated impact of the development. Only an easement for the sidewalk or associated trail classification shall be required for a property being considered for a minor subdivision application. However, construction of a sidewalk or trail may be required for a minor subdivision if the property is located along an existing public street and the City Council determines the sidewalk or trail is necessary for safety.

~~5~~38.2. **Location.** Trails and sidewalks are to be generally located as shown on the trails master plan and shall provide a link to schools, recreation facilities, Historic Main Street, parks, other development areas and significant natural features, such as Chalk Creek, the Weber River, Echo Reservoir, ridgelines, rock outcroppings, cliffs, densely vegetated areas, and other similar features. In most cases trails separated from the road right of way are preferable.

~~5~~39.3. Sidewalks shall be located within the dedicated non-pavement right-of-way of all roads unless an alternate location has been specifically approved by the City Council. Preferably the sidewalks should be separated from the travel lane by a park strip.

~~5~~40.4. **Design Standards.** Trails shall be related appropriately to topography, require a minimum of site disturbance, permit efficient drainage, and provide safe access. Walking and hiking trails, bike paths, and horse trails shall be provided by the developer consistent with the City Parks, Trails and Open Space Master Plan, the General Plan and the Engineering Standards and Construction Specifications as determined through the project review process.

~~5~~41.5. **Construction Standards.** Trails and sidewalks shall be built to applicable City standards and specifications based on the classification of trail or sidewalk being constructed as identified on the Coalville City Trails, Parks and Open Land Master Plan. Easements for the applicable trail classification shall be dedicated for trails (see Typical Trail Classifications and Standards). Trails and sidewalks shall be constructed at the time of road construction, unless the City Council determines otherwise through the development review process, in which performance security shall be required pursuant to the Code for all trail and sidewalk improvements. Sidewalks shall, at a minimum, be constructed of concrete at least four (4) inches thick, and six (6) inches thick through driveway approaches, and not less than five (5) feet in width.

C. **Open Land.** All Master Planned Developments (MPD), as set-forth in Chapter 33 shall provide and deed restrict open land that is left natural, undeveloped, or unimproved (except recreational areas) for public or private purposes. A base

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percentage amount of deed restricted open land is required for development within each zone district in accordance with **Subsection 33-070.B** of the Code.

31-~~100~~110: PRESERVATION OF NATURAL FEATURES AND AMENITIES

Existing features which add natural value or historical amenities to the community shall be retained. Buildings shall be sited in a manner that preserves significant views. Ridges should be protected from development which would be visible from prominent areas or vantage points, as defined in Chapter 18. Existing vegetation should also be retained as much as possible. Vegetation protection will be required during construction so that disturbance is limited. Existing features such as water courses, rivers, irrigation works, wetlands, historic sites, critical meadow lands, important vistas, and other irreplaceable assets shall be preserved in the design of the development. All trees on the site plan required to be retained shall be preserved, and all trees where required shall be welled and protected against change of grade. The preliminary plan shall show the general number, size, and location of existing plant materials and indicate all those marked for retention. Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and regulations as outlined in the Sensitive Lands Regulations contained in **Section 18-070** of this Code.

31-~~110~~120: INFILL AND FLAG LOT DEVELOPMENT

Infill development is valuable not only for the environmental benefits of using land more efficiently and directing growth into Coalville's existing neighborhood areas, but also the benefit that quality projects bring to neighborhoods and communities. Infill uses vital land left vacant during early development and contributes to community revitalization and is representative of smart growth. Good infill conserves open space, helps to energize communities, contributes to jobs, housing, and area sustainability.

By absorbing growth into existing neighborhoods, infill relieves growth pressures on the larger agricultural areas and can improve quality of life for older neighborhoods. Infill helps to achieve the goals of smart growth: preserving our best agricultural and natural areas and saving taxpayers from the high cost of building infrastructure to support development that has spread far from Coalville's traditional population center.

A. **Definition.** The term "infill development" refers to building within unused and underutilized lands within existing zoning and/or development patterns.

B. **Intent.** It is the general intent of this provision to:

~~5~~42.1. Accommodate growth in Coalville by encouraging and facilitating new development on vacant, bypassed, and underutilized land within areas that already have infrastructure, utilities, and public facilities, while addressing the needs of Coalville residents.

~~5~~43.2. Encourage efficient use of land and public services in the context of existing neighborhoods.

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~~544.~~3. Stimulate economic investment and development in older established neighborhoods.

~~545.~~4. Extend developers and property owners flexibility so that they can achieve high quality design and develop infill projects that strengthen existing neighborhoods and address the needs of the community.

~~546.~~5. Create a high-quality community environment that is enhanced by a balanced compact mix of residential, commercial, recreational, open space, employment and institutional uses and building types.

~~547.~~6. Implement the goals, objectives, and policies of the General Plan.

~~548.~~7. Improve approval certainty for infill development by providing clear development standards.

C. **General Requirements.** The site plan for infill development shall incorporate the following elements to enhance compatibility with the surrounding community:

~~549.~~1. Sidewalks that connect to the adjacent or a future planned sidewalk system will be built to City standards.

~~550.~~2. Public streets shall connect to the adjacent street pattern.

~~551.~~3. Preservation of architecturally significant structures whenever feasible.

~~552.~~4. Inclusion of, or relationship to, civic spaces, i.e. setbacks, building envelopes, use and parking compatible with surrounding community.

D. **Permitted Uses.**

~~553.~~1. Commercial/Employment (Example: for live/work units) Commercial/employment may be mixed vertically or horizontally with residential. First floor space (Live/work units) restricted to non-residential use in areas of predominantly commercial use.

~~554.~~2. Institutional/Civic/Public uses are permitted for not-for-profit uses.

~~555.~~3. Residential uses can be single family, multi-family and mixed use (mixed vertically with commercial/employment) based on underlying zone.

E. **Development Standards.** Density, design, materials, use and scale should reflect local style, climate, heritage, and materials unique to Coalville City.

~~556.~~1. Density may not exceed the underlying zone.

a. Total number of dwelling units as well as location to be established at the time of preliminary plan approval.

b. Lot Size. Lot areas established in the preliminary plan shall be dependent on proposed densities, floor area ratios, setbacks, building heights and community compatibility.

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i. Existing Small Lot Amnesty. A legal lot of record may be eligible to apply Infill and Flag Lot Development Guidelines to allow for development.

ii. Setbacks for Small Lot Amnesty will be evaluated and addressed by the City Council if the proposed development does not meet the designated setbacks for the underlying Zone.

~~557.~~2. **Building Height.**

a. Buildings restricted to (2) stories or (35) feet in height, or the average of adjacent buildings.

b. Following criteria should be reviewed for community compatibility:

i. Neighborhood scale

ii. Privacy

iii. Light and shadow

iv. Views

v. Architectural compatibility

~~558.~~3. (3) All planned uses, building types, and landscaping will be included on the preliminary plan and will demonstrate the relationships of the proposed development with existing off-site development in the context of the adjacent community. Compliance with these requirements shall in and of itself be deemed to create a presumption of compatibility.

F. **Open space and Landscaping.** All open space, recreational amenities and landscaped areas for Infill Development shall be shown on the plan.

~~559.~~1. **Open space.** Infill development shall provide common public open space, except as follows:

a. Proximity to Public Park. An open space credit may be granted if a project is connected to, and located within ¼ mile of, an improved public park by a continuous public sidewalk.

~~560.~~2. **Landscaping.**

a. Natural vegetative features and existing trees shall be incorporated into the site design if practicable.

b. Based on the zone and the surrounding land uses a certain percentage of landscaping may be required.

c. Landscaping between the residential units and parking areas are required for all multi-family residential development.

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d. Long term management and maintenance plans for natural areas, street trees, and common open space shall accompany the project application.

~~561.~~3. **Fencing**.

a. Fencing may be required based on the zone and the surrounding land uses per the fencing requirements in Chapter 22.

b. Applicants must indicate the height, type, and location of the fencing on the site plan.

~~562.~~4. **Drainage**.

a. Applicants will be required to provide a grading and drainage plan with all infill requests that contain two or more units.

b. Drainage must comply with Section 31-050 Drainage and Storm Sewers.

G. **Public Facilities and Utilities.** Existing and planned public facilities should be shown on the plan.

~~563.~~1. All public streets, private streets, walkways, and trails shall be shown on the plan. The street shall accommodate for emergency vehicles access and walkway system shall be safe, efficient, convenient, attractive, and shall accommodate use by all segments of the population.

~~564.~~2. The street network shall include a sidewalk on at least one side of the street.

~~565.~~3. Roads, lighting, sidewalks, street furniture, utilities and other public furniture, utilities and other public facilities should enhance pedestrian circulation.

~~566.~~4. All developments will follow the subdivision regulations in Chapter 31 for street design, water and sewer infrastructure, parking, fencing, and storm water requirements.

H. **Parking.** Parking for private automobiles is provided based on safety, convenience, pedestrian and vehicular circulation, and proximity of parking.

~~567.~~1. Two parking spaces per unit is required.

~~568.~~2. Shared parking is encouraged in the commercial zones where a mixed-use development has commercial uses located on the first floor. However, the requirement of two parking spaces per unit will still stand. The applicant must demonstrate that they have enough parking to accommodate both uses.

~~569.~~3. All parking spaces shall be shown on the site plan.

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~~570.~~4. Landscaping shall be required between a multi-family unit and parking if attached garages are not built.

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Chapter 32

ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

32-010: Public Improvements
32-020: Performance Guarantee
32-030: Land Acquisition and Acceptance of Dedication Offers
32-040: Issuance of Building Permit
32-050: Occupancy of a Dwelling
32-060: Consumer Protection Legislation and Conflicts of Statutes

32-010: IMPROVEMENTS

~~A.~~I. **Costs Of Improvements.** All required public improvements shall be made by the applicant, at the applicant's expense, without reimbursement by the City or any improvement district therein, and in accordance with related codes, fee schedules, and ordinances.

~~B.~~J. **Escrow Deposits or Letters of Credit for Lot Improvements.**

~~571.~~1. **Acceptance of Escrow Funds.** When, by reason of the season of the year any lot improvements required by the subdivision regulations cannot be performed, the Building Official may, nevertheless, issue a temporary certificate of occupancy, provided there is no danger to health, safety, or general welfare, upon accepting a cash escrow deposit in an amount approved by the City for one hundred ten (110) percent of the cost of remaining improvements. The performance guarantee covering such lot improvements shall remain in full force and effect.

~~572.~~2. **Procedures on Escrow Fund.** All required improvements for which have been accepted by the City at the time of issuance of a certificate of occupancy shall be installed by the developer within six (6) months from the date of deposit and issuance of the temporary certificate of occupancy. If the improvements have not been properly installed, at the end of the time period the City shall give two (2) weeks written notice to the developer requiring installation of the improvements. In the event that they are not installed properly as approved and shown on the building or site plans the City Council may proceed to contract out the work for the installation of the necessary improvements in a sum not to exceed the amount of the escrow deposit.

~~C.~~K. **Temporary Improvements.** The applicant shall build and pay for all costs of temporary improvements required by the ~~City Council~~SRC, Planning Commission, or Staff and shall maintain them for the period specified. Prior to

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construction of any temporary facility or improvement, the developer shall file with the City a separate suitable guarantee, in accordance with this Code, for temporary facilities, which ensures that the temporary facilities will be properly constructed, maintained, and removed.

~~D.~~L. **Deferral or Waiver of Required Improvements.**

~~573.~~1. The Planning Commission may ~~recommend that the City Council~~ defer or waive at the time of ~~final~~preliminary subdivision approval, subject to appropriate conditions, the provision of any or all such improvements as, in its judgment, are not requisite in the interests of the public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.

~~574.~~2. Whenever it is deemed necessary by the Planning Commission to defer the construction of any improvement required herein because of incompatible Grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the Applicant shall pay his share of the costs of the future improvements to the City government prior to the signing of the final Subdivision Plat, or the Applicant may post a Guarantee insuring completion of said improvements upon demand of the municipality.

~~E.~~M. **Construction and Inspections of Improvements.**

~~575.~~1. **General Procedure and Fees.** An Authorized City Representative shall inspect the required improvements during construction to oversee their satisfactory completion.

The applicant shall, in accordance with the City's fee ordinance, pay to the City an inspection fee, and the Final Plat shall not be signed by the Chair of the Planning Commission or Mayor unless the fees have been paid. These fees shall be due and payable upon demand of the City and no project approvals, building permits or certificates of occupancy shall be issued until all fees are paid.

If the Staff finds upon inspection that any of the required improvements have not been constructed in accordance with the approved plans or City Engineering Standards and Construction Specifications, the applicant shall be responsible for completing the improvements. Wherever the cost of improvements is covered by a performance guarantee, the applicant and the issuing company shall be severally and jointly liable for completing the improvements according to the approved plans and specifications.

~~576.~~2. **Public Improvements.** No construction of public improvements shall proceed until the final plat has been approved by the City Council and filed for record in the office of the County Recorder. All public improvements shall be completed within one year of the date the final plat was approved, and the Authorized City Representative shall inspect the construction as it proceeds and at the completion of construction.

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A construction punch list of outstanding items shall be made up by the Authorized City Representative indicating the items missed or needing correction prior to acceptance of the improvements. All required replacements or repairs shall be completed by the subdivider, at his expense, prior to acceptance by the City.

~~577.~~3. **As Built Drawings.** The developer shall provide the City with record drawings accurately defining for permanent record the surface improvements and underground utilities as they were actually constructed and shall provide one reproducible copy, drawn to scale, which indicates any changes from the original approved final drawings. All sewer, storm drain, and land drain manhole flow lines shall be verified.

~~578.~~4. **Inspection.** All construction work involving the installation of improvements in subdivisions shall be subject to inspection by the Authorized City Representative. The City may request the services of the City Engineer to assist in inspection if it is deemed necessary.

a. To cover the cost of inspection and management of off-site improvements, the subdivider shall pay a fee to the City based on the linear feet of improvements installed, the number of building lots in the subdivision, and the average number of hours spent inspecting off-site improvements. Said fee shall be established by resolution of the City Council. Said fee shall be paid prior to recordation of the subdivision plat.

b. An Authorized City Representative shall determine whether all off-site improvements have been installed in accordance with approved subdivision standards prior to acceptance by the City.

c. Inspection frequency shall be discussed and agreed to during the pre-Construction Meeting.

~~579.~~5. **Requests for Inspection.** Requests for inspections shall be made to the City by the person responsible for construction. Notice shall be given one (1) day in advance of the start of work requiring periodic inspection.

~~580.~~6. **Acceptance of Materials.** Material such as, but not limited to, bituminous products, Portland cement, steel, pipe gaskets, joints filler, fire hydrants and other similar commercially produced products will be accepted by the City upon submission by the subdivider of a supplier certification that the material meets specifications. These materials shall not be incorporated into the project until such certification has been received and approved in writing by the City.

~~581.~~7. **Samples and Tests.** Materials, equipment, and workmanship shall be subject to sampling or testing by the City to verify compliance with standards. At the option of the City, materials shall be subject to tests and inspections before such materials are used in the work. Representative preliminary samples of the character and quality prescribed shall be

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submitted without charge by the contractor or producer of materials to be used in the work in sufficient quantities or amounts for testing.

All tests of materials furnished by the contractor shall be made in accordance with the commonly recognized standards of National technical organizations and such special methods and tests as are prescribed herein.

The result of all testing performed under the direction of the contractor must be submitted to the city within 3 days of when the results are complete.

~~F.~~N. **Maintenance and Warranty of Improvements.**

~~582.~~1. **Prior to Completion.** The applicant shall be required to maintain all improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks until Final Acceptance of the improvements by the City Council. The City will not normally accept water improvements or street improvements or assume responsibility for either general maintenance or snow removal until fifty (50) percent of the lots within the subdivision are built upon and have been issued a certificate of occupancy.

~~583.~~2. **Warranty after Acceptance and Dedication.** The applicant shall be required to file a maintenance guarantee with the City, prior to acceptance, in an amount equal to ten (10) percent of the construction cost and in a form satisfactory to the City Attorney, in order to assure the satisfactory condition of the required improvements, including all lot improvements on the individual subdivided lots for a period of one (1) year after the date of their Final acceptance by the City and dedication of same to the City.

The subdivider shall warrant and guarantee (and post bond or other security) that the improvements provided for hereunder, and every part thereof, will remain in good condition for a period of one (1) year after the date of the construction completion inspection report by the City Inspector and shall agree to make all repairs to and maintain the improvements and every part thereof in good condition during that time with no cost to the City.

It is further agreed and understood that the determination for necessity of repairs and maintenance of the work rests with the City. Their decision upon the matter shall be final and binding upon the subdivider, and the guarantee hereby stipulated shall extend to and include, but shall not be limited to, the entire street base and all pipes, joints, valves, backfill and compaction, as well as the working surface, curbs, gutters, sidewalks, and other accessories that are, or may be affected by the construction operations, and whenever, in the judgement of the City, said work shall be

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in need of repairs, maintenance, or rebuilding, they shall cause a written notice to be served to the subdivider.

Thereupon, the subdivider shall undertake and complete such repairs, maintenance, or rebuilding. If the subdivider fails to do so within ten (10) days from the date of service of such notice, the City Inspector shall have such repairs made, and the cost of such repairs shall be paid by the subdivider, together with 15 percent in addition thereto as and for stipulated damages for such failure on the part of the subdivider to make the repairs.

~~G.~~O. Completion of Improvements.

Prior to issuance of building permits, the applicant shall be required to complete any and all on and off-site improvements indicated by the project approval. The applicant shall also dedicate all applicable public improvements to the City, including any water right transfers, conservation easements or dedications of public lands to Land Trusts, free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

All construction shall be completed according to the approved plans and site improvement specifications. For purposes of this Code, the term site improvements shall include all roads, sidewalks, trails, curbs, gutters, drains, drainage systems, grades, walls, landscaping, planting, paving, utility lines and related facilities or similar improvements as shown on the set of plans on which the final approval is based. Off-site Improvements shall refer to all facilities as defined in site improvements above but located off of the development parcel(s) and required by the infrastructure impact review studies. These improvements shall be constructed at the same time as the site and building development that required the improvements and shall be constructed to City standards and approved, inspected, and constructed under the authority of the City Engineer or representative. These two types of improvements may be referred to collectively as improvements. Deviations from the approved plans must be approved in advance by the City.

Before the Final Plat is ~~signed by~~recorded with the ~~Planning Commission Chair and the Mayor,~~County, all Applicants shall be required to complete, in accordance with the Planning Commission's decision and to the satisfaction of the City Engineer, all the Street, sanitary sewer, and other improvements, i.e.: storm drainage, trails, sidewalk, curb, gutter, Street signs, water lines, etc., including Lot improvements on the individual Lots of the Subdivision as required, and as approved by the Planning Commission and the City Council, and to dedicate same to the local government, free and clear of all liens and encumbrances on the Property and public improvements thus dedicated.

~~H.~~P. Certificate of Satisfactory Completion.

Subject to maintenance provisions contained in **Section 32-010.F**, the City will not accept dedication of required improvements, or release or reduce a performance Guarantee, until the City has submitted a certificate stating that all required improvements have been satisfactorily completed and until the Applicant's engineer or

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surveyor has certified to the City, through submission of detailed "as-built" survey plats of the Subdivision, indicating location, dimensions, materials, and other information required by the Planning Commission and City, that the layout of the line and Grade of all public improvements is in accordance with the City approved construction plans for the Subdivision and that a commitment for a Code policy or other acceptable evidence has been furnished to the City indicating that the improvements have been completed, are ready for dedication to the local government and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the City Council shall thereafter accept the improvements for dedication in accordance with the established policy and procedure.

~~I.~~Q. **Failure to Complete Improvement.**

For Subdivisions for which no performance Guarantee has been posted, if the improvements are not completed within the period specified by the Planning Commission and City Council in the Ordinance approving the plat, the approval shall be deemed to have expired. In those cases where a performance Guarantee has been posted and required improvements have not been installed within the terms of such performance Guarantee, the City Staff may thereupon declare the Guarantee to be in default and require that all the improvements be installed.

32-020: PERFORMANCE GUARANTEE

A. **Performance Guarantee.** The ~~City Council shall~~SRC may require the applicant to post an acceptable guarantee at the time of Final Plat approval in an amount equal to one hundred ten (110) percent estimated by the developer and approved by the City as sufficient to secure to the municipality the satisfactory construction, installation, and dedication of the required improvements. The ~~posting~~postings of guarantees are in lieu of actual construction and are therefore established for the benefit of and inure to the public at large and as such are not to be used for satisfying contractor or mechanics liens or other unrelated obligations. The performance guarantee shall also secure all lot improvements on the individual lots of the subdivision as may be required. Such performance guarantee shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution.

~~5~~84.1. **Security Required.** In order to protect the City from the financial burdens resulting from damage to or increased maintenance costs for City facilities and infrastructure that may occur as a result of incomplete or inadequate site improvements on private construction projects or off-site improvements performed by the developer as required by the City, developers shall complete all required on and off-site improvements prior to building permit issuance. If that is not possible, adequate financial security for completion, together with a right of entry to the property to complete the work shall be granted to the City in accordance with this Code.

~~5~~85.2. **Security for Completion.** No building permit will be issued, unless all required on and off-site improvements are completed, or the developer

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has provided adequate security to guarantee timely completion of the improvements. When all of the improvements cannot be completed due to weather conditions or other factors beyond the control of the developer (excluding financial inability to complete the project) the City may issue building permits for the project, provided all the following conditions are met:

a. The Building Official determines that construction of the buildings, or portions thereof, prior to completion of required site improvements is safe and that access for emergency vehicles is adequate with the site improvements unfinished.

b. The developer posts adequate security to insure completion of the site improvements in full compliance with the approved plans within one (1) year from the date of final plat approval.

c. Access to an operational fire hydrant is within 400 feet of the farthest building wall.

~~586.~~3. **Amount of Security.** The amount of the security to be posted by the developer shall be equal to one hundred ten (110) percent of the amount reasonably estimated by the developer and approved by the City as being necessary to complete on and off-site improvements as shown on the approved plans.

~~587.~~4. **Terms of Security.** The terms of any security arrangement offered to the City shall state a date certain by which the developer agrees to have on and off site improvement work completed in accordance with the plans, and further provide that in the event that the developer has not completed required site improvement work by that date, the City may, at its option, and on its schedule, draw on the funds in escrow, or credit established, or such other security device by its own act, and shall not be required to obtain consent of developer to withdraw funds for completion of the work shown on approved plans. The City's actual costs in administering the completion of work in the event of a default by the developer shall be reimbursed from the escrow or other security arrangements in an acceptable and timely manner.

~~588.~~5. **Form of Security.** Security arrangements offered in lieu of advance completion and payment for site improvements shall be in an amount fixed under the terms of **Section 32-020**, shall be documented in form and substance as required by the City Attorney, and shall be in one or more of the following forms subject to approval in each instance by the City Attorney:

a. A performance bond executed by a corporate surety which guarantees payment of construction costs and completion of the project.

b. A deposit of cash with a third-party escrow.

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c. An agreement with the construction lender providing that the lender will withhold funds in the construction loan in an amount equal to the amount calculated in **Section 32-020** and will disburse those funds only with the written consent of the City, and only for the completion of required improvements. As improvements are completed, the City will consent to the disbursement of the funds set aside by the lender.

d. A security agreement (Property Bond) secured by the encumbrance of unencumbered real property. This is not a favored form of security and shall not be approved except under exceptional circumstances as determined by a unanimous vote of the City Council.

e. Some combination of the foregoing.

~~589.~~6. **Retainage.** The amount in excess of the actual construction costs, but in no event more than ten (10) percent of the actual construction cost, shall be held for a period of one year following final inspection and approval of the required on and off-site improvements. The retainage amount may be provided in any of the ways described in **Section 32-020**. If the developer fails to provide new security instruments within thirty (30) days from the expiration of the security instruments provided for the initial construction, the City shall make a demand or draw on that security to the extent of the required retainage amount and hold the proceeds in cash until and unless other adequate security, as provided in this Code, is posted by the developer. Retainage will be used to replace or repair any site improvements which fail or appear to be defective during the one-year retainage period. The corrective work may be done by the City or the developer. Upon completion of work, the retainage, or so much of it as remains, shall be released. Retainage amounts may be drawn and applied to any outstanding fees owed by the developer to the City, provided that such fees are imposed by ordinance and the amount of the fees is not contested by the developer.

~~590.~~7. **Payment of Interest.** Any interest accruing on escrow funds shall, unless expended for completion of site improvements required, inure to the benefit of the developer upon release and not to the City, and the City shall not be required to pay interest to the developer on any funds in escrow for this purpose.

~~591.~~8. **No Third-Party Beneficiaries Intended.** It is the intention of the City that financial security given by the developer is limited to a contract between the City and the developer for the express purpose of providing for the protection of City facilities and elimination of conditions which could become public nuisances. It is not intended that this security be available for payment of subcontractors or material suppliers in the nature of a surety bond, or that the security provided become available to the purchasers of property to correct construction flaws or defects, which are

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the fault of the developer. In no event will the funds be used for purposes other than those stated in this section and the time and manner of the expenditure and prioritization of work performed shall rest in the sole discretion of the City.

B. **Performance Guarantee to Include Lot Improvements.** The performance guarantee shall include an amount to guarantee completion of all requirements contained in this Chapter, and in the regulations including, but not limited to, final grading, lot drainage, landscaping, revegetation, curb, gutter and sidewalk, removal of debris and waste, fencing, and all other lot improvements required by the City. Whether or not a building permit or certificate of occupancy has been issued, at the expiration of the performance guarantee, the City may enforce the provisions of the guarantee where the provisions of this section or any other applicable law, ordinance, or regulation have not been complied with.

~~592.~~1. **Modification of Plans.** A developer may request modifications to plans to cover on or off-site improvement work by submitting revised plans to the City for review and approval consideration. Until the revised plans have received approval by the City, the developer shall be required to offer security for the performance of the improvement work as shown on the last set of plans to have received City approval. Upon acceptance of revised plans by the City, the City shall release any cash, credit or other security held, which is in excess of one hundred ten (110%) percent of the completion cost (estimated) of work shown on the most recently revised plan. If the modification of the plans increases the cost of required improvements, additional security shall be provided by the developer to cover the increased costs.

~~593.~~2. **Detailed Improvement Plans and Specifications.** Detailed on or off-site improvement plans and specifications shall be presented, showing the location, design and nature of all streets, drainage systems, utility pipelines, storage tanks, pumping systems and related facilities, grade changes, retaining walls and landscaping, together with any trails, paths, or walkways that may be included or required under these or other provisions of this Development Code. All plans and supporting documentation must be approved by the City prior to any construction by the Developer. The Developer is responsible for all plan review fees incurred by the City or its consultants.

C. **Time Period to Complete Improvements.** The period within which required improvements must be completed shall be specified by the City Council with the approval of the Final Plat. The completion time period shall be incorporated in the guarantee and shall not in any event exceed two (2) years from the date of final plat approval. Such guarantee shall be approved by the City Council with satisfactory surety and conditions. The City Council may extend the completion date set forth in such guarantee one (1) time for a maximum period of one (1) additional year. The City Council may at any time during the period of such guarantee accept a substitution of principal or sureties.

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D. **Release or Reduction of Performance Guarantee.** Subject to the provisions contained in this Code, the City will not accept dedication of required improvements, or release or reduce a performance guarantee, until the City Community Development Director, City Engineer, Public Works Director or Building Official has submitted a certificate stating that all required improvements have been satisfactorily completed and until the applicant's engineer or surveyor has certified to the City, through submission of detailed "as-built" survey plats of the subdivision indicating location, dimensions, materials, improvements and other information required by the Planning Commission and City Council, that the layout of the line and grade of all public improvements is in accordance with the approved Construction Drawings for the subdivision.

Further, a Code insurance policy shall be furnished to the City indicating that the improvements have been completed, are ready for dedication to the local government, and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the City Council shall thereafter accept the improvements for dedication in accordance with the established policy and procedure.

~~5~~94.1. **Reduction of Performance Guarantee.** A performance guarantee may be reduced upon actual completion and acceptance of public improvements and then only to the ratio that the public improvement accepted bears to the total public improvements for the project. In no event shall a performance guarantee be reduced below ten (10) percent retainage of the principal amount until total completion.

E. **Single Family Buildings.** This provision shall apply to all construction in Coalville, including single family dwellings when improvements are required by the impact analysis. The amount of security required for single family dwellings shall be the reasonably estimated cost to complete construction of any improvements, including required landscaping on a labor and materials basis.

F. **Phased Projects and Concurrency.** On and off-site improvements applicable to each phase of a phased project or development shall be completed concurrently with the first phase of the project and appropriate securities shall be put in place to insure that the total infrastructure is completed along with the first phase. Phasing of improvements may be allowed only under special circumstances as outlined by the City and approved by the City Council. If phasing is allowed, adequate security for completion of each phase must be provided to insure that each phase of infrastructure is constructed~~.~~

G. **Prohibited Guarantees.** The City shall not require performance guarantees for any of the prohibited uses listed in Utah Code §10-9a-604.5(3)(d), including improvements the City has previously inspected and accepted, private improvements that are not essential to meet the building code, fire code, flood or storm water management provisions, street and access requirements, or other essential necessary public safety improvements adopted in a land use regulation.

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32-030: LAND ACQUISITION AND ACCEPTANCE OF DEDICATION OFFERS

A. Acceptance of formal offers of land acquisition, dedication of streets, public areas, easements, and parks shall be by action of the City Council. The recommendation for approval by the Planning Commission for a subdivision will be a Final Plat which shall not be deemed to constitute or imply the acceptance by the City Council of any land acquisition, street, easement, park or public improvement shown on said plat.

32-040: ISSUANCE OF BUILDING PERMIT

A. The following requirements shall be met prior to issuance of any building permit within a subdivision:

~~595.~~1. All required fencing installed as a condition of subdivision approval in compliance with Coalville City Fence Ordinance Chapter 22;

~~596.~~2. All water, sewer, and drainage systems installed, inspected and tested by City approved inspector;

~~597.~~3. All curb and gutter installed;

~~598.~~4. A minimum of 8 inches of road base in place and graded;

B. Contractors will be responsible to see that all construction materials and/or debris are continuously secured or removed from construction site.

C. The developer shall at the time of the dedication submit in escrow to the City a sum determined by the City Engineer for the necessary final improvement of the street(s).

D. No building permits shall be issued for the final fifty (50) percent of lots in a subdivision until all public improvements required by the City for the project have been fully completed and dedicated to the City.

32-050: CERTIFICATE OF OCCUPANCY

All structures shall meet the following guidelines prior to occupancy:

A. All underground off-site improvements properly installed and operational as approved by Coalville City.

B. All required asphalt or concrete hard surface roadway installed and completed throughout the entire phase in which the dwelling is located in accordance with Coalville City design standards. In the event that hard surface paving cannot be properly installed due to weather related circumstances, the developer may petition the City Council for conditional occupancy providing the following guidelines are met:

~~599.~~1. Road-base installed in accordance with Coalville City design standards.

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~~600.~~2. Developers must maintain all road-base surfaces providing for adequate vehicular accessibility and that the developers provide for services which will not be available due to the absence of paving.

~~601.~~3. Required asphalt or concrete hard surface roadway shall be installed and completed as soon as weather related circumstances change or as directed by Coalville City.

C. Where a performance guarantee has been required for a subdivision, no certificate of occupancy for any building in the subdivision shall be issued prior to the completion of the improvements and dedication to the City, as required in the Planning Commission's and City Council's final approval of the project

32-060: CONSUMER PROTECTION LEGISLATION AND CONFLICTS OF STATUTES

No building permit or certificate of occupancy shall be granted or issued if a developer or his authorized agent shall have violated any federal, state, or local law pertaining to consumer protection of real estate land sales, promotion, or practices, or any applicable conflicts-of-interest legislation with respect to the lot or parcel of land which is the subject of the permit or certificate, until so ordered by a court of competent jurisdiction.

With respect to a lot or parcel of land, in the event a building permit or certificate of occupancy has been granted or issued, it shall be subject to revocation by the City until so ordered otherwise by a court of competent jurisdiction, provided that in no event shall the rights of intervening innocent third parties in possession of a certificate of occupancy be prejudiced by any such revocation.

Any violation of a federal, state, or local consumer protection law (including but not limited to: Postal Reorganization Act of 1970; the Federal Trade Commission Act of 1970; Interstate Land Sales Full Disclosure Act; the Truth in Lending Act; the Uniform Commercial Credit Code; State "Blue Sky" laws; State subdivision disclosure acts or conflicts of interest statute, law, or ordinance) shall be deemed a violation of these regulations and subject to all of the penalties and proceedings as set forth in this Code.

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Chapter 33

MASTER PLANNED DEVELOPMENTS (MPD)

33-010: Purpose
33-020: Applicability
33-030: Uses
33-040: Process
33-050: Vesting of MPD Approval
33-060: MPD Modifications
33-070: MPD Requirements
33-080: Required Findings

33-010: PURPOSE

The purpose of the Master Planned Development (MPD) is to provide a comprehensive project design strategy to create projects, including mixed use development, that best address site conditions, the characteristics of the surrounding properties, as well as community and market demands. The master planned development process also creates tools to promote the efficient use of land resources as well as efficient public infrastructure and utility services. The goal of this strategy is to produce superior project design through flexibility and innovation to advance the goals of the General Plan and this chapter.

The Planning Commission and City Council may accept or reject an MPD proposal based on the project quality, as well as the architectural design and serviceability of the project area. All MPD developments shall be designed to protect the character of the neighborhoods and rural small-town character of the City.

Complete planning of the entire project in all its phases is critical in the proper application of the MPD.

33-020: APPLICABILTY

The master planned development process shall be required in all zones for the following applications:

~~A.~~D. Any application for a rezone.

~~B.~~E. Any application to subdivide or develop at base density resulting in six (6) or more dwelling units or lots (Major Subdivision/Development).

~~C.~~F. Any application which includes the transfer of base density or uses between zones on a single parcel which results in the creation of six (6) or more lots or parcels.

~~D.~~G. Any application which includes a density bonus within a residential zone.

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~~E.~~H. All applications for commercial uses, retail commercial establishments, offices, institutional uses, or industrial uses with more than twenty-five thousand (25,000) square feet of floor area.

33-030: USES

A master planned development shall become supplementary to the provisions of the zones in which the MPD is located, including rezones.

A. **Differing Zones.** When the project includes parcels with adjacent differing zones or uses, the MPD may be relocated across zone boundaries so long as the City Council determines that the relocation results in a project design that advances the goals set forth in the General Plan.

B. **Attached Units.** Attached units may be allowed in all residential and commercial zones except the Agriculture (AG) Zone and Residential Agricultural (RA) Zone.

C. **Types of Developments.** Master Planned Developments may include commercial/industrial projects, cluster subdivisions, mixed use planned developments, twin or town homes, condominiums, combinations of housing types such as single units and multiple units, and zero lot line developments.

D. **Zone Use Limitations.** Uses permitted in the MPD shall be limited to those uses permitted in the Zone District in which the MPD is proposed, with accessory uses as allowed by the development code.

33-040: PROCESS

The MPD application process has three primary steps:

A. **Pre-Application Conference.** A required pre-application conference shall be held with staff for the applicant to become acquainted with the master planned development procedures and related City requirements, standards, and schedules. Staff may give preliminary feedback to the applicant based on the information available and inform the applicant of potential issues or special requirements which may apply to the proposal.

B. **Master Planned Development Application.** A concept plan for the MPD and preliminary plan for Phase 1 of the master planned development shall be submitted with completed application forms supplied by the City. A list of minimum requirements will accompany the application form. The application must include written consent by all owners of the property to be included in the master planned development. Once an application is received, it shall be reviewed for completeness. The applicant will be informed if additional information is necessary to constitute a complete application.

C. **Planning Commission and City Council Review and Public Hearings.** The City Council is the Land Use Authority for master planned developments. Prior to final action by the City Council, the Planning Commission shall hold a minimum of one (1) public hearing prior to forwarding a recommendation to the City Council. The City Council shall also hold a minimum of one (1) public hearing

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and take final action on the application. City Council action shall be in the form of written findings of fact, conclusions of law and in the case of approval, conditions of approval.

Q. The Planning Commission may recommend, and the City Council may impose such conditions on the development plans as they deem appropriate to meet the goals and objectives of the General Plan.

R. The City Council may approve, amend, and approve or deny the Preliminary Development Plan as recommended by the Planning Commission. The City Council may also remand the Preliminary Development Plan back to the Planning Commission for further review and evaluation.

D. **Development Agreement.** All MPD approvals shall be put in the form of a development agreement. The document shall contain, at a minimum, the following:

~~602.~~1. A legal description of the land.

~~603.~~2. All conditions of approval, relevant zoning, and development code parameters, including all findings of fact and conclusions of law, specifying any exceptions, including but not limited to those outlining more or less restrictive height, setbacks of lot size.

~~604.~~3. An express reservation of the future legislative power and zoning authority of the City Council.

~~605.~~4. A copy of the approved MPD site plan, architectural plans, landscaping plans, grading plan, trails and open space plans, and other plans, which are a part of the approval.

~~606.~~5. A description of all developer exactions or agreed upon public dedications.

~~607.~~6. The developer's agreement to pay all specified impact fees.

~~608.~~7. The form of ownership anticipated for the project; and

~~609.~~8. A specific project phasing plan.

The development agreement shall be signed by the Mayor and recorded with the Summit County Recorder. The development agreement shall contain language to allow for minor, administrative modifications without revision of the agreement. The development agreement shall be reviewed and signed as part of any final rezone approval by the City Council.

33-050: VESTING OF MPD APPROVAL

Construction, including the installation and placement of infrastructure such as roads and utilities, within the MPD project area will be required to commence within five (5) years of the date of the City Council approval. After construction commences, the MPD shall remain valid so long as it is consistent with the approved project-phasing plan as set forth in the MPD approval and associated documents. It is anticipated that the

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specific project-phasing plan may require periodic review and re-evaluation of the project during the development of the project. Extensions will not be considered for an MPD approval that does not meet the prescribed timeframes as specified in this section.

A. **Final Subdivision Plat.** The initial final subdivision plat associated with a Master Planned Development must be recorded within one (1) year of the date of the City Council MPD and Phase 1 Preliminary Plat approval. Construction of the project must begin within three (3) years of the date of City Council MPD approval. In the event that the required final subdivision plat recordation and construction commencement has not taken place, or extended, in the prescribed timeframe, the MPD shall expire, and the final subdivision plat shall be void.

B. **Final Site Plan.** The initial final site plan associated with a Master Planned Development must be approved within one (1) year of the date of the City Council MPD and Preliminary Site Plan approval. Construction of the project must begin within three (3) years of the date of City Council MPD approval. If the required final site plan approval and construction commencement has not taken place, or extended, in the prescribed timeframe, the MPD shall expire, and the final site plan shall be void.

C. **Rezone.** Master Planned Developments associated with a rezone will be required to commence construction within three (3) years of the date of the City Council MPD approval. If the required construction commencement has not taken place in the prescribed timeframe, the MPD shall expire, and the zone(s) shall revert to the previous zone designation(s).

D. **Phasing and Density Bonus.** For phased developments, it shall be necessary to record the Phase 1 Final Subdivision Plat within the prescribed one (1) year timeframe or as extended up to six (6) months to vest the entire master planned development and density bonus. Thereafter, subdivision plats associated with subsequent phases of the master planned development shall be recorded in accordance with the overall phasing plan approved for the development.

33-060: MPD MODIFICATIONS

Modifications to an MPD shall be processed as a minor or major amendment as follows:

A. **Minor Amendment.** A minor amendment is defined as an amendment that does not increase square footage, density, or intensity (traffic or parking demand, service demand, etc.) of the previously approved master planned development. A minor amendment shall be processed as a Minor Permit.

B. **Major Amendment.** A major amendment is defined as an amendment that increases square footage, density, or intensity (traffic or parking demand, service demand, etc.) of the previously approved master planned development. A major amendment shall be processed as a Master Planned Development.

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33-070: MPD REQUIREMENTS

All applications for a master planned development shall meet the following minimum requirements and all other applicable requirements of the development code. Additional project information necessary for the project analysis may be required at the discretion of the Community Development Director, Planning Commission, or City Council.

A. **Density.** The maximum density permitted on the project site will be determined as a result of a site design, sensitive lands and infrastructure impact analysis. The maximum density shall not exceed that set forth in the proposed or existing zone, except as otherwise provided in this section.

B. **Deed Restricted Open Land.** Deed restricted open land consists of land in a subdivision or MPD that is left natural, undeveloped, or unimproved (except recreation areas) and is deed restricted for public or private purposes including agricultural production, scenic, historic, or cultural resources and active or passive recreational uses such as trails, parks, golf courses and similar uses.

~~6~~10.1. Deed restricted open land does not include open areas in private individual residential lots, public roads, private roads, parking spaces and drive aisles in parking lots, outdoor storage areas and land covered by structures not designated for recreational use.

~~6~~11.2. A base percentage amount of deed restricted open land is required in all master planned developments within each zone district as follows:

a.	Agricultural Zone (AG)	20%
b.	Residential Agricultural Zone (RA)	15%
c.	Low Density Residential (R-1)	10%
d.	Medium Density Residential (R-2)	10%
e.	High Density Residential (R-4)	10%
f.	Very High Residential (R-8)	5%

~~6~~12.3. The City Council may consider a reduction in the base amount of deed restricted open land when the reduction results in the project advancing the goals, objectives, and policies of the General Plan.

~~6~~13.4. Where an MPD contains more than one (1) zone, the City Council may consider the location of deed restricted open land irrespective of zone boundaries to advance the project design or use, accessibility, and quality of the open land. This exception may only be considered if the project advances the goals, objectives, and policies of the General Plan.

~~6~~14.5. At the discretion of the City Council, Deed Restricted Open Land may be applied on different property better suited for restricted open land which is not associated with the proposed development and owned by the applicant.

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C. **Density Bonus.** A density bonus may be permitted in accordance with the following:

~~6~~15.1. **Deed Restricted Open Land.** In addition to the base requirement of an MPD, additional deed restricted open land is a requirement for the development of bonus density.

~~6~~16.2. **Bonus Density Calculation.** If the proposed number of lots in an MPD is greater than the allowed base density, the applicant may be entitled to the increased number of lots in excess of base density at a one-to-one percentage ratio of the amount of deed restricted open land being set-aside.

a. The amount of bonus density is calculated by multiplying the base density by the percentage of deed restricted open land being set-aside, in addition to the base requirement of the MPD underlying zone district(s), and any sensitive lands on the property.

b. The amount of the density bonus cannot exceed more than twenty-five percent (25%) of base density.

c. The base density and minimum lot size in each zone for Master Planned Developments shall be as follows:

Agriculture Zone (AG)	1 Unit/20 Acres: 1-acre min.
Residential Agriculture Zone (RA)	1 Unit/5 Acres: 3/4-acre min.
Low Density Residential (R-1)	1 Unit/Acre: 1/2-acre min.
Medium Density Residential (R-2)	2 Units/Acre: 1/3-acre min.
High Density Residential (R-4)	4 Units/Acre: 1/4-acre min.
Very High Density Residential (R-8)	8 Units/Acre: 1/8-acre min.

d. No density bonus of the deed restricted open land may consist of sensitive lands.

Example Bonus Density Calculation for a twenty (20) acre parcel in the R-1 Zone with 1.5 acre of sensitive lands:

i. Base Density for R-1 Zone = (1U/AC) or 20 lots/minimum lot size ½ acre requiring 10 acres development area).

ii. Base Percentage Amount = 10% requiring 2 acres development area.

iii. Sensitive lands = 1.5 acres.

iv. Density Bonus = 25% of base density (5 acres) deed restricted open land being set-aside for 5 bonus density lots.

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v. Total of 25 lots on 12.5 acres at ½ acre minimum size with 8.5 acres of deed restricted open land (2 acres base percentage amount + 1.5 acres sensitive lands + 5 acres density bonus land).

D. **Setbacks.** The minimum setback around the exterior boundary of an MPD shall match the setbacks of the more restrictive/larger abutting zone setback. In some cases, that setback may be increased to create an adequate buffer to adjacent uses. The City Council may reduce or increase setbacks as determined by the overall density configuration, clustering, open land, and proposed product types within the development from those otherwise required provided the project meets minimum Building Code and Fire Code requirements.

E. **Building Height.** The maximum building height for all structures within a master planned development shall not exceed the zone standard. The City Council may grant additional building height beyond the maximum zone standard up to forty-five feet (45') based on demonstrated good cause, related but not limited to, structured parking, workforce housing, deed restricted open land, community outdoor common area improvements, superior architectural design or provision of community support services.

F. **Reduction of Minimum Lot Size Requirements.** The City Council may reduce the minimum lot size specified in a zone (minimum 0.125 (1/8) acre) for density purposes if the proposed decrease in minimum lot size:

~~6~~17.1. Improves the development site design;

~~6~~18.2. Results in the clustering of buildings or lots;

~~6~~19.3. Preserves contiguous open land and natural resources;

~~6~~20.4. Provides efficiency of infrastructure, and;

~~6~~21.5. Produces unique product type development.

G. **Off-Street Parking.** Master planned developments shall meet the following off-street parking standards:

Table ~~33-1~~33-1 – Off-Street Parking Standards

Residential uses:	
Single family dwelling unit	Minimum 2 spaces/unit
Duplex dwelling unit	Minimum 2 spaces/unit (total of 4/building)
Accessory dwelling unit	Minimum 1 space/unit
Guest house	Minimum 1 space/unit
Multi-unit (3 or more units)	Minimum 1 space/unit

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Non-residential uses:	
Commercial/retail	3 spaces/1,000 sq. ft. of net leasable floor area
Commercial/restaurant-cafe	3 spaces/1,000 sq. ft. of net leasable floor area
Hotel/lodging	1 space/guest room or suite; 2 spaces/1,000 sq. ft. of net support commercial floor area
Offices	2.5 spaces/1,000 sq. ft. net leasable area

~~6~~22.1. The off-street parking requirements for any other uses not listed above shall be determined by the City Council based on a project-specific parking study provided by the developer and prepared by a qualified traffic engineer.

~~6~~23.2. The City Council may reduce or increase the overall parking requirement for a master planned development based upon the applicant demonstrating reasonable justifications for the increase/decrease in parking spaces.

~~6~~24.3. The City Council may grant additional exterior/surface parking provided such parking is designed to include permeable surfaces, additional landscaping and buffering.

H. **Designing with Topography.** Master planned developments shall be designed to fit into the topography of the site. The City Council may consider flexibility in the siting of development to best fit into the natural terrain, minimize excessive site grading and mitigate impacts on the natural environment and resources of the surrounding area. The project design shall demonstrate the preservation of watercourses, drainage areas, wooded areas, steep terrain and other natural features and areas.

I. **Designing with Adjacent Uses.** The master planned development shall take adjacent land uses into consideration. Development along the project perimeter shall adequately mitigate any potentially adverse effects, including but not limited to flooding, erosion, subsidence, sloping of the soil or other dangers and nuisances.

J. **Access.** All master planned developments shall have vehicular access from a public road. All projects shall have a secondary point of access in compliance with the city engineering, development code and fire district standards. All roads/streets shall follow the natural contours of the site wherever possible to minimize the amount of grading and balance the cut and fill of the roadway.

K. **Utilities.** Existing or proposed utilities, including private and public services for master planned developments shall be adequate to support the proposed project at normal service levels and will be designed in a manner to avoid adverse impacts on adjacent land uses, and existing public services, and utility resources.

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Unless otherwise permitted by this chapter, all master planned developments shall comply with all requisite infrastructure standards found in this Code.

L. **Building Locations.** All buildings shall be located to avoid, to the extent practicable, wetlands, riparian areas, steep slopes, ridgelines, and other similar areas in accordance with the sensitive land regulations of the Code.

M. **Connectivity.** Internal and external vehicular/pedestrian/bicycle circulation should be demonstrated at the time of application per the City Transportation and Trails Master Plans. Pedestrian/equestrian/bicycle circulation should be separated from vehicular circulation wherever reasonable.

N. **Snow Storage.** Master planned developments shall include adequate areas for snow removal and snow storage. An appropriate form of landscaping plan shall allow for designated snow storage areas. Structures shall be set back from any hard surfaces to provide adequate areas to remove and store snow. Snow should be able to be stored on site or hauled to a location within the MPD and not removed to an off-site location.

O. **Outdoor Lighting.** All outdoor lighting shall be downward directed and fully shielded per the City Outdoor Lighting requirements of this Code. All outdoor lighting shall be designed and installed to prevent light trespass on adjacent properties. Lighting of the United States flag is exempt from this provision.

P. **Compliance with Development Evaluation Standards.** Unless otherwise permitted by this chapter, all master planned developments shall comply with all requisite development evaluation standards found in this Code.

Q. **Project Design Narrative.** An application for a master planned development shall include a written explanation of how the project plan addresses the following design questions:

S. Responses to the questions shall be descriptive and shall include but may not be limited to the design questions.

T. A list of amenities proposed for the master planned development shall also be provided with the application.

~~6~~25.1. **Community Connectivity.** How does the proposed development interconnect with the surrounding properties, neighborhood, and area? Including but not limited to:

a. Where will vehicles enter and exit the site?

b. Where will new streets be developed?

c. Is there a need for pedestrian and bicycle routes (including trails and sidewalks) through the project area or connection with adjacent properties per the City Trails Master Plan? If so, how are such needs and routes addressed?

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d. Is the location of the proposed development within reasonable proximity (including walking and biking) to community facilities and services such as schools, retail centers, parks, etc.?

~~6~~26.2. **Housing Needs.** How does the proposed development advance the community need for a mix of housing types and affordability, as prescribed in the General Plan?

~~6~~27.3. **Character.** What are the architectural design character objectives of the proposed development? How do these design objectives address the local context, character and/or community preferences?

~~6~~28.4. **Site Design.** How is the proposed development designed to integrate with the existing topography, landscape features, riparian areas, vegetation, wildlife corridors, existing structures, etc.?

~~6~~29.5. **Complete Street Design.** How is the proposed development street/circulation system designed to accommodate a variety of transportation modes (where appropriate), easy route finding, safe speeds and avoidance of vehicle/pedestrian conflicts?

~~6~~30.6. **Parking Areas.** How does the proposed development balance the need for parking with the need to design parking areas in a manner that minimize visibility, site grading, and exterior lighting?

~~6~~31.7. **Public and Private Outdoor Spaces.** What is the proposed development's need(s) for outdoor space, open space, habitat/wildlife areas, parks, or outdoor amenity areas? How does the proposed development address these needs?

~~6~~32.8. **External Storage.** How does the proposed project address needs for garbage collection, equipment or vehicle storage, etc.?

~~6~~33.9. **Natural Resources.** How does the project preserve and protect critical wildlife habitat, riparian areas, water recharge zones and other natural resources and sensitive lands?

33-080: REQUIRED FINDINGS

The City Council shall make findings with evidence that supports the following conclusions to approve a master planned development. In most cases, conditions of approval will be attached to the final action to ensure compliance.

A. The master planned development site design integrates well into the natural terrain, minimizes excessive site grading and protects and preserves surrounding natural areas.

B. The master planned development makes suitable provisions for the protection, preservation, and enhancement of wildlife habitat, watercourses, riparian areas, drainage areas, wooded areas, steep terrain and similar natural features and sensitive lands.

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C. The master planned development takes adjacent land uses into consideration and mitigates potential impacts, including but not limited to flooding, erosion, subsidence, sloping of the soil or other dangers and nuisances, through careful site planning. Integration of connectivity with adjacent properties, as applicable, has also been considered and provided.

D. The master planned development has direct vehicular access from a public road or suitable private road or driveway access meeting all requirements of the city engineering, development code and fire district standards.

E. The master planned development has a secondary point of access/emergency access or other mitigation satisfactory to the City Council and fire district.

F. All roads/streets within master planned development follow the natural contours of the site wherever possible to minimize the amount of grading and balance cut and fill.

G. Existing or proposed utility and public services are adequate to support the proposed master planned development at normal service levels and are designed in a manner to avoid adverse impacts on existing adjacent land uses, public services, and utility resources.

H. The proposed structures within the master planned development are located on reasonably developable portions of the site as determined by the site analysis and sensitive lands determinations. The open areas within the master planned development are designed so that existing significant vegetation can be maintained to the greatest degree possible.

I. The master planned development includes adequate internal vehicular and pedestrian/equestrian/bicycle circulation in accordance with the City Transportation and Trails Master Plans.

J. The master planned development includes adequate and designated areas for snow removal and snow storage.

K. All exterior lighting within the master planned development is downward directed and fully shielded in compliance with the City Outdoor Lighting standards.

L. The master planned development, as conditioned, complies with all the requirements of this chapter.

M. The master planned development, as conditioned, is consistent with the General Plan.

N. The master planned development has been noticed and a public hearing held in accordance with this chapter.

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ATTACHMENT B

Coalville City

DEVELOPMENT CODE















Updated December 6, 2023
Ordinance 2023-4

Acknowledgements

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Mark Marsh

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Louise Willoughby
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Chapter 1

GENERAL PROVISIONS

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01-010: SHORT TITLE

This Code shall be known as the *COALVILLE CITY LAND USE AND DEVELOPMENT MANAGEMENT CODE* and may be so sited and pleaded.

01-020: PURPOSE

It is the intent and purpose of the Legislative Body of Coalville City, Utah, to promote health, safety, morals. convenience, order, prosperity, and general welfare of the present and future inhabitants of the City by guiding development within the City in accordance with a comprehensive plan prepared and adopted by the City to accomplish the following:

A. Allow development in a manner that encourages the preservation of scenic resources and unique settings of Coalville.

B. Encourage and facilitate orderly growth and development in the City.

C. Facilitate adequate provisions for transportation, water, sewage. schools, parks, and other public requirements.

D. Promote sanitation and health of the inhabitants.

E. Properly manage sensitive/critical lands within Coalville.

F. Provide for well-planned commercial and residential developments.

G. Promote safety from fires, floods, traffic hazards, and other dangers.

H. Discourage the overcrowding of land and undue concentration of population.

I. Discourage undue scattering of population and unnecessary expenditure of monies for excessive streets, water and sewer lines, and other public infrastructure.

J. Stabilize and improve property values.

K. Protect the residents from objectionable noise, odor, dust, fumes, and other deleterious substances or conditions.

L. Promote an attractive and wholesome environment.

M. Protect and enhance the quality of the rural small-town character of the community.

01-030: EFFECT OF CHAPTER

The provisions of this Chapter are general in nature and, as applied, affect this entire Code.

01-040: APPLICATION

The regulations and restrictions as set forth in this Code shall be so interpreted and applied as to further the purposes of this Code.

01-050: DECLARATION

In establishing the zones, the boundaries thereof, and regulations and restrictions applying within each of the zones, due and careful consideration was given, among other things, to the suitability of the land for particular uses, and to the character of the zone, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

01-060: INTERPRETATION

In interpreting and applying this Code the provisions hereof shall be held to be the minimum requirements adopted for the promotion of public health, safety, comfort, convenience, and general welfare. In the case that this Code imposes a greater restriction than is imposed or required by other existing provisions of law or ordinance, then in such case the provisions of this Code shall control (Ord. 2009).

01-070: CONFLICTING PROVISIONS REPEALED

The zoning ordinance of Coalville City heretofore adopted is hereby repealed, also, all ordinances, resolutions, or parts thereof in conflict with the provisions of this Code are

hereby repealed insofar as they conflict with the provisions of this Code, provided, however, that any building, use of land, or any construction thereon which was not authorized by or under the ordinances of the City or which was illegal under such ordinances, shall remain unauthorized and illegal unless expressly authorized or permitted by the provisions of this Code (Ord. 2009).

01-080: RELATION TO PRIOR DEVELOPMENT AND SUBDIVISION ORDINANCE

The procedures set forth in this Code are intended to supersede any inconsistent development and subdivision ordinances. Any application properly vested under prior ordinances at the time this Code is adopted shall proceed procedurally according to this Code but substantively according to the ordinances in effect at the time of vesting.

01-090: CONFLICTS WITHIN THIS CODE

Every effort is made by the City to ensure that this Code is readable and understandable and contains as few defects as possible. If, however, any conflicts, defects, inconsistencies, or ambiguities are found within different sections or chapters of this Code, the Land Use Authority shall apply the section or wording that is more restrictive, stringent or of a higher standard as defined or interpreted by the Staff and Land Use Authority.

The Land Use Authority shall then make every effort to amend this Code to further clarify or repair the defect, conflict, inconsistency, or ambiguity.

01-100: EFFECTIVE DATE

This Code shall take effect upon proper publication of this Code following the date of passage.

01-110: USES NOT PERMITTED IN ZONES UNLESS EXPRESSLY PERMITTED OR CONDITIONAL

Uses of land which are not expressly either permitted or conditional within a particular zone and are not identified as permitted or conditional uses in any other zone that is included in this Code, are hereby expressly declared to be not permitted in all zones, pursuant to the express authority given under terms of this code. The Land Use Authority shall only permit such a use within a zone by the terms of Chapter 8 of this code.

01-120: SCOPE OF CODE

The Legislative Body designed and enacted this Code in accordance with a General Plan for Coalville City to designate, regulate, and restrict:

A. The use of land.

B. Conditional Uses.

C. The erection, construction reconstruction, alteration, location, and uses of buildings.

D. The height, size, arid bulk of buildings and other structures hereafter erected or altered.

E. The size of lots, courts, yards and other open spaces and the percentage of the lot that occupants may use.

F. The height, bulk, and location of objects of natural growth where the City deems such objects as hazardous to life or property.

G. The density and distribution of population.

01-130: SEPARABILITY AND VALIDITY CLAUSE

If any chapter, section, subsection, sentence, clause, phrase, or part of this Code is for any reason held invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remaining provisions of this Code but shall confine its operation to the specific chapter, section, sentence, clause, or part of this Code held invalid and shall not affect the validity of the remaining portion of this Code.

01-140: EFFECT OF OTHER ORDINANCES AND REGULATIONS

Wherever the provisions of any other applicable statute, ordinance, or regulation establish higher or more restrictive standards than the provisions of this Code, the provisions of such other statute, ordinance, or regulation shall govern.

01-150: EFFECT OF PRIVATE COVENANTS AND AGREEMENTS

This Code shall not nullify the more restrictive provisions of private covenants and agreements entered into between private persons but shall prevail over any such provisions that are less restrictive. Enforcement of private covenants and agreements affects only the parties in interest and the City, or its agents may not assume the responsibility for enforcement. Neither shall the provisions of this Code supersede the terms of a valid development agreement entered into by the City.

01-160: COMPLAINTS REGARDING VIOLATION

Whenever a violation of this Code occurs, or a person submits an allegation of such an occurrence, the complaining individual may file a written complaint, stating fully the causes and bases thereof, with the Community Development Department which shall record properly such complaint and timely investigate and take action thereof as provided by this Code.

01-170: PENALTIES

Any person, firm, partnership, or corporation, or the principals or agents thereof whether as principal, agent, employee, or otherwise, willfully violating, causing, or permitting the violation of any of the provisions of this Code or of a decision of the Land Use Authority, Legislative Body, or Appeal Authority, shall be guilty of a Class C misdemeanor and, upon conviction thereof by a court of competent jurisdiction, shall be punishable to the

full extent allowed by law. The City shall be entitled to bring an action to enjoin the continuation of the violation. Private Citizens of Coalville or property owners shall also have a right to file actions to enjoin the continuation of a violation affecting their interests, provided that the plaintiff in such action shall give notice of the action to the City Recorder prior to filing the action. Notwithstanding the foregoing, where a subsequent section of this Code specifies a specific penalty for a specific violation, that penalty shall apply in place of the misdemeanor described in this provision.

01-180: DELEGATION

The City of Coalville may, by resolution or ordinance from time to time, entrust the administration of this Code, in whole or in part, to any officer of Coalville City without amendments to this Code.

01-190: PLANNING COMMISSION

There is hereby created the Coalville City Planning Commission (Land Use Authority) consisting of five (5) members recommended by the Mayor and approved by a majority vote of the City Council at a regularly scheduled City Council meeting. Reappointments of existing planning commission members may be made by the City Council. The Coalville City Planning Commission, hereinafter referred to as the Planning Commission or Commission shall be organized and have the duties and responsibilities as indicated below.

A. **Terms, Eligibility and Compensation of Members**. Each member of the Planning Commission shall serve a term of three years. Members shall be appointed in December of the year upon the expiration of a current member. The terms shall be staggered so that no more than two (2) members are appointed at the same time. Terms expire on the last day of the year, but members on the Planning Commission shall continue to serve until their successors are appointed. The Mayor, with the consent of the City Council, shall appoint a new Planning Commission member to fill vacancies that might arise, and such appointments shall be to the end of the vacated term. No member shall serve more than three (3) consecutive terms, including portions of unexpired terms.

   Members of the Planning Commission shall be residents of Coalville City and have resided within the City for at least ninety (90) days prior to being appointed. Members are deemed to have resigned when they move their residences outside the City limits.

   Members may be compensated per diem, based upon meetings attended as determined by the City Council.

B. **Absence Deemed Resignation or Grounds for Removal.** Any Planning Commission member who is absent from two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings in a calendar year may be called before the City Council and asked to resign or be removed with cause by the Council. All members of the planning commission shall serve at the

pleasure of the City Council and may be removed by a majority vote of the City Council.

C. **Duties and Responsibilities.** The Coalville Planning Commission, referred to as Planning Commission, Commission, or Administrative Land Use Authority, organized in accordance to § 10-9-201 et. seq. of the Utah Code 1996, as amended, shall have the following duties and responsibilities:

1. To prepare a General Plan, any maps required by the plan, and amendments to the General Plan and recommend the plan or amendments to the plan to the City Council.
2. To prepare a Development Code including zoning and subdivision regulations, any maps or exhibits required by the Code, and amendments to the Development Code and recommend the code or amendments to the code to the City Council.
3. Administer provisions of the Development Code as provided in the Code and approved by the City Council.
4. To review and make recommendations to the City Council regarding amendments to the City Zone District Map.
5. To initiate a subpoena to compel documents and testimony required in the normal processing and review of matters pertaining to the Planning Commission.
6. To hear, review, approve or deny, or recommend approval or denial of all applications for conditional uses, temporary uses, minor and major subdivision of property, master planned developments, major development review, development agreements, or other procedures or applications identified in the Development Code in accordance with the rules and regulations established by the City Council.
7. Recommend approval or denial of annexation petitions in accordance with the Development Code or other ordinances of the City.
8. Advise the City Council on matters as the Council directs and hear or decide any matters that the Council designates.
9. To enter upon any land, under consideration for development approval or which has been granted a Conditional Use Approval, at reasonable times, to examine and evaluate the conditions of the project development.

D. **Planning Commission Chair.** At the first meeting held in March, after the appointment of any new members, the members of the Planning Commission shall elect one of its members as chair and one member as vice chair. In the absence of the chair, the vice chair shall act as chair and shall have all powers of the chair. The chair shall serve an initial term of one year and no member shall serve as chair for more than two (2) consecutive one-year terms. In the event the chair or vice chair resigns or is no longer eligible to serve on the commission, the

members of the Planning Commission shall elect a replacement chair or vice chair at the next regularly scheduled meeting.

The chair, or in the chair's absence the vice chair, shall oversee all proceedings before the Planning Commission, and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the Planning Commission. The Chair may participate in any discussions, be counted for the purpose of forming a quorum, and shall be a voting member of the Planning Commission.

Planning Commission meetings are open to the public and will conform to the Utah Open Meetings Act. Notice will be provided for as per Section 03-060 herein, and an annual meeting schedule will be posted and published at least once a year in a newspaper of general circulation.

E. **Quorum and Necessary Vote**. No meeting of the Planning Commission may be called to order without a quorum consisting of at least three (3) members of the Commission being present. No business shall be transacted without at least a majority of all members being present. All actions shall require the concurring vote of a majority of the members present. The chair shall be considered for purposes of establishing a quorum and shall act as a voting member. In the event of a tie vote, the agenda item will automatically be continued until the next meeting where a full quorum is present for a vote. If the agenda item cannot be brought to a majority vote due to a member abstaining it shall be equivalent to a majority nay vote.

F. **Meetings, Hearings and Procedures.**

1. The Planning Commission shall establish a regular meeting schedule. Special meetings, work sessions and field trips for any purpose, may be held at the call of the City Council, the Planning Commission or the CDD or designated planning staff member.

2. If a matter is postponed due to lack of quorum, the matter shall be rescheduled to either the next regular meeting or special meeting. The CDD or designated planning staff member shall notify all members and interested parties of the date of the rescheduled matter.

G. **Joint Planning Meetings**.

1. At the discretion of the City Council at least one joint planning meeting shall be held annually to provide for discussion and coordination among planning commission members, City council members, City staff and members of the public regarding issues of city-wide concern.

2. The purpose of joint planning meetings is to provide for discussion among Planning Commission and City Council members, City staff, other public officials, developers, and the public on various issues related to matters in question. Notice of such joint planning sessions shall be for the purpose of discussion and information and are not intended to result in any formal

action being taken during the joint planning sessions, although information presented at such sessions may be made part of the record of subsequent proceedings of either Planning Commission or City Council.

H. **Planning Commission Staff**. City employees, committees or agents of the City may assist the Planning Commission with its duties. The City Staff shall assist the Commission with technical matters and attend Commission meetings to assist and advise the Commission.

The City Council may appoint a secretary to keep minutes and post agendas of meetings and hearings. The secretary may be paid for services rendered as agreed upon by the City Council. The secretary shall keep minutes of all proceedings of the Planning Commission, which minutes shall be a summary of all proceedings before the Commission, attested to by a majority of the members of the Planning Commission voting. In addition, the recording secretary shall maintain all records of Planning Commission meetings, hearings and proceedings, and the correspondence of the Planning Commission.

I. **Planning Commission Project Review.** The Planning Commission will review each project application for compliance with all requirements and regulations of this Code, including, but not limited to the following:

1. **City Comprehensive Planning and Zoning Review.** The Planning Commission shall have the primary responsibility to initiate long-range planning for the City, including streets, parks, trails, and recreation facilities, long-range zoning objectives, and periodic review of existing plans to keep them current. The Commission shall review proposed annexations to the City and recommend action and zoning on land to be annexed. The Commission shall initiate, hear or recommend zone changes and review development standards within zoning districts.

2. **Subdivision Approval.** The Planning Commission shall review all applications for subdivisions and commercial projects for compliance with the provisions of all applicable regulations of this Code. Following such review, the Commission will forward a recommendation for approval or denial of all subdivision plat, or site plan applications to the City Council.

3. **Master Planned Developments (MPD) Approval.** All proposals for Master Planned Development approval shall be reviewed by the Planning Commission. Following such review, the Commission shall forward a recommendation for approval or denial of all applications to the City Council.

4. **Conditional Use Approval.** The Planning Commission shall review all applications for conditional use approval for compliance with the provisions of all applicable regulations of this Code. Following such review, the Commission shall forward a recommendation for approval or denial of all applications to the City Council.

J. **Consent Agenda**. Applications for approval of uncontested items may be placed on the consent agenda of the Planning Commission. All items on the consent agenda shall be passed or denied by a single motion at the Commission meeting, unless the Commission believes discussion of an item is necessary. When an item is removed from the consent agenda, it shall be acted on at the same meeting at which the removal occurs, unless the applicant requests the item to be tabled in order to provide additional information.

K. **Review of Staff Actions.** At any time, an interested party may request that staff actions on a project application be reviewed by the Planning Commission. The scope of review by the Planning Commission shall be the same as the scope of review at the staff review level on the matters at issue.

L. **Sensitive Lands Review.** Any project containing sensitive lands may be subject to additional requirements and regulations as outlined in the Sensitive Lands Regulations of Chapter 18 of the Code. The Planning Commission shall review required sensitive lands analysis with project applications as prescribed in **Section 18-050** herein.

M. **Right to Farm Review.** Any project falling within the scope of Chapter 26 of the Code may be subject to additional requirements and regulations as outlined in the Right to Farm Provisions. The Planning Commission shall review an agriculture impact analysis with project applications as prescribed in **Section 26-020**.

Chapter 2

DEFINITIONS

For purposes of this Chapter, terms and words used herein shall be used, interpreted, and defined as set forth in this Code. Where definitions are given in another chapter or section of this Code that apply to only that section or chapter, those definitions shall apply first.

Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations"; the word "Code" means "this Code".

A "person" includes a group of people, a corporation, a partnership, a limited company, a limited liability company, and an incorporated association of persons such as a club; "shall" is always mandatory; a "building" includes "structure"; a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

1. **Access**. The provision of vehicular and/or pedestrian ingress and egress to building lots, structures, or facilities.
    a. **Access**, **Private**. Private access is access not under public ownership or control by means of deed, dedication, or easement.
    b. **Access**, **Public**. A means of physical approach...available to the general public. This may also include a visual approach.
2. **Accessory Dwelling Unit**. A residential dwelling unit, but not a mobile home, located on the same lot as a single-family dwelling, either within the same building as the single-family dwelling or in a detached building. Secondary dwelling units shall be developed in accordance with the standards set forth in his code, and only in those zoning districts where the use is listed as permitted.
3. **Accessory Structures and Uses.** A detached subordinate structure, the use of which is incidental to that of the principal structure and located on the same lot therewith.
    a. A use conducted on the same lot as the primary use or structure with which it is associated; and is a use that is clearly incidental to and is customarily found in connection with such primary use; and is either in the same ownership as such primary use or is maintained and operated on the same lot substantially for the benefit or convenience of the owners, occupants, employees, customers, or visitors of the primary use.

b. No accessory structure or use shall be allowed on any lot or parcel unless the permitted primary use is being actively engaged.

c. To be subordinate, the structure or use must be proportionally smaller or less intense than the primary structure or use.

d. To be customary, the structure or use must be commonly or habitually found in connection with the primary structure or use.

e. To be incidental, the structure or use must be reasonably related to the primary structure or use.

f. Accessory Structures and Uses are permanent non-habitable structures or uses including, but not limited to, storage or tool sheds, barns, detached garages, playhouses, gazebos, trellises, greenhouses, patios, decks, swimming pools, hot tubs, fences, retaining walls, or similar structures and uses.

4. **Accessory Use**. A use conducted on the same lot as the primary use or structure with which it is associated; and is a use that is clearly incidental to and is customarily found in connection with such primary use; and is either in the same ownership as such primary use or is maintained and operated on the same lot substantially for the benefit or convenience of the owners, occupants, employees, customers, or visitors of the primary use. No accessory use shall be allowed on any lot or parcel unless the permitted primary use is being actively engaged.

5. **Administrative Permit**. A permit issued by the Community Development Director for specified uses after compliance with applicable development code regulations.

6. **Affected Entity**. A state, county, municipality, local district, special service district, school district, property owners' association, public utility, or any person who owns or occupies land, property or other assets or structures which may be adversely affected as a result of Development Activity or a Development Approval Application.

7. **Agent**. The person with written authorization to represent an Owner.

8. **Adult Business**. An Adult Theater, Adult Cabaret, Adult Motion Picture Theater, Adult Escort Services, Outcall Services, Adult Bookstore or Adult Video Store.

9. **Adult Bookstore or Adult Video Store**. A business establishment which:

a. Holds itself out to be such a business; or

b. Excludes minors from more than thirty (30%) percent of the retail floor or shelf space of the premises; or

c. Which as one of its principal purposes, offers for sale or rental, for any form of consideration, any one or more of the following: Books,

magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations the central theme of which depicts or describes "specified sexual activities" or "specified anatomical areas," or instruments, devices or paraphernalia which are designated for use in connection with specified sexual activities, except for legitimate medically recognized contraceptives.

10. **Adult Cabaret.** An establishment which features as a principal use of its business, waiters, waitresses, or bartenders who are in a state of nudity or semi-nudity, and/or which features on regular basis entertainers who perform in a state of nudity or semi-nudity.

11. **Adult Motion Picture Theater.** A business establishment which:

    a. Holds itself out as such a business; or

    b. As its principal business, regularly shows, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions which are primarily characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

12. **Adult Sex Oriented Facility or Business**. Nude or Semi-Nude Entertainment Businesses and Adult Businesses as defined in this Ordinance.

13. **Adult Theater.** A theater, concert hall, auditorium, or similar business establishment which:

    a. Holds itself out as such a business; or

    b. As its principal business, regularly features persons who appear in live performance in a state of nudity or semi-nudity, or which are characterized by the exposure of "specified anatomical areas" or by "specific sexual activities."

14. **Agribusiness Uses**. Includes businesses that are involved in the marketing and distribution of farm products such as farm to table offerings.

15. **Agriculture**. The tilling of the soil, cultivation of crops, raising of animals, foraging, and grazing, for private or commercial agricultural purposes. Agriculture does not include any agricultural industry or business such as logging, animal hospitals, recreational activities not normally associated with farming and ranching or similar uses.

16. **Allowed Use**. A Use that is permitted in a Zoning District without a Conditional Use Permit, not including Non-Conforming Use.

17. **Alley**. A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

18. **Animal, domestic**. Any animal customarily kept by humans for companionship, including but not limited to dogs, cats, birds, rabbits, hamsters, mice turtles, and the like.

19. **Animal, farm**. Animals other than household pets that may, where permitted, be kept, and maintained for commercial production and sale or family food production, education, or recreation. Farm animals are identified by these categories: large animals, e.g., horses and cattle; medium animals, e.g., sheep and goats; or small animals, e.g., rabbits, chickens, turkeys, pheasants, geese, and ducks.

20. **Animal Specialties**. The raising of exotic animals, reptiles or fowl as an agricultural commercial business or hobby, which is not customarily associated with the historic and traditional agricultural uses and activities of Coalville City.

21. **Annexation**. The addition of territory to Coalville City.

22. **Antenna**. A transmitting or receiving device used in telecommunications that radiates or captures radio, television, data, or similar communication signals.

23. **Antenna Structures**. Equipment, buildings, and appurtenances associated with supporting a device for sending and/or receiving radio, television, data, or similar communication signals.

24. **Apartment**. A dwelling unit within a Multi-Unit Dwelling Building with exclusive living, cooking, sleeping and bathroom areas. A multiple dwelling; see Dwelling, Multi-Family.

25. **Applicant**. The owner or representative of land proposed to be subdivided or developed or any person who submits an official application form. Consent shall be required from the legal owner if required.

26. **Application**. A form or checklist supplied by the City indicating the data and information necessary to process the applicants' proposal(s).

27. **Application**, **Complete**. A submission that includes all information required on the appropriate form or the Code, and payment of all applicable fees.

28. **Architectural Detail.** Physical Properties, features or components of a Building or Structure which embody distinctive characteristics of a type, period, or method of construction and refers to the way in which the property was conceived, designed, or fabricated by a people or culture. Within a Historic District, these physical features or traits commonly recur in individual Buildings. The characteristics can be expressed in terms of form, proportion, Structure, plan, architectural style, or materials such as siding, doors, windows, or trim.

29. **Arterial**. A road intended to allow through-traffic to and from such major activity centers such as central business districts, regional shopping centers, major industrial areas, and similar traffic generators and/or as a route for traffic between communities.

30. **Attached Building**. Units connected on one or more sides to an adjacent unit or units by a common party wall with separate exterior entrance(s) for all unit(s). This shall apply to commercial as well as residential units.

31. **Balcony**. A platform that projects from the wall of a building; and is surrounded by a railing or balustrade.

32. **Bar**. A Business that primarily sells alcoholic beverages for consumption on the premises; includes Private Clubs.

33. **Bed and Breakfast Inns**. A dwelling, including those dwellings of historical significance, in which two (2) to eight (8) rooms are rented out nightly or weekly, offering overnight lodging to travelers, and where one or more meals are provided to the guests only, the price of which is usually included in the room rate.

34. **Billboard**. A board, panel, or tablet used for the display of posters, printed or painted advertising matter, either illuminated or non-illuminated, that directs attention to goods, merchandise, entertainment, or services offered elsewhere than the premises where the sign is located.

35. **Block**. A tract of land bounded by streets or by a combination of streets, public parks, cemeteries, railroad or utility rights-of-way, shorelines of water ways, or boundary lines of municipalities.

36. **Boarding House**. A building other than a hotel, motel, cafe, or restaurant with two (2) or more bedrooms where, for direct or indirect compensation, lodging and/or kitchen facilities or meals are provided for boarders and/or roomers associated with the primary use of the property such as an equestrian center or recreational facility.

37. **Building**. Any structure built for the support, shelter, or enclosure of persons, animals, equipment, or other personal property of any kind.

    a. **Building, Area**. The area of a building includes exterior walls and basement. Unenclosed porches, balconies, patios, and decks are not considered building area.

    b. **Building, Attached**. (See Attached Building.)

    c. **Building, Detached**. Any building or structure separated from another building on the same lot by at least six (6) feet.

    d. **Building, Primary**. The principal building or one of the principal buildings on a lot; or the building housing a principal use upon a lot or parcel.

e. **Building, Public**. Structures constructed by or intended for use by the general public such as libraries, museums, municipal or public works buildings, etc.

38. **Building Inspector or Official**. The person designated by the City to review building permit applications, enforce the Building Code, and conduct inspections of building construction.

39. **Building Pad**. The building pad denotes the area in which the proposed new structure(s) must be located. The area of construction disturbance attributable to the structure(s) (as opposed to utilities installation) may not extend beyond ten (10) feet from the building pad line.

40. **Building Permit**. A permit issued by the Building Official authorizing Construction Activity on a Property or Lot.

41. **Business**. Any activity within Colville carried on for the purpose of gain or economic profit. The acts of employees rendering service to employers are not included in the term Business unless otherwise specifically prescribed. Business includes but is not limited to, the sale or rental of tangible personal or real Property, the manufacturing of goods, or Property and the rendering of personal services for others for consideration by Persons engaged in any professional trade, craft, occupation, or other calling.

42. **Business Offices**. Any site or location that provides space for the transactions, service, or administration by a commercial enterprise and/or where storage of goods and sale of merchandise is minimal and secondary to performance of the service.

43. **Canopy**. A roof structure constructed of fabric or other material placed so as to extend outward from a building providing a protective shield for doors, windows, and other openings; supported by the building and supports extended to the ground directly under the canopy or cantilevered from the building.

44. **Capital Improvements Program**. A proposed schedule of all new, replacement or upgrade of public capital facility projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project.

45. **Certificate of Occupancy**. A certificate issued by the Chief Building Official authorizing occupancy of a dwelling, Business, or any other Structure requiring a Building Permit.

46. **Childcare Center**. A building, other than the operator's primary place of residence, where children receive childcare from a provider:

a. While unattended by a parent, legal guardian, or custodian for regular compensation; and for more than four hours but less than

24 hours in each of 10 consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

b. The childcare provider must hold a valid license from the State.

c. It is intended that childcare centers be classified as commercial uses and can be located in commercial zoning districts.

47. **Child Day Care Home**. See Daycare Center

48. **City**. Coalville City, Utah.

49. **City Attorney**. The licensed attorney designated by the City to furnish legal assistance for the administration of these and other regulations.

50. **City Council**. The Coalville City Council and Legislative Body.

51. **City Engineer**. Engineer, licensed by the State of Utah, that is designated by the City to furnish engineering assistance for the administration of these and other regulations.

52. **City Staff**. The employees and outside consultants of the City including the Public Works Director, Community Development Director, Building Inspector or Official, City Engineer and City Attorney charged with the duties of performing the administrative functions under this Code. All City Staff functions are under the direction of the Mayor and City Council.

53. **Clear view of Intersecting Streets**. On any Corner Lot, an Area is kept clear of Structures, Fences, or tall vegetation, to allow vehicle drivers an unobstructed view of traffic approaching on the intersecting Street.

54. **Code**. The Land Management Code (LMC).

55. **Collector Road**. A road intended to move traffic from local roads to arterial roads. A collector road serves a neighborhood or large subdivision and should be designed so that no residential properties front onto it.

56. **Co-Location**. The location of Telecommunications Facility on an existing Structure, tower, or Building, in such a manner that precludes the need for that Telecommunications Facility to be located on a free-standing Structure of its own.

57. **Commercial Retail Uses**. Means establishments primarily engaged in the sale of goods, merchandise, and materials to the public. Examples of commercial retail uses include archery and gun shops, bicycle shops, pet shop, pharmacy, drugstore, photography shop, thrift shop, sporting goods store, bookstores, antique stores, convenience stores, bakeries, grocery stores, or similar commercial retail uses.

58. **Commercial Service Uses**. Means business and consumer services, primarily offering a service to the public such as, plumbing, carpet cleaning, appliance or small engine repair, linen and catering services,

reprographic services art galleries, museums, bowling alleys, dance studios, gymnasiums, martial arts, karate studios, pet grooming, childcare centers, or similar commercial service uses.

59. **Common Area**. Facilities, land, and yard areas identified within projects for the use and enjoyment of all the residents and maintained and operated by an organization of property holders of that project.

60. **Community Development Director (CDD)**. The Director of Community Development, with overall administrative responsibility for the Planning, Building, and Engineering functions of this Code, under the direction of the Mayor and City Council.

61. **Compatible Development**. A development is compatible with existing properties if its architectural features, building height and materials, approved uses, intensity of such use and other features are complementary and do not have a significant adverse economic and aesthetic impact on the existing development or property, including agricultural properties.

62. **Concept Plan**. A plan indicating the proposed use and layout of a development project. Concept Plans do not require approval but must be completed for review and discussion prior to preparation of a Preliminary Plan or Final Plan.

63. **Conditional Use**. A use requiring special consideration and review in the manner set forth herein.

64. **Condominium**. Any structure that has been converted to condominium ownership under the provisions of the Utah Condominium Ownership Act. This includes residential, nonresidential, and any other space.

65. **Construction Documents**. The maps, drawings and documentation associated with a preliminary subdivision plat or site plan showing the specific location, design, and construction of improvements to be installed in accordance with the development and engineering standards of the City. See also “Improvement Plan”.

66. **Coverage**. Lot area covered by a building or other impervious surfaces such as parking areas, driveways, or sidewalks.

67. **Crest of Hill**. The highest point on a hill or slope as measured continuously throughout the property. Any given property may have more than one hill crest.

68. **Cul-de-sac**. A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement as well as firefighting and other public safety vehicles.

69. **Demolish or Demolition**. Any act or process that destroys in part or in whole a Building or Structure. Excludes Building(s) and/or Structure(s)

undergoing relocation and/or reorientations, disassembly, or Reconstruction.

70. **Daycare Center**. A residential structure, which is the primary residence of the child care provider, in which at least 6 children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative) at any time receive child care from a provider: (1) while unattended by a parent, legal guardian, or custodian; (2) for compensation; and (3) for more than 5 hours but less than 24 hours in each of 10 consecutive days per year, excluding intervening Saturdays, Sundays, and holidays. The childcare provider must hold a valid license from the State.

71. **Density**. The intensity or number of non-residential and Residential Uses per acre or Lot, or units per acre.

72. **Detached**. Completely separate and disconnected. Not sharing walls, roofs, foundations, or other structural elements.

73. **Developer**. The person, persons, corporation, firm, entity, partnership, or designated legal representative owning the land proposed to be developed in any way. Consent shall be required from the legal owner of the property.

74. **Development/Development Activity**. Any of the following activities requiring City approval pursuant to this Code:

    a. Change in use of a building, structure, or land;

    b. Construction, clearing, filling, excavating, grading, paving, dredging, mining drilling or otherwise significantly disturbing the soil of a site;

    c. Building, installing, enlarging, replacing, or substantially restoring a structure or impervious surface;

    d. Erection of a sign;

    e. Alteration of a historic property for which authorization is required under this Code;

    f. Any activity increasing the demand or need for additional public services or facilities, parking or generates additional traffic;

    g. Construction, elimination, or alteration of a driveway within a public road right-of-way.

75. **Development Approval Application**. Includes any application for any development approval including but not limited to grubbing, grading, an alteration, or revision to an approved MPD, conditional use approvals, zoning or rezoning, subdivision, or annexation. The term "development approval application" shall not include any building permits associated with

construction within an approved subdivision or on an existing platted lot unless otherwise specified.

76. **Development Code**. The Coalville City Development Code, as adopted and amended.

77. **Development, Major**. All subdivisions of six (6) or more lots, or multi-family developments of six (6) or more units. Applications for commercial uses, retail commercial establishments, offices, institutional uses, or industrial uses with more than twenty-five thousand (25,000) square feet of floor area.

78. **Development, Minor**. Any subdivision of property resulting in up to, but not more than five (5) lots. Multi-family developments resulting in up to, but not including more than five (5) units. Applications for commercial uses, retail commercial establishments, offices, institutional uses, or industrial uses with less than twenty-five thousand (25,000) square feet of floor area.

79. **Distance.** All distances discussed herein as they pertain to buffers are measured in a straight line, without regard to intervening structures, from the nearest property line to the nearest property line.

80. **Driveway, Residential.** Private access serving up to five (5) residential lots or dwellings and must comply with the Driveway Standards.

81. **Dude/Guest Ranch.** An equestrian or recreational facility operating as a commercial business use, which includes the short-term stay of guests or participants.

82. **Dwelling.** A building or portion thereof designed for use as the residence or sleeping place of one or more persons or families with cooking and bathroom facilities, but not including hotel, motel, lodge, or nursing home rooms.

83. **Dwelling, Accessory.** An area within or attached to a single-family dwelling or above an accessory garage, or as a separate building for the private use of the property owner's relatives, domestic help, house guests or similar users.

    a. These quarters shall be subordinate to the primary dwelling.

    b. Shall not exceed 1,000 square feet or 2/3 the size of the primary dwelling whichever is less.

    c. Accessory dwellings shall use the same utility meter as the primary dwelling.

    d. Only one (1) accessory dwelling unit per detached primary single-family dwelling will be allowed.

    e. The accessory dwelling unit may be separately rented or leased.

84. **Dwelling, Multi-Family.** A building arranged or designed to be occupied by three or more families living independently of each other in separate but attached dwellings.

85. **Dwelling, Primary.** Primary dwelling means a dwelling that is occupied as the primary residence of the owner of record and where a person usually lives.

    a. It may be a single-family dwelling, townhome, or condominium unit.

    b. At a given time, a person shall not have more than one primary residence.

    c. A primary dwelling is the legal residence of an individual for purposes of income tax calculation, real property exemption for primary resident in Summit County, or for acquiring a mortgage.

    d. Generally, a primary residence is determined based on the mailing address, telephone listing, the time spent at the residence per year, and other such factors.

86. **Dwelling, Single Family Detached.** A building arranged or designed to be occupied by only one family; a structure having only one dwelling unit, including mobile homes on permanent foundations and manufactured homes.

87. **Dwelling, Two Family.** A building containing two (2) dwelling units sharing one or more vertical and no horizontal common walls. Each of which is designed for and used as a dwelling unit exclusively by one (1) family and its guests. It may also be referred to as a duplex.

88. **Easement**. Authorization by a property owner for the use by another and for a specified purpose of any designated part of the property.

89. **Egress**. An exit for vehicles from public or private parking lots and drives.

90. **Equestrian Facility.** A facility created and maintained for the purpose of accommodating, training or competing equids, especially horses.

    a. Includes a barn, stables, or riding hall and may involve commercial operations described by terms such as a boarding stable, livery yard, or livery stable.

    b. Larger facilities may be called equestrian centers and co-located with complementary services such as a riding school, farriers, veterinarians, tack shops, or equipment repair.

91. **Erect**. To build, construct, place, relocate, enlarge, substantially alter, attach, suspend, paint, post, or display. Normal maintenance, including refinishing is not included in this definition provided the sign copy is not changed or altered.

92. **Escrow**. A deposit of cash with the City or approved alternate entity in lieu of an amount required on a performance or maintenance guarantee. Such escrow funds shall be deposited in a separate account.

93. **Escort**. Any person who, for pecuniary compensation, dates, socializes, visits, consorts with or accompanies or offers to date, consort, socialize, visit, or accompany another or others to or about social affairs, entertainment, or places of amusement or within any place of public or private resort or any business or commercial establishment or any private quarters. "Escort" shall not be construed to include persons who provide business or personal services such as licensed private nurses, aides for the elderly or handicapped, social secretaries or similar service personnel whose relationship with their patron is characterized by a bona fide contractual relationship and who provide a service not principally characterized as dating or socializing.

94. **Escort Service**. An establishment which features as a principal use of its business, for pecuniary compensation, furnishing or offering to furnish escorts, or provides or offers to introduce patrons to escorts.

95. **Family**. An individual, or two or more persons related by blood, marriage, or adoption, or a group of not more than four (4) persons who are not related, occupying the same dwelling unit, and maintaining a common household.

96. **Fence**. A structure constructed for reasons of privacy, security, or aesthetics that is located in such a manner as to separate or divide areas. Includes hedges and masonry walls and may or may not be sight obscuring or opaque.

97. **Filtered Light Fixture**. Any outdoor light fixture that has a refractive light source. Quartz or clear glass does not refract light.

98. **Final Approval**. Final approval by the City Council, Planning Commission or Administrative Law Judge of a development plan, plat, project, rezoning, use, variance, appeal, enforcement, activity, or other action that shall be given after all the requirements set forth in the Code have been met and after all concerns of the reviewing agency have been addressed and answered.

99. **Final Plan/Site Plan**. The final map, plat, plan, or record of a subdivision, commercial or industrial project, with any required accompanying information as described in these regulations.

100. **Flood Plain Area**. An area adjacent to a river, stream, or water course, or other body of standing water in which a potential flood hazard exists due to inundation or overflow of water having sufficient volume and velocity to transport or deposit debris, scour the surface soil, dislodge, or damage buildings, or erode the banks of water courses. Any area designated as a flood plain by the Department of Housing and Urban Development or the

Federal Emergency Management Agency or any other agency of the United States Government or State and Local Government Agencies, including Coalville City.

101. **Floor Area**. The area of a building that is enclosed by surrounding exterior walls. It is the intent of this definition to include lower levels into the floor area calculation that are not true basements. A true basement has all four walls underground. Therefore, a lower level will be counted into the floor area of a building if it is less than 80% underground or has an outside door. If an entire lower level does not meet the criteria for exclusion from the floor area calculation, no part of the lower level may be excluded. Garages, unenclosed porches, balconies, patios, and decks will not be considered floor area. This definition is for planning purposes only and may conflict with other methods of calculating square footage such as the Building Code.

102. **Floor Area Ratio**. The floor area of a building as defined in this Chapter, divided by the total area of the lot or parcel on which the building is situated.

103. **Frontage**. That side of a lot abutting on a street or right-of-way and ordinarily regarded as the front of the lot.

    a. **Frontage Block**. All property abutting one side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street line.

    b. **Frontage Street**. Any street to be constructed by the developer or any existing street in which development shall take place on one or both sides.

104. **Gabled Roof.** Gabled refers to the family of houses classified by the straight slope falling from ridge to eave, creating a peak or triangle on the side or front facade.

105. **Garage, Private**. A detached accessory building or a portion of a primary building used for the storage of motor vehicles for the tenants or occupants and not by the general public.

106. **Garage, Public**. A building or a portion thereof, other than a private garage, used for servicing, repairing, equipping, hiring, selling, or storing motor vehicles.

107. **General Plan**. A Comprehensive Plan for the City prepared and adopted by the Planning Commission and City Council, pursuant to State law, and including land use planning and development goals, objectives, and policies.

108. **Geologic Hazard**. A hazard inherent in the crust of the earth, or artificially created, that is dangerous or potentially dangerous to life, property, or

improvements due to the movement, failure, flooding, or shifting of the earth.

109. **Governing Body**. The governing or Legislative Body of the City (Coalville City Council) having power to adopt, amend or rescind ordinances, including this Code.

110. **Grade**. The ground surface elevation of a Site or Parcel of land.

    a. **Grade, Existing**. The Grade of a Property prior to any proposed Development or Construction Activity.

    b. **Grade, Natural**. The Grade of the surface of the land prior to any Development Activity or any other man-made disturbance or Grading. City Staff shall estimate the Natural Grade, if not readily apparent, by reference elevations at points where the disturbed Area appears to meet the undisturbed portions of the Property. The estimated Natural Grade shall tie into the elevation and Slopes of adjoining Properties without creating a need for a new retaining wall, abrupt differences in the visual Slope and elevation of the land or redirecting the flow of run-off water.

    c. **Grade, Final**. The finished or resulting Grade where earth meets the Building after completion of the proposed Development Activity.

111. **Guarantee**. Any form of security including a letter of credit, escrow agreement, bond, or instrument of credit in an amount and form satisfactory to the City Council. All guarantees shall be approved by the City Staff or City Council wherever required by these regulations.

112. **Guest House**. An accessory dwelling unit intended for the inhabitation by non-rent paying guests. Includes separate cooking and sleeping quarters and is maintained and owned by the primary residence.

113. **Guyed Wire Tower**. An open steel frame supported by guyed wires which extend 80% of the height of the structure away from the structure.

114. **Hard surfaced.** A land surface covered with concrete, asphalt, or other impervious material.

115. **Health Department and Health Officer.** The agency and person designated by the City Council to administer the health regulations of the City. This may be the Summit County Health Department and Director or the applicable Department of Health and Director of the State of Utah.

116. **Height, Building**. The vertical distance from natural undisturbed grade to the highest point of a flat roof or the ridge of a hip or gable roof or to the deck line of a mansard roof. The building height measurement shall occur at any point within the building plane where height occurs.

117. **Highway, Limited Access**. A freeway or expressway providing a traffic way for through traffic to which owners or occupants of abutting property

and other persons have no legal right to access to or from the same; except at such points and in such manner as may be determined by the Utah Department of Transportation, having jurisdiction over such traffic way.

118. **Home Occupation**. An occupation or profession which may be conducted within a dwelling unit or on the premises thereof, by the Persons residing within the same dwelling, which Business is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

119. **Hospital**. An institution specializing in clinical, temporary, or emergency medical services to humans and/or licensed by the state to provide facilities and services in surgery, obstetrics, and general medical practices. Does not include Uses defined as "Office, Medical".

120. **Hotel/Motel**. A building containing sleeping rooms for the temporary occupancy of guests. Accessory facilities may include a lobby, meeting rooms, recreation facilities, group dining facilities and/or other facilities or activities customarily associated with hotels or motels. This does not include lock-out units or boarding houses.

121. **Hotel/Motel Room**. A unit consisting of one room, without a kitchen, intended for temporary living and sleeping purposes and including a separate, exclusive bathroom.

122. **Household Pet**. See Animal, domestic.

123. **Impact Analysis**. A determination of the potential impact of a proposed residential, commercial, or industrial development upon the environment, community, and public services.

124. **Improvements.** See Lot Improvements or Public Improvements.

125. **Improvement plan.** A plan to complete permanent infrastructure on the subdivision that is essential for the public health and safety, that is required for human occupation, or that is required by applicable law and that an applicant must install in accordance with public installation and inspection specifications for public improvements and as a condition of recording a subdivision plat.

126. **Ingress**. Access or entry point to public and/or private parking areas and/or driveways for vehicles.

127. **Joint Ownership**. The ownership among persons construed as the same owner or "constructive ownership" for the purpose of imposing development regulations.

128. **Kitchen**. A room or space within a room equipped with such electrical or gas hook-up services that would enable the installation of a range, oven, or like appliance for the storage and preparation of food.

129. **Land Use Administrator**. A City official or employee tasked with administering and enforcing various land use regulations, as identified in City ordinances.

130. **Land Use Application**. An application required by the City and submitted by a land use applicant to obtain a land use approval; this does not mean an application to enact, amend, or repeal a land use regulation.

131. **Land Use Authority**. An individual, board, or commission appointed or employed by the City to make land use decisions. “Land Use Authority” includes any appropriately authorized designees.

132. **Landscaping**. Process of making a property more attractive by altering the existing design, adding ornamental features, installing materials, and planting trees and shrubs.

    a. **Landscaping, Interior**. Planting islands located within a Parking Area.

    b. **Landscaping, Parking Area**. Includes all spaces, aisles, and drives as defined by the top-back of curb or edge of pavement.

    c. **Landscaping, Perimeter**. Planting Areas between the Property Line and Parking Area.

133. **Lattice Tower**. A self-supporting, multiple sided, open steel frame structure used to support telecommunications equipment.

134. **Light Source**. A single artificial point source of luminescence that emits a measurable radiant energy in or near the visible spectrum.

    a. **Light Source, Refractive**. A Light Source that controls the Vertical and Horizontal Foot Candles and eliminates glare.

135. **Limits of Disturbance Line**. A boundary line(s) on a final site plan or subdivision plat indicating the area in which construction activity must be contained. Construction disturbance may not extend beyond the limits of the disturbance line(s) as indicated unless amended as per this Code.

136. **Local Government**. Coalville City, Utah.

137. **Local Government Attorney**. See City Attorney.

138. **Local Government Engineer**. See City Engineer.

139. **Local Road**. A road intended to provide access to other roads from individual lots or parcels and/or to provide a right-of-way for sewer, water, and storm drainage pipes and all other public and private utilities.

140. **Lot**. A parcel or unit of land describable either by metes and bounds, or by other legal plat designation, held or intended to be held in separate ownership or leasehold. A parcel or unit of land shown as a lot on a recorded subdivision plat, used in the lease, sale or offer of lease or sale,

of land resulting from the division of a larger tract into smaller units. A lot may not necessarily be buildable.

141. **Lot, Corner (Corner Lot)**. A lot situated at the intersection of two streets with the interior angle of such intersection not exceeding 135 degrees.

142. **Lot Depth**. The minimum distance measured from the front property line to the rear of same property boundary.

143. **Lot Improvement**. Any building, construction, paving, landscaping, work of art, or other improvement of the land constituting a physical betterment of real property. Certain lot improvements shall be guaranteed as provided for in these regulations.

144. **Lot Line Adjustment**. The relocation of the Property Line between two (2) adjoining Lots, where no additional lot(s) are created, and all final lots conform to the regulations set forth in each respective zone.

145. **Lot Line, Front**. The property line dividing a lot from the right-of-way of the street. A front setback shall be required for each side of a parcel that borders a public or private street right-of-way. See the Supplementary Regulation Chapter 3 for specific setbacks on unusual lots.

146. **Lot Line, Rear**. The property line opposite the front lot line.

147. **Lot Line, Side**. Any lot line other than a front or rear lot line.

148. **Lot Width**. The minimum distance between the side property lines.

149. **Lot of Record**. A parcel or lot that was lawfully created prior to the effective date of the original Coalville City Development Code (January 8, 1994).

150. **Low-Power Radio Services Facility**. An unmanned structure which consists of equipment used primarily for the transmission, reception or transfer of voice or data through radio wave or wireless transmissions. Such sites typically require the construction of transmission support structures to which antenna equipment is attached.

151. **Major Road**. Main Street north and south to the City limits and Chalk Creek and Border Station Roads east to the City limits.

152. **Master Street Plan**. A master street plan which identifies future access points, arterial, collector and local street classifications, current and proposed traffic volumes, and projections of needs for future growth.

153. **Master Plan**. See General Plan.

154. **Master Planned Development (MPD)**. A development reviewed under the Master Planned Development processes described in this Code. A form of Development characterized by a comprehensive and unified Site Plan and Design. The MPD generally includes a number of housing units;

a mix of Building types and land Uses; clustering Buildings and providing Open Space; flexibility in Setback, Height, and Density allocations; and providing additional valued community amenities.

155. **Maximum Extent Feasible**. Means no prudent, practical, and feasible alternative exists, and all possible planning to minimize potential harm has been undertaken. Economic considerations may be considered but shall not be the overriding factor in determining "maximum extent feasible."

156. **Model Home**. A dwelling unit used initially for display purposes that typifies the type of units that will be constructed in the subdivision. Such dwelling units may be erected, at the discretion of the Planning Commission and City Council, by permitting a portion of a subdivision to be created according to the procedures for as set forth in this Code.

157. **Monopole**. A single cylindrical steel or wood pole that acts as the support structure for antennas.

158. **Municipality**. Coalville City, Utah.

159. **Neighborhood Park and Recreation Improvement Fund**. A special fund that may be established by the City Council to retain monies contributed by developers in accordance with the "money in lieu of land" provisions of these regulations to develop land within reasonable proximity of the property to be subdivided so as to be of local use to the future residents of the subdivision(s).

160. **Nightly Rental (Short-Term Rental)**. The rental of a room, apartment, house, or lockout unit for a short-term period of less than thirty (30) days. Nightly rentals require a business license and are subject to all applicable off-street parking requirements, noise disturbance regulations, transient room tax, and other requirements.

161. **Non-conforming Use**. As used in this Code, a nonconforming use is the use of land that:

    a. Legally existed before its current land use designation; and

    b. Has been maintained continuously since the time the land use ordinance regulation governing the land changed; and

    c. Because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

162. **Non-complying Structure**. As used in this Code, a non-complying structure is a structure that:

    a. Legally existed before its current land use designation; and

b. Because of one or more subsequent land use ordinance changes, does not conform to setback, height restrictions, or other regulations, excluding those regulations that govern the use of land.

163. **Non-Residential Subdivision**. A subdivision whose intended use is other than residential, such as agricultural, commercial, or industrial. Such subdivision shall comply with the applicable provisions of the City General Plan and the requirements of this Development Code.

164. **North Summit Fire District (NSFD)**. The local fire district with responsibility of ensuring subdivisions, commercial structures, individual single-family dwellings, and other structures meet the requirements of the International Fire Code as amended.

165. **Nude or Semi-Nude Entertainment Business**. A business, including an Adult Theater, where employees/entertainers perform or appear in the presence of patrons of the business in a state of nudity or semi-nudity. A business shall also be presumed to be a Nude or Semi-Nude Entertainment Business if the business holds itself out as such a business.

166. **Nudity or State of Nudity**. A state of dress in which the areola of the female breast, or male or female genitals, pubic region, or anus are covered by less than the covering required in the definition of semi-nude.

167. **Nursery, Greenhouse**. A place or structure in which young plants are raised for experimental purposes, for transplanting, or for sale.

168. **Nursing Home**. An institution described also as a "rest home" or "convalescent home", other than a hospital in which persons are lodged and furnished with care rather than diagnoses or treatment.

169. **Off-site**. Any premises not located within the area of the property to be developed, whether or not in the same ownership of the applicant for development approval.

170. **Official Zoning Map**. The map established by the City Council pursuant to law showing the zoning districts, adopted, and established by law.

171. **Official Master Plan**. See General Plan.

172. **Obscene**. Any material or performance is Obscene if:

a. The average person, applying contemporary community standards, finds that, taken as a whole, it appeals to prurient interest in sex;

b. It is patently offensive in the description or depiction of Nudity, sexual conduct, sexual excitement, sado-masochistic abuse, or excretion; and

c. Taken as a whole, it does not have serious literary, artistic, political or scientific value.

173. **One-Bedroom Apartment**. A dwelling consisting of a living room, a kitchen (which may be a part of the living room), a single room designed and intended as a bedroom, and a bathroom for the exclusive use of that unit, all having a combined floor area of not more than 1,000 square feet.

174. **Open Space**. Land area that is unoccupied or unobstructed by any aboveground buildings or real property so designated as open space. All forms of open space are referred to collectively as "open space" in this Code. Any of these forms of open space could be publicly or privately owned or controlled. They shall include:

    a. **Open Space, Agricultural**. Open lands left undisturbed or dedicated primarily as usable agricultural lands for farming and ranching purposes and intended for use by residents of the development, neighborhood, or community.

    b. **Open Space, Landscaped.** Landscaped Areas, which may include local government facilities, necessary public improvements, and playground equipment, recreation amenities, public landscaped and hard-scaped plazas, and public pedestrian amenities, but excluding Buildings or Structures.

    c. **Open Space, Natural**. Natural, undisturbed areas with little or no improvements or irrigation. This may include such areas as ridge lines, slopes over thirty (30) percent, wetlands, stream corridors, trail linkages, visual linkages, or view sheds. These areas may be subject to an open space conservation easement to ensure that they remain undisturbed and to provide public access as deemed appropriate by the Planning Commission and City Council.

175. **Operator**. The manager or other natural person principally in charge of an Establishment.

176. **Ordinary High-Water Mark**. The line on the bank to which the high water ordinarily rises annually in season as indicated by changes in the characteristics of soil, vegetation or other appropriate means which consider the characteristics of the surrounding areas. Where the ordinary high-water mark cannot be found, the top of the channel bank shall be substituted. In braided channels, the ordinary high-water mark or substitute shall be measured so as to include the entire stream feature.

177. **Ordinary Repairs and Maintenance**. Work done on a Building, or any part thereof, in order to correct any deterioration, decay, or damage in order to restore the same to its condition prior to such deterioration, decay, or damage.

178. **Ordinance**. Any legislative action of the Coalville City Council that has the force of law, including any amendment or repeal of any ordinance.

179. **Outcall Services**. Escorts and businesses which provide, as any portion of their business, nude or semi-nude services outside of the premises in any place of private resort or private quarters by models, dancers, or other similar employees.

180. **Outdoor Advertising Structure**. A structure erected and maintained for outdoor advertising purposes upon which a poster, bill, printing, or painting may be placed to advertise products, goods, services, or business establishments of those located, conducted, manufactured, or sold upon the premises on which the structure is erected.

181. **Owner**. Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land proposed to be developed or subdivided under these regulations.

182. **Parcel**. An un-platted unit of land described by metes and bounds and designated by the County Recorder's Office with a unique tax identification number.

183. **Parking, Public**. A parking area or facility on private or public property to be used by the public. Fees for the use thereof may or may not be assessed.

184. **Parking, Shared**. The Development and Use of Parking Areas on two (2) or more separate Properties for joint Use by the businesses or residents on those Properties.

185. **Parking Lot, Commercial**. A lot used for the temporary parking of automobiles for compensation.

186. **Parking Lot, Private**. A lot used for the temporary parking of automobiles for exclusive use(s) with or without compensation.

187. **Parking Space**. A 9' x 18' area maintained for the parking of an automobile or other vehicle, that is graded for proper drainage and is hard surfaced or porous paved where specially permitted.

188. **Parking Structure**. A fully enclosed structure designed and intended for parking of more than four (4) vehicles.

189. **Perimeter Street**. Any existing street to which the parcel of land to be subdivided abuts on only one (1) side.

190. **Permitted Use**. The use of land or a building allowed by right under the provisions of this Code.

191. **Planning Commission**. The Coalville City Planning Commission and Land Use Authority.

192. **Plat.** An instrument subdividing property into lots as depicted on a map or other graphic representation of land that a licensed professional land

surveyor makes and prepares in accordance with §10-9a-603 or §57-8-13 of Utah State Code (as amended).

193. **Plat Amendment**. A change in a map or plat of an approved or recorded subdivision affecting any street layout or area reserved thereon for public use or any lot line.

194. **Porous Paving**. A substantial surfacing material designed and intended to support light vehicular movement. Porous paving includes paving systems such as modular pavers that provide at least fifty (50) percent surface exposure suitable for the establishment and growth of plant materials and that substantially abates surface water runoff. Gravel and/or compacted soil are not acceptable as porous paving materials.

195. **Primary Use**. The principle use for which the premises, land or a building therein is designed, arranged, or intended, or for which it is or may be occupied or maintained.

196. **Private Road**. See Road, Private.

197. **Professional Office**. A building or space used by persons performing Professional Services who, by virtue of training and/or license, are qualified to perform services of a professional nature, and/or where no goods or merchandise are sold or stored.

198. **Professional Services**. Services that are technical or unique functions performed by independent contractors, firms, businesses, or consultants whose occupation is the rendering of such services. Includes the performance of any type of professional service to the public that requires a license or admission to practice or other legal authorization from a licensing board, commission, or division of professional licensing. Examples of professional services include architectural, engineering, surveying, land planning, legal, accounting, appraisal, financial planning, banking, dental and medical offices, real estate brokerages, salons, spas, consulting firms, or similar professional service uses.

199. **Property**. Any parcel, Lot, or Tract of land, including improvement, buildings, and structures thereon.

200. **Property Line**. The boundary line of a Parcel or Lot.

201. **Property Line, Front**. The part of a lot that abuts a public or private street or public right-of-way.

202. **Property Owner.** Any Person, or group of Persons, having record title to the Property, and the Owner's Agent.

203. **Public Improvement.** Any drainage ditch or system, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, water or sewer system, or other facility for which the City may ultimately assume the responsibility for maintenance and operation,

or that may affect an improvement for which City responsibility is established. All such improvements shall be properly guaranteed and installed as per City codes, specifications, and regulations.

204. **Public Use**. A use operated exclusively by a public body or quasi-public body, such use having the purpose of serving the public health, safety, or general welfare, and including uses such as public schools, parks, playgrounds, recreational facilities, administrative offices, service facilities, and public utilities.

205. **Qualified Professional**. A professionally trained person with the requisite academic degree, experience, and professional certification or license in the field or fields relating to the subject matter being studied or analyzed.

206. **Quasi-Public Use**. A use operated by a private nonprofit educational, religious, recreational, or charitable institution. Such use having the purpose primarily of serving the general public, such as churches, private schools, and universities, or similar uses.

207. **Recreational Facilities or Uses**. Means and refers to any land, buildings, and facilities which are operated as recreational facilities, whether public or private or other areas maintained for the purpose of providing active and passive recreation.

    a. Recreational uses include private parks, playgrounds, walking trails, bike paths, club houses, pool house, tennis and pickle ball and other sports court(s) athletic/health spas, saunas, steam baths, swimming pools, skating rinks, fitness centers, entertainment, indoor weaponry activities, other similar uses and equipment and associated accessories used for leisure activities performed either singly or collectively through forms of play, sports, amusement, entertainment, or relaxation.

    b. Recreational Facilities or Uses do not include dwellings, nightly rental or resort units, outdoor gun ranges, outdoor gun clubs, outdoor archery ranges, hatchet facilities, golf courses, driving ranges or ski resorts.

208. **Recreation, Private**. Recreation facilities operated on private property and not open to the public.

209. **Recreation, Public**. Recreation facilities operated by a public agency and open to the public with or without a fee.

210. **Registered Engineer**. An engineer properly licensed and registered in the State of Utah.

211. **Registered Land Surveyor**. A land surveyor properly licensed and registered in the State of Utah.

212. **Restaurant**. A building in which food is prepared and served for consumption on the premises.

213. **Restaurant, Drive-Through**. A building in which food is prepared and served for consumption on the premises and includes a drive-in facility which allows food to be ordered and taken from the premises for consumption elsewhere.

214. **Re-subdivision**. See - Plat Amendment.

215. **Ridgeline**. An area including the crest of a hill or slope which is a prominent topographic feature as viewed from major highway corridors including, but not limited to, Interstate 80, Main Street and Chalk Creek Road.

216. **Right-of-Way**. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use.

217. **Roads, Classification**. For the purpose of providing for the development of the streets, highways, roads, and rights-of-way for future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks and drainage. The classification of each street, highway, road, and right-of-way is based upon its location in the respective zoning districts of the City and its present and estimated future traffic volume and its relative importance and function as specified on the Streets Master Plan.

218. **Road, Dead End**. A road or a portion of a street with only one vehicular traffic outlet.

219. **Road, Major**. That portion of 1-80 within Coalville City limits and all of Main Street and Chalk Creek Road within the City limits.

220. **Road, Private**. A road not owned by Coalville City, providing access to more than five (5) dwellings; in accordance with International Fire Codes, and Coalville City standards for Private Roads.

221. **Road Right-of-Way Width**. The distance between property lines measured at right angles to the center line of the street.

222. **Roof-Mounted Antenna**. An antenna or series of antennas mounted on an existing roof, mechanical room, or penthouse of a building.

223. **Sale or Lease**. Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, interstate succession, or transfer, of an interest in a development or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, interstate succession, or other written instrument.

224. **Same Ownership**. Ownership by the same person or persons, corporation or corporations, firm or firms, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, associate, or a member of a family owning interest in each corporation, firm, partnership, entity, or unincorporated association.

225. **Satellite Receiving Station**. Any apparatus or device that is designed for the purpose of transmitting and/or receiving radio, television, satellite microwave, or other electromagnetic energy signals between terrestrial and/or orbital based units. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, satellite microwave antennas, TVRO's or dish antennas. This definition does not include conventional television antennae or ham radio antennae.

226. **Screen or Screened**. A method of visually shielding or obscuring an abutting or nearby use or structure from another by fencing, walls, berms, or densely planted vegetation.

227. **Semi-Nude**. A state of dress in which a person wears opaque clothing covering only the male or female genitals, pubic region, and anus, by an opaque cover that is four inches wide in the front and five inches wide in the back tapering to one inch at the narrowest point, and only the nipple and areola of the female breast, if applicable.

228. **Sensitive Lands**. For the purposes of this Code, any development, development activity or use located within Sensitive Lands must satisfy the requirements of this Chapter. Sensitive Lands include, but are not limited to:

    a. Drainage ways, floodplains, lake shores, water shed and recharge zones.

    b. Entry corridors and important vantage points.

    c. Natural or environmentally hazardous areas.

    d. Scenic view sheds, foothills, and ridgelines.

    e. Slopes greater than fifteen (15) percent.

    f. Unique natural features such as dense tree or shrub stands, rock outcroppings, ponds or springs and historic features.

    g. Stream corridors.

    h. Wetlands

    i. Wildlife habitat and fisheries.

229. **Setback**. The distance between a building or structure foundation wall and the street or road right-of-way line, or nearest property line, thereto with

exceptions for accessory structures, covered patios and decks, window wells and similar structures as specified in each zone district for a minimum 3-foot setback. A front setback is required for each side of a lot bordering a public or private street or driveway right-of-way.

230. **Sexually Oriented Business Employees**. Those employees who work on the premises of the Adult/sex-oriented facility or business in activities related to the sexually oriented portion of the business.

    a. This includes all managing employees, dancers, escorts, models, and other similar employees whether or not hired as employees, agents, or independent contractors.

    b. Employees shall not include individuals whose work is unrelated to the sexually oriented portion of the business, such as janitors, bookkeepers, and similar employees.

    c. All persons employed by an outcall service making outcall meetings under this Ordinance, including dancers, escorts, models, guards, drivers, and other similar employees, regardless of the employee's state of dress, shall be considered sexually oriented business employees.

231. **Sign**. Any copy, words, lettering, parts of letters, figures, numerals, phrases, sentences, devices, designs, pictures, trade names, or trademarks by which anything is made known.

    a. Used to designate or identify a firm, association, corporation, profession, business, goods, or service, whether placed on the ground, rocks, trees, stumps, or other natural objects, or on a building, wall, roof, frame, support, fence, or other manmade structure, that is visible from any public street, highway, trail, public right-of-way, or easement.

    b. For the purpose of this Code, the word "sign" does not include the flag, pennant, or insignia of any nation, state, city, or other political unit, or of a nonprofit organization.

    c. It shall not include any official notice issued by any court, public body or officer, or directional warning or information sign or structure required or authorized by law.

232. **Site Development Standards**. Established regulations for lot areas, yard setbacks, building height, lot coverage, open space, and any other special regulations deemed necessary to accomplish the goals and purposes of the General Plan and this Code.

233. **Slope**. The level of inclination of land from the horizontal is determined by dividing the horizontal run of the slope into the vertical rise of the same slope and converting the resulting figure into a percentage value.

234. **Slope, Steep**. Slopes greater than fifteen (15) percent.

235. **Specified Anatomical Areas**. The human male or female pubic area or anus with less than a full opaque covering, or the human female breast from the beginning of the areola, papilla, or nipple to the end thereof with less than full opaque covering.

236. **Specified Sexual Activities**. Means:

    a. Acts of masturbation, human sexual intercourse, or sodomy; or

    b. Manipulating, caressing, or fondling by any person of the genitals of a human, the pubic area of a human, or the breast of a human female; or

    c. Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of the one so clothed.

237. **Stream**. Water Courses, excluding ditches and canals constructed for irrigation and drainage purposes, flow year around or intermittently during years of normal rainfall.

238. **Stream Corridor**. The corridor as defined by the stream's ordinary high-water mark and riparian vegetation boundary.

239. **Street, Public**. A street under the control of and kept by the public, established by regular government proceedings for the purpose or dedicated by the owner of the land and accepted by the proper authorities which are responsible for the maintenance of said street.

240. **Street Vacation**. The relinquishment of any interest of any dedicated public street.

241. **Structure**. Anything constructed, the use of which requires fixed location on or in the ground, or attached to something having a fixed location upon the ground and that imposes an impervious material on or above the ground; definition includes "building".

242. **Studio Apartment**. A dwelling unit of not more than one thousand (1000) square feet combined floor area consisting of a single room equipped for cooking, living, and sleeping having a separate bathroom and kitchen for the exclusive use of that apartment.

243. **Subdivider**. Any person, group of persons, corporation or corporations, firm or firms, or other entity who having an interest in land, causes it, directly or indirectly, to be divided into a subdivision; engages directly or indirectly through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development of a subdivision.

244. **Subdivision Agent**. Any person who represents, or acts for or on behalf of, a subdivider or developer in selling, leasing, developing, or offering to

sell, lease, or develop any interest, lot, parcel, unit, site, or subdivision plat, except an attorney-at-law whose representation of another person consists solely of rendering legal services.

245. **Subdivision**. Any land that is divided, subdivided, or proposed to be divided into two or more lots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

a. Subdivision includes:

i. The division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and

ii. Except as provided below, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

b. Subdivision does not include:

i. 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 land use ordinance;

ii. A boundary line agreement recorded with the Office of the County Recorder between owners of adjoining parcels adjusting the mutual boundary in accordance with §10-9a-524 of Utah State Code (as amended) if no new parcel is created;

iii. A recorded document, executed by the owner of record revising the legal descriptions of multiple parcels into one legal description encompassing all such parcels or joining a lot to parcel;

iv. A boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with §10-9a-524 and §10-9a-608 of Utah State Code (as amended) if no new dwelling lot or housing unit will result from the adjustment and the adjustment will not violate any applicable land use ordinance;

v. A bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division is in anticipation of future land use approvals on the parcel or

parcels does not confer any land use approvals, and has not been approved by the land use authority;

vi. A parcel boundary adjustment;

vii. A lot line adjustment;

viii. A joining of one or more lots to a parcel;

ix. A road, street, or highway dedication plat;

x. A deed or easement for a road, street, or highway purpose; or

xi. Any other division of land authorized by law.

246. **Substantial economic hardship**. Denial of all reasonable economic use of the property.

247. **Support Commercial Facilities and Uses**. Those commercial uses and facilities that are associated with a Master Planned Development for the purpose of serving the needs of the residents or users of that development, and not the general public. Examples of support commercial uses include barber shops, beauty salons, travel agencies, clothing stores, gift shops, convenience stores, art galleries, auto rentals, camera stores, liquor stores, pharmacies, sporting goods stores, day care nurseries, information centers, tennis or club houses, or other similar uses.

248. **Tandem Parking**. Parking designs which necessitate parking one vehicle behind another. Such parking may not include more than two (2) cars in depth and may not require occupants of separate dwellings to park behind one another.

249. **Telecommunications**. The transmission between or among points specified by a user, of information of the user's choosing, without change in the form or content of the information as sent or received.

250. **Telecommunications Facility**. A Telecommunications Facility consists of Antenna, Equipment Shelters, and related Structures used for transmitting and/or receiving Telecommunications and/or radio signals.

a. **Telecommunications Facility, Co-Location**. The location of Telecommunications Facility on an existing Structure, tower, or Building, in such a manner that precludes the need for that Telecommunications Facility to be located on a free-standing Structure of its own.

b. **Telecommunications Facility, Equipment Shelter**. A cabinet or Building used to house equipment for Telecommunications Facilities.

c. **Telecommunications Facility, Stealth**. A Telecommunications Facility which is disguised as another object or otherwise concealed from public view.

d. **Telecommunications Facility, Technical Necessity**. A particular design, placement, construction, or location of a Telecommunications Facility that is technically necessary for Telecommunications consistent with the Federal Telecommunications Act of 1996, as amended.

251. **Temporary Improvement**. Improvements built and maintained by a developer during construction of a development and prior to release of the performance guarantee.

252. **Use**. The purpose or purposes, for which land or Structures are occupied, maintained, arranged, designed, or intended.

253. **Use, Intensity**. The maximum number of residential units, commercial space, or industrial space within a specified land area designated for that purpose.

254. **Use, Main**. See Primary Use.

255. **Variance**. A reasonable deviation from provisions of the ordinance regulating the size, area, bulk or location of a building or structure on a lot.

256. **Wall-Mounted Antenna**. An antenna or series of antennas mounted against the vertical wall of a building or structure.

257. **Water conveyance facility**. This means the same as that term is defined in state law.

258. **Wetland, Significant**. Wetlands which occupy a surface area greater than 1/10 acre or are associated with permanent surface water, riparian vegetation, and soils, or which are adjacent to or contiguous with a stream corridor as identified by the Army Corps of Engineers, Soils Conservation Service, or other applicable state or federal agency.

259. **Whip Antenna**. An antenna that is cylindrical in shape and can be directional or omni directional and vary in size depending upon the frequency and gain for which it is designed.

260. **Wildland Interface Zone.** Those areas with special safety considerations because of their location on the urban fringe. All areas within the Sensitive areas Overlay Zone shall be considered to be in the wildland interface zone unless the Fire Marshall determines otherwise based upon the amount of vegetative cover, including coniferous or deciduous trees, gamble oak or high shrub, and mixed forest, and steep slope.

261. **Yard**. A required space on a lot other than a court, unoccupied and unobstructed by buildings from the ground upward, except as otherwise

provided herein. Yard areas for below grade structures must be provided unless a variance is obtained.

a. **Yard, Front**. A required space between the front line of a building and the front lot line or closer right-of-way line of an abutting street or right-of-way and extending across the full width of a lot. The "depth" of the front yard is the minimum distance between the front lot line and the front line of a building.

b. **Yard, Rear**. A required space between the rear line of a building and the rear lot line, or closer public street 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 a building.

c. **Yard, Side**. A required space between the sideline of a building and the side lot line and extending from the front yard to the rear yard. The "width" of the side yard is the minimum distance between the side lot line and the sideline of a building.

262. **Zoning District.** An Area identified on the Official Zoning Map to which a uniform set of regulations applies as set forth herein, which districts are co-terminus with, and which are designed to implement the Coalville City General Plan.

263. **Zoning Map, Official**. The map adopted by the City Council depicting the geographic scope of the City's land Use designations.

Chapter 3

ADMINISTRATIVE AND DEVELOPMENT REVIEW PROCEDURES

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03-010: PURPOSE

The purpose of this Chapter is to set forth procedures for considering various types of land use and development applications to assure that applications of the same type will be processed on a uniform basis consistent with applicable law.

03-020: SCOPE

Applications for land use and development approvals shall be submitted, reviewed, and approved as provided in this Chapter.

03-030: GENERAL APPLICATION REQUIREMENTS

The following general requirements shall apply to any application required by this Code:

A. **Application Forms**. Applications shall be submitted on forms provided by the Community Development Department. Applicants shall submit all applications for land use permits, rezone requests, conditional use permits, building permits, lot line adjustments, plat amendments, street vacations, or other land-use permits to the Community Development Department for zoning review. Such review shall ensure compliance with the requirements of this Code.

B. **Accurate Information**. All documents, plans, reports, studies and information provided to the City by an applicant in accordance with the requirements of this Code shall be accurate and complete.

C. **Determination of Complete Application**. After receipt of an application, the Community Development Department, after a reasonable period of time shall determine whether all objective ordinance-based application criteria have been met.

D. **Fees**. When an application is filed, the applicant shall pay to the City a fee as provided in the City's schedule of fees as adopted by the Legislative Body. Any application not accompanied by a required fee shall be returned to the applicant as incomplete.

1. Fees shall be non-refundable except as provided in Subsection (E) below.

2. Fees shall not be required for applications initiated by the City.

E. **Remedy of Deficiencies**. If an applicant fails to correct specified deficiencies within thirty (30) days after notification thereof the City may deem the application to be withdrawn and shall return it to the applicant upon request. Application fees shall be refunded to the applicant, less any fee established to cover the cost of determining completeness of the application.

F. **Decision Date**. The date of a decision or recommendation shall be the date when the decision or recommendation is made by the decision-making body or official and will be given within a reasonable amount of time that is reflective of the scope of the application.

G. **Extensions of Time**. Unless otherwise prohibited, upon written request, any decision-making body or official having authority to grant approval of an application, may without notice, or hearing, grant extensions of any time limit imposed by this Code on such application, its approval, or the applicant. All written requests must be received prior to the original expiration date, unless the City Staff, or Land Use Authority, has initiated an extension prior to the original expiration date. The total period of time granted by any such extension or extensions shall not exceed half the length of the original time period.

H. **Expired Application**. If within six (6) months after an application has been filed, the applicant has not taken substantial action to obtain approval thereof, the

application shall expire, and any vested rights accrued there under shall terminate.

I. **Written Findings**: The Land Use Authority or Legislative Body shall prepare written findings on any application that it denies, amends, or approves. These findings shall state the reasons for the action and the provisions of this Code, other City ordinances and guidelines, or applicable state or federal laws or regulations, the proposed conditions of action to be imposed and the reasons why those conditions were necessary.

J. **Pending Ordinance Amendments**. See **Subsection 03-080:I.**

03-040: LAND USE DECISIONS AND APPEAL PROCESS

This Chapter shall not nullify the more restrictive provisions of covenants, agreements, other ordinances, or laws but shall prevail over provisions that are less restrictive.

Table 3-1 of this Chapter reflects the proper procedures governing land use decisions and appeals. Land use applicants shall have fifteen (15) days to appeal any decision to the appropriate Appellate Body. If the applicant desires to continue the appeal beyond the decision of the Appellate Body, they must file such appeal with the District Court within fifteen (15) days from the date on which the Appellate Body rendered its decision.

All required Public Hearing and Notice will follow provisions in 03-050 and 03-060.

No person may challenge in district court a municipality's **land use** decision made under this chapter, or under a regulation made under authority of this chapter, until that person has exhausted the person's administrative remedies as provided in Part 7of Utah State Code, Appeal Authority and Variances, if applicable.

Table 3-1 – Land Use Authority Procedures

Decision To Be Made	Advisory Body	Land Use Authority	Appellate Body	External Appeal
Adoption of or Amendments to General Plan	Planning Commission (public hearing and notice required)	City Council (public hearing and notice required)	District Court	15 days from decision by legislative body
Adoption of or Amendments to Land Use Ordinance	Planning Commission (public hearing and notice required)	City Council (public hearing and notice required)	District Court	15 days from decision by legislative body
Annexation Policy Plan	Planning Commission (public hearing and notice required)	City Council (public hearing and notice required)	Administrative Law Judge (ALJ)	District Court (appeal within 15 days from decision by Appellate Body)
Annexation Application	Planning Commission (Public hearing if required by local ordinance)	City Council (public hearing and notice required)	Administrative Law Judge (ALJ)	District Court (appeal within 15 days from decision by Appellate Body)
Administrative Decisions	None	Planning Commission/Land Use Administrator (minimum of 15 days to appeal)	Administrative Law Judge (ALJ) (appeal within fifteen [15] days of decision)	District Court (appeal within 15 days from decision by Appellate Body)
Conditional Use Permits	Land Use Administrator/ Planning Commission	City Council	Administrative Law Judge (ALJ) (fifteen [15] days from decision by Land Use Authority)	District Court (appeal within 15 days from decision by Appellate Body)
Non-Conforming Uses and Non-Complying Structures	None (As designated by municipal ordinance. *Need to allow rebuild provision in lieu of fire, etc.)	Planning Commission (Land Use Authority as designated by Legislative Body in municipal ordinance)	Administrative Law Judge (ALJ) (fifteen [15] days from decision by Land Use Authority	District Court (appeal within 15 days from decision by Appellate Body)

Adoption of or Amendments to Subdivision Ordinance	Planning Commission /Land Use Authority as designated by Legislative Body in municipal ordinance (Public hearing and notice required)	City Council	District Court	15 days from decision by land Use Authority
Preliminary Subdivision Applications and Plat Approvals	None	Planning Commission	City Council	15 days from decision by Land Use Authority
Final Subdivision Applications and Plat Approvals	None	Subdivision Review Committee (SRC)	City Council	15 days from decision by Land Use Authority
Vacations or amendments of Subdivision Plats	Planning Commission	City Council (public hearing and notice required). * (see below)	District Court	15 days from decision by Land Use Authority
Amendments to Platted Streets/ Vacations	Planning Commission	City Council (public hearing and notice required)	Administrative Law Judge (ALJ)	District Court (appeal within 15 days from decision by Appellate Body)

* *Public hearing requirement does not apply, and a land use authority may consider at a public meeting an owner's petition to alter a subdivision plat if: (a) the petition seeks to join two or more of the owner's contiguous, residential lots; and (b) notice has been given to adjacent property owners (see Notice 03-060) and pursuant to local ordinance.*

03-050: PUBLIC HEARINGS AND MEETINGS

Any public hearing or meeting required under this Code shall be scheduled and held subject to the requirements of this section.

A. **Public Hearings**.

1. **Scheduling a Public Hearing**. An application requiring a public hearing or meeting shall be scheduled within a reasonable amount of time: subject to the requirements of Notice set forth in **Section 03-060** of this Code.

2. **Public Hearing Procedures**. The following procedures shall apply to a public hearing conducted pursuant to this Code, once opened the hearing may be continued, if necessary, without republication of notice until the hearing is closed.

    a. All persons speaking before any City department, committee, commission, board, or the City Council on behalf of the owners of any project shall provide reasonable evidence of their agency relationship with the owner. This agency shall be presumed if the spokesman is associated with the architect or engineer whose name appears on the plans or if the owner is present.

    b. The Planning Commission or Staff may request an agent to provide a statement signed by the owner indicating the nature of the relationship and the authority of the agent to make decisions or representations concerning the project.

    c. The body, or official conducting a public hearing, may exclude testimony or evidence that it finds to be unduly repetitious or otherwise inadmissible.

    d. The body or official conducting a public hearing may, upon the body's or official’s own motion, postpone the hearing or meeting. An applicant may request and be granted one (1) postponement. Thereafter, any postponement shall be granted at the discretion of the body or official conducting the public hearing or meeting.

3. **Withdrawal of Application**. An applicant may withdraw an application at any time prior to action on the application by the decision-making body or official. Application fees shall not be refundable under the following circumstances:

    a. A staff review of the application has been undertaken; or

    b. Notice for a public hearing on the application has been mailed, posted, or published.

4. **Record of Public Hearing**. Except where required otherwise by statute, the body or official conducting the public hearing shall record the proceedings thereof by any appropriate means.

a. A copy of the public hearing record may be acquired upon request with the payment of a fee to cover the cost of duplication of the record.

b. The minutes, tape recordings, applications, exhibits, papers, and reports submitted in any proceeding before the decision-making body or official, and the decision of the decision-making body or official shall constitute the record thereof.

5. **General Requirements for Findings and Decisions**. Action shall be taken in compliance with any time limits established in this Code. Except for those public bodies whose decisions shall be made by motion or ordinance, all decisions shall be in writing and shall include the following elements at minimum:

a. A summary of evidence presented to the decision-making body or official;

b. A statement of approval, approval with conditions, or disapproval.

6. **Notification**. Notice of a decision by the decision-making body or official shall be provided to an applicant within a reasonable time.

B. **Other Public Meetings**.

1. **Scheduling a Public Meeting.** An application requiring a public meeting shall be scheduled within a reasonable time in light of:

a. The complexity of the application submitted;

b. The number of other applications received which require a hearing;

c. Available staff resources; and

d. Applicable public notice requirements.

2. **Record of Public Meeting**. Except where required otherwise required by statute, the body or official conducting the public meeting shall record the proceedings thereof by any appropriate means. A copy of the public meeting record may be acquired upon request and payment of a fee to cover the cost of duplication of the record. The minutes, tape recordings, all applications, exhibits, papers and reports submitted in any proceeding before the decision-making body or official, and the decision of the decision-making body or official shall constitute the record thereof.

3. **Notification**. Notice of a decision by the decision-making body or official shall be provided to an applicant within a reasonable time.

C. **Joint Hearings**.

1. All directives outlined under Subsection 03-050:A shall be followed in Joint Hearings.

2. At the option of the Legislative Body, the hearings before the Land Use Authority and the Legislative Body may be consolidated into a single hearing, provided that separate votes shall be taken by the Land Use Authority and the Legislative Body. The Land Use Authority vote shall be taken first followed by a vote of the Legislative Body on the recommendation of the Land Use Authority.

3. Notice for any joint hearing shall comply with the notice requirements set forth in **Section 03-060** of this Code.

03-060: NOTICING

A. **Purpose**. Notice to "affected entities" of hearings before the designated Land Use Authority and Legislative Body concerning amendments to the General Plan, Zoning Map, and this Development Code, preliminary and final subdivision plat approvals, conditional use approvals, master planned development approvals, temporary use permits, certificates of appropriateness for design or demolition, appeals, variances and other requests or actions of the Appeal Authority shall be provided in accordance with this section. The provisions of Utah SB 201 shall apply and are incorporated in addition to the "Application Notice Matrix" with respect to public notices in the City.

B. **Notice Period**. See **Table 3-2**.

1. Notice of amendments to the General Plan, Development Code and Zoning Map shall be given at least ten (10) calendar days before the date set for the hearing.

2. Notice of amendments or vacation of subdivision plats, or city streets, shall be given in accordance with State law.

3. All other notice required herein shall be given at least ten (10) calendar days before the hearing.

4. All notice required under this section shall be given as noted in **Table 3-2**.

C. **Posted Notice**. See **Table 3-2**. The City Staff or Land Use Authority Chair shall post or cause to be posted, notice in three (3) public places within the City. Notice shall state: Date, Time, Place, and Content/Reason for Hearing, or Meeting.

1. Internet Postings on the Official City Website and Utah Public Notice Website may each be counted as one (1) public place.

2. Posting notice on the Property may be required at the discretion of the Land Use Authority. The notice shall be in a prominent, visible location on the property so as to inform passersby.

a. Posting on property shall not be required to stay posted for the duration of proceedings regarding said property.

D. **Published Notice**. See **Table 3-2**. Published notice, at the applicants' expense, shall be given by posting on the City Website and the Utah Public Notice Website. The notice shall state: Date, Time, Place, and Content/Reason for Hearing or Meeting.

E. **Mailed/E-mailed Notice**. The applicant shall provide the City with:

1. Mailing List of each owner of record of each parcel located entirely, or partly, within three hundred (300) feet from any boundary of the property or project site subject to the application.

2. Mailing list for said adjoining owners shall include the addresses shown on the most recently available Summit County tax assessment rolls.

3. This courtesy notice shall state: Date, Time, Place, and Content/Reason for Hearing or Meeting.

4. Courtesy notice is not a legal requirement, and any defect in courtesy notice shall not affect or invalidate any hearing or action by the Land Use Authority, Legislative Body, or Appeal Authority.

F. **Proof of Notice**. Proof that notice was given pursuant to either **Subsection 03-060:C** or **03-060:D** above is prima facie evidence that notice was properly given. If notice given under authority of this section is not challenged within thirty (30) days from the date of the hearing for which the challenged notice was given, as provided for under State law, the notice is considered adequate and proper.

G. **Notice to Applicant and Possible Waiver of Requirements**.

1. For each land use application, the municipality shall:

a. Notify the applicant of the date, time, and place of each public hearing and public meeting to consider the application.

b. Provide the applicant a copy of each staff report regarding the pending application at least three (3) days before the public hearing or public meeting.

c. Notify the applicant of any final action on a pending application.

H. If a municipality fails to comply with these requirements, an applicant may waive the failure so that the application may stay on the public hearing or public meeting agenda and be considered as if the requirements had been met.

Table 3-2 – Coalville City Application Notice Matrix

Land Use Decision	Time	Notice Type
Preparation, Adoption or Amendments of General Plan	A. Upon inception of the initial process to generally plan or the process for any comprehensive Plan amendment B. 10 days prior to first public hearing C. 24-hour notice of each public meeting	A. Notice mailed or emailed to "affected entities." B. Posted in 3 public places or on websites. C. Posted in 3 public places or on websites.
Adoption or Amendments of Land Use Ordinance	A. 10 days prior to first public hearing: B. 24-hour notice of each public meeting	A. Posted in 3 public places or on websites and Notice mailed or emailed to: "affected entities". B. Posted in 3 public places or on websites.
Annexation Policy Plan	A. 14 days prior to first public meeting B. 14 days prior to first public hearing C. 30 days after adoption	A. Notice mailed or emailed to: "affected entities" B. Notice mailed or emailed to: 1. "Affected entities" 2. Posted in 3 public places or on websites. C. Copy to County
Appeal of Permit Decision	Ten (10) day minimum.	Notice must be given to applicant.
Appeals to Administrative Law Judge (ALJ), City Council	Ten (10) days prior to first hearing.	Published in paper and posted in 3 public places or on websites and Notice mailed or emailed to "affected entities".
Acquisition/ Disposition of Public Property	Fourteen (14) days prior to first public hearing	Notice mailed or emailed to "affected entities" and posted in 3 public places or on websites.
Nonconforming Uses/Non-Complying Structures	See **Variance, Special Exemptions**	
Preliminary and Final Plats or Site Plans, Conditional Uses, Master Planned	Ten (10) days prior to public meeting	Notice mailed or emailed to "affected entities" and posted in 3 public places or on websites.

Developments		
Subdivision Plat Approval or Amendment	Ten (10) days prior to public meeting	Notice mailed or emailed to "affected entities" and posted in 3 public places or websites.
Vacating a Subdivision Plat	Ten (10) days prior to public meeting.	Notice mailed or emailed to "affected entities" and posted in 3 public places or on websites.
Vacating some or all of a public street, right of way or easement	Ten (10) days prior to public hearing.	A. Mailed to the record owner of each parcel that is accessed by the public street, right-of-way, or easement; mailed to each affected entity. B. Published in a newspaper of general circulation in the municipality in which the land subject to the petition is located. C. Notice may be posted on or near the street, right-of-way, or easement in a manner that is calculated to alert the public.
Variance, Special Exemption (Modifications and Hardship Relief Petitions) requests to Administrative Law Judge (ALJ)	24-hour notice of each ALJ hearing.	Posted in 3 public places or on websites.

03-070: GENERAL PLAN AMENDMENTS

A. **Purpose**. For purposes of this Section, amendment shall include the addition of new provisions to the General Plan and any comprehensive revisions to or adoption of the same.

1. The Legislative Body has previously adopted the Coalville City General Plan. It may become desirable to amend the provisions of the General Plan, to stay viable and useful to the City. Any amendment to the General Plan, Code or Zoning Map should be consistent with each other. This section sets forth procedures for amending the Coalville City General Plan.

B. **Authority**. The Legislative Body may from time to time amend the General Plan as provided in this section. Such amendments may include any matter within the scope of the General Plan.

C. **Initiation**. Amendments to the General Plan may be initiated by the Planning Commission, City Council, an applicant for development approval, or member of the general public. Amendments may be initiated by, but are not necessarily limited to, the following reasons:

1. Allowing a use previously prohibited
2. Prohibiting a use previously allowed.
3. Increasing or decreasing the density of the uses previously allowed.
4. Changing the zone of any property.
5. Procedural or regulatory changes, both minor and major.
6. Zoning map amendments or modifications
7. Any other miscellaneous changes that may become necessary.

A. It should be noted that many amendments to the Zoning Map and this Development Code may require an amendment to the General Plan as well. If a petition requires changes to the General Plan, it should be so noted on the petition and the changes should be considered accordingly.

D. **Procedure**. General Plan amendments shall be considered and processed as provided in this subsection.

1. An application shall be submitted to the Community Development Department in a form established by the Department, along with any fee established by the City's schedule of fees. The Legislative Body, Land Use Authority, or authorized City staff may initiate a General Plan amendment at any time without submittal of an application or payment of any fee.

2. A person proposing General Plan amendments shall do the survey and analysis work necessary to justify the proposed amendment. To ensure the Land Use Authority and Legislative Body have sufficient information to evaluate a proposed amendment, an applicant shall submit a completed application, following all directions and requests on the application.

3. After an application is determined to be complete or prior to the initiation of a City-initiated General Plan amendment, the City shall provide notice of intent to prepare or amend the General Plan in accordance with the provisions of **Section 03-060**.

    a. After providing notice of intent to prepare or amend the General Plan, the Community Development Department shall prepare a staff report evaluating the application.

4. The Planning Commission shall schedule and hold a public hearing on the proposed amendment. Public notice shall be provided in accordance with the provisions of **Section 03-060**.

    a. After the public hearing, the Planning Commission may modify the proposed General Plan.

    b. The Planning Commission shall then forward its recommendation regarding the proposed General Plan amendment to the Legislative Body.

5. The Legislative Body shall schedule and hold a public hearing on the proposed General Plan recommended to it by the Land Use Authority. Public notice shall be provided in accordance with the provisions of **Section 03-060**.

E. **Joint Hearings**. Joint Hearings involving General Plan Amendments will follow the provisions outlined in **Subsection 03-050:C**..

F. **Standards for Decision**. A decision to amend the General Plan is a matter within the legislative discretion of the Legislative Body.

1. After the public hearing described in Subsection (d)(5) of this Section, the Legislative Body may make any modifications to the proposed General Plan it considers appropriate.

2. The Legislative Body may adopt or reject the proposed General Plan amendment either as proposed by the Land Use Authority or after making any revision that the Legislative Body considers appropriate.

    a. The Legislative Body may also table the matter for further information, consideration or action.

3. A decision to amend the General Plan is a matter committed to the legislative discretion of the Legislative Body and is not controlled by any

one standard. However, in making an amendment, the Legislative Body should consider the following factors:

a. Is the Amendment consistent with the goals, objectives, and policies of the General Plan.

b. Is the amendment compatible with adjacent land uses and will not adversely impact the character of the surrounding area

c. Is the proposed development plan for the property is in general compliance with all applicable standards and criteria for approval as described in the development code.

d. Will the amendment adversely affect the public health, safety and general welfare of the community.

e. The adequacy of facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and wastewater and refuse collection.

G. **Appeal of Decision**. Any person adversely affected by a final decision of the Legislative Body to amend the General Plan may appeal that decision to the district court as provided in Utah Code Ann. as amended.

H. **Effect of Decision (Approval)**. Approval of an application to amend the General Plan shall not be deemed an approval of any zone, conditional use permit, site plan, or other permit. Approval of a particular zone or permit shall be obtained in accordance with the respectable applicable provisions of this Code.

I. **Effect of Decision (Denial)**. Disapproval by the Legislative Body of an application to amend the General Plan shall preclude a person from filing of another application covering substantially the same subject or property, or any portion thereof, for six (6) months from the date of the disapproval.

1. This section shall not limit the Legislative Body, Land Use Authority, or authorized City staff from initiating a General Plan amendment at any time.

03-080: ZONING MAP AND TEXT AMENDMENTS

A. **Purpose**. This section sets forth procedures for amending the provisions of this Code and the zoning map.

B. **Authority**. The City Council may amend the text of this Code and the zoning map as provided in this section as they deem necessary. Amendments may include changes in the number, shape, boundaries, or area of any zoning district, zoning district regulations or any other provision of this Code. The provisions set forth herein shall not apply to temporary zoning regulations which may be enacted without public hearing in accordance with the Utah Code, as amended.

C. **Initiation**. Proposed amendments to the text of this Code and the zoning map may be initiated by the Legislative Body, Land Use Authority or a property owner affected by the proposed amendment as provided in Subsection 03-080(d) below.

D. **Procedure**. Zoning text and map amendments shall be considered and processed as provided in this subsection.

1. A complete application illustrating or describing the proposed amendment shall be submitted to the City on a form established by the City along with an application fee established by the City's schedule of fees.

2. After the application is determined to be complete, the Community Development Director shall prepare a staff report evaluating the application.

3. The Planning Commission shall schedule and hold a public hearing on the application following the provisions in **Sections 03-050**, and **03-060.** of this Chapter.

    a. Following the public hearing the Planning Commission shall recommend approval, approval with modifications, or denial of the proposed amendment and shall submit its recommendation to the City Council for review and decision.

4. The Legislative Body shall schedule and hold a public hearing on the application following the provisions in **Sections 03-050**, and **03-060** of this Chapter.

    a. At the public hearing the City Council may approve, approve with modifications, or deny the proposed amendment.

5. At the option of the City Council, a Joint public hearing may be scheduled. Joint hearings will follow the provisions set forth in **Subsection 03-050:C**.

E. **Standards for Decision**. A decision to amend the text of this Code or the zoning map is a matter committed to the discretion of the Legislative Body and is not controlled by any one standard. However, in making an amendment, the Legislative Body will consider the following factors:

1. Is the amendment consistent with the goals, objectives, and policies of the General Plan.

2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property.

3. Whether the proposed amendment is consistent with the standards of any applicable overlay zone.

4. Will the proposed amendment adversely affect adjacent property; and

5. The adequacy of facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.

F. **Appeal of Decision**. Any party adversely affected by a decision of the Legislative Body to amend the text of this Code, or the zoning map may, within thirty (30) days after such decision, appeal to the District Court as provided in Section of the Utah Code, as amended.

G. **Effect of Decision (Approval)**. Approval of an application to amend the provisions of this Code or the zoning map shall not be deemed an approval of any conditional use permit, site plan or other permit. Approval of such permits shall be obtained in accordance with their own respectable and applicable provisions of this Code.

H. **Effect of Decision (Denial)**. Denial of an application to amend the provisions of this Code or the zoning map shall preclude the filing of another application covering substantially the same subject or property, or any portion thereof, for one (1) year from the date of the disapproval, except as follows:

1. Another application may be sooner considered if:

   a. The Land Use Authority determines a substantial change in circumstances has occurred to merit consideration of the application; or

   b. The application is for a change to a different zone.

2. The Legislative Body or Land Use Authority may propose any text or zoning map amendment at any time.

I. **Pending Ordinance Amendments**.

1. When the City has formally initiated proceedings to amend the zoning map or text of this Code, a person who thereafter files an application which may be affected by the proposed amendment shall not be entitled to rely on the existing zoning map or text which may be amended.

   a. A proposed zoning map or text amendment shall be deemed formally initiated when the amendment proposal first appears on a Land Use Authority or Legislative Body agenda and such agenda has been noticed as required in this Chapter.

   b. An application shall be deemed filed when all materials required for the application have been submitted and all applicable fees paid, as set forth in this Code.

2. An application affected by a pending amendment to the zoning map or text of this Code shall be subject to the following requirements:

a. The application shall not be acted upon until six (6) months from the date when the pending amendment to the zoning map or text of this Code was first noticed on a Land Use Authority or Legislative Body agenda unless:

i. The applicant voluntarily agrees to amend his application to conform to the requirements of the proposed amendment; or

ii. The proposed amendment is sooner enacted or defeated.

b. If a pending amendment to the zoning map or text of this Code is enacted within six (6) months after being noticed on a Land Use Authority or Legislative Body agenda, an affected application, which was filed while the amendment was pending, shall conform to the enacted amendment.

c. If a pending amendment to the zoning map or text of this Code is not enacted within six (6) months after being noticed on a Land Use Authority or Legislative Body agenda, the amendment shall no longer be considered pending, and any affected application may be approved without regard to the previously pending amendment.

3. The Community Development Department shall give an applicant affected by a pending amendment written notice that:

a. There is pending legislation;

b. The application may require changes to conform to a zoning map or text amendment which may be enacted; and

c. Copies of the pending legislation are available at the Community Development office.

4. All provisions herein are intended to and shall comply with the provisions of Utah Code Ann. as amended.

03-090: INFRASTRUCTURE/ENGINEER REVIEW

The City Council and Planning Commission have determined that the various aspects of the Permitted and Conditional Review process, as well as the infrastructure review and environmental impact review process of sensitive lands require certain expertise in dealing with special or unique technical situations. These situations may be better dealt with through a Structural/Engineer Review made up of experts in the field to review the permit and make recommendations to the Planning Commission and City Council regarding conditions of approval. The members shall be appointed by the Mayor, with input of the City Council. The members of the Committee shall act as Staff to the Planning Commission.

The Structural/Engineer Experts may review a project as directed by the Planning Commission and submit a certificate of review, or memorandum with comments,

findings, and concerns to the Planning Commission prior to their approval of conditions to the permit.

03-100: VARIANCES

A. **Purpose**. Where the Appeal Authority (Administrative Law Judge) finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations or the purposes of these regulations may be served to a greater extent by an alternative proposal, the Appeal Authority may approve variances to these development standards and subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations. Further, the Appeal Authority shall not approve variances unless findings are made based upon the evidence presented that the requirements outlined in this Code have been satisfied.

In approving variances, the Appeal Authority may require any conditions that will, in their judgment, support the objectives of the standards or requirements of these regulations.

A petition for any such variance shall be submitted on an application form provided by the City and approved or denied in accordance with the Utah Code and **Section 03-100** herein.

Any variances or special exceptions to this Code shall be granted only by the Appeal Authority under the provisions of 03-100, herein, prior to the issuance of any conditional use, master planned development, subdivision approval or any other development approval. All action on an application shall be stayed upon learning that a variance or special exception is required until the applicant shall have obtained the variance, special exception, or denial by the Appeal Authority.

This section sets forth procedures for considering and approving a variance to the provisions of this Code. Variance procedures are intended to provide a narrowly circumscribed means by which relief may be granted from particular unforeseen applications of the provisions of this Code that create unreasonable hardships.

B. **Authority**. The Appeal Authority is authorized to hear and decide variances to the provisions of this Code as provided in this section.

C. **Initiation**. A property owner, or the owner's agent, may request a variance to the provisions of this Code as provided in Subsection 03-100:D below.

D. **Procedure**. An application for a special exemption shall be considered and processed as provided in this subsection.

1. A complete application shall be submitted to City Officials, fulfilling all requirements, fees, and requests presented therein.

2. City Staff will review the application and determine its completeness as set forth in **Section 03-030** of this Chapter.

3. After the application is determined to be complete, the City shall schedule a Hearing before the Appeal Authority and follow procedures set forth in **Section 03-050** of this Chapter.

4. Notice of the Hearing should follow procedures set forth in **Section 03-060** of this Chapter.

5. A staff report evaluating the application shall be prepared by the Community Development Department before the Hearing takes place.

6. The Appeal Authority shall conduct the hearing and approve, approve with conditions, or deny the variance request pursuant to the standards set forth in Section (E) below.

7. After the Appeal Authority makes a decision, the Community Development Department shall comply with the Notice of Decision procedure in **Section 03-050:A.6** of this chapter.

8. Record of all variances shall be maintained as set forth in **Section 03-050:A.4** of this Chapter.

E. **Approval Standards**. In accordance with Sections of the Utah Code, the following standards shall apply to a variance.

1. The Appeal Authority may grant a variance only if:

   a. Literal enforcement of this Code would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this Code;

   b. There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district;

   c. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zoning district;

   d. The variance will not substantially affect the General Plan

   e. The variance will not affect the health, safety, and welfare of the general public.

   f. The spirit of this Code is observed, and substantial justice done.

2. The Appeal Authority may not find an unreasonable hardship unless the alleged hardship:

   a. is located on or associated with the property for which the variance is sought.

   b. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.

3. The Appeal Authority may not find an unreasonable hardship exists if the hardship is self-imposed or economic.

4. The Appeal Authority may find that special circumstances exist only if the special circumstances:

    a. relate to the hardship complained of; and

    b. deprive the property of privileges granted to other properties in the same zoning district.

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

6. Variances run with the land.

7. The Appeal Authority may not grant a use variance.

8. In granting a variance, the Appeal Authority may impose additional requirements on an applicant that will:

    a. Mitigate any harmful effects of the variance; or

    b. Serve the purpose of the standard or requirement that is waived or modified.

9. The Appeal Authority may grant a more restrictive variance than that requested, when the record supports the applicant's right to relief, but not to the extent requested.

F. **Appeal of Decision**. Any person adversely affected by a decision of the Appeal Authority regarding a variance may only appeal such decision to the District Court as provided in Utah State Code (10-9a-801).

G. **Effect of Approval**. A variance shall not authorize the establishment of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any approvals or permits that may be required by this Code or other applicable provisions of the Coalville City Code.

H. **Amendments**. The procedure for amending any variance decision shall be the same as the original procedure set forth in this Section.

I. **Expiration**. Variances shall not expire but shall run with the land.

03-110: BUILDING PERMITS

A. **Purpose**. This section sets forth procedures for determining zoning compliance of a building permit application.

B. **Authority**. The Community Development Director or his/her designee is authorized to review building permits for zoning compliance as provided in this section.

C. **Development Approval Required**. No building permit(s) shall be issued for any project without final development approval. Development proposals shall be reviewed according to either the Permitted Use Review process or the Conditional Use Review process, which includes Master Planned Developments, Subdivisions and Commercial Developments. Final approval of subdivisions, commercial developments and conditional uses must be granted by the Legislative Body. Upon issuance of final development approval, the plans will be forwarded to the Building Official for review and building permit issuance under the provisions of the Building Code.

D. **Zoning and Building Permits**. Construction, enlargement, alteration, repair, movement, improvement, removal, conversion or demolition of any building or structure or any part thereof, as provided for or as restricted in this Code and the Building Code, shall not be commenced except as approved by the City for compliance with this Code and a building permit has been issued.

E. **Initiation and Procedure**. Any person may apply for a building permit as provided in the current building codes adopted by the City. Zoning compliance of a building permit application shall be determined as follows.

1. A completed building permit application must be submitted to City Staff, along with the applicable fee established in the Schedule of Fees.

2. The Land Use Administrator, or appointee, will review the application to determine zoning compliance. The following will be considered in the process.

    a. If the building, structure, or use when built, or the land on which it is located is in complete compliance with every provision of this Code

    b. Any applicable conditions of approval required under a permit application.

F. **Approval Standards**. No building permit shall be approved for zoning compliance unless the proposed building, structure or use when built and the land on which it is located will conform in every respect with applicable provisions of this Code and any applicable conditions of approval required under a permit applicable to the subject property.

G. **Appeal of Decision**. Any person adversely affected by a decision of the Land Use Administrator regarding zoning compliance of a building permit may appeal to the Appeal Authority in accordance with the provisions of **Section 03-160** of this Chapter.

H. **Effect of Approval**. Approval of zoning compliance shall authorize an applicant to proceed with the building permit review process.

I. **Amendments**. The procedure for amending any zoning compliance decision shall be the same as the original procedure set forth in this Section.

J. **Expiration**. Subject to an extension of time, a building permit shall expire and have no further force or effect if the building, activity, construction, or occupancy authorized by the permit is not commenced within one hundred eighty (180) days.

03-120: CONDITIONAL USE PERMITS

A. **Purpose**. This section sets forth procedures for conditional use permit review and decision.

B. **Authority**. The Land Use Authority is authorized to issue conditional use permits as provided in this section.

C. **Initiation**. A property owner, or the owner's agent, may request a conditional use permit as described below.

D. **Procedure**. An application for a conditional use permit shall be processed in the following manner:

1. **Pre-Application Conference**. A pre-application conference shall be held with the Staff and applicant to determine the nature of the use and the general nature of conditions that might be imposed. At the pre-application conference, the Staff and the applicant shall review the following:

    a. application form

    b. materials and information needed to complete the form

    c. procedures used in reviewing the conditional use.

2. **The Application**. A conditional use application must be completed and filed on a form prepared by the City (two sets are required).

    a. Additional information may be requested at the pre-application conference based on the nature of the project or the site.

    b. Other documentation may be requested as noted on the application.

3. **Notice/Posting**. Upon receipt of the complete conditional use application and payment of all applicable fees, the Staff shall follow the Notice Provisions set forth in **Section 03-060**.

E. **City Action**.

1. **Time Frame**: Once an application is received, the Staff shall review the application. The Application will appear before the Land Use Authority with a recommendation within sixty (60) days of receipt of the application, if the applicant has been diligent in responding to requests for additional information required to process the application. A longer processing period may be needed depending on scale, scope, and complexity of the application. In such cases, the Staff shall inform the applicant of the projected processing time frame when an application is filed.

2. **Staff Review**: Staff shall review the project and may recommend appropriate conditions of approval based on the Standards for Review outlined below to mitigate adverse effects, and to preserve the character of the zone. The conditional use application shall then be placed on the agenda of the Land Use Authority for approval consideration.
    a. The Staff may recommend immediate review of the use at the next scheduled Land Use Authority meeting under the following conditions.
        i. Notice requirements must be met as defined in **Section 03-060**, and
        ii. The City Staff determines that the conditions may be better prepared and evaluated by the Land Use Authority, or
        iii. The use requested is a minor or temporary conditional use.
3. **Standards for Review**: The Standards for review are set forth to ensure the proper consideration is taken in lieu of approving a Conditional Use and/or as follows.
    a. the Application complies with all requirements of this Code;
    b. the Use will be Compatible with surrounding Structures in Use, scale, mass and circulation;
    c. the Use is consistent with the General Plan, as amended; and
    d. The effects of any differences in Use or scale have been mitigated through careful planning.
    e. Review the following items to mitigate adverse impacts.
        i. All applicable points of this Code have been complied with
        ii. Compliance of the conditional use process has been achieved
        iii. size and location of the Site;
        iv. Traffic considerations including capacity of the existing streets in the area;
        v. utility capacity;
        vi. emergency vehicle Access;
        vii. location and amount of off-Street parking;
        viii. internal vehicular and pedestrian circulation system;

ix. Fencing, Screening, and landscaping to separate the Use from adjoining Uses;

x. Building mass, bulk, and orientation, and the location of buildings on the Site; including orientation to Buildings on adjoining Lots;

xi. usable Open Space;

xii. signs and lighting;

xiii. physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;

xiv. noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;

xv. control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup areas;

xvi. expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities; and

xvii. Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site.

4. **Land Use Authority Review.** The Community Development Director and/or Land Use Authority must follow Standards for Review outlined above.

   The Land Use Authority may further amend, add, or delete conditions recommended by the Staff. The Land Use Authority shall recommend approval or denial of the proposed Conditional Use to the Legislative Body for their review and consideration at the next regularly scheduled Legislative Body meeting, if notice requirements of **Section 03-060** can be met.

5. **Legislative Body Review**. A conditional use shall be approved by the Legislative Body if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the Standards for Review (**Section 03-120**).

   If the reasonably anticipated detrimental effects of a proposed conditional use cannot be mitigated by the proposal or the imposition of reasonable

conditions to achieve compliance with applicable standards, the conditional use may be denied.

The Legislative Body may also remand the Conditional Use Application back to the Land Use Authority for further review and evaluation.

If the Legislative Body denies the use, the applicant may amend and re-submit the application to the Land Use Authority or appeal to the Appeal Authority.

After approval by the Legislative Body, building permits may be issued by the City Building Official as provided in the Building Code and this Code.

6. **Appeal**. If Staff and the Applicant are not able to agree on conditions of approval, the Applicant may still go before the Land Use Authority for review or may withdraw the application. The review shall appear on the agenda for the next regularly scheduled Land Use Authority meeting that meets notice requirements of **Section 03-060**.

   If Staff does not act on an application or indicate to the Applicant what aspects of the plan are not acceptable as proposed within sixty (60) working days after submission, the Applicant shall have the right of review by the Land Use Authority. The Applicant may, at any time in the review process, request review of the conditions of approval by the Land Use Authority.

   If the applicant does not agree with the findings or actions of the Land Use Authority or the Legislative Body, the appeal is to be heard by the Appeal Authority (Administrative Law Judge), as per **Section 03-160.**

7. **Plat Approval**. When a conditional use requires the recording of a plat, the final plat shall be reviewed by the Land Use Authority and Legislative Body for approval. The scope of review for plat approval is set forth below. Plat approval may be granted at the same time as the Conditional Use Approval.

8. **Transferability**. A Conditional Use Approval including all conditions of development approval may be transferable, conveyed or assigned by the applicant with the title to the underlying property.

   Conditional Use cannot be transferred off the site on which the approval was granted.

9. **Expiration**. Conditional Use approvals shall expire one (1) year from the date of the Legislative Body approval or as otherwise specified during the review and approval process unless substantial construction activity has commenced on the project.

   Substantial construction activity is evidenced by the developer obtaining building permits for the project (or for the first phase of a phased project).

Construction of a footing and foundation is not evidence of substantial construction activity unless the permits for the remainder of the structure (or remainder of the phase, in phased projects) are obtained within six (6) months of the issuance of the footings and foundation permit.

Demolition permits do not evidence substantial construction work for purposes of extending a conditional use approval. Whether construction has commenced or not, the Legislative Body may grant an extension of the Conditional Use Approvals for up to one (1) additional year when the applicant is able to demonstrate a legitimate need to delay the start of construction such as inclement weather, delays in financing, or similar reasons.

Where the Legislative Body has granted a temporary conditional use approval, the expiration will occur on the date specified by the Land Use Authority, or the Legislative Body. Renewal of a conditional use will require a complete re-application to be submitted for review and approval.

10. **Standards for Review**. No Conditional Use shall be approved unless the application complies with all requirements of the Code; the use is compatible with surrounding structures in use, scale, mass and circulation; the use is consistent with the General Plan; and that the effects of any differences in use or scale have been mitigated through careful planning. Each of the following items shall be reviewed when considering a Conditional Use Approval:

    a. Size and location of the site.

    b. Traffic considerations including capacity of the existing streets in the area, location and amount of off-street parking, and internal traffic circulation.

    c. Utility capacity.

    d. Emergency vehicle access and control of delivery and service vehicles, loading and unloading zones, and screening of trash pick-up or waste storage areas.

    e. Fencing, screening, and landscaping to separate the use from adjoining uses.

    f. Design, architectural detailing, building mass, bulk, orientation, and the location of buildings on the site including orientation to buildings on adjoining lots.

    g. Usable and permanent open space considerations.

    h. Signage and lighting.

    i. Noise, vibration, pollution, odors, steam, or other mechanical factors that might affect people and property off site.

j. Review for impact on City infrastructure shall be made as outlined in the **Section 03-090**. All costs associated with infrastructure improvements shall be borne by the developer.

k. Other technical review matters may be applicable or required to evaluate the impacts of the proposed project.

11. **Sensitive Lands Review**. If a conditional use is located within Sensitive Lands, additional requirements and regulations may apply. See the Sensitive Lands Provisions in Chapter 18.

12. **Design Review**. The Land Use Authority or Staff may review the proposal for appropriate design to create or maintain a desired architectural effect.

13. **Technical Review**. The Land Use Authority or Staff may complete a technical review if necessary. A committee may be set up to review and make suggestions to the Land Use Authority regarding unique concerns or features of a project that may be beyond the expertise of the Land Use Authority or Staff. Recommendations of that committee may be used as guidelines in the establishment of conditions of approval, as outlined in **Section 03-120.**

14. **Impact on Public Infrastructure**. Review of impact on City infrastructure shall be made as outlined in **Section 03-090**. All Infrastructure improvements must be concurrently constructed and timed with the development. All costs associated with infrastructure improvements shall be borne by the Applicant. Impact fees will also be required to be paid by the Applicant and/or lot owner in accordance with the Coalville City Impact Fee Ordinance.

03-130: LOW IMPACT PERMITS

A. **Purpose.** The purpose of the low impact permit is to provide a process and procedure for reviewing and approving, approving with conditions, or denying a low impact use. Low impact uses are identified in **Section 08-020**, **Table 8-1** of this Code. Upon compliance with the provisions of this section, a low impact permit may be granted by the City Council, with reasonable conditions necessary for the protection and preservation of public health, safety, and welfare.

B. **Applicability.** A low impact permit is utilized to obtain administrative approval for projects determined to be low intensity and which are in conformance with the development evaluation standards and general regulations of this Code. An application for approval of a low impact permit shall be commenced by filing a plan and paying the applicable fee with the City.

C. **Review Procedure.**

1. The applicant shall provide a development plan and description of the proposed project. The plan shall contain enough information, in graphic and text form, to adequately describe to the satisfaction of the Community

Development Director the applicant's intentions regarding use, site layout and compliance with this chapter, and any applicable ordinance, development permit, or development agreement.

2. In proposals where the Community Development Director determines that potential issues may arise, or additional comment is needed or has been received from the community, a public hearing on the application may be scheduled with the Planning Commission. Following the public hearing, the Planning Commission shall make a recommendation to the City Council to either approve, approve with conditions, or deny the low impact permit.

3. The Community Development Director shall determine whether the application is sufficient and in compliance with the provisions of this Code. The Community Development Director may require the applicant to submit such additional information as may be necessary to determine whether the application conforms to all applicable requirements of this chapter.

4. The City Council shall take final action on the application for a low impact permit and shall communicate the decision to the applicant. The City Council may impose all reasonable conditions necessary to ensure compliance with applicable provisions of this Code. The Community Development Director may provide written notice of such decision to any persons who have requested notice of such decision. Any person aggrieved by such decision may appeal the final action in accordance with the provisions of this Code.

D. **Findings For Approval**. Before a low impact permit is approved, the City Council must conclude that factual evidence exists to verify the following findings:

1. The use conforms to all applicable requirements of this chapter and State and Federal regulations.

2. The use is consistent with the goals and policies of the General Plan.

3. The use conforms to all applicable requirements of this Code.

4. The use is not detrimental to public health, safety, and welfare.

5. The use is appropriately located with respect to public facilities and services.

6. The natural topography, ridgelines, soils, critical areas, watercourses, and vegetation shall be preserved where possible through careful site planning and design of access routes, circulation areas, buildings and other structures, parking areas, utilities, drainage facilities and other features.

03-140: PERMITTED USES

A. **Purpose.** To determine if a proposed use is permitted in the current zone.

B. **Authority.** Staff of Coalville City is authorized to review and approve Permitted Use applications. Based on the issues of the application, Staff may schedule a public hearing before the Land Use Authority and/or Legislative Body for review and approval of the project.

C. **Initiation.** A property owner, or the owner's agent, may request review and approval of a Permitted Use.

D. **Standards and Requirements.** On any proposal to construct a building or other improvement(s) on property that is defined by this Code as a permitted use in the zone in which the project is proposed, the Staff shall review the submission to determine whether the proposal:

1. Is a permitted use within the zone for which it is proposed.
2. Complies with the requirements of that zone for height, setback, and lot coverage.
3. Meets the applicable parking requirements.
4. Conforms to architectural design guidelines established for that zone.
5. Requires Sensitive Lands review as defined in Chapter 18.
6. Has met the requirements of the Infrastructure/Engineer review process as defined in **Section 03-090** herein.
7. Requires a certificate from the Structural/Engineer review as outlined in **Section 03-090** herein.

E. **Procedure.** A Complete application must be submitted to the Community Development Department, the following will be required:

1. A legal description, plat map and proof of ownership of the property.
2. Topographic data and/or grading plan may be required when the site is sloping or when the building height cannot be readily determined from the elevations without topographic information.
3. A certified survey may be required on projects with structures on or near the lot lines or when the lot lines are difficult to determine from existing plats and monuments.
4. Other information required by this Code to adequately review and address potential impacts of the proposed project.

F. **Commercial and Industrial Developments.**

Commercial and industrial developments listed as permitted uses shall be subject to the Commercial and Industrial Development Standards Chapter 15 and 16 respectively.

G. **Expiration Time Limit.**

Unless there is actual construction within a period of 180 days from the date of site plan and/or building permit approval by the City, the approval for permitted use shall expire.

H. **Standards for Decision.**

All Standards and Requirements will be reviewed, findings of fact will be recorded, and a decision will be made, the length of time may vary depending on scale, scope, and complexity of the proposal.

Based on the issues of the application, Staff may schedule a public hearing before the Land Use Authority and/or Legislative Body for review and approval consideration of the project.

I. **Appeal of Decision.** See Appeal of Administrative Decisions 03-160.

J. **Effect of Decision.** Upon finding that the proposal complies with the applicable zoning requirements and can be adequately serviced by existing utility systems or lines, the plans shall be reviewed for Building Code compliance and permit issuance.

If the submission does not comply with the requirements of the zone, the Staff shall notify the owner of the project or his agent stating specifically what requirements of the zone have not been satisfied.

03-150: TEMPORARY USES

A. **Purpose.** The following regulations are provided to accommodate those special events, activities, and uses of land or buildings which are temporary in nature and are not, therefore, listed as regular Permitted or Conditional Uses in any zone district of the City. The character of these uses is such that proper conditions are required to protect adjacent properties and the general health, safety, and welfare of citizens. Any use, building or structure which does not meet the requirements of this section shall be classified as permanent land uses and shall conform to all required standards of the building, health, fire, and development codes or other ordinances.

B. **Authority.** Staff of Coalville City is authorized to review and approve Temporary Use applications. Based on the issues of the application, Staff may schedule a public hearing before the Land Use Authority and/or Legislative Body for review and approval of the project.

C. **Initiation.** A property owner, or the owner’s agent, may request a Temporary Use permit.

D. **Uses Allowed.** Uses allowed on a temporary basis in accordance with provisions of this section may include, but are not limited to, the following:

1. Carnivals, circuses, firework stands, firework displays, Christmas tree lots, promotional activities or special events, boutiques, motion picture productions, revivals, retreats, political rallies, or campaign headquarters.

    a. Uses shall not be allowed for more than thirty (30) days duration in that same calendar year.

    b. Temporary Use approval shall NOT be required for a garage sale, provided following requirements are adhered to:

    c. The garage sale operates no more than a total of five (5) days in any calendar year and,

    d. Shall be conducted by bona fide residents of the premises and,

    e. Goods for sale shall consist of personal belongings of the residents and

    f. Goods offered for sale shall not be placed over a public sidewalk or in a public right-of-way.

E. **Approval Required Before Establishment.** Prior to the establishment of any qualifying Temporary Use, (except fireworks stands or fireworks displays which shall be administered by the North Summit Fire District), temporary use approval shall be obtained from the Staff or Land Use Authority.

Temporary Use approval is not required to meet the notification requirements of this Code; however, the proposed use shall comply with the requirements of this Code and the Building Code.

F. **City Celebrations or Events.** Any City sponsored celebrations or special events of a temporary nature are exempt from the requirements of obtaining Temporary Use approval as described by this Section.

G. **Procedure.**

1. The applicant shall submit a completed Application for Temporary Use Permit to the Staff.

2. Staff shall review the application for completeness

3. Staff shall process the application by doing the following

    a. Review the application for conformity with the Standards and Requirements of this code.

    b. Determine if application adequately passes standards and requirements in a statement of findings of fact.

c. Communicate findings with applicant.

d. Approve, Approve with conditions, or Deny the application.

H. **Standards and Requirements**. A temporary use established under the provisions of this Chapter shall conform to the following standards and requirements:

1. **Appropriate for Surroundings**. The nature of the requested use will not have any detrimental effects on adjacent properties and will be in harmony with surrounding uses.

2. **Liability Insurance**. Applicant must show proof of adequate liability insurance for the temporary use.

3. **Sanitary Facilities**. Any use requiring sanitary facilities by building, fire, health, or other similar codes shall be located on the same property as a host structure unless independent water and sewer service is provided for the temporary use. Where such codes require sanitary facilities, they may be provided by a host structure provided that there is:

a. No preparation of any food on those premises.

b. No indoor seating of patrons.

c. Written evidence that a host structure will provide permanent sanitary facilities for all employees and that such facilities are conveniently located not more than three hundred (300) feet from the area of use and will be accessible during all periods of operation of the use.

d. Written evidence that all food will be prepared and delivered from an approved catering service and that all waste resulting from the operation of the use will be properly disposed.

4. **Signs**. All signs associated with the temporary use shall be reviewed and approved in accordance with the sign standards of Code 9 herein and shall not be installed more than ten (10) days prior to the event and shall be removed within two (2) days following the event. The number of days signs are displayed for an event shall be included in the total days allowed for a temporary use as provided for in Code 9.

5. **Parking, Access, Circulation and Other Elements**. Parking, access, circulation, and other significant elements of any other uses or structures existing on the site shall be handled on a case-by-case basis.

1. Applicant will take steps to mitigate excessive and hazardous parking on adjacent streets. If needed, applicant will be responsible for all costs associated with traffic control.

6. **Expiration and Vacancy**. Approval for each Temporary Use shall bear an expiration date based upon the nature of the use. In no case shall

approval be given for a period exceeding thirty (30) days. If any temporary structure becomes vacant prior to the expiration of the approval, it shall be removed within fifteen (15) days of the vacancy.

7. **Site Restoration**. The landowner of the parcel shall provide a cash bond for the restoration of the site of said use to its original condition, including cleanup, re-vegetation, replacement of facilities, and removal of any structures as determined by the Staff or Land Use Authority.

8. **Revocation of Approval**. An approval may be revoked in the event of a violation of any of the provisions of this section or the conditions set forth in the temporary use review.

9. **Business License Required**. Temporary Use approval is not a business license and the granting of said temporary use shall not relieve the applicant of any other license requirement of the City or any other public agency.

10. **Fees**. A fee will be required to process the Temporary Use Permit, as assessed in the City Schedule of Fee's.

I. **Standards for Decision**. The Staff shall review the application for temporary use to determine whether the proposal complies with the standards and requirements of this Code and shall issue a statement of findings of fact.

Staff may also indicate whether the issue should be reviewed by the Land Use Authority and/or Legislative Body or if additional comment is needed from the community in a public hearing.

J. **Appeal of Decision**. See Appeal of Administrative Decisions 03-150.

K. **Effect of Decision**. Upon finding that the proposal complies with the applicable standards and requirements and can be adequately monitored, and the site can be restored, or structures removed within the time duration specified in the application, the Staff shall approve the temporary use with conditions or deny the application and communicate the decision to the applicant.

03-160: APPEAL OF ADMINISTRATIVE DECISIONS

A. **Purpose**. This section sets forth procedures for appealing an administrative decision applying provisions of this Code.

B. **Authority**. The Appeal Authority (Administrative Law Judge), as designated in these ordinances, and **Table 3-1 Section 03-040**, shall hear and decide appeals from administrative decisions applying the provisions of this Code as provided in this section.

C. **Initiation**. Any person adversely affected by a decision administering or interpreting a provision of this Code may appeal to the Appeal Authority, as applicable. A complete application for an appeal shall be filed within fifteen (15) days of the decision which is appealed.

D. **Procedure**. Appeals of City actions shall be by letter or petition and contain the name, address, and telephone number of the petitioner; relationship to the project or subject property; and the reasons for the appeal, including specific provisions of this Code, that are violated by the action taken.

1. **Appeal Petitions Process**.

a. The owner of the property acted on by the City, and any person living or owning property within the City has the right to appeal to final decision of the Land Use Authority or the Legislative Body regarding Planning and Zoning decisions.

b. The petition must be filed in writing with the City Recorder within fifteen (15) calendar days of final project action.

a. The petition for the appeal shall have the following information:

i. Name, address, and telephone number of the petitioner and agent if any

ii. Name of the project

iii. Reason for the appeal.

c. The City shall set a date for the appeal, which shall be no more than thirty (30) calendar days from the date the notice of appeal is filed with the City and can meet the notice requirements of **Section 03-060**.

d. The City Recorder shall notify the petitioner and the owner of the project of the appeal date.

e. The City Recorder shall obtain the findings from the Land Use Authority and Legislative Body as outlined in 03-030(K), these and all other pertinent information shall be made available to the Appeal Authority for their use in the appeal process.

2. **Action on Petitions**. The Appeal Authority may affirm, reverse, or affirm in part or reverse in part any decision of the Land Use Authority or Legislative Body regarding planning and zoning decisions.

2. The Appeal Authority may remand the matter to the Land Use Authority or Legislative Body with directions for specific areas of review or clarification.

3. Appeal Authority review of petitions of appeal shall be limited to consideration of only those matters raised by the petition(s) unless the Appeal Authority enlarges the scope of the appeal to accept information on other matters it may legally hear.

3. **Stay of Approval Pending Review or Appeal**. Upon the filing of an appeal to the Appeal Authority of a Land Use Authority or Legislative Body decision, any action on the matter by the Land Use Authority or Legislative Body will be suspended until the Appeal Authority acts on the appeal.

4. **Appeal from the Appeal Authority.** The owner of any project, or any person aggrieved by a decision of the Appeal Authority may appeal the final action by filing civil action in the District Court as provided by state law. The decision of the Appeal Authority shall stand, and those affected by the decision may act in reliance on it unless/or until the court enters an interlocutory or final order stating the effectiveness of the decision.

5. Any Appellant must show or demonstrate that damages have occurred as a result of a City action as specified in HB-388 (LUDMA).

6. **Finality of Action**. If no appeal has been filed at the end of fifteen (15) days from the date of final action by the Legislative Body, Land Use Authority or Staff, the action is final. The Legislative Body may extend the appeal time period on a particular project as deemed necessary.

03-170 VESTING OF RIGHTS

A. **Applications and Permits**.

1. An applicant is entitled to approval of a land use application if the application conforms to the requirements of the Coalville City's zoning map and applicable land use ordinance in effect when a complete application is submitted and all fees have been paid, unless:

   a. The governing body, on the record, finds that a compelling, countervailing public interest in the form of Health, Safety, or Welfare, would be jeopardized by approving the application; or

   b. In the manner provided by local ordinance and before the application is submitted, the municipality has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the application as submitted.

2. The City shall process an application without regard to proceedings initiated to amend the municipality's ordinances if:

   a. 180 days have passed since the proceedings were initiated; and

   b. The proceedings have not resulted in an enactment that prohibits the approval of the application as submitted.

3. An application for a land use approval is considered submitted and complete when the application is

   a. deemed Complete by the proper Authority, and

b. complies with the requirements of format, information, etc., of the applicable ordinances, and

c. all applicable fees have been paid.

4. The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.

5. The City shall not impose on a holder of an issued land use permit a requirement that is not expressed:

a. in the land use permit or in documents on which the land use permit is based; or

b. in the City ordinances.

6. The City will not withhold issuance of a certificate of occupancy because of an applicant's failure to comply with a requirement that is not expressed:

a. in the building permit or in documents on which the building permit is based; or

b. in the City ordinances.

7. The City is bound by the terms and standards of applicable land use ordinances and shall comply with mandatory provisions of those ordinances.

B. **Zoning**. Upon payment of the required application fees and submission of a completed application, an applicant shall be entitled to have a filed application reviewed and acted upon pursuant to the terms of this Development Code and Zoning Map in effect at the time of filing of a complete application, subject to the exceptions set forth below.

1. The applicant may take advantage of amendments to this Code and Zoning Map that would permit greater density or more intense use of the land, provided that these changes may be deemed a modification of the plan and require the payment of additional planning review fees.

2. Vesting of all permits and approvals terminates upon the expiration or termination of the permit or approval.

C. **Complete Applications**. For the purposes of this Code, a complete application includes all documentation required by:

1. this Code,

2. other relevant laws and ordinances of Coalville City,

3. relevant state and federal laws, and

4. any other information deemed necessary by the Staff or Land Use Authority to complete a thorough review of the proposed project.

Upon receipt of the information required by this Code and any additional information required by the Staff or Land Use Authority, the application will be deemed complete.

An applicant may not appeal the need to provide information required by this Code or any other City ordinance, or any state or federal law.

However, any applicant may appeal the need to provide any additional information requested by the Land Use Authority to the Legislative Body on the next available meeting of the Council with adequate time to fully discuss the matter.

D. **Non-Zoning**. Non-zoning related matters, including, but not limited to, site development standards, procedural requirements and building code requirements will not vest until complete building permit applications have been filed and required fees have been paid.

Water and sewer connection availability, costs of water and sewer connection and water development fees, applicable impact fees and other charges will vest only upon payment of the building permit application fees and submission of all materials necessary for the issuance of a building permit.

E. **Exceptions**. Applicants shall not be entitled to review and approval of applications pursuant to the terms of this Code when revisions to this Code are pending that would prohibit or further condition the approval sought, or when there exists a compelling reason for applying a new standard or requirement retroactively to the time of application.

03-180: ANNEXATIONS

All annexations shall be consistent with the Coalville City Annexation Policy Declaration. Upon receiving a petition for annexation, the City will take action in accordance with the relevant sections of the Utah Code.

03-190: STREET VACATIONS

A. **Procedure**. The following procedures shall apply to any requests for the vacation of a public street or right-of-way:

1. Utah State Law governs the procedure by which a public street or right-of-way may be vacated or closed. State Law also specifies the method of public notice, and who must be noticed.

2. Staff reviews the request, including the City’s Transportation Engineer and City Surveyor, and makes a recommendation to the Land Use Authority and Legislative Body.

3. The City notifies in writing all owners or operators of underground facilities and utility facilities who have facilities within the boundaries of the street to be vacated, closed or name changed.

4. The Land Use Authority will hold a public meeting to consider the Vacation/Closure/Name Change, and forward a recommendation that considers the following:

    a. there is good cause for the action; and

    b. the action will not be detrimental to the public interest, nor will any person be materially injured by the proposed vacation.

5. Notice of the Public Hearing is published. Public Notices are required if all adjacent property owners of the subject street have not jointly filed the application for street vacations and closures.

    a. The Public Notice must run in the newspaper once a week for four consecutive weeks prior to the hearing date.

6. The Legislative Body will hold a public hearing to consider the Vacation/Closure request and take one of four actions:

    a. approve the request as a “vacation”;

    b. approve the request as a “closure”;

    c. remand the request to the Land Use Authority or staff for further research and study; or

    d. deny the request (the street remains public and is not vacated or closed).

7. For a Street Name Change, the Legislative Body may:

    a. approve the name change,

    b. deny the name change, or

    c. remand to the Land Use Authority for further study.

8. If the Street or Right-of-Way is “Vacated”, then new legal descriptions are prepared by the City Surveyor to deed the street equally between all abutting property owners to the centerline of the street. The new legal descriptions are attached as an exhibit to the ordinance adopted by the Legislative Body approving the Vacation.

9. If the Street or Right-of-Way is “Closed”, the legal description is attached as an exhibit to the ordinance adopted by the Legislative Body approving the Closure. The street becomes Real Property that can be sold or developed. Closed streets are often sold to interested persons at market value.

10. If the Name of the Street is changed, the old and new names will appear as an exhibit, along with a legal description of the section of street to be renamed as an exhibit to the ordinance approving the change.

11. The Ordinance adopting the street vacation/closure/name change is recorded with the Summit County Recorder. If recorded as a Vacation, then legal descriptions for adjacent properties will be amended to include the adjacent portion of the street. The County Tax Maps will be amended to reflect the change, and the wording “Vacated” will generally appear on the maps, often with the ordinance number adopting the vacation. If recorded as a Closure, the County will assign a parcel tax identification number, and the City may then sell or transfer the real property or keep the property for other public uses. If recorded as a Name Change, the county will notify the Post Office of the new street name, and Coalville City will erect new street signs to reflect the new street name.

12. For street name changes. If the street name being changed was originally a coordinate name (i.e., 500 South),

    a. The new street sign will include the street coordinate in addition to the new street name.

    b. The coordinate will be in a smaller font and appear subordinate to the new name.

    c. For name changes from all other types, only the new name will appear, along with the appropriate coordinate (if applicable).

13. Street Vacation/Closure/ Name Changes generally take 8-12 weeks to process. The process can be shorter or longer, depending on the request and the issues raised at the hearing.

B. **Information Required for a Complete Submittal**.

1. Completed General Development Application Form.

2. Letter Describing the Proposed Street Vacation/Closure and reasons or justifications for the granting of the request. The letter should address why the Vacation/Closure will not be contrary to the City’s General Plan (including the Transportation Element), or contrary to the City’s Land Development Code.

3. Legal Description of proposed street to be vacated or closed. Legal Description should be accompanied by a drawing showing the boundaries of the area proposed to be vacated/closed.

4. Name Change. For requests to change the name of the street, you must submit a letter from the County Recorder approving the proposed street name.

5. Other Information which will aid the Land Use Authority in making a proper determination (as may be determined by the Planning Staff):

6. Copy of Property Plat of the area (where applicable). This information is available from the Summit County Recorder’s Office.

7. Names and Addresses of all Property Owners of Current Record, including your own, who are immediately adjacent to the proposed street to be vacated/closed, typed on mailing labels. (This information is available from the Summit County Recorder's Office, as posted above.)

8. Filing Fees: as determined in Coalville City Schedule of Fees.

03-200: LOT LINE ADJUSTMENTS

A. **Application**. The following procedures shall govern the review and approval of any lot line (Parcel boundary) adjustments.

1. An Application for Uncontested Lot Line Adjustment (boundary changes) shall be made to the Community Development Department on the prescribed application. All owners of record must sign the application.

2. The following items shall be submitted with the application:

a. The signatures of approval of all abutting property owners and property owners directly across any abutting street(s) on the attached form provided by the planning division.

b. Two (2) 24” x 36” and one (1) 11”x 17”copies of a preliminary plat drawing, showing the land to be subdivided, properly and accurately drawn to scale also showing existing and proposed boundaries, all improvements (houses, driveways, trees, etc.), and required building setbacks that may be affected by the proposed boundary change. Plats need to be certified as accurate by a registered land surveyor or professional engineer.

c. A current Sidwell map from the Summit County Recorder's office showing the entire subject area with property ownership boundaries.

d. An explanation of the reason for the adjustment

e. Evidence that any holders of Deeds of Trust have no objections to the proposed boundary changes.

f. Title reports covering all parcels involved dated within 30 days.

g. If applicable, a signed, notarized statement of consent from property owner authorizing applicant to act as an agent.

h. Filing fee and Notification and Publication Costs due at time of application.

i. Any other information the Community Development Department may request to aid in the review of the application.

B. **Processing**.

1. All uncontested Lot Line Adjustment applications shall be reviewed by the Community Development Director or Staff and the City Engineer. The review will contain the following:

    a. Lot size remains conforming to the existing zoning ordinance. If the lots are currently nonconforming as to size, they cannot become further nonconforming (smaller).

    b. Setbacks remain conforming or do not become further nonconforming.

    c. Lot frontage and lot depth requirements remain conforming.

    d. The existing houses do not become nonconforming as to Floor Area Ratio requirements of the zone.

    e. The existing buildings meet the requirement of the Uniform Building code for fire separation or fire wall construction.

2. After review by the Community Development Director or Staff, the applicant will be notified of any requirements that must be met before the certificate or map can be recorded.

3. The Community Development Director has authority to approve any Uncontested Lot Line Adjustments. The Community Development Director may approve or deny the application but may not attach conditions, except to meet the requirements of the Building or Zoning regulations. If the application is denied, the applicant may appeal this decision to the Land Use Authority.

4. The Community Development Director shall not approve any Contested Lot Line Adjustments; Contested Lot Line Adjustments must be presented before the Planning Commission and City Council for approval.

C. **Final Action**.

1. Any corrections that must be made will be sent to the Licensed Surveyor or Civil Engineer, and corrected documents resubmitted.

2. The Community Development Director will sign the Certificate of Lot Line Adjustment once the legal descriptions and map documents have been reviewed and approved by the City Engineer.

3. The Coalville City Clerk’s Office will send the documents to your title company with instructions for recording.

D. **Additional Information**.

1. Legal descriptions and maps of the new parcel configurations shall be prepared by a Registered Civil Engineer or Licensed Land Surveyor, these are the only persons authorized to prepare such documents.

2. The applicant shall provide new Grant Deeds for the new parcel configurations and arrange for the recording of these documents.

03-210: EXACTIONS

The City may impose an exaction or exactions on proposed land use development if:

1. an essential nexus exists between a legitimate governmental interest and each exaction; and
2. Each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.

03-220: SHORT-TERM RENTALS

A. **Purpose**. The purpose of this provision is to provide a fair process for the licensing and administration of Short-Term Rental Licenses in Coalville City.

B. **Definitions**. For the purposes of this Section, the following definitions shall apply:

1. Lodger means any person who, individually or as part of a group, reserves and resides in a Short-term Rental.
2. Owner Occupied means a dwelling in which the property owner, whether an individual, couple, or principle of an LLC or Trust, as listed on the City records, currently and permanently resides for no less than 6 months of the year.
3. Short Term Rental means Short-Term Nightly Rental. The rental of any single-family residential dwelling, or any portion thereof, (cannot be a detached unit) for a period of less than 30 days to a single entity or person.
4. Room Rental means the short-term rental of a portion of a single residential dwelling that is owner-occupied.
5. Home Rental means the short-term rental of an entire dwelling that is owner occupied.
6. Accessory Dwelling Unit (ADU) means an accessory residential single-family dwelling unit, but not a mobile home, with required limitations and located on the same lot as a single-family dwelling or in a detached accessory structure (must be rented more than 30-days).
7. Vacation Rental means the short-term rental of an entire dwelling that is not owner occupied.

C. **Licenses Required**. It is unlawful to engage in a Short-Term Rental business without first receiving a Business License from the City. All Short-Term Rental Business Licenses shall comply with the following:

1. Rental owners shall be onsite or be managed by a rental manager located within ten (10) miles of the rental property. Contact information for said rental managers shall be on file with the City.
2. Coalville City and its departments maintain the right to inspect any Short-Term Rental for the purpose of determining compliance with State, Local, Health, and Safety codes, upon the City's request.
3. Modifications to buildings that include, but are not limited to, remodels, basement finishes, pools, and accessory buildings, require a building permit.
4. Exterior signs associated with short-term rentals are prohibited.
5. The following shall be posted inside the dwelling:
    a. Coalville City Business License.
    b. Rental Manager Name, Address and Contact information.
    c. Occupancy limit.
    d. Parking plan.
    e. Summary of Quiet Hours and Noise Restrictions.
6. Commercial activities are prohibited.
7. Recreational Vehicles, Campers, or other travel trailers are not allowed as Short-Term Rentals and must be parked off the public street in a designated parking area.
8. Tents or other temporary structures intended for sleeping are prohibited.
9. Room Rental. Room Rentals are permitted in any single-family residential dwelling so long as the following provisions have been met:
    a. Room Rentals are limited to no more than one reservation at a single time.
    b. Room Rentals are limited to no more than two bedrooms in the dwelling.
    c. Property owners shall be present during the hours of 10 pm to 7 am for the entirety of the reservation period.
    d. Lodgers shall be limited to no more than one vehicle.
    e. Lodgers shall not park on the street. All cars shall be located in a garage, driveway, or permitted parking area.
    f. Owner Occupied Accessory Apartments are considered a Room Rental and shall comply with these provisions.

10. Home Rental. Home Rentals are permitted in any single-family residential dwelling so long as the follow provisions have been met:

    a. The entire dwelling shall be rented with a single reservation. Occupancy shall not exceed that of a Family as defined in Chapter 02, or 8 individuals, whichever is more.

    b. Lodgers shall not park on the street. All cars shall be located in a garage, driveway, or permitted parking area.

    c. Lodgers shall be limited to no more than 4 cars, based upon off-street parking availability.

11. Vacation Rental. Vacation Rentals are permitted in any single-family residential dwelling so long as the following provisions have been met:

    a. The entire dwelling shall be rented with a single reservation. Occupancy shall be limited to 1 lodger per 200 square feet, not to exceed 12 lodgers.

    b. Lodgers shall not park on the street. Garages shall be clear and available to patrons for parking. All cars shall be located in a garage, driveway, or permitted parking area.

    c. Lodgers shall be limited to no more than 4 cars, based upon off-street parking availability.

    d. The following shall be posted on the exterior of the property:

        i. Property Manager name, phone number, address, and email address.

        ii. Business License number.

12. All Short-Term Rentals are subject to Noise Disturbance regulations in Code 13 and any applicable transient room tax assessments.

13. The Total Number of Short-Term Rentals in the City shall not exceed 5% of the total number of primary households, with no more than three (3) Short-Term Rentals allowed within a 500-foot radius in the Residential and Agricultural Zones of the City.

D. **Application Form**. The City shall provide a standard Application Form for Short Term Rental Licenses. Each Application Form shall require the following information, documentation, and fee:

1. **Review of Written Disclosures.** An affirmation that the Applicant has received and reviewed the disclosure information required by this Chapter.

2. **Contact Information**.

    a. Applicant’s name, telephone number, home address, mailing address, and email address.

b. Applicant's business name, telephone number, business address, mailing address, and email address.

3. **Proof of Identity.** An in-person verification by the City of the Applicant's true identity by use of any of the following which bear a photograph of said Applicant:

   a. Valid driver's license issued by any State.

   b. Valid passport issued by the United States.

   c. Valid identification card issued by any State; and

   d. Valid identification issued by a branch of the United States military.

   4. Upon verification of identity, the original identification submitted to establish Proof of Identity shall be returned to the Applicant.

4. **Rental Manager Information.**

   a. Manager name.

   b. Managing company name.

   c. Managers contact address, phone number, and email.

5. **Proof of Registration with Department of Commerce.** The Applicant shall provide proof that either the Applicant, or the Responsible Person or Entity, has registered with the Utah State Department of Commerce.

6. **Properties list.** A list of all Short-Term Rental properties owned and/or operated by the business, including address and parcel ID number.

7. **HOA Consent.** A letter of consent from the Homeowners Association is required for any properties that are governed by a HOA.

8. **Site and Floor Plans.** A site plan and floorplan including the following shall be required for each property listed under the license:

   a. Layout of property.

   b. Designated parking areas.

   c. Floor plan of building with area in square feet that will be used for short-term rentals.

9. **Fees.** The Applicant shall pay such fees as determined applicable by the City, which shall not exceed the reasonable cost of processing the application. Refer to the City Fee Schedule for current fees.

10. **Execution of Application.** The Applicant shall execute the Application Form, stating upon oath or affirmation, under penalty of perjury, that based on the present knowledge and belief of the Applicant, the information provided is complete, truthful, and accurate.

11. **Sales Tax Number.** The Applicant shall provide the business sales tax number required for transient room tax assessment.

E. **Maintenance of Registry**. All Short-Term Rentals shall maintain a register of lodgers and individual bookings. This register shall be available to the City upon written request.

F. **Non-Transferability**. Short Term Rental Licenses are non-transferable between property owners or business owners. Upon the change of business or property ownership, a new license will be required.

G. **No Property Rights Conferred**. Short Term Rental Licenses shall not be construed as providing property right or vested interests and entitlements in continued operation of a Short-Term Rental. Short Term Rental Licenses are revocable licenses which expire annually. Short Term Rental Licenses shall not run with the land.

H. **Denial, Suspension, or Revocation**.

1. **Denial.** The City shall deny a Short-Term Rental application for the following reasons:

   a. The application is not complete or does not comply with the requirements of this chapter.

   b. The property is in violation of provisions of this chapter or any other Code, Chapter, or Section of the Coalville City Municipal Code.

   c. The applicant has any licenses that are currently suspended or revoked.

2. **Suspension or Revocation.** The City may either suspend or revoke a Short-Term Renal License when any of the reasons warranting the denial of an application occurs. The process for suspension and revocation are as follows:

   a. **Suspension.** Short Term Rental Licenses will be suspended upon the second instance of violation of this chapter, or any other Code, Chapter, or Section of the Coalville City Municipal Code, or failure to resolve any violation within the required time period. Suspensions shall be a minimum of 3 months or until the violation is resolved, whichever is greater, but not to exceed 6 months.

   b. **Revocation.** Short Term Rental Licenses will be revoked upon the third instance of violation of this chapter or any other Code, Chapter, or Section of the Coalville City Municipal Code, or upon failure to resolve any violation during the suspension period, notwithstanding the number of instances of the violation. Revoked Short Term Rental Licenses will become null and void and require a new application. Applicants with a revoked license may not apply for a new business license for a period of 6 months following the

revocation of their license or until the violation has been resolved, whichever is greater.

3. **Notice of Denial, Suspension, or Revocation.** Upon determination of the Licensing Officer to deny an Applicant's Completed Application, suspend a current Short Term Rental License, or revoke a current Short Term Rental License, the City shall cause written notice to be sent to the Applicant or Registered Manager by the method indicated in the Completed Application. The Notice shall specify the grounds for the denial, suspension, or revocation, and the documentation or information the City relied on to make the decision.

4. The penalty for operating a Short-Term Rental without a business license or approval is a $1,000 fine, in addition to Daily Non-Compliance Fines per the Coalville City Fee Schedule.

03-230: ACCESSORY DWELLINGS

A. **Purpose**. The intent and purpose of this provision is to provide for and encourage accessory dwellings as an affordable housing opportunity while protecting the existing quality of life throughout the community.

B. **Definitions**. Accessory Dwellings and Short-Term Rentals are defined as follows:

1. **Internal Accessory Dwelling Unit (IADU)**: An area within a primary single-family dwelling including a room, basement, or above an attached garage for the private use of the property owner's relatives, domestic help, house guests, or renters that is subordinate to the primary dwelling. The limit is one (1) IADU per primary single-family detached dwelling. An IADU may be used as a short-term rental (nightly rental) unit in accordance with **Section 03-220**.

2. **Detached Accessory Dwelling Unit (DADU)**: A detached structure from a primary single-family dwelling used as an accessory dwelling for the private use of the property owner's relatives, domestic help, house guests, or renters that is subordinate to the primary dwelling. A DADU shall contain cooking, sanitation and sleeping facilities. The limit is one (1) DADU per primary single-family detached dwelling. A DADU shall not be used as a short-term rental (nightly rental) unit.

3. **Short-Term Rental (nightly rental)**: The rental of a room, apartment, house, or lockout unit for a short-term period less than thirty (30) days. Nightly rentals require a business license and are subject to all applicable off-street parking requirements, noise disturbance regulations, transient room tax and other requirements (see **Section 03-220**: Short-Term Rentals).

C. **Internal Accessory Dwelling Unit (IADU) Regulations**. IADU's are permitted uses in all zones, except the light industrial zone. Only one (1) IADU per primary

single-family dwelling is allowed. The following standards are required prior to approval or issuance of a business license, short-term rental permit, or building permit for an IADU:

1. Installation of a separate utility meter for an IADU is not allowed.
2. An IADU shall be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling.
3. One on-site parking space shall be provided in addition to the underlying parking requirements for the primary single-family dwelling.
4. The creation of an IADU within a mobile home is not allowed.
5. The owner of a primary dwelling shall obtain a business license for renting an IADU.
6. The creation of an IADU is not allowed if the lot containing the primary single-family dwelling is less than 1/8 acre (5,445 square feet) in size.
7. The rental or offering the rental of an IADU for a period of less than 30 consecutive days shall require a Short-Term Rental Permit.
8. The rental of an IADU is not allowed if the IADU is in a primary dwelling that is not occupied as the owner's primary residence.
9. The IADU and associated improvements shall comply with all building, health, and fire code regulations.

D. **Detached Accessory Dwelling Unit (DADU) Regulations**. DADU’s are permitted uses in all zones, except the light industrial zone. Only one (1) DADU per primary single-family dwelling is allowed. The following standards are required prior to approval or issuance of a business license or building permit for a DADU:

1. The maximum size of a DADU shall not exceed 1,000 gross square feet as measured from exterior wall to exterior wall, or two-thirds (2/3) the size of the primary dwelling, whichever is less.
2. Installation of a separate utility meter for a DADU is not allowed.
3. A DADU shall be designed and constructed in a manner that is consistent with the appearance of the primary single-family dwelling.
4. One on-site parking space shall be provided in addition to the underlying parking requirements for the primary single-family dwelling.
5. The creation of a DADU as a mobile home is not allowed.
6. The owner of a primary dwelling shall obtain a business license for renting a DADU.
7. The creation of a DADU is not allowed if the lot containing the primary single-family dwelling is less than 1/4 acre (10,890 square feet) in size.

8. The rental or offering the rental of a DADU unit less than 30 days (nighty rental) shall not be permitted.

9. The rental of a DADU is not allowed if the primary dwelling is not occupied as the owner's primary residence.

10. The DADU and associated improvements shall comply with all building, health, and fire code regulations.

E. **Review Process**. Generally, all accessory dwelling units, both internal and detached, shall be administratively reviewed, and approved by Staff through the building permit and/or Short-Term Rental review and approval process as applicable with the following exceptions:

1. In proposals where the Community Development Director determines that potential issues may arise, or additional comment is needed or has been received from the community, a public hearing on the application may be scheduled with the Planning Commission. Following the public hearing, the Planning Commission shall make a recommendation to the City Council to either approve, approve with conditions, or deny the accessory dwelling unit.

2. The City Council shall approve a business license for rental of an accessory dwelling unit.

3. If a proposed IADU is intended for rental less than 30-days (nightly rental) a Short-Term Rental Permit shall be required in accordance with **Section 03-220**.

03-240: SENSITIVE LANDS REVIEW

Any project proposed in an area defined as Sensitive Lands in this Code or containing lands designated as sensitive by the City may be subject to additional requirements and regulations as outlined in the Sensitive Lands Regulations of Chapter 18 of this Code.

Chapter 4

NONCONFORMING LOTS, USES, AND STRUCTURES

04-010: Intent
04-020: Purpose
04-030: Effect of Chapter
04-050: Nonconforming Uses
04-060: Determination of Nonconformance and Noncompliance
04-070: Nonconforming Lots of Record
04-080: Nonconforming Uses of Land
04-090: Noncomplying Structures
04-100: Nonconforming Uses of Complying Structures
04-110: Nonconforming Use of Noncomplying Structures
04-120: Change in Status of Non-Conforming Use
04-130: Damaged Buildings

04-010: INTENT

In view of the fact that no further development or change in use can be undertaken contrary to the provisions of this Code, it is the intent of this Code that nonconforming uses and noncomplying structures shall not be increased nor expanded except where a health or safety official, acting in his official capacity, requires such increase or expansion. Such expansion shall be no greater than that which is required to comply with the minimum requirements as set forth by the health or safety official. Nevertheless, a noncomplying structure or nonconforming use of land may be continued to the same extent and character as that which legally existed on the effective date of the applicable regulations. Repairs may also be made to a noncomplying structure housing a nonconforming use.

04-020: PURPOSE

It is the purpose of this Code to permit nonconforming uses and noncomplying structures to continue until such time as they are changed, amended, or abandoned. This Chapter declares nonconforming uses to be incompatible with permitted uses in the zone involved. However, to avoid undue hardship, nothing in this Code shall require a change in the plans, construction, or designated use of any building on which actual construction lawfully began prior to the effective date of adoption or amendment to this Code and is diligently pursued. This Code defines actual construction as the placement of construction materials in a permanent position and fastening in a permanent manner. Where excavation, demolition, or removal of an existing building substantially began preparatory to rebuilding, this Code shall deem such excavation, demolition, or removal to be actual construction, provided the builders carry on the work diligently.

04-030: EFFECT OF CHAPTER

Structures built prior to the adoption of this ordinance, or for which building permits were issued and on which work commenced as required under the permit shall, to the extent they do not comply with the requirements of this ordinance, shall be considered as existing legal non-conforming structures, and shall not be affected hereby. Uses that were non-conforming under the old enactments shall not be affected by this Code, unless this Code is changed in a manner that makes the use conform to the new code or zone.

04-040: NONCONFORMING USES

F. **Purpose**. This section sets forth procedures for determining the existence, expansion, or modification of a nonconforming use.

G. **Authority**. The Land Use Administrator is authorized to make a determination regarding the existence, expansion or modification of a nonconforming use as provided in this section.

H. **Initiation**. A property owner, or the owner's agent, may request a determination regarding the existence, expansion or modification of a nonconforming use affecting the owner's property as provided in Subsection (D)(1) below.

I. **Procedure**. An application for determination of the existence, expansion or modification of a nonconforming use shall be considered and processed as provided in this subsection.

1. A complete application shall be submitted to the office of the Community Development Department in a form established by the Department along with any fee established by the City's schedule of fees. The application shall include at least the following information:

    a. The name, address and telephone number of the applicant and the applicant's agent, if any;

    b. The nonconforming use in question;

    c. A description of the action requested by the applicant; and

    d. Grounds for finding the use is nonconforming or for allowing expansion or modification of the nonconforming use.

2. After the application is determined to be complete, the Land Use Administrator shall approve, approve with conditions, or deny the application pursuant to the standards set forth in Subsection (E) below. Any conditions of approval shall be limited to conditions needed to conform the nonconforming use, expansion, or modification to approval standards.

3. After making a decision, the Land Use Administrator shall give the applicant written notice of the decision.

4. A record of all nonconforming use determinations shall be maintained in the office of the Land Use Administrator.

J. **Standards for Decision**. A determination regarding the existence, expansion or modification of a nonconforming use shall be based on applicable provisions of Chapter 04-030 of this Code.

K. **Appeal of Decision**. Any person adversely affected by a decision of the Land Use Administrator regarding a nonconforming use may appeal such decision as provided in **Section 03-160** of this Code.

L. **Effect of Decision**. An applicant may continue, expand, or modify a nonconforming use as determined by the Land Use Administrator.

04-050: DETERMINATION OF NONCONFORMANCE AND NONCOMPLIANCE

Pursuant to the procedures set forth in 04-030, the Land Use Authority shall determine all matters regarding the nonconforming use of lots, land, and non-complying buildings and whether the use is nonconforming with respect to current provisions of this Chapter.

04-060: NONCONFORMING LOTS OF RECORD

A parcel or lot that was lawfully created prior to the effective date of the original Coalville City Development Code (January 8, 1994) and does not conform to the minimum area per dwelling unit requirements of the zone district in which it is located, is entitled to one (1) but not more than one (1) dwelling unit thereon. Lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the application of this Code shall not be denied a building permit solely for reason of non-conformance with the parcel requirements of this Code and are declared an existing Legal Nonconforming Use in accordance with **Section 04-040** herein.

Notwithstanding any other provision of this Code, a single-family dwelling may be permitted on any lot of record in any zone in which dwellings are permitted, even though such lot fails to meet the area or width requirements for single-family dwellings within the zone, provided that where two (2) or more contiguous lots of record having continuous frontage are owned by the same persons at the time of the passage of the controlling ordinance, the land included in the lots shall be considered to be an undivided parcel and no portion of said parcel shall be used as a dwelling site or sold which does not meet the area and width requirements of the zone in which the lot is located. Yard dimensions and other requirements not involving area or width shall conform to the regulations of the zone in which the lot is located except when granted a variance by the appeal authority.

04-070: NONCONFORMING USES OF LAND

A nonconforming use of land lawfully existing on the effective date of this Code may be continued provided:

A. No one enlarges or increases such nonconforming use or extends such use to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Code.

B. No one moves in whole or in part such nonconforming use to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Code.

C. Any such nonconforming use of land does not cease for any reason for a period of more than one (1) year; otherwise, any subsequent use of such land shall conform to the regulations specified by this Code for the zone in which such land resides.

D. No one erects additional noncomplying structures in connection with such nonconforming uses of land.

04-080: NONCOMPLYING STRUCTURES

A noncomplying structure in any zone district may continue provided no additions or enlargements are made thereto and no structural alterations are made therein, except as allowed by a Conditional Use Approval.

Subject to the provisions of this Code, a Conditional Use Approval may be granted to allow the expansion of a building that does not conform to height, lot coverage setbacks or area requirements if all of the following standards can be met:

1. That granting the expansion will not adversely impact the attainment of the General Plan Goals, Objectives, and Policies.
2. That the expansion will improve the general appearance or safety of the building.
3. That by expanding the building, the character of the neighborhood is not adversely impacted.
4. That the expansion will improve the area by providing adequate parking.
5. That any expansion will be adequately screened or buffered, if needed, so as not to increase impacts to the adjoining properties.

If a noncomplying structure is removed, the future use of the land on which the building was located shall conform to the provisions of this Code.

04-090: NONCONFORMING USES OF COMPLYING STRUCTURES

The nonconforming use of any conforming structure lawfully existing on the effective date of this Code may be continued provided such nonconforming use shall not be expanded or extended into any other portion of the complying structure nor shall any structural alterations except those required by law be made. If such nonconforming use is discontinued for a continuous period of more than one (1) year, any future use of such structure shall conform to the provisions of the zone in which it is located.

Subject to the provisions of this Code, a Conditional Use Approval may be granted to allow the expansion of a complying structure in which a nonconforming use is operating if all of the following standards can be met:

1. The expansion of the structure will not adversely impact the surrounding properties.
2. The proposed expansion is compatible with the surrounding area.
3. The site of the proposed expansion conforms to all site development requirements.

04-100: NONCONFORMING USE OF NONCOMPLYING STRUCTURES

The nonconforming use of a noncomplying structure lawfully existing on the effective date of this Code may be continued for the period prescribed in this Section and may be expanded or extended throughout such structure provided no structural alterations except those required by law are made therein. If such nonconforming use is discontinued for a continuous period of more than one (1) year, any future use of the building shall conform to the provisions of this Code, the zone district in which it is located and all other laws and ordinances of the City.

04-110: CHANGE IN STATUS OF NONCONFORMING USE

A. If a nonconforming use is vacated, it may be succeeded by the same use provided such change occurs within one (1) year.

B. If such nonconforming use is discontinued for a continuous period of more than one (1) year, any future use of the building shall conform to the provisions of this Code, the zone district in which it is located and all other laws and ordinances of the City.

C. Residential dwellings shall be permitted in existing structures, both complying and noncomplying, in the historic district of Main Street that were originally residential uses, even if at some point those structures were converted to commercial or some other use.

04-120: DAMAGED BUILDINGS

A noncomplying structure damaged or destroyed by fire, explosion, or other casualty or act of nature or public enemy or natural disaster, may be restored and the occupancy or use of such building or part thereof that existed at the time of such partial destruction may be continued subject to all of the provisions of this Code. The occupancy or use of such noncomplying structures, or part thereof which legally existed at the time of damage, may continue to operate given the building is repaired within one (1) year from the date of loss, provided that such restoration does not increase the floor space devoted to the nonconforming use over that which existed at the time the building became nonconforming

Chapter 5

OUTDOOR LIGHTING

05-010: Purpose
05-020: Applicability
05-030: Application and Review Procedures
05-040: Definitions
05-050: Lighting Standards and Fixtures
05-060: Specific Requirements for Lighting Applications
05-070: Exemptions
05-080: Penalty
05-090: Appeals

05-010: PURPOSE

The purpose of the Outdoor Lighting regulations is to:

D. To prevent the degradation of the nighttime visual environment by production of unsightly, annoying, or dangerous glare;

E. To minimize light pollution for the enjoyment of Coalville City residents and visitors;

F. To create lighting practices that promote the health and safety of Coalville City residents and visitors;

G. To prevent the unnecessary waste of energy and resources in production of excessive light or wasted light;

H. To prevent interference of the use or enjoyment of property which is not intended to be illuminated at night and the loss of the scenic view of the night sky due to increased urban sky-glow and light trespass.

05-020: APPLICABILTY

All exterior outdoor lighting installed after the effective date of this Chapter in all zones in Coalville City shall conform to the requirements established by this Chapter.

A. These regulations do not apply to indoor lighting, except Window Display Lighting.

B. Should this Chapter be found to conflict with other sections of this Code, or a Development Agreement, Settlement Agreement or other agreement or regulation, the more restrictive shall apply.

05-030: APPLICATION AND REVIEW PROCEDURES

A. **Lighting Plans Required.** All Development Project permit applications or submittals that propose exterior outdoor lighting or street lighting shall include a lighting plan that shows evidence that the proposed lighting fixtures and light sources comply with this Chapter and shall include the following:

1. Plans or drawings indicating the proposed location of lighting fixtures, height of lighting fixtures on the premises, and type of illumination devices, lamps, supports, shielding and reflectors used, with installation and electrical details.

2. Illustrations, including but not limited to a manufacturer's catalog cut sheets of all proposed lighting fixtures. For commercial, and industrial uses, photometric cut-sheet diagrams of proposed lighting fixtures are also required. In the event photometric diagrams are not available, the applicant must provide enough information regarding the light fixture, lumens, degrees kelvin, and shielding mechanisms for the Planning Commission or Community Development Director to be able to determine compliance with the provisions of this Chapter.

3. A table showing the total number of proposed exterior lights, by fixture type, degrees kelvin, lumens, and lamp type.

05-040: DEFINITIONS

For purposes of these regulations the following terms, phrases, and words shall have the meaning herein given:

A. **Color Temperature (Kelvins)**. Color temperature (correlated color temperature) is a way to describe the light appearance provided by a light fixture and is a gauge of how yellow or blue the color of light emitted from a light source appears. It is measured in degrees of kelvin on a scale from 1,000 to 10,000.

B. **Development Project**. Any residential, commercial, industrial or mixed-use subdivision plan, development plan or building permit application which is submitted to the City for approval.

C. **Diffuse**. To spread or scatter widely, or thinly.

D. **Direct Illumination**. Illumination resulting from light emitted directly from a lamp or luminaire, not light diffused through translucent fixtures or reflected from other surfaces such as the ground or building facades.

E. **Display Lot or Area**. Outdoor areas where active nighttime sales activity occurs and where accurate color perception of merchandise by customers is required. To qualify as a display lot, one of the following specific uses must occur: automobile sales, boat sales, tractor sales, building supply sales, gardening or nursery sales, assembly lots, swap meets. Uses not on this list must be approved as display lot uses by the City.

F. **Flood Lamp or Light**. A specific form of lamp designed to direct its output in a specific direction (a beam) with a diffusing glass envelope

G. **Full Cut-Off Light Fixture**. A luminaire light distribution where no light is emitted above the horizontal.

H. **Fully Shielded Light Fixture**. A lighting fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection of refraction from any part of the luminaire, is projected below the horizontal as determined by photometric cut-sheets as certified by the manufacturer. Any structural part of the light fixture providing this shielding must be permanently affixed.

I. **Glare**. A light ray emanating directly from a lamp, reflector or lens such that it falls directly on the eye of the observer.

J. **Installed**. The attachment, or assembly fixed in place, whether or not connected to a power source, of any outdoor light fixture.

K. **Light Pollution**. Any adverse effect of manmade light.

L. **Light Trespass**. Light falling where it is not needed or wanted, typically across property boundaries.

M. **Lumens**. The measurement of the total amount of visible light (to the human eye) from a lamp or light source. The higher the lumen rating the “brighter” the lamp or light source will appear. The acceptability of a light fixture is determined by its Lumen output, not wattage.

N. **Luminaire**. The complete lighting assembly, less the support assembly. For purposes of determining total light output from luminaire, lighting assemblies which include multiple unshielded or partially shielded lamps on a single pole or standard shall be considered as a single unit.

O. **Opaque**. Opaque means that a material does not transmit light from an internal illumination source.

P. **Outdoor Light Fixture.** An outdoor illuminating device, outdoor lighting or reflective surface, lamp or similar device, permanently installed or portable, used for illumination or advertisement. Such devices shall include but are not limited to lights used for:

1. Parking lot lighting;
2. Roadway lighting;
3. Buildings and structures;
4. Recreational areas;
5. Landscape lighting;
6. Signs (advertising or other);

7. Product display area lighting;

8. Building overhangs and open canopies.

Q. **Outdoor Recreation Facility**. An area designed for active recreation, whether publicly or privately owned, including, but not limited to, baseball diamonds, soccer and football fields, golf courses, tennis courts and swimming pools.

R. **Person**. Any individual, tenant, lessee, owner, or any commercial entity including, but not limited to firm, business, partnership, joint venture or corporation.

S. **Special Uses/Events**. Uses and Events because of their temporary nature, uniqueness or public purpose, that warrant special lighting consideration. Special Uses and Events include schools and events, community events, churches, publicly owned buildings, civic centers and events, filming activities, or similar uses and events.

T. **Spot Lamp or Light**. A specific form of lamp designed to direct its output in a specific direction (a beam) and with a clear or nearly clear glass envelope.

U. **Temporary Lighting**. Lighting which will not be used on a continuous or permanent basis which by their nature are of limited duration, such as holiday lighting decorations, civic events or construction projects.

V. **Translucent**. Permitting light to pass through but diffusing it so that the light source is not directly visible.

W. **Window Display Lighting**. Window display lighting includes glass enclosures, top of window or side valance lighting at the exterior frontage walls of a building. They are often designed with elaborate displays intended to attract and draw customers instore.

X. **Total Outdoor Light Output**. The total outdoor light output is the maximum total amount of light, measured in lumens, from all outdoor light fixtures. For lamp types that vary in their output as they age (such as high-pressure sodium, fluorescent and metal halide), the initial output, as defined by the manufacturer, is the value to be considered.

05-050: LIGHTING STANDARDS AND FIXTURES

A. **Full-Cutoff Fixture Requirements**.

1. Unless specifically exempted by this Chapter, all outdoor lighting shall use full cutoff fixtures and shall be installed so light is directed downward with no light emitted above the horizontal plane of the fixture.

2. Lighting shall not be placed at a location, angle, or height that directs illumination or horizontal trespass outside the property boundaries where the light fixtures are located.

3. In order to qualify as a "full cutoff" fixture, a light fixture top and sides must be opaque material so that light only escapes through the bottom of the fixture. Any glass or diffuser on the bottom of the fixture must be flush with the fixture (no drop lenses). Merely placing a light fixture under an eave, canopy, patio cover, or other similar cover does not qualify as full cutoff.

4. In certain cases, such as but not limited to steep topography, significant changes in grade, development near or within identified ridgelines may require additional shielding to mitigate glare or light trespass. Requirements for additional shielding will be considered as part of the lighting plan review process.

5. Lighting intensities shall be controlled so that neighboring areas will not be adversely affected by reflectivity including glare, indirect illumination, or light trespass.

B. **Prohibited Lighting**. The following types of lights are prohibited:

1. Floodlights or spotlights affixed to buildings or poles for the purpose of lighting parking lots or sales display areas where the light source is directly visible.

2. Search lights, laser source lights or any similar high intensity lighting is prohibited except in emergencies by police and fire personnel or at their direction.

3. Flashing, blinking, intermittent or other lights that move or give the impression of movement, unless approved with a sign permit.

4. Neon or luminous tube lighting except as permitted in the Sign Regulations of Chapter 9.

5. Window Display Lighting between the hours of 10 pm and 7 am

6. Completely transparent light fixture materials, such as clear glass.

7. Single, or multiple light bulb fixtures that directly emit light.

C. **Kelvins (Color Temperature) Per Fixture**. The maximum correlated color temperature for Outdoor Light Fixtures is as follows:

1. All lighting shall make use of lamps with correlated color temperature not exceeding 4,000 degrees kelvin, except for roadway lighting as specified in **Section 05-060.E** herein. Color temperature in the range of 2,700 to 4,000 degrees kelvin is recommended.

2. The correlated color temperature of lighting may exceed 4,000 degrees kelvin in situations where the City determines that accurate color rendition is crucial to public safety or the activities of law enforcement. In no case shall the correlated color temperature of such critical lighting exceed 6,000 degrees kelvin.

D. **Lumens (Brightness) Per Fixture**. The maximum lumens allowed for Outdoor Light Fixtures are as follows:

1. For single-family and multi-family residential uses, fixtures up to 2,500 Lumens output per lamp.

2. For commercial and industrial, fixtures up to 4,000 lumens output per lamp.

3. Total Outdoor Light Output: Total outdoor light output, excluding streetlights used to illuminate public rights-of-way and under gas station canopy lighting, shall not exceed the following limits averaged over the entire project:

   a. For single-family detached dwellings and duplexes, the maximum total outdoor light output shall not exceed 25,000 lumens per parcel.

   b. For commercial, industrial and multi-family dwelling units, the maximum total outdoor light output shall not exceed 150,000 lumens per acre.

05-060: SPECIFIC REQUIREMENTS FOR LIGHTING APPLICATIONS

A. **Light Trespass**. Fixtures shall be located at the necessary distance from property boundary lines to ensure light does not trespass onto adjacent property.

B. **Wall-Mounted Area Lighting**. All wall mounted or building mounted fixtures shall not exceed twelve feet (12') above Finished Grade, measured directly below the light fixture. In cases where there is second story access directly from the outdoors, a single fixture may be placed above or adjacent to the access.

C. **Parking Lot Lighting**.

1. Pole top mounted fixtures shall not be mounted higher than twenty feet (20’) above Finished Grade, as measured to the top of the fixture.

2. All parking lot lighting shall include Full Cut-Off Fixtures.

3. All pole mounted parking lot lights shall be set back from property lines a distance equal to two (2) times the height of the pole.

4. Pole mounted fixtures shall be limited to two (2) light sources per pole.

5. Spotlighting of parking lots from a building, pole or other structure is prohibited.

6. On parking lots greater than one-fourth (1/4) acre in size, programmable full cut-off fixtures shall be used. These fixtures shall be dimmable and paired with motion sensors that are incorporated into the lighting system. Commercial businesses located within the Highway (HC) Zone are exempt from this requirement.

D. **Walkway/Pathway Lighting**. All pathway pole top fixtures shall not be mounted higher than ten feet (10') above Finished Grade directly below the fixture, as measured to the top of the fixture.

E. **Roadway Lighting**.

1. Residential Street Lighting shall not exceed fourteen feet (14’) above Finished Grade to the top of the fixture. All residential streetlights shall utilize lamp types that are full cut-off with correlated color temperature not exceeding 4,000 degrees kelvin.

2. Major Roadway lighting, including arterial and collector roads, shall not exceed twenty feet (20’) above Finish Grade to the top of the fixture. All major roadway lighting fixtures shall utilize lamp types that are full cut-off with correlated color temperature not exceeding 5,000 degrees kelvin.

F. **Gas Station Canopy Lighting**.

1. Lighting levels of gasoline station canopies shall be limited to illuminating the activities taking place under the canopy, not to attract attention to the business.

2. Gas station canopies may be illuminated provided all light fixtures are mounted on the undersurface of the canopy and all light fixtures are full cut-off. The undersurface of the canopy shall be a nonreflective material and non-gloss color.

3. Under gas station canopy lighting shall be exempt and not included in the total outdoor light output calculation for the property in which the canopy is located.

G. **Soffit Lighting**.

1. For Detached Single-Family Dwellings if lighting with fixtures mounted in the soffit of a building, the fixture shall not be mounted above twelve feet (12') in height, as measured from the fixture to Finish Grade.

2. For Commercial, Industrial and Multi-Family Dwellings, if lighting with fixtures mounted in the soffit of a building, the fixture shall not be mounted above twenty feet (20') in height, as measured from the fixture to Finish Grade.

3. Light fixtures mounted in soffits shall be recessed so that the lens cover is recessed or flush with the bottom surface of the soffit and/or shielded by the fixture.

H. **Outdoor Recreation and Athletic Facility Lighting**. Recreational lighting shall minimize the Glare of spill light and up-light by using louvers, hoods, or shielding.

1. Recreational lighting shall only illuminate the field or court area avoiding any direct illumination beyond those areas or into adjoining properties

2. Pole mounted recreational lighting shall be limited to twenty feet (20') in height.

3. Pole mounted recreational lighting must be set back a minimum of fifty feet (50') from adjacent residential properties.

4. Lighting for outdoor sports fields and courts shall be shut-off no later than eleven o'clock (11:00) pm

5. Lighting for non-field and non-court areas shall conform to the provisions of this Chapter.

5. Exemption-Public Recreational Facilities: Because of their unique requirements for nighttime visibility and limited hours of operation, lighting fixtures for public baseball diamonds, playing fields and tennis courts may exceed the twenty-foot (20') height limit subject to the following:

a. All applications for pole height greater than twenty feet (20') shall be reviewed by the City Staff and approved by the City Council.

b. In no case shall any lighting fixture exceed sixty feet (60') in height as measured from the top of the fixture to the adjacent grade.

c. Maximum lumens per fixture shall not exceed 80,000 lumens.

d. Lighting fixtures shall be subject to all other requirements in this Chapter.

I. **Towers**.

1. All monopole, antenna, tower or support facility lighting not required by the Federal Aviation Administration (FAA) or the Federal Communication Commission (FCC) is prohibited.

2. When lighting is required by the FAA or the FCC, such lighting shall not exceed the minimum requirements of those agencies. Collision markers should have a dual mode for day and night to minimize impact to the night sky and migrating birds.

3. All other lighting used on the property not regulated by the FAA or FCC shall conform to this Chapter.

J. **Subdivision Street Lighting**. Lighting along subdivision streets shall include, at a minimum, lighting poles and fixtures at entry intersections, other street intersections, end of cul-de-sacs, all crosswalks, and other locations as determined necessary for safety by the City engineer.

05-070: EXEMPTIONS

A. The following lighting shall be exempt from the requirements and review standards of this Chapter, provided such lighting does not create dangerous glare on adjacent streets or properties, is maintained, and does not constitute a public hazard or nuisance:

1. Exemptions to Full Cut-off Fixture Requirements:

    a. Fixtures having a total light output less than one thousand (1,000) lumens (allowing a maximum of a 60-watt incandescent or a 15-watt compact fluorescent bulb) are exempted from the full cut-off requirement provided:

        i. The fixture has a top that is completely Opaque such that no light is directed upwards.

        ii. The fixture has sides that completely cover the light source and are made of Opaque or semi-Opaque material. Fixtures with Opaque sides may have incidental decorative perforations that emit small amounts of light.

        iii. Semi Opaque material such as dark tinted glass or translucent plastic may be used if the light source is not discernable behind the material.

        iv. The direct light source is not visible beyond the property on which the fixture is located.

2. Low voltage lights used to illuminate pathways, provided the lights are installed no more than eighteen inches (18") above finish grade.

3. Holiday lighting. Holiday lighting which is temporary (45 days before a holiday and 15 days after a holiday) shall be exempt from the provisions of this Chapter.

4. Traffic control signals and devices.

5. Temporary emergency lighting in use by law enforcement or government agencies or at their direction.

6. The lighting of federal or state flags, provided that the light is a narrow beam aimed and shielded to illuminate only the flag. Flag lighting should use appropriate illumination levels to light the flag, while at the same time fulfilling the purposes of this Chapter.

7. Historic lighting in the Historic Downtown Commercial District if the lighting is consistent with the exterior lighting provisions of the Coalville City Architectural Design Guidelines.

8. Architectural lighting intended to accent or draw attention to architectural features of a building or structure within the property boundary and not trespass off-site.

9. Landscape lighting intended to accent or draw attention to landscape elements of the property and not trespass off-site.

10. Agriculture lighting. Lighting for agriculture activities or agricultural buildings is exempt from the requirements of this chapter, provided such lighting is directed downward and shielded to prevent Glare on adjacent streets or properties.

11. Special Uses and Events Lighting. Uses, events and buildings, defined as Special Uses/Events, may include lighting to illuminate buildings and other structures or activities.

05-080: PENALTY

Any person found guilty of violating any of the provisions, rules and regulations of this Chapter, is guilty of a Class “C” misdemeanor, pursuant to Utah Cade Annotated, as amended. Each violation shall be subject up to a $100 fine for each day the violation continues beyond the correction notice date issued by the City for such violation.

05-090: APPEALS

Any Person aggrieved by an administrative action by the Staff or Planning Commission may appeal the decision to the Administrative Law Judge who shall have authority to reverse, affirm or modify the decision of the Staff or Planning Commission.

Chapter 6

ON AND OFF-STREET PARKING

06-010: Purpose
06-020: Effect of Chapter
06-030: Parking On Public Streets
06-040: Off Street Parking
06-050: Minimum and Maximum Parking Spaces
06-060: Off-Street Loading
06-070: Access to Off-Street Parking and Loading Spaces
06-080: Parking Development, Standards, and Maintenance
06-090: Other Parking Provisions

06-010: PURPOSE

The purpose of this Chapter is to provide regulations for off-street parking and loading and sufficient access to such facilities for each type of land use so as to reduce street congestion and traffic hazards and prevent the need to park on public streets.

06-020: EFFECT OF CHAPTER

The regulations contained in this Chapter shall apply and govern in all zones.

06-030: PARKING ON PUBLIC STREETS

B. **Parking on Public Streets**. It shall be unlawful for any person to park or leave unattended any vehicle or other obstruction within twenty (20) feet of the center line of the street, or in instances where curb is installed, between the curb and center line upon any street in Coalville during the hours of 1:00 am to 7:00 am from the first day of November through the last day of March of each year. No vehicle or other obstructions shall be parked within thirty (30) feet of any intersection at any time.

C. **Parking on Public Sidewalks**. It shall be unlawful to park any motor vehicle on any public sidewalk.

D. **Deposit of Snow or Other Obstructions on Public Ways**. It shall be unlawful for any person to deposit or distribute snow or any other material or obstruction on any public street or sidewalk without first receiving permission from Coalville City.

E. **Removal - Costs**. Employees of Coalville City are hereby authorized to remove or have removed at their direction any vehicle or other obstruction left in a street or sidewalk in violation of this Ordinance and any person who parks, leaves or

deposits any such vehicle or other obstruction and the owner of the same shall be liable for the cost of removal.

F. **Enforcement**. Any person violating this ordinance shall be guilty of a Class B Misdemeanor.

06-040: OFF STREET PARKING

Off-street parking shall comply with the following requirements:

A. **Off-Street Parking Space Required**. Any use of land or main building or structure in the City shall provide sufficient off-street parking spaces, as outlined in this Chapter; along with adequate provisions for ingress and egress by standard-size automobiles and adequate loading facilities at the time anyone establishes a use or erects a building.

B. **Location of Off-Street Parking**. Parking areas, as required by this Chapter, shall be hard surfaces located on the same lot as the main building or structure. The following exceptions apply to buildings other than dwellings:

1. In cases where size or locations prohibit the landowner from providing the required parking on-site, they may provide parking on other property not more than three hundred (300) feet from the nearest point of the main parcel, provided the off-site location would not require persons to cross a public street.

C. **Prohibited Locations**. It shall be unlawful to park a motor vehicle, trailer, or boat in a frontage area as defined in **Section 02-103**, on any residential property, or other areas not approved for parking.

No one shall pave or improve any portion of a required front yard, other than driveways leading to a garage or properly located parking area, so as to encourage or make possible the parking of vehicles therein.

Residents may use paved driveways leading to a garage or properly located parking area as an approved parking area for additional vehicles to meet the requirements of this Chapter.

All vehicles on the property shall be licensed and operable. The owner of any vehicle that has been inoperable or unlicensed for longer than four (4) months shall remove said vehicle from the property or store it in a completely enclosed structure, including any and all vehicle parts. If a vehicle is under restoration, the vehicle owner shall possess a current and valid Restoration Permit from the City Community Development Department. Restoration Permits shall expire one (1) year from the date of issuance and no individual may have more than two (2) Restoration Permits at any time.

D. **No Parking Reduction**. No one shall reduce the number or size of parking stalls needed for off-street parking in connection with an existing building nor utilize the same for any purpose other than for off-street parking and shall maintain the

space in perpetuity as long as the requirement for said off-street parking is necessary.

E. **Tandem Parking**. This Chapter prohibits tandem parking except for single and two- (2) family dwellings. In this case, the parking space may be within the driveway area in the required front yard.

F. **Enlargements**. Change of Use, Etc. No one shall enlarge, alter, convert, or change the use of a building or structure unless they provide, and thereafter maintain for such building and its use, a minimum number of parking spaces as hereinafter required.

However, if such alteration, enlargement, conversion, or change does not increase the number of required parking spaces by more than fifteen (15) percent, then no additional parking spaces need be provided.

G. **Uses Not Mentioned**. In the case of a use not specifically mentioned herein, the requirements for the most similar use so mentioned, as decided by the Land Use Authority, shall apply.

06-050: MINIMUM PARKING SPACES

Each land use as listed below shall provide the required off-street parking. For any use not listed, the requirements for the most similar use listed shall apply. The Land Use Authority shall determine which listed use is most similar.

In special cases where there is not a similar use, the Land Use Authority, in consultation with the developer, shall establish the minimum and maximum parking space requirement.

Any entity that conducts a business in or from a residence, or to which employees come to a residence for work, shall obtain site plan approval subject to the following condition: the site provides two (2) off-street parking spaces per single-family residence plus an additional half (.5) off-street parking space for every full-time, part-time, or contract employee or worker who visits the residence or provides services at the residence during an average week.

Table 6-1 – Minimum Parking Spaces

Uses	Unit Measure
Banks, Business or Professional Offices	One (1) per each 200 square feet of gross floor area.
Convenience stores, service stations, minimarts	Two (2) space per 100 square feet of retail floor space
Car Wash and Fast Lube Services	Three (3) spaces in approach lane to each bay
Churches and Accessory Uses	One (1) space for each 5 seats in the chapel or assembly area, of if there is no fixed seat assembly area, then 1 space for each one hundred square feet of floor space used for assembly purposes.
Commercial recreational, such as golf courses, bowling alleys, indoor soccer, etc.	Two (2) per one thousand (1,000) square feet
Intensive commercial businesses, stores, and shops	Three (3) per one thousand (1,000) square feet retail floor area
Less Intensive commercial businesses including autos, lumber, appliances, sales, etc. stores, and shops	Two (2) per one thousand (1,000) gross square feet
Dwellings Single-Family	Two (2) per dwelling unit
Two- (2) Family	Two (2) per dwelling unit
Three – (3) Family	Two (2) per dwelling unit
Four – (4) Family	1.5 per dwelling unit
Daycares, preschools, and nursery schools	0.5 per teacher, plus drop-off loading area per seven (7) students
Food Establishments for the Sale of Food and Beverages for mainly Off Premise consumption	One (1) parking space for each 110 square feet of gross floor area.
Food Establishments for the Sale and Consumption on the Premises of Food and Beverages.	One (1) parking space for each 4 seats, including stools, benches, and booths, or 1 for each 100 square feet of floor area when number of seats is unknown. Plus 1 space for each 2 employees on duty during any one shift.
Hotel and Motel	One (1) per room or suite
Hotel and Motel Banquet	One (1) per each 200 square feet of banquet or sit-down restaurant facilities
Libraries	One (1) per each 250 Square feet of gross floor area
Motor Vehicle and Machinery Repair	Three (3) exterior parking spaces for each stall, bay or workstation.

Uses	Unit Measure
Manufacturing Uses, Research and Testing Laboratories, Creameries, Bottling Establishments, Bakeries, Canneries, Printing and Engraving Shops, Etc.	Not less than 1 parking space for each 800 square feet of gross floor area. Additional employee parking may be required during site plan review
Museums and Similar Non-Assembly Cultural Facilities	One Plus (1+) space for each 500 square feet of gross floor area.
Medical and Dental Clinics or Offices	One (1) parking space for each 200 square feet of gross floor area.
Offices and personal services	2.5 per one thousand (1,000) square feet floor area
Offices not Providing Customer Services or Sales on the Premises.	One (1) parking space for each 300 square feet of gross floor area.
Stadiums, Sports Arenas, Auditoriums (Including School Auditoriums) and Other Places of Public Assembly and Dance Halls, Clubs and Lodges having no Sleeping Quarters	One (1) parking space for every 6 seats and/or 1 parking space for each 100 square feet of gross floor area used for assembly and not containing fixed seats
Schools, Private, Vocational, etc.	One (1) parking space for each employee and 1 space for each 3 students of driving age.
Swimming Pools, Commercial and Public	One (1) parking space for each 5 persons based upon capacity load
Special Care Facility	One plus (1+) parking space for each 3 beds or for each 3 patients, residents, or other persons using the facility.
Theaters	1 parking space for each 4 seats up to 800 seats, plus 1 parking space for each 6 seats over 800 seats.
Transportation Terminals and Facilities.	Adequate number of parking spaces, as determined by the Planning Commission
Warehouse and Wholesale Storage Building (Dead Storage of High-Volume Distribution).	1 + parking space for each employee on the maximum shift
Uses Not Listed	The parking requirements for uses not listed above shall be determined to be adequate by the Planning Commission
Handicap Parking facilities designed to accommodate the handicapped may be required by the Planning Commission	

06-060: OFF-STREET LOADING

A. **Off-Street Loading Required**. For every building or part thereof having a floor area of ten thousand (10,000) square feet or more which is to be occupied by a commercial or industrial use, to or from which deliveries are regularly made by motor vehicle, the property owner shall provide and maintain on the same lot with the building at least one (1) off-street loading space.

B. In buildings larger than ten thousand (10,000) square feet, the property owner shall provide a second loading space for the next thirty thousand (30,000) square feet or fraction thereof plus one (1) additional loading space for each increment of forty thousand (40,000) square feet thereafter.

B. **Size of Off-street Loading Space**. Each loading space shall be not less than fourteen (14) feet wide, twenty-five (25) feet long, and fourteen (14) feet high.

C. **Location of Loading Space**. Required loading spaces may occupy any required yard except the front yard. The design and arrangement of the loading space shall be such that no part of the space would permit loading or unloading or service from a public street or sidewalk. No loading space shall be located closer than fifty (50) feet from a residential boundary except when screened by a six- (6) foot wall or solid fence.

06-070: ACCESS TO OFF-STREET PARKING AND LOADING SPACES

A. **Ingress and Egress**. All uses shall provide adequate ingress and egress as follows:

1. Residential driveway approaches shall have a maximum width of thirty-three (33) percent of the lot width. Measuring a driveway approach width shall be parallel with the street right-of-way boundary at the trough of the cut.

2. Property owners shall maintain a minimum of five (5) feet of full height curbing between cuts. Where multiple cuts for frontages exist, the maximum of all cuts shall not exceed the total width allowed for the frontage of the lot.

3. Where a proposed driveway approach and associated paving in the public right-of-way in asphalt, concrete or any other impervious surface will encase, cover or in any way come into contact with any public utility located in the public right-of-way the property owner shall provide adequate expansion joints in the paving surface as to allow ease of access to such public utilities. In such cases where this situation exists, in addition to the required excavation permit, the property owner shall submit a design detail for protecting the allowed access of any utilities that may be affected by the proposed excavation work.

4. Commercial and industrial uses shall:

    a. Have a maximum of one (1) driveway approach for each one hundred (100) feet of public street frontage.

    b. Said driveway approaches shall be no more than thirty-five (35) feet in width nor less than sixteen (16) feet (for one-way traffic).

    c. Proposed driveway approaches, and associated paving in the public right-of-way with asphalt, concrete or any other impervious surface that will encase, cover, or in any way come into contact

with any public utility located in the public right-of-way, will cause the property owner to provide adequate expansion joints in the paving surface as to allow ease of access to such public utilities.

a. In such cases where this situation exists the property owner shall submit a design detail for protecting the allowed access of any utilities that may be affected by the proposed excavation work, in addition to the required excavation permit.

B. **Spacing**. Driveway approaches shall not be located closer to each other than one hundred (100) feet in all commercial and industrial zones.

C. **Distance from Intersections**. No residential driveway approach shall be located closer than twenty (20) feet to the intersection of two (2) streets. This measurement shall be made along the front property lines/street right-of-way lines to the point of intersection of the two (2) lines. For commercial and industrial uses and apartments with seventeen (17) or more parking spaces, the driveway approach shall be no closer than forty (40) feet to the intersection of two (2) streets.

06-080: PARKING DEVELOPMENT, STANDARDS, AND MAINTENANCE

A. **Size**. Each off-street parking space shall be no less than nine (9) feet by twenty (20) feet, except as otherwise provided.

B. **Handicapped Parking**. All buildings and uses on the site shall have appropriate means of access for disabled persons. Said access shall meet the requirements of the building code and all standards of the Americans with Disabilities Act shall be followed in order to provide safe and convenient access for the disabled.

C. **Surfacing**. All public parking areas, private multi-family residential parking areas, with five (5) or more vehicles and private industrial parking areas with three (3) or more parking spaces (including driveways and loading spaces) shall have asphalt, concrete, or other approved porous hard surface paving, appropriate bumper guards so cars do not project across sidewalks or property lines, and striping to provide the orderly arrangement and movement of vehicles.

D. **Drainage**. All parking areas having a concrete or asphalt surface shall have proper grading for drainage and provisions for curb, gutter, and waterways as submitted in an accepted site plan approved by the City Engineer.

C. Where available, drainage collection areas should be designed to optimize percolation, and beautify the area.

E. **Screening and Landscaping**. As a condition of approval at the site plan review stage, the Land Use Authority may require all public and private parking areas, except single- and two- (2) family dwellings, to have effective screening, such as fencing or landscaping.

F. **Lighting**. The arrangement of lighting used to illuminate any off-street parking area shall reflect the light away from adjoining property in residential districts.

G. **Design of Parking Area**. All parking areas shall comply with the standards set forth in the **Table 6-2** Parking Standards at the end of this Chapter.

06-090: OTHER PARKING PROVISIONS

A. **Joint Use Parking Areas**. When two (2) dissimilar uses are located next to each other and the demand for parking in conjunction with those uses would not conflict, the Land Use Authority may authorize the use of such combined facilities requiring the maximum number of parking spaces for the larger use.

D. A use may provide a shared parking area for similar adjacent uses as long as the total off-street parking spaces equal the minimum requirement for each individual use. If the common facilities are located on more than one lot, the developer must file a covenant for the preservation of the parking facilities with the City.

B. **Additional Off-Street Parking Areas**. Additional off-street parking areas for common public use is required in residential zones and subdivisions where:

1. Street widths are at or less than thirty-five (35) feet between the Top-Back-Of-Curb (TBC) on either side of the street, or;

2. Street widths are at or less than thirty (30) feet of pavement in areas without curb, measured from the edge of asphalt of concrete. The layout, spacing, and number of stalls shall be recommended by the City Engineer and approved by the Land Use Authority and shall include:

   a. A minimum of one stall for two dwelling units.

   b. A paved surface with proper dimensions, and painted markings.

   c. Properly designed drainage into a storm water collection system and shall be subject to the same storm water detention requirements as the entire subdivision.

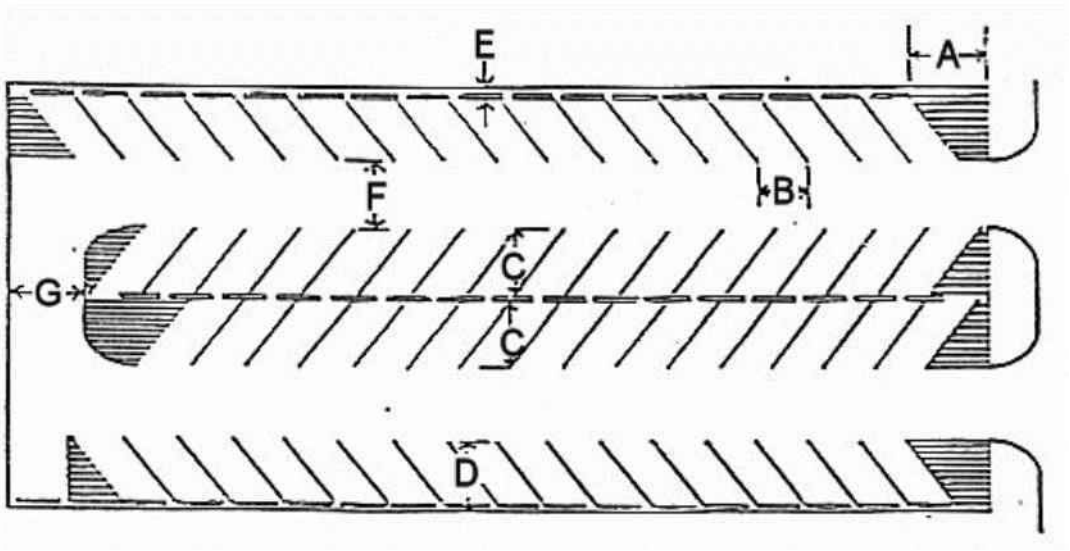
   d. ADA accessibility incorporated into the design based upon the requirements of the entire subdivision.

   e. Any given dwelling unit may not be located greater than three hundred and fifty (350) feet within walking distance on paved surfaces from any parking area. vi. A Homeowners Association (HOA) to maintain all public off-street parking areas within the subdivision.

Table 6-2 – Parking Standards

Parking Angle	*	45°	60°	90°
Offset	A	18’	11’	3’
Car Space	B	12’	10’	9’
Stall Depth	C	17’	19’	20’
Stall Depth	D	19’	21’	22’
Overhang	E	2’	2.5’	3’
Driveway	F	14’	18’	26’
Turnaround	G	17’	14’	14’

* *Letters refer to the following diagram.*



Chapter 7

HOME OCCUPATIONS

07-010: Purpose
07-020: Home Occupation License
07-030: Categories and Regulation of Home Occupations
07-040: Standards for all Home Occupations
07-050: Minor Home Occupations
07-060: Major Home Occupations
07-070: Prohibited Home Occupations
07-080: Bed and Breakfast Homes
07-090: Notification to Adjacent Property Owners

07-010: PURPOSE

The purposes of this chapter are to:

C. Establish regulations for the establishment, maintenance, and wellbeing of home occupations in order to provide for the betterment of the community, residents, patrons, and neighboring citizens.

D. Provide an opportunity for home occupations as an accessory use, when they are compatible with the neighborhoods in which they are located.

E. Guide business activities, which are not compatible with neighborhoods to appropriate commercial and industrial zones.

F. Promote peace, quiet, and domestic tranquility within all residential neighborhoods and protect residents from the adverse effects of business uses being conducted in residential areas, i.e., noise, nuisances, traffic, fire hazards, or other possible business impacts that are in excess of that customarily associated with the neighborhood.

G. Provide an opportunity for a home occupation to engage in the business of childcare and other appropriately suited businesses that fit within a residential neighborhood.

H. Provide a means to enforce and regulate the businesses that are licensable through the authority of this chapter, and, if necessary, terminate home occupations if violation of the ordinances regulating home occupations occurs, as provided for herein. (Ord. eff. 2009)

07-020: HOME OCCUPATION LICENSE

A home occupation in Coalville City is a lawful and permitted use if it complies with the definitions and guidelines outlined in this section. All home occupations shall be

licensed in accordance with Code 07 of this code and the provisions of this chapter. Only the owner or official representative of a business may apply for a home occupation business license and the applicant must be a resident of the home where the business will be conducted. Any application for a home occupation may be denied if the Staff and Planning Commission finds the proposed activity to be incompatible with surrounding uses. The authority to issue a license to conduct a home occupation shall be under the jurisdiction of the City Council.

07-030: CATEGORIES AND REGULATIONS OF HOME OCCUPATIONS

Home occupations, as defined in **Section 07-020** of this Code, shall be classified as "minor home occupations", "major home occupations," "prohibited home occupations," and "bed and breakfast homes".

A completed application for a home occupation business license will be approved for a minor home occupation upon the City staff's verification that the proposed home occupation complies with the requirements of **Sections 07-040** and **07-050** of this chapter.

A completed application for a home occupation business license will be approved for a major home occupation or a bed and breakfast home only after issuance of a conditional use permit by the City Council.

Prohibited home occupations are not allowed to operate in residential zones.

Notwithstanding the foregoing, in the event that the land use administrator, or his/her designee, is unable to determine whether the home occupation is a major home occupation or a minor home occupation; or if he/she determines that approval of a home occupation business license may jeopardize the health, safety or welfare of the community, he/she may refer the application to the Planning Commission.

07-040: STANDARDS FOR ALL HOME OCCUPATIONS

All home occupations must comply with the following "standards" at all times. Bed and breakfast homes are regulated by **Section 07-080** of this chapter.

A. **Permitted or Conditional Use**. Home occupations must be a permitted or conditional use in the zone in which the home occupation is to be located and not conflict with the objectives and characteristics of the same zone.

B. **Home Occupations**. Home occupations, which are required to obtain a conditional use permit, shall provide the notice materials and information for property owners within three hundred feet (300') from any boundary of the property. It shall be the sole responsibility of the applicant to verify that the mailing list and envelopes are complete and accurate.

C. **Accessory Use on the Property**. The home occupation shall be clearly incidental and secondary to the primary residential use of the property and dwelling. Home Occupations must be conducted entirely within a dwelling by persons residing in the dwelling or in an accessory building, which use is clearly

incidental and secondary to the residential use of the property and does not change the character thereof.

D. The home occupation business shall be owned by a resident of the home for which a certificate of occupancy has been issued.

E. No more than one employee from outside the current residents of the home may be employed on site.

F. In the event covenants applicable to the property preclude home occupations, the covenants shall control.

G. **Satellite Offices**. Satellite Offices are allowed but limited to one employee from outside the current residents.

H. A home occupation shall not include the sale of goods or merchandise directly from the home, except those, which are produced on the premises, and shall not involve the use of any yard space or activity outside of the buildings not normally associated with the residential use.

I. **Parking**. All business-related vehicles which park at the location of the home occupation, must be legally parked, either in conventional parking spaces on the lot or adjacent to the frontage of the lot. No parking from the home occupation shall be permitted in front of adjacent lots unless approved by the City as part of a traffic circulation and safety plan. Required parking for resident vehicles shall be available at the close of business each day.

J. No pedestrian, vehicular, or delivery traffic shall be generated by the home occupation in greater volumes than would normally be expected in a residential area.

K. **Signs**. Signs are limited to one sign not larger in area than 2 feet by 3 feet (6 square feet.) The sign shall not be directly or internally illuminated.

L. **External Appearance**. Any exterior alterations to the residence to accommodate the home occupation shall maintain the character and appearance of the residential dwelling in which it is located. Furthermore, the business operation shall not negatively affect the physical appearance, traffic, and other activities of the surrounding neighborhood and not depreciate surrounding property values.

M. **Storage Areas**. Home occupations are not permitted to store materials or products outside of the dwelling unit, except in a City approved and permitted accessory building.

N. **Conformity With Safety Codes**. No hazardous materials or equipment may be used in the home occupation, including, but not limited to, anything flammable or unsafe that is not customary to the home in which the occupation is located. There shall be complete conformity with fire, building, plumbing, electrical and all other city, county, state and federal codes.

O. **Neighborhood Disruptions Not Permitted**. The home occupation shall not disrupt the peace, quiet and domestic tranquility of the neighborhood nor emit

noise, odor, dust, fumes, vibration, smoke, electrical interference (including interferences with radio and television reception), or any other interference with the residential use of adjacent properties.

P. **Renter/Owner Responsibility**. If the applicant for a home occupation license rents or leases the property wherein the home occupation is intended to be conducted, the applicant must provide a letter of acknowledgment and consent from the property owner at the time the application is submitted to the community development department. (Ord. eff. 2009)

07-050: MINOR HOME OCCUPATIONS

In addition to the standards previously set forth in **Section 07-040** of this chapter, all minor home occupation businesses must comply with the qualifications outlined below. If a business is unable to fully comply with these qualifications, the applicant may request approval as a major home occupation, as outlined in **Section 07-060** of this chapter.

A. **Employees**.

1. One full time or full-time equivalent nonresident may be employed, volunteer, or work at a designated workstation or area on the premises or inside the home where the home occupation business is located. Only one nonresident employee may work at the home, in such manner, at one time. No more than two (2) persons shall comprise the equivalent full-time employee.

2. In addition to the employees described in subsection A1 of this section, any home occupation may utilize employees to work off site. Such off-site employee, volunteer, laborer and any other persons engaged with the home occupation shall not come to the home for purposes related to the home occupation license, except for incidental vehicle stops in accordance with the traffic and operational hours qualifications outlined below.

B. **Operational Hours**. The home occupation shall not generate any traffic before seven o'clock (7:00) am or after eight o'clock (8:00) pm (e.g., clients, patrons, employees, volunteers, students, pupils, etc.). Applicants must show that any operation conducted after eight o'clock (8:00) pm and before seven o'clock (7:00) am, will be compatible with like uses and operations found in the residential neighborhoods between such hours.

C. **Traffic**. Vehicular traffic from business related visitors, employees, volunteers, and customers shall not exceed that which normally and reasonably occurs for a home in the neighborhood and shall be conducted so that the neighbors will not be significantly impacted by its existence. Minor home occupations shall be limited to three (3) business related vehicular stops to the residence during any one hour to a maximum of eight (8) business related vehicular stops per day. Vehicles for delivery or pick up of business-related supplies or products (e.g., UPS package delivery vehicles) shall not exceed two (2) per day.

Exception. Group activities having an approved traffic circulation and safety plan may exceed the above maximum number of vehicle stops up to a total of sixteen (16) business related vehicle stops at the home in a day but shall not exceed 32 related vehicle stops per week. (e.g., dropping off and picking up a child would count as 2 vehicle stops).

D. **Areas and Property to Be Used**.

1. The business activities in the dwelling shall not occupy more than five hundred (500) square feet or twenty five percent (25%) of the total floor area of such dwelling, whichever is less. For the purposes of this calculation, a garage, carport, patio, breezeway, or any accessory building is not considered to be part of the dwelling.

2. Business activities in an accessory structure shall not exceed eight hundred (800) square feet or fifty percent (50%) of the accessory, structure floor area, whichever is more unless such accessory structure is being utilized for licensed agribusiness functions or is associated with a licensed boarding facility for animals.

E. **Business Related Vehicles**.

1. Business related vehicles include those vehicles owned and operated by a resident of the dwelling, which is used for business related activities.

2. Vehicles on the property that are non-operable due to: a) a collision or other violent act; b) has had parts removed from the vehicle rendering the vehicle inoperable; c) is being stored on a lot for the purpose of restoration. Business related vehicles shall also include any vehicles brought to the residence by the applicant, an employee, customer, client or business-related visitor and shall comply with the following:

   a. There shall be no more than two (2) business-related vehicles parked or stored at the residence at any one time.

      Exception. Any vehicle, operable on a road or not, that is inside a fully enclosed, permanent structure shall not be included in the maximum number of vehicles permitted at one time. Single or dual occupancy, off highway recreation vehicles (OHV) or watercraft are also excluded unless such are used as part of the business operation.

   b. Business-related vehicles shall not exceed eight feet (8') in height.

      Exception. Delivery or pick up vehicles (e.g., UPS package delivery vehicles) not owned or operated by the owner or employees of the licensed home occupation.

   c. Business related vehicles shall not exceed two (2) axles or twenty-two feet (22') in length individually nor three (3) axles or thirty-five feet (35') in length with attachments. No vehicle having more than

two (2) axles shall travel to the residence for the purpose of delivery of merchandise, goods, or supplies for use in the home occupation.

F. **Number of Licenses Allowed**. Multiple home occupation licenses may be granted per residence as long as the cumulative effects of the businesses do not exceed the above standards and qualifications.

G. Additional Qualifications for Group Activities and Day Care with 4 or less unrelated children:

1. Group oriented home occupations such as music lessons, art lessons or other types of lessons shall not exceed eight (8) students at any one time. A maximum of eight (8) students is permitted per day.

2. Day Care having four (4) or less unrelated children can fall under a minor home occupation

07-060: MAJOR HOME OCCUPATIONS

Major home occupations must comply with all of the standards outlined in **Section 07-040** of this chapter and where possible the qualifications of **Section 07-050** of this chapter. Major home occupations must be reviewed by the Planning Commission and granted a conditional use permit before pursuing a business license through the City. Each major home occupation is subject to the pertinent conditions listed below:

A. **General conditions for all major home occupations.**

1. The conditional use permit and the home occupation business license shall be maintained in good standing for the entire period that business is being conducted.

2. Conditional use permits can be revoked based upon unresolved legitimate complaints as determined by the City land use administrator.

B. Child oriented home occupations having 4 or more unrelated children shall comply with the following conditions:

1. All required State of Utah Childcare licensing procedures will be followed.

2. **Maximum Children Permitted.** The daycare shall limit the number of children at the residence in accordance with Utah State Childcare licensing requirements.

3. **Yard Requirements.**

a. All non-business-related structures or on premises hazards are to be made inaccessible to the children attending the daycare facility.

b. All outdoor play areas must be enclosed in the rear yard by a fence at least four feet (4') in height.

4. **Traffic.**

a. All on-street vehicular stops for the dropping off or picking up of children shall be done with the passenger side of the vehicle toward the residence.

b. A traffic circulation and safety plan must be submitted to, reviewed, and approved by the City.

c. The street must be of sufficient width to accommodate the increased average daily vehicular traffic (ADT) counts caused by the business and will be determined by the City land use authority.

d. The number of business-related vehicle stops at the home per day shall not exceed twenty four (24) (e.g., dropping off and picking up a child would count as 2 vehicle stops).

5. **Location Requirements.** No child-oriented home occupation, which requires a conditional use permit, may be operated within one hundred feet (100'), as measured from property line to property line on the same street, of another child-oriented home occupation operating under a conditional use permit. Unless there are legitimate, extenuating factors i.e. traffic flow, number of children (less then permitted).

6. **Licensure.** Copies of all licenses required by the state shall be provided to the City for verification of compliance with all state standards in order to receive a permanent business license.

C. Businesses not conducted within a home, which must obtain a conditional use permit, must comply with the following:

1. **Machinery Operation.** No machinery may be operated between the hours of seven o'clock (7:00) pm and eight o'clock (8:00) am.

2. **Noise Levels.** Business machinery noise levels are not to exceed fifty-five (55) dB when measured at the occupants property boundary.

3. **Storage Qualifications.** All storage qualifications listed in **Section 07-040** of this chapter must be met.

4. **Designated Areas.** The applicant shall designate the areas of the home, attached/detached garage or accessory structure that will be used for the home occupation and, if approved, the home occupation may be conducted only in the designated areas. Ref to 07-050-D.

D. Businesses having more than four (4) business related vehicles parked or stored at the home at one time or which utilize a commercial vehicle that exceeds the maximum height and length requirements established in **Section 07-050.E** of this chapter, must comply with the following conditions:

1. All business-related commercial vehicles are to be parked on the property and behind the front of the home when not being used for business purposes.

2. No more than 2 cars parked on street at a time.

E. Businesses entailing food or beverage preparation, storage or catering must comply with the following conditions:

1. Obtain all authorizations required by a state or county department or agency prior to approval of a business license and maintain all such authorizations for the duration of the business.

2. Compliance with all business-related vehicle qualifications listed in **Section 07-050.E** of this chapter must be met.

F. Businesses which have operating hours past eight o'clock (8:00) pm and before seven o'clock (7:00) am must comply with the following:

1. Applicants must show that any operation conducted after eight o'clock (8:00) pm and before seven o'clock (7:00) am will be compatible with like uses and operations found in the residential neighborhoods between such hours.

2. All business activities are to be conducted within closed doors between eight o'clock (8:00) pm and seven o'clock (7:00) am unless shown to be compatible with like uses and operations found in the residential neighborhood between such hours.

3. Any business lighting shall be shielded and directed downward away from adjoining properties or contained within the building from which it emanates.

07-070: PROHIBITED HOME OCCUPATIONS

The following uses, by the nature of the occupation, substantially impair the use and value of residentially zoned areas for residential purposes and are therefore prohibited:

A. Mortuaries, crematoriums, columbaria, mausoleums.

B. Clinics, dental offices, medical offices, chiropractic offices, or other healthcare facilities.

C. Junkyards, auto wrecking yards, salvage yards, impound lots, or vehicle towing operations.

D. Storage, service, repair, sales or rental of ambulances, tow trucks, recreational vehicles, watercraft, automobiles, ATVs, or other motorized vehicles.

E. Food or drink preparation, storage or catering which is not permitted by an appropriate state or county department or agency.

F. Fitness or health spa facility.

G. Auto body repair, motor vehicle, dump-truck, and semi- truck repairs.

H. Any home occupation which entails the use of chemicals exceeding typical household quantities, pesticides, and flammable/combustible materials, and including any other process or business where current, adopted building and fire codes would require an "operational permit"

I. Any home occupation unable to comply with the standards outlined in **Section 07-040** of this chapter. (Ord. eff. 2009)

07-080: BED AND BREAKFAST HOMES

The land use administrator may grant a conditional use permit for a bed and breakfast home, if the following conditions are met:

A. Any bed and breakfast homes must be reviewed by the City's staff to assure compliance with all building, zoning, fire, health, and other applicable ordinances prior to review by the Planning Commission.

B. Bed and breakfast homes are either permitted or conditional use within the zone.

C. Bed and breakfast homes shall not have less than two (2) guestrooms nor more than eight (8).

D. The applicant shall submit a plot plan showing the location of the bed and breakfast home, parking, required yards, and property lines at a scale of not less than one inch to twenty feet (1": 20') to the Planning Commission, health, and fire departments.

E. The bed and breakfast home must be and remain the primary residence of the owner or lessee and must have a certificate of occupancy. If approved by the Planning Commission, employees who are not family members may be hired; however, such employees shall not be allowed to reside at the residence. A notarized letter attesting that the owners or lessee will occupy said bed and breakfast home, except for bona fide temporary absences, shall be submitted to the Planning Commission and kept on record with the City.

F. Signs shall be limited to one non-lighted sign not larger in area than 3’ by 3’ (nine (9) square feet.)

G. Each bed and breakfast home must legally collect and pay all applicable taxes and obtain a Coalville City business license.

H. Abide with the county health department.

I. All applicable licenses and inspections are to be done by the appropriate governing agencies and officials, including, but not limited to, any remodeling or construction requiring a Coalville City building permit, prior to approval of the business license by the City Council.

J. A Coalville City business license must be obtained prior to opening. (Ord. eff. 2009)

07-090: NOTIFICATION TO ADJACENT PROPERTY OWNERS

A. When notice to adjacent property owners is required, notice requirements of Chapter 3-060 shall apply.

Chapter 8

ESTABLISHMENT OF ZONES AND TABLE OF USES

08-010: Establishment of Zones
08-020: Table of Uses
08-030: Zoning of Territory Annexed Into the City
08-040: Requirements Declared As Minimums
08-050: The Zoning Map
08-060: Clarification of Zoning
08-070: Density, Lot Size, Frontage Table
08-080: Set-Back, Minimum Lot Size, and Building Height Requirements

08-010: ESTABLISHMENT OF ZONES

The Legislative Body hereby divides the City into the following zones as shown on the map entitled “Coalville City Zoning Map,” which map and boundaries, notations, references, and other information shown thereon shall be as much a part of this Code as if the information and matters set forth by said map were all fully described herein.

AG-20: Agricultural Zone (1 Lot per 20 acres)

RA-5: Residential Agriculture Zone (1 Lot per 5 acres)

R-1: Low Density Residential Zone (1 Lot per acre)

R-2: Medium Density Residential Zone (2 Lots/Dwellings per acre)

R-4: High Density Residential Zone (4 Lots/Dwellings per acre)

R-8: Very High-Density Residential Zone (8 Lots/Dwellings per acre)

CC: Community Commercial Zone

HC: Highway Commercial Zone

LI: Light Industrial Zone

PFO: Public Facilities Overlay Zone

SLO: Sensitive Lands Overlay Zone

08-020: TABLE OF USES

This use table sets forth Allowed Uses (A), Conditional Uses (C), Temporary Uses (T), Low Impact Uses (L), and Prohibited Uses (X) for the following zone districts:

Agriculture (AG-20)

Residential Agriculture (RA-5)

Residential Low-Density (R-1)

Residential Medium-Density (R-2)

Residential High-Density (R-4)

Residential Very High-Density (R-8)

Community Commercial (CC)

Highway Commercial (HC)

Light Industrial (LI)

Uses *Italicized* are defined in Chapter 2.

Table 8-1 – Table of Uses

Permitted Uses	**AG**	**RA**	**R-1**	**R-2**	**R-4**	**R-8**	**CC**	**HC**	**LI**	**Additional Reference**
Accessory structures and uses	A	A	A	A	A	A	A	A	A	
Agribusiness; restaurant, café (farm to table)	L	L	L	L	X	X	L	L	L	
Agriculture	A	A	A	A	A	A*	A*	A*	A	*Farm animals prohibited in R-8, CC, and HC, Zones
Airport/helipad	X	X	X	X	X	X	X	X	X	
Animal Specialties including, reptiles, arthropods (insects) aviaries (birds), etc.	L	L	L	X	X	X	X	X	L	
Apiaries (Bee Keeping)	A	A	A*	A*	A*	A*	A*	A*	A*	*Or as regulated by City Ordinance
Assisted Living Center	L	L	L	L	L	L	A	A	X	
Automobile dealership	X	X	X	X	X	X	C	C	A	
Automobile fuel service station, lube/oil, tires, and	X	X	X	X	X	X	A	A	A	

Permitted Uses	AG	RA	R-1	R-2	R-4	R-8	CC	HC	LI	Additional Reference
repair										
Bed and Breakfast Inn	C	L	X	X	X	X	C	C	X	
Building material sales yard	X	X	X	X	X	X	C	C	L	
Bus or Taxi hub/services	X	X	X	X	X	X	X	C	A	
Bus terminal	X	X	X	X	X	X	C	C	A	
Car wash	X	X	X	X	X	X	A	A	A	
Cement mortar, plaster or paving materials mixing plant	X	X	X	X	X	X	X	X	C	
Cemeteries	C	C	X	X	X	X	X	X	A	
Churches, Synagogues, and Temples	A	A	A	A	A	A	A	A	A	
Coal, fuel and wood yards and offices	X	X	X	X	X	X	X	X	C	
Colleges and Schools, public and private	C	C	C	C	C	C	A	A	X	
Commercial buildings smaller than twenty-five thousand (25,000) square feet	X	X	X	X	X	X	L	L	A	
Commercial buildings larger than twenty-five thousand (25,000) square feet	X	X	X	X	X	X	C	C	A	
Commercial campgrounds, RV parks	C	C	X	X	X	X	X	C	X	
Commercial Retail Uses	X	X	X	X	X	X	A	A	A	
Commercial Retail Uses-Internet Home Based Business	L	L	L	L	L	L	A	A	A	Subject to 07-040 Major Home Occupation Standards, except living on the premises.
Commercial Service Uses	X	X	X	X	X	X	A	A	A	
Communications, substations/facilities	C	C	X	X	X	X	C	C	A	
Construction of building to be sold and moved off premises	X	X	X	X	X	X	X	X	C	
Contractor's Yard	C	C	X	X	X	X	X	C	A	

Permitted Uses	AG	RA	R-1	R-2	R-4	R-8	CC	HC	LI	Additional Reference
Crematorium	X	X	X	X	X	X	X	X	C	
Distillery/microbrewery; agribusinesses	C	C	C	X	X	X	C	C	A	
Dog boarding, kennels	C	C	X	X	X	X	X	C	C	
Domesticated farm animals	A	A	A	A	A	X	X	X	A	See Code 29-050: Farm Animal Point System
Drive-it yourself agency/"U-Haul"	X	X	X	X	X	X	L	L	A	
Dwellings, accessory	A	A	A	A	A	A	A	A	X	
Dwelling, multi-family attached	X	X	X	X	C	C	C	X	X	
Dwellings, single-family detached	A	A	A	A	A	A	A	A	X	
Dwellings, two (2) family attached	X	X	X	A	A	A	C	X	X	
Equestrian facilities, riding academies, schools, and associated stables	L	L	L	X	X	X	X	L	L	
Farmers Market	L	L	L	L	L	L	L	L	L	Sale of products produced off-premises
Fertilizer and soil conditioner manufacturing and processing and/or sales	C	X	X	X	X	X	X	X	C	
Food Manufacturing, compounding, processing, and treatment	X	X	X	X	X	X	C	C	C	
Foundry, casting lightweight non-ferrous metal	C	X	X	X	X	X	X	X	C	
Freight transportation service	X	X	X	X	X	X	C	C	A	
Freighting, trucking yard or terminal	X	X	X	X	X	X	X	C	A	
Fruit and vegetable stands (sale of products produced on owners' premises)	A	A	A	A	A	A	A	A	X	Business license required
Home Occupations, Minor	A	A	A	A	A	A	A	A	X	See Code 07-050

Permitted Uses	**AG**	**RA**	**R-1**	**R-2**	**R-4**	**R-8**	**CC**	**HC**	**LI**	**Additional Reference**
Home Occupations, Major	L	L	L	L	L	L	L	L	X	See Code 07-060
Hotel; Motel	X	X	X	X	X	X	A	A	X	
Household Pets (maximum 4 pets of the same species)	A	A	A	A	A	A	A	A	X	Not counting puppies or kittens up to 4 months old
Junk yard/salvage yard	X	X	X	X	X	X	X	X	C	
Liquor retail store	X	X	X	X	X	X	C	C	C	
Marijuana (Cannabis) dispensary	X	X	X	X	X	X	X	X	X	
Marijuana (Cannabis) farming	C	X	X	X	X	X	X	X	X	Must be legally permitted and authorized by the State of Utah
Mortuary; funeral home	C	C	X	X	X	X	C	C	C	
Nursery/Greenhouse	A	A	A	A*	A*	A*	A	A	A	*Non-Commercial in R-2, R-4, and R-8 Zones
Nursing Home	L	L	L	L	L	L	A	A	X	
Onsite manager, caretaker or workers dwelling	L	L	L	L	L	L	L	L	L	
Outdoor gun, archery, or other weaponry activities	C	C	X	X	X	X	X	X	C	
Park and ride facilities	C	C	C	C	X	X	A	A	A	
Parking lot, incidental to a use conducted on premises	T	T	T	T	T	T	T	T	T	
Pest extermination chemical storage	X	X	X	X	X	X	C	C	C	
Processing and Manufacturing	X	X	X	X	X	X	X	X	C	
Professional Service Uses	L	L	L	L	L	L	A	A	A	
Public Parks	L	L	L	L	L	L	L	L	L	
Public or Quasi-Public Uses	L	L	L	L	L	L	L	L	L	
Public utility installations	X	X	X	X	X	X	X	X	A	
Radio and television station	X	X	X	X	X	X	A	A	A	

Permitted Uses	AG	RA	R-1	R-2	R-4	R-8	CC	HC	LI	Additional Reference
Radio/television transmitting towers	C	C	C	X	X	X	X	X	A	
Recreational Facilities or Uses	C	C	C	C	C	C	C	C	C	
Rental equipment	X	X	X	X	X	X	C	C	A	
Residential care facilities for elderly or handicapped persons	A	A	A	A	A	A	A	A	A	Subject to the conditions found in Utah Code, as amended
Restaurant, café,	X	X	X	X	X	X	C	C	C	
RV and boat storage	X	X	X	X	X	X	X	X	A	
Sexually oriented business	X	X	X	X	X	X	X	X	C	
Shopping center	X	X	X	X	X	X	C	C	C	
Single or multiple family dwellings located in the same structure as the principle commercial use	X	X	X	X	X	X	L	L	X	
Social club, billiards, pool hall, bars	X	X	X	X	X	X	C	C	X	
Storage facilities	X	X	X	X	X	X	C*	C*	L	*Not permitted in the historic district
Temporary buildings incidental to construction work	A	A	A	A	A	A	A	A	A	
Theater, indoor	X	X	X	X	X	X	C	C	C	
Towing service	X	X	X	X	X	X	X	L	A	
Trails and *open space*	A	A	A	A	A	A	A	A	A	
Transitional or protective housing facility	X	C	C	C	C	C	C	C	C	
Truck stops and service facilities	X	X	X	X	X	X	X	C	A	
Veterinary Clinics	L	L	X	X	X	X	A	A	A	
Warehouse	X	X	X	X	X	X	X	C	A	

08-030: ZONING OF TERRITORY ANNEXED INTO THE CITY

The Legislative Body, with recommendations by Land Use Authority, shall determine at the time of annexation the most appropriate zoning of all property hereafter annexed into Coalville City.

08-040: REQUIREMENTS DECLARED AS MINIMUM

The Legislative Body establishes the uses and regulations which apply to each zoning district in accordance with a General Plan designed for the same purposes for which the Legislative Body enacted this Code and declares the requirements set forth herein to be the minimums necessary to accomplish the purposes of this Code.

08-050: THE ZONING MAP

The Coalville City Zoning Map is the official zoning map for Coalville. Upon amendment to the zoning map, the Mayor shall execute a new map, or re-execute the existing map with the amendments noted in a timely manner.

In order to carry out the purposes of this Code, land use districts have been established as set forth in **Section 08-010**, and a Zoning Map has been established. The Zoning Map is adopted as a part of this Code and this Code is intended to be consistent with the Zoning Map. In interpreting the Zoning Map, the following standards shall apply:

1. The zoning boundary lines are intended to conform to existing property boundary lines when not in a public right-of-way, or to follow the center line of public rights-of-way (including prescriptive rights-of-way), unless the lines are located by specific dimensions, in which case the dimensions shall control. Where the zoning district lines approximately follow the lot lines as they exist at the date of adoption of this Code, the district lines shall be conformed to the lot lines.
2. Where the zoning district lines appear to have intentionally divided a lot or parcel between two or more districts, the applicable zoning for each portion of the lot or parcel shall be determined by using the scale shown on the map. If the placement of the district line cannot be determined, the standards of the zone allowing the less intensive land use shall be applied to the entire parcel.
3. Where the district lines are intended to follow natural land contours, such as the ridge tops, hillsides or waterways, the line shall be determined at the point at which the general slope of the land changes fifteen (15) percent in grade or in the case of waterways, the average centerline of the waterway. In the event of a dispute as to the location of the change in grade, the point shall be fixed with reference to topographic data submitted to the City. Where land of less than fifteen (15) percent slope is surrounded by land of fifteen (15) percent or greater slope, the Land Use Authority shall entertain an application to rezone the land of less than fifteen (15) percent slope to a suitable residential use if the City Staff determines that the land is adequately accessible and not within sensitive lands.
4. If the Land Use Authority, Legislative Body, or member of the public requests an interpretation of a zoning district the matter shall be forwarded to the Appeal Authority for an interpretation.

08-060: CLARIFICATION OF ZONING

A. **Ambiguous Zone Classification**. Any property which, for any reason, is not clearly zoned on the City's official zone maps or is determined not to be subject to the requirements of a zone classification as provided by this Code is hereby declared to be in the Agricultural Zone and shall be subject to the requirements of the Agricultural Zone.

B. **Ambiguous Use Classification**. If ambiguity arises concerning the appropriate classification of a particular use within the meaning and intent of this Code, or with respect to matters of height, yard requirements, area requirements, or other property development standards, the Land Use Administrator shall determine the proper use or classification.

08-070: DENSITY, LOT SIZE, AND FRONTAGE TABLE

The minimum area of any single lot or parcel and the density of dwellings per acre in all residential zones is indicated in the table below. The ‘Zone’ column in the table represents the particular residential zone. The ‘Density’ column in the table represents the number of dwellings per acre allowed in each zone. The ‘Minimum Lot Size’ column in the table represents the minimum size lot allowed in the zone. The ‘Frontages’ column represents the minimum Frontages required for lots in the specific zones.

Table 8-2 – Density, Lot Size and Frontage

Zone	Density (dwellings per acre)	Minimum Lot Size	Frontages
Agricultural, AG-20	1 Dwelling Per Twenty Acres	1 Acre (43,560 sq ft)	150’
Residential Agricultural, RA-5	1 Dwellings Per Five Acre	3/4 Acre (32,670 sq ft)	100’
Low-Density Residential, R-1	1 Dwelling Per Acre	1/2 Acre (21,780 sq ft)	100’
Medium Density Residential, R-2	2 Dwellings Per Acre	1/3 Acre (14,520 sq ft)	100’
High Density Residential, R-4	4 Dwellings Per Acre	1/4 Acre (10,890 sq ft)	85’
Very High Density Residential, R-8	8 Dwellings Per Acre	1/8 Acre (5,445 sq ft)	65’

Density of Residential Housing Developments. To encourage the preservation of agricultural and natural open space, enhance its profitability, minimize the cost of public services, reduce yard sizes to conserve water and improve landscaping quality, as well as encourage assorted lot sizes and varying housing types along city streets, clustered residential housing may be approved as a Master Planned Development in accordance with Chapter 33 herein.

08-080: SET-BACK, MINIMUM LOT SIZE, AND BUILDING HEIGHT REQUIREMENTS

See complete descriptions and requirements of zone district setbacks, minimum lot size and building height and exceptions regarding special situations in the respective Chapters for each Zone.

A. **Lot Coverage**. To minimize the effects of storm water runoff, and consequently save the City money, the maximum percent of the lot area allowed to be developed and/or built upon by impervious surfaces is 60%.

Chapter 9

AGRICULTURE ZONE (AG-20)

09-010: Purpose
09-020: Permitted Uses
09-030: Lots of Record
09-040: One Dwelling Per Lot
09-050: Minimum Lot Standards
09-060: Setback Requirements - Primary Dwelling
09-070: Setback Requirements - Accessory Structures
09-080: Requirements for Accessory Structures
09-090: Height Requirements and Provisions
09-100: Access
09-110: Trash, Waste Storage and Abandoned Vehicles
09-120: Off-Street Parking and Loading

09-010: PURPOSE

The purpose of this Zone is to provide areas where the growing of crops and the raising of livestock can be encouraged and supported within the City limits. The AG-20 Zone is intended to protect agricultural uses, natural resources, and environmentally sensitive lands from encroachment of urban development.

09-020: PERMITTED USES

Uses permitted in the AG-20 Zone, in addition to agricultural uses, should be incidental thereto and should not change the basic agricultural character of the zone. **Table 8-1** in **Section 08-020** sets forth Allowed Uses (A), Conditional Uses (C), Temporary Uses (T), Low Impact Uses (L), and Prohibited Uses (X) for the AG-20 Zone District. Permitted uses are by right provided the parcel and buildings meet all other provisions of this Code and any other applicable ordinances of Coalville City.

09-030: LOTS OF RECORD

Lots or parcels of land, which legally existed or were created by a preliminary or final plat approval prior to the adoption of this Code, shall not be denied a building permit solely for a reason of non-conformance with the parcel or density requirements of this chapter and are declared a legal nonconforming use under this Code.

09-040: ONE DWELLING PER LOT

No more than one (1) primary single-family dwelling and accompanying accessory dwelling may be placed upon a lot or parcel of land in the AG-20 Zone.

09-050: MINIMUM LOT STANDARDS

All lots shall be developed in accordance with the following lot standards. Lot area for properties fronting existing streets shall include all property as described on the most recent plat of record.

Lots or parcels should be arranged in a manner that encourages the retention of open and usable agricultural land. Although clustering of lots is not required, if the applicant chooses not to cluster, evidence and information as to why the lots or parcels will not be clustered should be provided to the Planning Commission.

Open space created by the clustering of lots or parcels shall be clearly indicated on the subdivision plat and all recorded deeds of the subject property. Deed and/or plat restrictions, donation to an approved land trust or the City, or other development restrictions satisfactory to the Planning Commission and City Council shall be required for land designated as open space. Development on land designated as open space will require, at a minimum, a plat amendment and possibly a zone change either of which may be denied by the City.

B. **Density**. One (1) Lot per 20 acres

C. **Lot Size**. Minimum one (1) acre

D. **Lot Frontage**. All lots developed for residential use in the AG-20 Zone shall abut along the right-of-way line of a public street or road for a minimum distance of one hundred fifty (150) feet or be accessed by a Private Driveway/Road/Lane.

09-060: SETBACK REQUIREMENTS - PRIMARY DWELLINGS

The following yard setback requirements for dwellings and main buildings shall apply on all lots or parcels in the AG-20 Zone:

A. **Front Set Back**. The minimum front yard setback for all buildings in the AG-20 Zone shall be fifty (50) feet.

B. **Side Set Back**. The minimum side yard setback for all primary structures in the AG-20 Zone shall be twelve (12) feet. The minimum side yard setback for all buildings on corner lots in the AG-20 Zone shall be twelve (12) feet on the side adjoining another lot and fifty (50) feet on the side adjoining a street.

C. **Rear Setback**. The minimum rear yard setback for all buildings in the AG-20 Zone shall be twenty-four (24) feet.

D. **Easements**. No dwelling or main building shall be located within a Platted easement area of any kind.

09-070: SETBACK REQUIREMENTS - ACCESSORY STRUCTURES

A. **Front Setback**. No accessory structures are allowed in the front setback.

B. **Side Setback**. No closer than ten (10) feet from the side property line. Accessory Structures may not be located in the required street side yard setback of a corner lot.

C. **Rear Setback**. No closer than ten (10) feet from the rear property line.

D. **Height Restriction**. Any Accessory structure exceeding sixteen (16) feet in height shall meet the setback requirements of primary dwellings.

E. **Setbacks for Accessory Buildings for Animals Accessory**. Buildings used for the housing or shelter of animals shall be located a minimum distance of fifty (50) feet from any dwelling on the same lot or parcel.

1. All pens, corrals, barns, coops, stables, and other similar enclosing structures to keep animals or fowl shall be located no less than one hundred fifty (150) feet from a public street and no less than one hundred (100) feet from all dwellings on adjacent lots (This Provision shall not apply to pastures).

F. **Easements**. No permanent accessory building shall be located within a platted easement area of any kind.

09-080 REQUIREMENTS FOR ACCESSORY USES

A. Private swimming pools, tennis courts, pickleball courts, and similar uses shall be allowed in a rear and side yard provided they are located at least twenty (20) feet from any dwelling on an adjoining lot and at least six (6) feet from any property line.

B. Detached garages and other detached accessory buildings or accessory dwelling units sixteen (16) feet or less in height as hereinafter provided. Such structures shall not cover over fifty (50) percent of the rear yard area or be located closer than three (3) feet from the property line or within a public utility easement if noted on a subdivision plat.

C. Hard surfaced parking areas are allowed, provided the parking area does not cover over fifty (50%) percent of the rear yard area or is closer than three (3) feet from the property line

D. Air conditioning units,

E. Hot tubs decks or similar uses eighteen (18) inches or less above grade shall be allowed in a rear yard provided they are located at least fifteen (15) feet from a dwelling on an adjoining lot and three (3) feet from the property line.

F. Circular driveways shall be permitted in required front yard areas of residential lots leading to and from a garage or carport on the property subject to the following conditions:

1. Such drives shall be constructed of asphalt or concrete materials. Roto-milled asphalt material is not allowed for any driveway, road, or parking lot.

2. Such drives shall not be over sixteen (16) feet in width.

3. There shall be a landscaped area at least fifteen (15) feet in depth from the front property line to the inside of the circular drive.

4. Circular driveway areas are not to be used for the parking or storage of any trailer, camper, motor home, boat, or other equipment at any time.

09-090: HEIGHT REQUIREMENTS AND PROVISIONS

No lot or parcel of land in the Agricultural Zone shall have a building which exceeds a height of thirty-five (35) feet. Silos, windmills, and other agricultural related accessory structures not used for human occupancy exceeding thirty-five (35) feet in height requires Conditional Use Approval.

The total height of a building or structure shall be measured as the vertical distance from the natural grade, as defined in this Code, to the highest point of:

1. A flat roof.

2. The ridge of a hip or gable roof.

3. The deck line of a mansard roof.

In no case shall a mansard roof or the parapet wall of a flat roof extend more than eighteen (18) inches above the maximum height limitation in the zone.

Roofs not clearly fitting any of the above three classifications shall be classified by City Staff in accordance with the roof it most closely resembles. Roofs which drain to the center shall be considered as flat or mansard depending on their configuration.

To allow for roof pitches and provide usable space within the structure, the following **exceptions** apply:

A. Antennas, chimneys, flues, vents, or similar structures may extend up to eight (8) feet above the specified maximum height limit for the zone.

B. Water towers and mechanical equipment may extend up to five (5) feet above the specified maximum height limit.

C. Church spires, bell towers, and like architectural features, may extend over the specified maximum height limit, but shall not contain any habitable spaces above the maximum zone height stated. These features must be approved as part of the site plan review and approval.

09-110: ACCESS

No more than five (5) dwellings may be constructed on a private or public road with only one point of ingress or egress.

A. All private roads must be constructed in such a manner that emergency service vehicles can operate properly upon them and include pull-outs and turnarounds as required in Chapter 31: Requirements for Improvements.

B. Additionally, the City must be given the authority and ability to use the private road at any time for public safety purposes, including keys to any locked gates.

09-110: TRASH, WASTE, STORAGE AND ABANDONED VEHICLES

No trash, used materials, wrecked, or non-operational or abandoned vehicles or equipment shall be placed or stored within a public right-of-way, on any public sidewalk or in any required yard setback areas. All such materials must be screened from public streets and adjacent property or stored within an enclosed building.

All storage areas within a side yard and rear yard shall be screened from the public or adjoining residential area view by appropriate fencing or landscaping methods and placed in a rear area of the main building if possible.

No hazardous materials, chemicals or oils/solvents shall be stored in areas that do not meet Health Department regulations or are accessible to the public.

09-120: OFF-STREET PARKING AND LOADING

Off-street parking and loading shall be provided as specified in Chapter 6 of this Code. Generally, each residential dwelling is required to provide off-street parking for at least two (2) automobiles per unit.

Chapter 10

RESIDENTIAL AGRICULTURE ZONE (RA-5)

10-010: Purpose
10-020: Permitted Uses
10-030: Lots of Record
10-040: One Dwelling Per Lot
10-050: Minimum Lot Standards
10-060: Setback Requirements – Primary Dwelling
10-070: Setback Requirements – Accessory Structures
10-080: Requirements for Accessory Structures
10-090: Height Requirements and Provisions
10-100: Access
10-110: Trash, Waste Storage, and Abandoned Vehicles
10-120: Off-Street Parking and Loading

10-010: PURPOSE

The Residential Agriculture Zone, hereinafter also referred to as the RA-5 Zone provides areas where single family residential development and associated uses may be harmoniously integrated with agricultural pursuits.

This zone is intended to allow the keeping of farm animals in conjunction with single-family dwelling units yet retain land in parcels large enough to provide efficient and attractive development or as clustered developments to encourage natural or agricultural open spaces.

The RA-5 Zone is also intended to accommodate equestrian oriented residential developments, allowing a design which could include non-commercial stables, training areas and equestrian or pedestrian trails as an integral part of the development.

10-020: PERMITTED USES

Table 8-1 in **Section 08-020** sets forth Allowed Uses (A), Conditional Uses (C), Temporary Uses (T), Low Impact Uses (L), and Prohibited Uses (X) for the RA-5 Zone District. Permitted uses are by right provided the parcel and buildings meet all other provisions of this Code and any other applicable ordinances of Coalville City.

10-030: LOTS OF RECORD

Lots or parcels of land, which legally existed or were created by a preliminary or final plat approval prior to the adoption of this Code, shall not be denied a building permit solely for a reason of non-conformance with the parcel or density requirements of this chapter and are declared a legal nonconforming use under this Code.

10-040: ONE DWELLING PER LOT

No more than one (1) single-family dwelling may be placed on a lot or parcel in a residential zone, except in a zone that allows either two family or multi-family dwellings.

10-050: MINIMUM LOT STANDARDS

All lots shall be developed and all structures and uses shall be placed on lots in accordance with the following standards. Lot area for properties fronting existing streets shall include all property as described on the most recent plat of record.

C. **Density**. One (1) Lot Per Five Acres

D. **Lot Size**. Minimum lot size ¾ Acre

E. **Lot Frontage**. Each residential lot, parcel of land located in a zoning district shall abut along the right-of-way line of a public street for a minimum distance of one hundred (100) feet or be accessed by a Private Driveway/Road/Lane, except for a cluster type subdivision of a Master Planned Development (MPD).

10-060: SETBACK REQUIREMENTS – PRIMARY DWELLINGS

The following requirements shall apply to all dwellings and primary buildings on residential lots.

A. **Front Yard Setback**. The minimum front yard setback for all residential dwellings shall be twenty (20) feet except when located along a Major Road where the minimum setback shall be thirty (30) feet.

B. **Side Yard Setback**. The minimum side yard for all residential dwellings shall be twelve (12) feet. The minimum side yards for all residential dwellings on corner lots shall be twelve (12) feet on the side adjoining another lot and twenty (20) feet on the side adjoining the street, or thirty (30) feet along a Major Road.

C. **Rear Yard Setback**. The minimum rear yard setback for all residential dwellings shall be twelve (12) feet.

D. **Easements**. No dwelling or main building shall be located within a Platted Easement area of any kind.

E. **Height and Building Location**. No lot or parcel of land in the Residential Zones shall have a building intended for human habitants which exceeds a height of thirty-five (35) feet.

1. Silos, windmills, and other agricultural related accessory structures not used for human occupancy exceeding thirty-five (35) feet in height require lots to be a minimum 5 acres in size and receive Conditional Use approval.

10-070: SETBACK REQUIREMENTS – ACCESSORY STRUCTURES

A. **Front Setback**. No accessory structures are allowed in the front setback.

B. **Side Setback**. no closer than three (3) feet from the side or rear property line. No accessory buildings are allowed in front of the residential dwelling, in the front setback, or in the required side yard setback of a corner lot on the side facing a street.

C. **Rear Setback**. No closer than three (3) feet from the rear property line.

D. **Height Restriction**. Any accessory structure greater than sixteen (16) feet in height shall maintain the setbacks required for a primary dwelling.

E. **Housing/Shelter of Animals**. Accessory structures used for the housing or shelter of animals shall be located a minimum distance of fifty (50) feet from any adjacent dwelling on the same lot or parcel.

1. All pens, corrals, barns, coops, stables, and other similar enclosing structures to keep animals or fowl shall be located no less than one hundred fifty (150) feet from a public street and no less than one hundred (100) feet from all dwellings on adjacent lots (this provision shall not apply to pastures).

F. **Easements**. No permanent accessory structure shall be located within a platted easement area of any kind.

10-080: REQUIREMENTS FOR ACCESSORY USES

A. Private swimming pools, tennis courts, pickleball courts, and similar uses shall be allowed in a rear yard and side yard provided they are located at least twenty (20) feet from any dwelling on an adjoining lot and at least six (6) feet from any property line.

B. Detached garages and other detached accessory buildings or accessory dwelling units sixteen (16) feet or less in height are allowed as hereinafter provided. Such structures shall not cover over fifty (50) percent of the rear yard area or be located closer than three (3) feet from the property line or within a public utility easement noted on a subdivision plat.

C. Hard surfaced parking areas are allowed, provided the parking area does not cover over fifty (50%) percent of the rear yard area or is closer than three (3) feet from the property line.

D. Air conditioning units.

E. Hot tubs, decks, or similar uses eighteen (18) inches or less above grade shall be allowed in a rear yard provided they are located at least fifteen (15) feet from a dwelling on an adjoining lot and three (3) feet from the property line.

F. Circular driveways shall be permitted in required front yard areas of residential lots leading to and from a garage or carport on the property subject to the following conditions:

1. Such drives shall be constructed of asphalt or concrete materials. Roto-milled asphalt material is not allowed for any driveway, road, or parking lot.
2. Such drives shall not be over sixteen (16) feet in width.
3. There shall be a landscaped area at least fifteen (15) feet in depth from the front property line to the inside of the circular drive.
4. Circular driveway areas are not to be used for the parking or storage of any trailer, camper, motor home, boat, or other equipment at any time.

G. Accessory driveway leading to a garage or parking area;

1. No portion of a required front yard setback shall be hard surfaced or graveled to encourage or make possible the parking of automobiles, except for approved accessory driveways.
2. Approved Accessory Driveways. only those that provide a primary entrance and/or exit to parking areas for accessory use.
3. Curb cuts may be allowed for approved driveways.

10-090: HEIGHT REQUIREMENTS AND PROVISIONS

The total height of a building or structure shall be measured as the vertical distance from natural grade, as defined in this Code, to the highest point of:

1. A flat roof.
2. The ridge of a hip or gable roof.
3. The deck line of a mansard roof.

In no case shall a mansard roof or the parapet wall of a flat roof extend more than eighteen (18) inches above the maximum height limitation in the zone.

Roofs not clearly fitting any of the above three classifications shall be classified by the Staff in accordance with the roof it most closely resembles. Roofs which drain to the center shall be considered as flat or mansard depending on their configuration.

To allow for roof pitches and provide usable space within the structure, the following exceptions apply:

1. Antennas, chimneys, flues, vents, or similar structures may extend up to eight (8) feet above the specified maximum height limit for the zone.
2. Water towers and mechanical equipment may extend up to five (5) feet above the specified maximum height limit.
3. Church spires, bell towers, and other architectural features, may extend over the specified maximum height limit, but shall not contain any habitable spaces above the maximum height stated. These features must be approved as part of the site plan review and approval.

10-100: ACCESS

No more than five (5) dwellings may be constructed on a private or public road with only one point of ingress or egress.

A. All private roads must be constructed in such a manner that emergency service vehicles can operate properly upon them and include pull-outs and turnarounds as required in Chapter 31: Requirements for Improvements

B. Additionally, the City must be given the authority and ability to use the private road at any time for public safety purposes, including keys to any locked gates.

10-110: TRASH, WASTE STORAGE, AND ABANDONED VEHICLES

No trash, used materials, wrecked, or non-operational or abandoned vehicles or equipment shall be placed or stored within a public right-of-way, on any public sidewalk or in any required yard setback areas. All such materials must be screened from public streets and adjacent property or stored within an enclosed building.

All storage areas within a side yard and rear yard shall be screened from the public or adjoining residential area view by appropriate fencing or landscaping methods and placed in a rear area of the main building if possible.

No hazardous materials, chemicals or oils/solvents shall be stored in areas that do not meet Health Department regulations or are accessible to the public.

10-120: OFF-STREET PARKING AND LOADING

All residential dwellings must comply with the off-street parking provisions found in Chapter 6 herein. Generally, each residential dwelling is required to provide off-street parking for at least two (2) automobiles per unit.

Chapter 11

LOW DENSITY RESIDENTIAL ZONE (R-1)

11-010: Purpose
11-020: Permitted Uses
11-030: Lots of Record
11-040: One Dwelling Per Lot
11-050: Minimum Lot Standards
11-060: Setback Requirements – Primary Dwelling
11-070: Setback Requirements – Accessory Structures
11-080: Requirements for Accessory Structures
11-090: Height Requirements and Provisions
11-100: Access
11-110: Landscaping
11-120: Trash, Waste, Storage, and Abandoned Vehicles
11-130: Off-Street Parking and Loading

11-010: PURPOSE

The purpose of the R-1 Zone is to provide for areas in the community characterized by low-density single-family developments. This zone is intended to be residential in nature, although typical domesticated farm animals are allowed in limited numbers pursuant to the Farm Animal Point System in Chapter 29-050. Developments in this zone are characterized by attractively landscaped single family residential lots and structures located on large lots or clustered lots with natural open space.

11-020: PERMITTED USES

Table 8-1 in **Section 08-020** sets forth Allowed Uses (A), Conditional Uses (C), Temporary Uses (T), Low Impact Uses (L), and Prohibited Uses (X) for the R-1 Zone District. Permitted uses are by right provided the parcel and buildings meet all other provisions of this Code and any other applicable ordinances of Coalville City.

11-030: LOTS OF RECORD

Lots or parcels of land, which legally existed or were created by a preliminary or final plat approval prior to the adoption of this Code, shall not be denied a building permit solely for a reason of non-conformance with the parcel or density requirements of this chapter and are declared a legal nonconforming use under this Code.

11-040: ONE DWELLING PER LOT

No more than one (1) single-family dwelling may be placed on a lot or parcel in a residential zone, except in a zone that allows either two family or multi-family dwellings.

11-050: MINIMUM LOT STANDARDS

All lots shall be developed and all structures and uses shall be placed on lots in accordance with the following standards. Lot area for properties fronting existing streets shall include all property as described on the most recent plat of record.

C. **Density**. One (1) Lot Per Acre

D. **Lot Size**. Minimum lot size ½ Acre

E. **Lot Frontage**. Each residential lot or parcel of land located in a zoning district shall abut along the right-of-way line of a public street for a minimum distance of one hundred (100) feet or be accessed by a Private Driveway/Road/Lane, except for a cluster type subdivision of a Master Planned Development (MPD).

11-060: SETBACK REQUIREMENTS – PRIMARY DWELLINGS

The following requirements shall apply to all dwellings and primary buildings on residential lots.

A. **Front Yard Setback**. The minimum front yard setback for all residential dwellings shall be twenty (20) feet except when located along a Major Road where the minimum setback shall be thirty (30) feet.

B. **Side Yard Setback**. The minimum side yard for all residential dwellings shall be twelve (12) feet. The minimum side yards for all residential dwellings on corner lots shall be twelve (12) feet on the side adjoining another lot and twenty (20) feet on the side adjoining the street, or thirty (30) feet along a Major Road.

C. **Rear Yard Setback**. The minimum rear yard setback for all residential dwellings shall be twelve (12) feet.

D. **Easements**. No dwelling or main building shall be located within a Platted Easement area of any kind.

E. **Height and Building Location**. No lot or parcel of land in the Residential Zones shall have a building intended for human habitants which exceeds a height of thirty-five (35) feet.

1. Silos, windmills, and other agricultural related accessory structures not used for human occupancy exceeding thirty-five (35) feet in height require lots to be a minimum 5 acres in size and receive Conditional Use Approval.

11-070: SETBACK REQUIREMENTS – ACCESSORY STRUCTURES

A. **Front Setback**. No accessory structures are allowed in the front setback.

B. **Side Setback**. An accessory building, allowed by this Code, shall not be located closer than three (3) feet from the side property line or in the required side yard setback of a corner lot on the side facing the street.

C. **Rear Setback**. An accessory building, allowed by this Code, shall be located no closer than three (3) feet from the rear property line.

D. **Height Restriction**. Any accessory building greater than sixteen (16) feet in height shall maintain the setbacks required for a primary dwelling.

E. **Housing/Shelter of Animals**. Accessory buildings used for the housing or shelter of animals shall be located a minimum distance of fifty (50) feet from any adjacent dwelling on same lot.

1. All pens, corrals, barns, coops, stables, and other similar enclosing structures to keep animals or fowl shall be located no less than one hundred fifty (150) feet from a public street and no less than one hundred (100) feet from all dwellings on adjacent lots (This Provision shall not apply to pastures)

F. **Easements**. No permanent accessory building shall be located within a platted easement area of any kind.

11-080: REQUIREMENTS FOR ACCESSORY USES

A. Private swimming pools, tennis courts, pickleball courts, and similar uses shall be allowed in a rear yard and side yard provided they are located at least twenty (20) feet from any dwelling on an adjoining lot and at least six (6) feet from any property line.

B. Detached garages and other detached accessory buildings or accessory dwelling units sixteen (16) feet or less in height as hereinafter provided. Such structures shall not cover over fifty (50) percent of the rear yard area or be located closer than three (3) feet from the property line or within a public utility easement if noted on a subdivision plat.

C. Hard surfaced parking areas are allowed, provided the parking area does not cover over fifty (50%) percent of the rear yard area or is closer than three (3) feet from the property line.

D. Air conditioning units.

E. Hot tubs, decks, or similar uses eighteen (18) inches or less above grade shall be allowed in a rear yard provided they are located at least fifteen (15) feet from a dwelling on an adjoining lot and three (3) feet from the property line.

F. Circular driveways shall be permitted in required front yard areas of residential lots leading to and from a garage or carport on the property subject to the following conditions:

1. Such drives shall be constructed of asphalt or concrete materials. Roto-milled asphalt material is not allowed for any driveway, road, or parking lot.

2. Such drives shall not be over sixteen (16) feet in width.

3. There shall be a landscaped area at least fifteen (15) feet in depth from the front property line to the inside of the circular drive.

4. Circular driveway areas are not to be used for the parking or storage of any trailer, camper, motor home, boat, or other equipment at any time.

G. Accessory driveway leading to a garage or parking area;

1. No portion of a required front yard setback shall be hard surfaced or graveled to encourage or make possible the parking of automobiles, except for approved accessory driveways.

2. Approved Accessory Driveways. only those that provide a primary entrance and/or exit to parking areas for accessory use.

3. Curb cuts may be allowed for approved driveways.

11-090: HEIGHT REQUIREMENTS AND PROVISIONS

The total height of a building or structure shall be measured as the vertical distance from the natural grade, as defined in this Code, to the highest point of

1. A flat roof

2. The ridge of a hip or gable roof

3. The deck line of a mansard roof.

In no case shall a mansard roof or the parapet wall of a flat roof extend more than eighteen (18) inches above the maximum height limitation in the zone.

Roofs not clearly fitting any of the above three classifications shall be classified by the Staff in accordance with the roof it most closely resembles. Roofs which drain to the center shall be considered as flat or mansard depending on their configuration.

To allow for roof pitches and provide usable space within the structure, the following exceptions apply:

1. Antennas, chimneys, flues, vents, or similar structures may extend up to eight (8) feet above the specified maximum height limit for the zone.

2. Water towers and mechanical equipment may extend up to five (5) feet above the specified maximum height limit.

3. Church spires, bell towers, and similar architectural features, may extend over the specified maximum height limit, but shall not contain any habitable spaces above the maximum zone height stated. These features must be approved as part of the site plan review and approval.

11-100: ACCESS

A. No more than five (5) dwellings may be constructed on a private road, or a road with only one point of ingress or egress.

B. All private roads must be constructed in such a manner that emergency service vehicles can operate properly upon them and include pull-outs and turnarounds as required in Chapter 31: Requirements for Improvements.

C. Additionally, the City must be given the authority and ability to use the private road at any time for public safety purposes, including keys to any locked gates.

11-110: LANDSCAPING

All property located in front of the residential structure and the front setback, except driveways, parking areas, walkways, utility areas, improved decks, patios, porches, shall be maintained with suitable landscaping of plants, shrubs, trees, grass or other approved landscaping materials.

11-120: TRASH, WASTE STORAGE AND ABANDONED VEHICLES

No trash, used materials, wrecked, non-operational or abandoned vehicles or equipment shall be placed or stored within a public right-of-way, on any public sidewalk or in any required yard setback areas.

All such materials must be screened from public streets and adjacent property or stored within an enclosed building. All storage areas within a side yard and rear yard shall be screened from the public or adjoining residential area view by appropriate fencing or landscaping methods and placed in a rear area of the main building if possible.

No hazardous materials, chemicals or oils/solvents shall be stored in areas that do not meet Health Department regulations or are accessible to the public.

11-130: OFF-STREET PARKING AND LOADING

All residential dwellings must comply with the off-street parking provisions found in Chapter 6 of this Code. Generally, each residential dwelling is required to provide off-street parking for at least two (2) automobiles per unit.

Boats, trailers, campers, and motor homes may not be stored in the front yard setback, the side yard setback of a corner lot, or in the street in front of a lot, for excess of twenty-four (24) hours. A vehicle owned by a guest of the resident may be stored in a required front yard setback or side yard setback of a corner lot for up to seven (7) consecutive days per calendar quarter.

No trucks, motor vehicles, commercial trailers, construction vehicles and similar equipment having a registered weight equal to or exceeding twelve thousand (12,000) pounds, shall be stored, or parked in the front, or side yard of any residential lot or parcel, except the Agriculture and Residential Agriculture Zones.

Chapter 12

MEDIUM DENSITY RESIDENTIAL ZONE (R-2)

12-010: Purpose
12-020: Permitted Uses
12-030: Lots of Record
12-040: One Dwelling Per Lot
12-050: Minimum Lot Standards
12-060: Setback Requirements – Primary Dwelling
12-070: Setback Requirements – Accessory Structures
12-080: Requirements for Accessory Structures
12-090: Height Requirements and Provisions
12-100: Access
12-110: Landscaping
12-120: Trash, Waste, Storage, and Abandoned Vehicles
12-130: Off-Street Parking and Loading

12-010: PURPOSE

The purpose of the R-2 Zone is to provide areas in the community characterized by medium density single family developments. This zone is intended to be residential in nature and typical domesticated farm animals are only allowed in accordance with the Farm Animal Point System in Chapter 29-050. Developments in this zone are characterized by attractively landscaped single family residential lots and structures located on medium sized lots or clustered lots with natural open space.

12-020: PERMITTED USES

Table 8-1 in **Section 08-020** sets forth Allowed Uses (A), Conditional Uses (C), Temporary Uses (T), Low Impact Uses (L), and Prohibited Uses (X) for the R-2 Zone District. Permitted uses are by right provided the parcel and buildings meet all other provisions of this Code and any other applicable ordinances of Coalville City.

12-030: LOTS OF RECORD

Lots or parcels of land, which legally existed or were created by a preliminary or final plat approval prior to the adoption of this Code, shall not be denied a building permit solely for a reason of non-conformance with the parcel or density requirements of this chapter and are declared a legal nonconforming use under this Code.

12-040: ONE DWELLING PER LOT

No more than one (1) single-family dwelling may be placed on a lot or parcel in a residential zone, except in a zone that allows either two family or multi-family dwellings.

12-050: MINIMUM LOT STANDARDS

Lot area for properties fronting existing streets shall include all property as described on the most recent plat of record.

All lots shall be developed in accordance with the following standards:

D. **Density**. Two (2) Lots Per Acre

E. **Lot Size**. Minimum 1/3 acre

F. **Lot Frontage**. Each residential lot, or parcel of land located in a zoning district shall abut along the right-of-way line of a public street for a minimum distance of one hundred (100) feet or be accessed by a Private Road/Lane, except for a cluster type subdivision of a Master Planned Development (MPD).

12-060: SETBACK REQUIREMENTS – PRIMARY DWELLINGS

The following requirements shall apply to all dwellings and primary buildings on residential lots.

A. **Front Yard Setback**. The minimum front yard setback for all residential dwellings shall be twenty (20) feet except when located along a Major Road where the minimum setback shall be thirty (30) feet.

B. **Side Yard Setback**. The minimum side yard for all residential dwellings shall be twelve (12) feet. The minimum side yards for all residential dwellings on corner lots shall be twelve (12) feet on the side adjoining another lot and twenty (20) feet on the side adjoining the street, or thirty (30) feet along a Major Road.

C. **Rear Yard Setback**. The minimum rear yard setback for all residential dwellings shall be twelve (12) feet.

D. **Easements**. No dwelling or main building shall be located within a Platted Easement area of any kind.

E. **Height and Building Location**. No lot or parcel of land in the Residential Zones shall have a building intended for human habitants which exceeds a height of thirty-five (35) feet.

1. Silos, windmills, and other agricultural related accessory structures not used for human occupancy exceeding thirty-five (35) feet in height require lots to be a minimum 5 acres in size and receive Conditional Use Approval.

12-070: SETBACK REQUIREMENTS – ACCESSORY STRUCTURES

A. **Front Setback**. No accessory structures are allowed in the front setback.

B. **Side Setback**. An accessory building, allowed by this Code, shall not be located closer than three (3) feet from the side property line or in the required side yard setback of a corner lot on the side facing the street.

C. **Rear Setback**. An accessory building, allowed by this Code, shall be located no closer than three (3) feet from the rear property line.

D. **Height Restriction**. Any accessory building greater than sixteen (16) feet in height shall maintain the setbacks required for a primary dwelling.

E. **Housing/Shelter of Animals**. Accessory buildings used for the housing or shelter of animals shall be located a minimum distance of fifty (50) feet from any adjacent dwelling on same lot.

1. All pens, corrals, barns, coops, stables, and other similar enclosing structures to keep animals or fowl shall be located no less than one hundred fifty (150) feet from a public street and no less than one hundred (100) feet from all dwellings on adjacent lots (This Provision shall not apply to pastures)

F. **Easements**. No permanent accessory building shall be located within a platted easement area of any kind.

12-080: REQUIREMENTS FOR ACCESSORY USES

A. Private swimming pools, tennis courts, pickleball courts, and similar uses shall be allowed in a rear yard and side yard provided they are located at least twenty (20) feet from any dwelling on an adjoining lot and at least six (6) feet from any property line.

B. Detached garages and other detached accessory buildings or accessory dwelling units sixteen (16) feet or less in height as hereinafter provided. Such structures shall not cover over fifty (50) percent of the rear yard area or be located closer than three (3) feet from the property line or within a public utility easement if noted on a subdivision plat.

C. Hard surfaced parking areas are allowed, provided the parking area does not cover over fifty (50%) percent of the rear yard area or is closer than three (3) feet from the property line.

D. Air conditioning units.

E. Hot tubs, decks, or similar uses eighteen (18) inches or less above grade shall be allowed in a rear yard provided they are located at least fifteen (15) feet from a dwelling on an adjoining lot and three (3) feet from the property line.

F. Circular driveways shall be permitted in required front yard areas of residential lots leading to and from a garage or carport on the property subject to the following conditions:

1. Such drives shall be constructed of asphalt or concrete materials. Roto-milled asphalt material is not allowed for any driveway, road, or parking lot.

2. Such drives shall not be over sixteen (16) feet in width.

3. There shall be a landscaped area at least fifteen (15) feet in depth from the front property line to the inside of the circular drive.

4. Circular driveway areas are not to be used for the parking or storage of any trailer, camper, motor home, boat, or other equipment at any time.

G. Accessory driveway leading to a garage or parking area;

1. No portion of a required front yard setback shall be hard surfaced or graveled to encourage or make possible the parking of automobiles, except for approved accessory driveways.

2. Approved Accessory Driveways. only those that provide a primary entrance and/or exit to parking areas for accessory use.

3. Curb cuts may be allowed for approved driveways.

12-090: HEIGHT REQUIREMENTS AND PROVISIONS

The total height of a building or structure shall be measured as the vertical distance from the natural grade, as defined in this Code, to the highest point of

1. A flat roof

2. The ridge of a hip or gable roof

3. The deck line of a mansard roof.

In no case shall a mansard roof or the parapet wall of a flat roof extend more than eighteen (18) inches above the maximum height limitation in the zone.

Roofs not clearly fitting any of the above three classifications shall be classified by the Staff in accordance with the roof it most closely resembles. Roofs which drain to the center shall be considered as flat or mansard depending on their configuration.

To allow for roof pitches and provide usable space within the structure, the following exceptions apply:

1. Antennas, chimneys, flues, vents, or similar structures may extend up to eight (8) feet above the specified maximum height limit for the zone.

2. Water towers and mechanical equipment may extend up to five (5) feet above the specified maximum height limit.

3. Church spires, bell towers, and similar architectural features, may extend over the specified maximum height limit, but shall not contain any habitable spaces above the maximum zone height stated. These features must be approved as part of the site plan review and approval.

12-100: ACCESS

No more than five (5) dwellings may be constructed on a private road, or a road with only one point of ingress or egress.

A. All private roads must be constructed in such a manner that emergency service vehicles can operate properly upon them and include pull-outs and turnarounds as required in Chapter 31: Requirements for Improvements.

B. Additionally, the City must be given the authority and ability to use the private road at any time for public safety purposes, including keys to any locked gates.

12-110: LANDSCAPING

All property located in front of the residential structure and the front setback, except driveways, parking areas, walkways, utility areas, improved decks, patios, porches, shall be maintained with suitable landscaping of plants, shrubs, trees, grass or other approved landscaping materials.

12-120: TRASH, WASTE STORAGE AND ABANDONED VEHICLES

No trash, used materials, wrecked, non-operational or abandoned vehicles or equipment shall be placed or stored within a public right-of-way, on any public sidewalk or in any required yard setback areas.

All such materials must be screened from public streets and adjacent property or stored within an enclosed building. All storage areas within a side yard and rear yard shall be screened from the public or adjoining residential area view by appropriate fencing or landscaping methods and placed in a rear area of the main building if possible.

No hazardous materials, chemicals or oils/solvents shall be stored in areas that do not meet Health Department regulations or are accessible to the public.

12-130: OFF-STREET PARKING AND LOADING

All residential dwellings must comply with the off-street parking provisions found in Chapter 6 of this Code. Generally, each residential dwelling is required to provide off-street parking for at least two (2) automobiles per unit.

Boats, trailers, campers, and motor homes may not be stored in the front yard setback, the side yard setback of a corner lot, or in the street in front of a lot, for excess of twenty-four (24) hours. A vehicle owned by a guest of the resident may be stored in a required front yard setback or side yard setback of a corner lot for up to seven (7) consecutive days per calendar quarter.

No trucks, motor vehicles, commercial trailers, construction vehicles and similar equipment having a registered weight equal to or exceeding twelve thousand (12,000) pounds, shall be stored, or parked in the front, or side yard of any residential lot or parcel, except the Agriculture and Residential Agriculture Zones.

Chapter 13

HIGH DENSITY RESIDENTIAL (R-4)

13-010: Purpose
13-020: Permitted Uses
13-030: Lots of Record
13-040: One Dwelling Per Lot
13-050: Minimum Lot Standards
13-060: Setback Requirements – Primary Dwelling
13-070: Setback Requirements – Accessory Structures
13-080: Requirements for Accessory Structures
13-090: Height Requirements and Provisions
13-100: Access
13-110: Landscaping
13-120: Trash, Waste, Storage, and Abandoned Vehicles
13-130: Off-Street Parking and Loading

13-010: PURPOSE

The purpose of the R-4 Zone is to provide areas of the community characterized by higher density single family and two-family developments. This zone is intended to be residential in nature and typical domesticated farm animals are only allowed in accordance with the Farm Animal Point System in Chapter 29-050. Developments in this zone are characterized by attractively landscaped single family and two-family residential dwellings located on relatively small lots or clustered lots to provide open space.

13-020: PERMITTED USES

Table 8-1 in **Section 08-020** sets forth Allowed Uses (A), Conditional Uses (C), Temporary Uses (T), Low Impact Uses (L), and Prohibited Uses (X) for the R-4 Zone District. Permitted uses are by right provided the parcel and buildings meet all other provisions of this Code and any other applicable ordinances of Coalville City.

13-030: LOTS OF RECORD

Lots or parcels of land, which legally existed or were created by a preliminary or final plat approval prior to the adoption of this Code, shall not be denied a building permit solely for a reason of non-conformance with the parcel or density requirements of this chapter and are declared a legal nonconforming use under this Code.

13-040: ONE DWELLING PER LOT

No more than one (1) single-family dwelling may be placed on a lot or parcel in a residential zone, except in a zone that allows either two family or multi-family dwellings.

13-050: MINIMUM LOT STANDARDS

Lot area for properties fronting existing streets shall include all property as described on the most recent plat of record.

All lots shall be developed and all structures and uses shall be placed on lots in accordance with the following lot standards:

C. **Density**. Maximum Four (4) Lots/Units Per Acre

D. **Lot Size**. Minimum lot size ¼ Acre

E. **Lot Frontage**. Each residential lot, or parcel of land located in a zoning district shall abut along the right-of-way line of a public street for a minimum distance of eighty-five (85) feet or be accessed by a private Driveway/Road/Lane, except for a cluster type subdivision of a Master Planned Development (MPD).

13-060: SETBACK REQUIREMENTS – PRIMARY DWELLINGS

The following requirements shall apply to all dwellings and primary buildings on residential lots.

A. **Front Yard Setback**. The minimum front yard setback for all residential dwellings shall be twenty (20) feet except when located along a Major Road where the minimum setback shall be thirty (30) feet.

B. **Side Yard Setback**. The minimum side yard for all residential dwellings shall be twelve (12) feet. The minimum side yards for all residential dwellings on corner lots shall be twelve (12) feet on the side adjoining another lot and twenty (20) feet on the side adjoining the street, or thirty (30) feet along a Major Road.

C. **Rear Yard Setback**. The minimum rear yard setback for all residential dwellings shall be twelve (12) feet.

D. **Easements**. No dwelling or main building shall be located within a Platted Easement area of any kind.

E. **Height and Building Location**. No lot or parcel of land in the Residential Zones shall have a building intended for human habitants which exceeds a height of thirty-five (35) feet.

1. Silos, windmills, and other agricultural related accessory structures not used for human occupancy exceeding thirty-five (35) feet in height require lots to be a minimum 5 acres in size and receive Conditional Use Approval.

13-070: SETBACK REQUIREMENTS – ACCESSORY STRUCTURES

A. **Front Setback**. No accessory structures are allowed in the front setback.

B. **Side Setback**. An accessory building, allowed by this Code, shall not be located closer than three (3) feet from the side property line or in the required side yard setback of a corner lot on the side facing the street.

C. **Rear Setback**. An accessory building, allowed by this Code, shall be located no closer than three (3) feet from the rear property line.

D. **Height Restriction**. Any accessory building greater than sixteen (16) feet in height shall maintain the setbacks required for a primary dwelling.

E. **Housing/Shelter of Animals**. Accessory buildings used for the housing or shelter of animals shall be located a minimum distance of fifty (50) feet from any adjacent dwelling on same lot.

   1. All pens, corrals, barns, coops, stables, and other similar enclosing structures to keep animals or fowl shall be located no less than one hundred fifty (150) feet from a public street and no less than one hundred (100) feet from all dwellings on adjacent lots (This Provision shall not apply to pastures)

F. **Easements**. No permanent accessory building shall be located within a platted easement area of any kind.

13-080: REQUIREMENTS FOR ACCESSORY USES

A. Private swimming pools, tennis courts, pickleball courts, and similar uses shall be allowed in a rear yard and side yard provided they are located at least twenty (20) feet from any dwelling on an adjoining lot and at least six (6) feet from any property line.

B. Detached garages and other detached accessory buildings or accessory dwelling units sixteen (16) feet or less in height as hereinafter provided. Such structures shall not cover over fifty (50) percent of the rear yard area or be located closer than three (3) feet from the property line or within a public utility easement if noted on a subdivision plat.

C. Hard surfaced parking areas are allowed, provided the parking area does not cover over fifty (50%) percent of the rear yard area or is closer than three (3) feet from the property line.

D. Air conditioning units.

E. Hot tubs, decks, or similar uses eighteen (18) inches or less above grade shall be allowed in a rear yard provided they are located at least fifteen (15) feet from a dwelling on an adjoining lot and three (3) feet from the property line.

F. Circular driveways shall be permitted in required front yard areas of residential lots leading to and from a garage or carport on the property subject to the following conditions:

1. Such drives shall be constructed of asphalt or concrete materials. Roto-milled asphalt material is not allowed for any driveway, road, or parking lot.
2. Such drives shall not be over sixteen (16) feet in width.
3. There shall be a landscaped area at least fifteen (15) feet in depth from the front property line to the inside of the circular drive.
4. Circular driveway areas are not to be used for the parking or storage of any trailer, camper, motor home, boat, or other equipment at any time.

G. Accessory driveway leading to a garage or parking area;

1. No portion of a required front yard setback shall be hard surfaced or graveled to encourage or make possible the parking of automobiles, except for approved accessory driveways.
2. Approved Accessory Driveways. only those that provide a primary entrance and/or exit to parking areas for accessory use.
3. Curb cuts may be allowed for approved driveways.

13-090: HEIGHT REQUIREMENTS AND PROVISIONS

The total height of a building or structure shall be measured as the vertical distance from the natural grade, as defined in this Code, to the highest point of

1. A flat roof
2. The ridge of a hip or gable roof
3. The deck line of a mansard roof.

In no case shall a mansard roof or the parapet wall of a flat roof extend more than eighteen (18) inches above the maximum height limitation in the zone.

Roofs not clearly fitting any of the above three classifications shall be classified by the Staff in accordance with the roof it most closely resembles. Roofs which drain to the center shall be considered as flat or mansard depending on their configuration.

To allow for roof pitches and provide usable space within the structure, the following exceptions apply:

1. Antennas, chimneys, flues, vents, or similar structures may extend up to eight (8) feet above the specified maximum height limit for the zone.
2. Water towers and mechanical equipment may extend up to five (5) feet above the specified maximum height limit.

3. Church spires, bell towers, and similar architectural features, may extend over the specified maximum height limit, but shall not contain any habitable spaces above the maximum zone height stated. These features must be approved as part of the site plan review and approval.

13-100: ACCESS

No more than five (5) dwellings may be constructed on a private road, or a road with only one point of ingress or egress.

A. All private roads must be constructed in such a manner that emergency service vehicles can operate properly upon them and include pull-outs and turnarounds as required in Chapter 31: Requirements for Improvements.

B. Additionally, the City must be given the authority and ability to use the private road at any time for public safety purposes, including keys to any locked gates.

13-110: LANDSCAPING

All property located in front of the residential structure and the front setback, except driveways, parking areas, walkways, utility areas, improved decks, patios, porches, shall be maintained with suitable landscaping of plants, shrubs, trees, grass or other approved landscaping materials.

13-120: TRASH, WASTE STORAGE AND ABANDONED VEHICLES

No trash, used materials, wrecked, non-operational or abandoned vehicles or equipment shall be placed or stored within a public right-of-way, on any public sidewalk or in any required yard setback areas.

All such materials must be screened from public streets and adjacent property or stored within an enclosed building. All storage areas within a side yard and rear yard shall be screened from the public or adjoining residential area view by appropriate fencing or landscaping methods and placed in a rear area of the main building if possible.

No hazardous materials, chemicals or oils/solvents shall be stored in areas that do not meet Health Department regulations or are accessible to the public.

13-130: OFF-STREET PARKING AND LOADING

All residential dwellings must comply with the off-street parking provisions found in Chapter 6 of this Code. Generally, each residential dwelling is required to provide off-street parking for at least two (2) automobiles per unit.

Boats, trailers, campers, and motor homes may not be stored in the front yard setback, the side yard setback of a corner lot, or in the street in front of a lot, for excess of twenty-four (24) hours. A vehicle owned by a guest of the resident may be stored in a required front yard setback or side yard setback of a corner lot for up to seven (7) consecutive days per calendar quarter.

No trucks, motor vehicles, commercial trailers, construction vehicles and similar equipment having a registered weight equal to or exceeding twelve thousand

(12,000) pounds, shall be stored, or parked in the front, or side yard of any residential lot or parcel, except the Agriculture and Residential Agriculture Zones.

Chapter 14

VERY HIGH DENSITY RESIDENTIAL (R-8)

14-010: Purpose
14-020: Permitted Uses
14-030: Lots of Record
14-040: One Dwelling Per Lot
14-050: Minimum Lot Standards
14-060: Setback Requirements - Primary Dwellings
14-070: Setback Requirements - Accessory Structures
14-080: Requirements for Accessory Uses
14-090: Height Requirements and Provisions
14-100: Access
14-110: Landscaping
14-120: Trash, Waste Storage and Abandoned Vehicles
14-130: Off-Street Parking and Loading

14-010: PURPOSE

The purpose of the R-8 Zone is to provide areas of the community characterized by high density developments. This zone is residential in nature and typical domesticated farm animals are not allowed. Developments in this zone are characterized by attractively landscaped multi-family residential dwellings located in a planned project providing recreational amenities and open spaces.

14-020: PERMITTED USES

Table 8-1 in **Section 08-020** sets forth Allowed Uses (A), Conditional Uses (C), Temporary Uses (T), Low Impact Uses (L), and Prohibited Uses (X) for the R-8 Zone District. Permitted uses are by right provided the parcel and buildings meet all other provisions of this Code and any other applicable ordinances of Coalville City.

14-030: LOTS OF RECORD

Lots or parcels of land, which legally existed or were created by a preliminary or final plat approval prior to the adoption of this Code, shall not be denied a building permit solely for a reason of non-conformance with the parcel or density requirements of this chapter and are declared a legal nonconforming use under this Code.

14-040: ONE DWELLING PER LOT

No more than one (1) single-family dwelling may be placed on a lot or parcel in a residential zone, except in a zone that allows either two family or multi-family dwellings.

14-050: MINIMUM LOT STANDARDS

All lots shall be developed and all structures and uses shall be placed on lots in accordance with the following lot standards, Lot area for properties fronting existing streets shall include all property as described on the most recent plat of record.

C. **Density**. Maximum Eight (8) Lots/Units per Acre

D. **Lot Size**. Minimum lot size 1/8 Acre

E. **Lot Frontage**. Each residential lot, or parcel of land located in a zoning district shall abut along the right-of-way line of a public street for a minimum distance of sixty-five (65) feet or be accessed by a private Driveway/Road/Lane, except for a cluster type subdivision of a Master Planned Development (MPD).

14-060: SETBACK REQUIREMENTS – PRIMARY DWELLINGS

The following requirements shall apply to all dwellings and primary buildings on residential lots.

E. **Front Yard Setback**. The minimum front yard setback for all residential dwellings shall be twenty (20) feet except when located along a Major Road where the minimum setback shall be thirty (30) feet.

F. **Side Yard Setback**. The minimum side yard for all residential dwellings shall be twelve (12) feet. The minimum side yards for all residential dwellings on corner lots shall be twelve (12) feet on the side adjoining another lot and twenty (20) feet on the side adjoining the street, or thirty (30) feet along a Major Road.

G. **Rear Yard Setback**. The minimum rear yard setback for all residential dwellings shall be twelve (12) feet.

H. **Easements**. No dwelling or main building shall be located within a Platted Easement area of any kind.

I. **Height and Building Location**. No lot or parcel of land in the Residential Zones shall have a building intended for human habitants which exceeds a height of thirty-five (35) feet.

1. Silos, windmills, and other agricultural related accessory structures not used for human occupancy exceeding thirty-five (35) feet in height require lots to be a minimum 5 acres in size and receive Conditional Use Approval.

14-070: SETBACK REQUIREMENTS – ACCESSORY STRUCTURES

A. **Front Setback**. No accessory structures are allowed in the front setback.

B. **Side Setback**. An accessory building, allowed by this Code, shall not be located closer than three (3) feet from the side property line or in the required side yard setback of a corner lot on the side facing the street.

C. **Rear Setback**. An accessory building, allowed by this Code, shall be located no closer than three (3) feet from the rear property line.

D. **Height Restriction**. Any accessory building greater than sixteen (16) feet in height shall maintain the setbacks required for a primary dwelling.

E. **Easements**. No permanent accessory building shall be located within a platted easement area of any kind.

14-080: REQUIREMENTS FOR ACCESSORY USES

A. Private swimming pools, tennis courts, pickleball courts, and similar uses shall be allowed in a rear yard and side yard provided they are located at least twenty (20) feet from any dwelling on an adjoining lot and at least six (6) feet from any property line.

B. Detached garages and other detached accessory buildings or accessory dwelling units sixteen (16) feet or less in height as hereinafter provided. Such structures shall not cover over fifty (50) percent of the rear yard area or be located closer than three (3) feet from the property line or within a public utility easement if noted on a subdivision plat.

C. Hard surfaced parking areas are allowed, provided the parking area does not cover over fifty (50%) percent of the rear yard area or is closer than three (3) feet from the property line.

D. Air conditioning units.

E. Hot tubs, decks, or similar uses eighteen (18) inches or less above grade shall be allowed in a rear yard provided they are located at least fifteen (15) feet from a dwelling on an adjoining lot and three (3) feet from the property line.

F. Circular driveways shall be permitted in required front yard areas of residential lots leading to and from a garage or carport on the property subject to the following conditions:

    1. Such drives shall be constructed of asphalt or concrete materials. Roto-milled asphalt material is not allowed for any driveway, road, or parking lot.

    2. Such drives shall not be over sixteen (16) feet in width.

    3. There shall be a landscaped area at least fifteen (15) feet in depth from the front property line to the inside of the circular drive.

    4. Circular driveway areas are not to be used for the parking or storage of any trailer, camper, motor home, boat, or other equipment at any time.

G. Accessory driveway leading to a garage or parking area;

    1. No portion of a required front yard setback shall be hard surfaced or graveled to encourage or make possible the parking of automobiles, except for approved accessory driveways.

2. Approved Accessory Driveways. only those that provide a primary entrance and/or exit to parking areas for accessory use.

3. Curb cuts may be allowed for approved driveways.

14-090: HEIGHT REQUIREMENTS AND PROVISIONS

The total height of a building or structure shall be measured as the vertical distance from the natural grade, as defined in this Code, to the highest point of

1. A flat roof

2. The ridge of a hip or gable roof

3. The deck line of a mansard roof.

In no case shall a mansard roof or the parapet wall of a flat roof extend more than eighteen (18) inches above the maximum height limitation in the zone.

Roofs not clearly fitting any of the above three classifications shall be classified by the Staff in accordance with the roof it most closely resembles. Roofs which drain to the center shall be considered as flat or mansard depending on their configuration.

To allow for roof pitches and provide usable space within the structure, the following exceptions apply:

1. Antennas, chimneys, flues, vents, or similar structures may extend up to eight (8) feet above the specified maximum height limit for the zone.

2. Water towers and mechanical equipment may extend up to five (5) feet above the specified maximum height limit.

3. Church spires, bell towers, and similar architectural features, may extend over the specified maximum height limit, but shall not contain any habitable spaces above the maximum zone height stated. These features must be approved as part of the site plan review and approval.

14-100: ACCESS

No more than five (5) dwellings may be constructed on a private road, or a road with only one point of ingress or egress.

A. All private roads must be constructed in such a manner that emergency service vehicles can operate properly upon them and include pull-outs and turnarounds as required in Chapter 31: Requirements for Improvements.

B. Additionally, the City must be given the authority and ability to use the private road at any time for public safety purposes, including keys to any locked gates.

14-110: LANDSCAPING

All property located in front of the residential structure and the front setback, except driveways, parking areas, walkways, utility areas, improved decks, patios, porches,

shall be maintained with suitable landscaping of plants, shrubs, trees, grass, or other approved landscaping materials.

14-120: TRASH, WASTE STORAGE AND ABANDONED VEHICLES

No trash, used materials, wrecked, non-operational or abandoned vehicles or equipment shall be placed or stored within a public right-of-way, on any public sidewalk or in any required yard setback areas.

All such materials must be screened from public streets and adjacent property or stored within an enclosed building. All storage areas within a side yard and rear yard shall be screened from the public or adjoining residential area view by appropriate fencing or landscaping methods and placed in a rear area of the main building if possible.

No hazardous materials, chemicals or oils/solvents shall be stored in areas that do not meet Health Department regulations or are accessible to the public.

14-130: OFF-STREET PARKING AND LOADING

All residential dwellings must comply with the off-street parking provisions found in Chapter 6 of this Code. Generally, each residential dwelling is required to provide off-street parking for at least two (2) automobiles per unit.

Boats, trailers, campers, and motor homes may not be stored in the front yard setback, the side yard setback of a corner lot, or in the street in front of a lot, for excess of twenty-four (24) hours. A vehicle owned by a guest of the resident may be stored in a required front yard setback or side yard setback of a corner lot for up to seven (7) consecutive days per calendar quarter.

No trucks, motor vehicles, commercial trailers, construction vehicles and similar equipment having a registered weight equal to or exceeding twelve thousand (12,000) pounds, shall be stored, or parked in the front, or side yard of any residential lot or parcel, except the Agriculture and Residential Agriculture Zones.

Chapter 15

COMMERCIAL DISTRICT (CC, HC) ZONES

15-010: Purpose
15-020: Permitted Uses
15-030: Residential Uses within Commercial Zones
15-040: Area, Width, Frontage, Yard, and Coverage Regulations
15-050: Height Regulations
15-060: Protection of Residential Property - Setbacks
15-070: Landscaping
15-080: Parking
15-090: Signs
15-100: Special Provisions
15-110: Trash, Waste Storage and Abandoned Vehicles

15-010: PURPOSE

The purpose of the Commercial Zones is to create orderly, efficient, aesthetic, and appropriate commercial developments which will support and enhance the Coalville City Community and preserve the rural, small-town character. The Following Zones are hereby created under this Code and may be collectively referred to as the Commercial Zones.

C. **Community Commercial (CC) Zone**. The purpose of the CC Zone is to encourage commercial and retail development. Businesses that provide services directly to the residents of Coalville are highly encouraged. Transportation, parking, and other site design issues may limit the types of businesses approved in the CC Zone. The location of the CC Zone is designed to provide a focal point for the community downtown center of Coalville City and provide convenient pedestrian and vehicle access without hazards and conflicts in residential neighborhoods.

The provisions contained herein will be used to encourage greater integrity and aesthetic improvements as these areas are developed, redeveloped, and improved. Integrated and coordinated landscaping, parking, access, signing and building designs will be considered. New construction should be in harmony with the historic characteristics of the community. The use characteristics of this zone are small retail, office, business/service stores and shops. Parking must conform to Chapter 6 herein and is encouraged to be located at the side or behind buildings. This zone is commercial in nature and typical domesticated farm animals are not allowed.

Approval procedures, landscaping requirements and design guidelines are applicable in the CC Zone. These regulations can be found under Special Provisions herein.

D. **Highway Commercial (HC) Zone.** The HC Zone was established to provide for the service commercial needs of motorists on Interstate 80. The location of the HC Zone is in close proximity to the off-ramps of Interstate 80, which provide convenient access for higher traffic volumes without hazards and without traversing through residential areas. The use characteristics of this zone are highway service, limited retail, convenience stores, and shops. Sign standards are provided for in Chapter 27. This zone is commercial in nature and typical domesticated farm animals are not allowed.

15-020: PERMITTED USES

Table 8-1 in **Section 08-020** sets forth Allowed Uses (A), Conditional Uses (C), Temporary Uses (T), Low Impact Uses (L), and Prohibited Uses (X) for the CC and HC Zone Districts. Permitted uses are by right provided the parcel and buildings meet all other provisions of this Code and any other applicable ordinances of Coalville City.

15-030: RESIDENTIAL USES WITHIN COMMERCIAL ZONES

Any proposed Residential Use or Development within the Community Commercial (CC) Zone shall be subject to the R-8 Zoning provisions contained in Chapter 14. Residential uses in the Highway Commercial (HC) Zone are not allowed.

15-040: AREA, WIDTH, FRONTAGE, YARD, AND COVERAGE

A. The area, width, frontage, and yard standards shall be regulated by the following, except that no commercial use building shall be located closer than fifteen (15) feet to any residential district boundary line or to any public right-of-way that continues as frontage into a residential district within the same City block, not including Main Street, unless in compliance with the exception noted below through a conditional use permit.

Exception. A commercial building that meets all the following requirements:

- Not greater than two thousand (2,000) square feet in area.
- Less than twenty (20) feet in height.
- Built with materials that are aesthetically compatible to a residential district.
- Located adjacent to a residential lot rear or side yard.
- In the opinion of the Planning Commission does not adversely affect the residential district due to noise, odor, or similar nuisances.

B. **Lot Frontage**. Each lot or parcel of land in the Commercial Zones shall have adequate frontage on a public street; except for residential lots accessed by a private driveway.

C. **Lot Area**. Lot area requirements in the Commercial Zones shall be dictated by off-street parking, adequate circulation, and site design requirements. The maximum floor area ratio shall not exceed sixty percent (60%) of the lot or parcel.

D. **Lot Width**. There shall be no requirements for lot width, provided all off-street parking and circulation regulations can be satisfied.

15-050: HEIGHT REGULATIONS

The maximum height for all buildings and structures shall be thirty-five (35) feet.

15-060: PROTECTION OF RESIDENTIAL PROPERTY - SETBACKS

A. Where a commercial development adjoins any residential zone or residential use, there shall be provided along the adjoining property line a six (6) foot solid fence or masonry wall. A fence or wall is not required along the adjoining property line in the required front yard setback.

1. If a fence or wall is installed along the property line in the required front yard setback it shall comply with the height and location standards as referenced in the Regulations Governing Fences and Walls Section of this Code.

B. Where a multiple family residential development adjoins any single-family residential use, there shall be provided along the adjoining property line a six (6) foot solid fence or masonry wall (chain link fencing with slats is not considered a solid fence or wall for purposes of this Section). A fence or wall is not required along the adjoining property line in the required front yard setback.

1. If a fence or wall is installed along the property line in the required front yard setback it shall comply with the height and location standards as referenced in the Regulations Governing Fences and Walls Chapter of the Code.

C. **Front-Yard Setback**. Each structure in the Commercial Zones shall be located at least twenty (20) feet from the edge of any public street, provided however, that no off-street parking shall be located closer than ten (10) feet from any public street. Commercial structures within the Historic District along Main Street do not require a front setback and may be located adjacent to the public sidewalk.

D. **Side-Yard Setback**. Each structure in the Commercial Zones shall be located at least twelve (12) feet from the nearest building and no less than three (3) feet from the property line.

E. **Rear-Yard Setback**. Each structure in the Commercial Zones shall be located at least twelve feet (12) feet from the rear property line or adjacent building in order to provide adequate alleyways for deliveries.

15-070: LANDSCAPING AND OUTDOOR AMENITIES

Landscaped areas and Outdoor Amenities are used to frame and soften structures, to define site functions, to enhance the quality of the environment, provide outdoor seating, and to screen undesirable views. Landscaping and Outdoor Amenities should complement the buildings and surroundings to make a positive contribution to the aesthetics and function of both the specific site and the area. The following characteristics will need to be addressed in the design of each commercial project:

A. Landscaped areas can incorporate many kinds of designs. Xeriscapes and more traditional Landscapes are the most common. Xeriscape designs should include

1. A ground cover (rock, bark, water wise grasses, etc.)

2. Shrubs or trees (buffalo grass, native trees, etc.)

J. Traditional Landscape designs should generally incorporate planting utilizing a three-tiered system including:

1. grasses and groundcover.

2. shrubs and vines; and

3. trees.

K. Xeriscape and water wise plants are encouraged by the City to reduce water usage.

B. All areas not covered by approved buildings and structures or required parking must be completely landscaped and maintained. All areas not covered by an approved building, required parking, trees or shrubs shall be covered by grass or another acceptable ground cover such as bark, wood chips, or decorative rocks. Dirt, weeds, and similar materials are not considered acceptable ground cover.

C. All required landscaping must be properly maintained.

D. Plant materials will be placed in a manner that avoids interference with project lighting or restriction of access to emergency apparatus such as fire hydrants or fire alarm boxes. Landscaping should preserve the clear view area defined in this Code.

E. Planting areas will be protected from vehicular and pedestrian encroachment by raised planting surfaces, bumper guards, or the use of curbs.

F. Plants in containers or planter boxes and outdoor seating areas are encouraged for areas adjacent to store fronts along walkways provided that the containers, planter boxes, seating amenities, or any other enhancements do not obstruct pedestrian or vehicular circulation.

G. Vines and climbing plants integrated upon buildings, trellises, and perimeter walls are not only attractive, but also help discourage graffiti and are encouraged in appropriate areas.

H. Existing mature trees, riparian corridors, and view sheds should be preserved and incorporated into the project landscaping.

I. Storm drainage facilities should be incorporated into the landscape design and appear to be a part of the overall project.

J. No species of trees or large shrub should be planted under overhead lines or over underground utilities if its natural growth may interfere with the installation or maintenance of any public or private utility.

K. A complete landscaping plan is considered part of an application for Site Plan review and shall include the types and sizes of all planting materials. Each plan should include a variety of planting material and a mixture of evergreen and deciduous trees.

15-080: PARKING

All Commercial buildings must follow the parking provisions provided in Chapter 6 herein.

A. Have a maximum of one (1) driveway approach for each one hundred (100) feet of public street frontage.

B. Said driveway approaches shall be no more than thirty-five (35) feet in width nor less than sixteen (16) feet (for one-way traffic).

C. Proposed driveway approaches, and associated paving in the public right-of-way with asphalt, concrete or any other impervious surface that will encase, cover, or in any way come into contact with any public utility located in the public right-of-way, will cause the property owner to provide adequate expansion joints in the paving surface as to allow ease of access to such public utilities.

D. In such cases where this situation exists the property owner shall submit a design detail for protecting the allowed access of any utilities that may be affected by the proposed excavation work, in addition to the required excavation permit.

E. For commercial and industrial uses and apartments with seventeen (17) or more parking spaces, the driveway approach shall be no closer than forty (40) feet to the intersection of two (2) streets.

15-090: SIGNS

All signs erected in the Commercial Zones shall be in conformance with the sign regulations of Chapter 27 of this Code.

15-100: SPECIAL PROVISIONS

A. Any area outside of a building used for any commercial activities other than off-street parking and loading 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 (chain link fencing with slats is not considered a solid fence or wall for purposes of this Section).

B. All commercial uses shall be conducted from enclosed buildings except automobile fuel or service stations, carwashes, automobile and recreational vehicle sales, rental or lease, off-street parking and loading, plant material nurseries, outdoor restaurants, and commercial recreation, unless otherwise permitted by planned unit development or conditional use permit.

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

15-110: TRASH, WASTE, STORAGE, AND ABANDONED VEHICLES

No trash, used materials, wrecked, or non-operational or abandoned vehicles or equipment shall be placed or stored within a public right-of-way, on any public sidewalk or in any required yard setback areas. All such materials must be screened from public streets and adjacent property or stored within an enclosed building.

All storage areas within a side yard and rear yard shall be screened from the public or adjoining residential area view by appropriate fencing or landscaping methods and placed in a rear area of the main building if possible.

Hazardous materials, chemicals or oils/solvents shall not be stored in areas that are accessible to the public and do not meet Health Department regulations.

Chapter 16

LIGHT INDUSTRIAL (LI) ZONE

16-010: Purpose
16-020: Permitted Uses
16-030: Lots of Record
16-040: Area, Frontage, Width, and Height Requirements
16-050: Setback Requirements
16-060: Setback Requirements – Accessory Structures
16-070: Parking and Loading
16-080: Trash, Waste, Storage, Abandoned Vehicles
16-090: Signs
16-100: Special Provisions

16-010: PURPOSE

The purpose of the Light Industrial Zone is to provide appropriate locations where light industrial, manufacturing, and warehousing process may be established and properly maintained so as to not produce objectionable effects to the surrounding property and zones. The regulations of this District are designed to protect and encourage the environmental, aesthetic, and community quality of Coalville City.

16-020: PERMITTED USES

Table 8-1 in **Section 08-020** sets forth Allowed Uses (A), Conditional Uses (C), Temporary Uses (T), Low Impact Uses (L), and Prohibited Uses (X) for the CC and HC Zone Districts. Permitted uses are by right provided the parcel and buildings meet all other provisions of this Code and any other applicable ordinances of Coalville City.

16-030: LOTS OF RECORD

Lots or parcels of land, which legally existed or were created by a preliminary or final plat approval prior to the adoption of this Code, shall not be denied a building permit solely for a reason of non-conformance with the parcel or density requirements of this chapter and are declared a legal nonconforming use under this Code.

16-040: AREA, FRONTAGE, WIDTH AND HEIGHT REQUIREMENTS

D. **Area**. Except as may be allowed through Master Plan Development (MPD) approval, buildings and structures may cover no more than fifty (50) percent of the lot.

E. **Frontage**. Each lot or parcel of land shall have frontage on a public street for a minimum distance of fifty (50) feet.

F. **Width**. there are no width requirements, provided all parking and circulation requirements can be satisfied.

G. **Height**. Any building design over thirty (35) feet in height shall be of Conditional Use. No building in the LI Zone shall exceed fifty (50) feet in height from natural grade to the tallest portion of the building.

16-050: SETBACK REQUIREMENTS

A. **Front-Yard Setback**. Each primary structure in the LI Zones shall be located at least twenty (20) feet from the edge of any public street, provided however, that no off-street parking shall be located closer than ten (10) feet from any public street.

B. **Side-Yard Setback**. Each primary structure in the LI Zones shall be located at least twelve (12) feet from the nearest building or property line.

C. **Rear-Yard Setback**. Each primary structure in the LI Zones shall be located at least twelve (12) feet from the rear property line to provide adequate alleyways for loading and deliveries.

D. **Easements**. No Primary Structure shall be located within a platted easement area of any kind.

16-060: SETBACK REQUIREMENTS – ACCESSORY STRUCTURES

A. **Front Setback**. No accessory buildings are allowed in the front setback.

B. **Side Setback**. no closer than three (3) feet from the side or rear property line. No accessory buildings are allowed in the required side yard setback of a corner lot on the side facing the street.

C. **Rear Setback**. No closer than three (3) feet from the rear property line.

D. **Height Restriction**. Any accessory building greater than thirty-five (35) feet in height shall maintain the setbacks required for a primary building.

E. **Easements**. No permanent accessory building shall be located within a platted easement area of any kind.

16-070: PARKING, LOADING, AND ACCESS

All buildings must follow the provisions provided in Chapter 6 herein, as well as the following provisions. In the case where two provisions conflict, the more restrictive provision shall take precedent.

A. All parking spaces shall be paved with asphaltic cement or concrete and shall be provided with adequate drainage which shall not run across a public sidewalk. Parking spaces shall be located no closer than ten (10) feet from any public street within a required front or side setback.

16-080: TRASH, WASTE STORAGE AND ABANDONED VEHICLES

No trash, used materials, wrecked or non-operational or abandoned vehicles or equipment shall be placed or stored within a public right-of-way, on any public sidewalk or in any required yard setback area. All such materials must be screened from public streets and adjacent property located within the LI Zone with an opaque fence or wall or must be stored within an enclosed building.

All storage within side yard and rear yard areas shall be screened and hidden from the public or adjoining residential area view by appropriate fencing or landscaping methods and placed in a rear area of the main building if possible.

No hazardous materials, chemicals or oils/solvents shall be stored in areas that do not meet Health Department regulations or are accessible to the public.

16-090: SIGNS

All signs erected in the LI Zone shall be in conformance with the sign regulations of Chapter 27 of this Code.

16-100: SPECIAL PROVISIONS

A. **Landscaping**. All lots, parcels, or sites shall have a minimum of ten (10) percent of the total area landscaped, including all required front yards, and permanently maintained in good condition.

B. **Industrial Performance Standards**. The following performance standards shall ensure that all industries will provide necessary modern control methods to protect the City from hazards and nuisances; set objective, quantitative standards for the maximum tolerated levels of frequently hazardous or annoying emissions; and protect any industry from arbitrary exclusion or persecution based solely on the characteristics of that type of industry's past uncontrolled operation.

1. **General.**

a. No one shall use or occupy any land or building devoted to uses authorized by this Chapter in any manner so as to create a dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise or vibration; smoke, dust, odor, or other form of air pollution; heat, cold, dampness, glare, electrical, or other disturbance; liquid or solid refuse or waste; or other substance, condition, or element in such a manner or in such an amount as to affect adversely the surrounding area or adjoining premises. The foregoing are hereinafter referred to as "dangerous or objectionable elements."

b. In addition to meeting other application requirements for site plan approval or a conditional use permit, parties seeking approval for an industrial use shall include in the application a description of the proposed machinery, products, and processes to be located at the development. The application shall include an investigation and

report from a qualified consultant outlining all possible environmental impacts industrial use may have. The cost of such expert report shall be borne by the applicant.

c. Within twenty (20) days after the Land Use Authority receives the aforesaid application and report, the Commission shall determine whether the plans will employ reasonable measures to assure compliance with the applicable performance standards. On such basis, the Land Use Authority may approve or refuse to approve the use or may require a modification of the proposed plans.

2. **Dangerous and Objectionable Elements.**

a. Noise. No use shall emit or cause the emission of sound from a stationary source such that the one hour equivalent sound level (LEQ) of resultant sound measurement, at the lot line of the establishment or use, exceeds, by 6dba or more, the one hour equivalent sound level (LEQ) caused by ground transportation as estimated for that point of measurement and that time of day, pursuant to FHWA-RD-77-108 Highway Traffic Noise Prediction Model, or by other techniques at least as accurate. The sound level measuring instrumentation shall conform with ANSI S1.4-1971 Type 1 and compatible measurement procedures, according to ANSI S1.13-1971, with the following adjustments:

i. Adjustment for Temporal and Tonal Characteristics of Sound. If the sound has a pronounced audible tonal quality, such as a whine, screech, buzz, or hum, or an audible cyclic variation in sound level, such as beating or other amplitude modulation, the measured sound level shall increase by 5 dB to allow for more subjective response to the sound.

ii. Quasi-Steady Impulsive Sound. Where the sound is of a repetitive impulse nature, providing a steady reading using the "slow response" setting on the sound level meter, the measured value shall increase by 10 dB to allow for more subjective response to the sound. Only one of the paragraphs (i) or (ii) may apply to qualify for an adjustment. In a case where both paragraphs apply, paragraph (ii) takes precedence.

No use shall emit, cause, or permit the emission of sound of an impulsive nature from a stationary source such that it results in an impulsive sound level at a point of measurement in excess of 80 dba or, in a one-hour equivalent level (LEQ), exceeding that one hour equivalent level (LEQ) caused by ground transportation as estimated for that point of

measurement and that time of day, pursuant to FHWARD-77-108 or equivalent method.

b. Vibration. No use shall create or permit a vibration (other than from transportation facilities or temporary construction work) that is discernible without instruments at the points of measurement specified in Subsection 10-17-100(B)2(a).

c. Odors. Other than municipal sewer facilities, no use shall emit odorous gases or other odorous matter in such quantities as to be readily detectable when diluted in the ratio of one (1) volume of odorous air to four (4) volumes of clean air at the points of measurement (at the lot line of the establishment or use) or at the point of greatest concentration. Any process that may involve the creation or emission of any odors shall provide a secondary safeguard system in order to maintain control should the primary safeguard system fail.

d. Glare. No use shall permit direct or sky-reflected glare that penetrates beyond the property upon which the light source is located, whether from flood lights or from high temperature processes such as combustion or welding or otherwise, in a manner constituting a nuisance or hazard.

e. Fire and Explosion Hazards. All activities and all storage of flammable and explosive materials shall include adequate safety, firefighting, and fire-suppression equipment and devices standard in the industry to protect against the hazard of fire and explosion. No use shall permit the burning of waste materials in open fires at any point.

f. Air Pollution. No use shall emit particulate or gaseous pollutants into the air in violation of the Utah State Air Conservation Act, its amendments, or resulting regulations.

g. Liquid or Solid Wastes. No use shall discharge, at any point, into a public sewer, public waste-disposal system, private sewage system, or stream, or into the ground contrary to the Utah State Water Pollution Control Act, its amendments, the subsequent Wastewater Disposal Regulations, or the Utah Code of Solid Waste Disposal Regulations.

C. **Enforcement**. The Land Use Administrator shall investigate any purported violation of performance standards; and, if necessary for such investigation, may request the Land Use Authority to employ qualified experts. If, after public hearing and due notice, the Land Use Authority finds that a violation existed or does exist, it shall order the Land Use Administrator to serve notice that compliance with the performance standards must be achieved within a specified period of time or the plant will be closed. Should the violation of performance

standards threaten the public health, convenience, or welfare, the Land Use Authority may order the offending plant to cease operation until proper steps are taken to correct the conditions which cause the violation. The violator shall pay for services of any qualified experts employed by the Land Use Authority to advise in establishing a violation, upon establishment of said violation or the City shall pay otherwise. The determination of the existence of dangerous and objectionable elements shall be made at any point provided, however, the measurements of the noise, vibration, odors, or glare, are taken at the lot line of the establishment or use.

Chapter 17

MIXED-USE OVERLAY

17-010: Purpose, Scope, and Objectives
17-020: Review and Approval Process

17-010: PURPOSE, SCOPE, AND OBJECTIVES

The Mixed-Use Overlay Zone, as outlined on the city zoning map, is intended to incentivize cooperation and community design flexibility to establish and revitalize commercial and housing opportunities in Coalville City.

The aim of the Mixed-Use Overlay Zone is to create a comprehensive, community-specific land use and design strategy to address community needs, including but not limited to:

D. Construction of cost-efficient public and/or private infrastructure (streets, water, sewer disposal and storm drainage).

E. A range of housing opportunities.

F. Space for local start-up businesses and live-work space.

G. Local employment opportunities.

H. Access to:

1. Commercial retail uses,
2. Professional service uses,
3. Commercial service uses,
4. Civic and institutional uses, and
5. Local and regional public transportation.

17-020: REVIEW AND APPROVAL PROCESS

The Mixed-Use Overlay Review and Approval Process for a proposed development application includes the following steps:

A. **Initiation.** The Mixed-Use Overlay process shall be initiated by the filing of a complete application with Coalville City pursuant to **Section 03-030**: General Application Requirements of this Code.

B. **Mixed-Use Development Area Boundary.** An initial Mixed-Use Development area boundary shall be proposed by the applicant(s) and reviewed by the City Council for a determination of initial acceptance. The area boundary may be subsequently modified during the process of developing a plan; however, the

area boundary shall not be modified by more than twenty percent (20%) without the review by the City Council.

C. **Creation of a Mixed-Use Plan and Zoning Districts**.

1. **Determination of Acceptance by the City Council.** The City Council shall review the initial request for a Mixed-Use area boundary. Upon a determination of acceptance, the City Council shall refer the proposed Mixed-Use application to the Planning Commission for review and a recommendation.

2. **Mixed-Use Plan Review by Planning Commission.** The Planning Commission shall review the proposed Mixed-Use application for the specific purpose of recommending a proposed plan and zoning districts for the boundary area to the City Council.

3. **Mixed-Use Plan and Zoning Districts.** The Planning Commission shall review the applicants proposed development plan and apply the following criteria for the proposed plan and zoning districts:

    a. Land Uses. A mix of residential uses may be considered, including detached single-family, attached single-family, and multi-family. Mixed-use land-uses may also be considered, including residential, commercial, service commercial, and light industrial.

    b. Density. Proposed zoning district densities shall be based upon sufficient access, circulation, connectivity, water, sewer disposal and storm drainage infrastructure.

    c. Development Standards. Requirements for development, including but not limited to minimum lot sizes, building height, setbacks, parking, streets and circulation, community/civic space, and infrastructure.

    d. Infrastructure. Infrastructure implementation including financing and phasing.

    e. Historic District Architectural Guidelines. Design review of proposed development within the historic district.

D. **Planning Commission Recommendation.** Upon the development plan and zoning districts review per Chapter 3 of this Code, and subject to review of the Master Planned Development (MPD) requirements in Chapter 6 and the Zoning Map and Text Amendment requirements in **Section 03-080** of this Code, the Planning Commission shall conduct a public hearing and forward a recommendation to the City Council.

E. **City Council Review and Action.** The City Council shall review, conduct a public hearing, and take final action on a Mixed-Use plan and zoning districts pursuant to Chapter 3 of this Code. Final action shall include a Council decision

to amend the Coalville City Zoning Map to include any new zoning districts intended to implement the plan.

Chapter 18

SENSITIVE LANDS OVERLAY (SLO) ZONE

18-010: Purpose
18-020: Review Process
18-030: Sensitive Lands Defined
18-040: Sensitive Lands Terms and Usage
18-050: Sensitive Lands Analysis
18-060: Sensitive Lands Determination
18-070: Sensitive Lands Regulations
18-080: Public Projects
18-090: Design Standards
18-100: Tree and Vegetation Protection
18-110: Economic Hardship Relief Provisions

18-010: PURPOSE

The purpose of the Sensitive Land Overlay (SLO) is to:

F. Plan for and require dedicated Open Land in aesthetically and environmentally sensitive areas;

G. Encourage preservation of large expanses of Open Land with wildlife habitat;

H. Cluster development while allowing a reasonable use of property;

I. Prohibit development on Ridgeline, Steep Slopes, and Significant Wetlands; and

J. Protect and preserve environmentally sensitive areas, entry corridors and historic main street.

1. **Applicability.** For the purposes of this Chapter, any development, development activity or use located within Sensitive Lands, as defined in **Section 18-030**, must satisfy the requirements herein.

    a. **Annexations.** Whenever an Annexation Petition is presented to the City, the applicant shall be required to provide a Sensitive Lands Analysis which may require varying levels of detail based upon existing conditions of the site. The Sensitive Lands will be determined from a Sensitive Lands Analysis pursuant to **Section 18-050**. The analysis may lead to the designation of additional sensitive land areas which may not have been previously identified.

18-020: REVIEW PROCESS

The application review process has four primary steps:

A. **Sensitive Lands Analysis.** Applicants for development within the SLO Zone must identify the Property's sensitive environmental and aesthetic areas such as Steep Slopes, Ridgelines, Wetlands, Flood Plains, Stream Corridors, Wildland-Urban Interface, and Wildlife Habitat areas and provide, at time of application, a Sensitive Lands Analysis.

B. **Application of Overlay Zone Regulations.** Regulatory standards apply to the type of Sensitive Lands delineated.

C. S**ite Development Suitability Determination.** City Staff shall review the Sensitive Lands Analysis, apply the applicable Sensitive Lands Regulations (18-050: A through 18-050: I) and prepare a report to the Applicant and the Planning Commission identifying those areas suitable for development as developable land.

D. **Hardship Relief.** If the Applicant demonstrates that these regulations would deny all reasonable use of the property, the City Council may modify the application of these regulations to provide the applicant reasonable use of the property pursuant to **Section 18-110**.

18-030: SENSITIVE LANDS DEFINED

L. The Sensitive Lands Overlay (SLO) Zone includes, but is not limited to:

A. Drainage ways, floodplains, lake shores, water shed and recharge areas.

B. Water spring and well source protection zones, including the Icy Springs Protection Plan incorporated herein by reference.

C. Entry corridors, historic main street, and important vantage points as determined by the City Staff, Planning Commission and City Council.

D. Landfills, active or inactive.

E. Natural or environmentally hazardous areas.

F. Scenic view sheds, hillsides, and ridgelines.

G. Slopes greater than fifteen (15) percent.

H. Unique natural features such as dense tree or shrub stands, rock outcroppings, ponds or springs and historic features.

I. Stream corridors.

J. Wetlands.

K. Wildlife habitat and fisheries.

18-040: SENSITIVE LANDS TERMS AND USAGE

For the purposes of this Chapter, certain unique terms and words used herein shall be used, interpreted, and defined as set forth in this Section.

A. **Compatible**. A development is compatible with an existing development or property if its architectural features, building height and materials, approved uses, intensity of such use and other features are complementary and do not have a significant adverse economic and aesthetic impact on existing development or property.

B. **Crest of Hill.** The highest point on a hill or steep slope as measured continuously throughout the property. Any given property may have more than one hill crest.

C. **Critical Wildlife Habitat.** Specific geographic areas that contain features essential to the conservation of an endangered or threatened wildlife species and that may require special management and protection.

D. **Development Code.** The Coalville City Development Code, as adopted and amended.

E. **Maximum Extent Feasible.** Means no reasonable or practical alternative exists, and all possible planning to minimize potential impacts has been undertaken.

F. **Open Space (Land).** Shall have the meaning set forth in Chapter 2-Definitions of this Code.

G. **Ordinary High-Water Mark.** The line on the bank to which the high water ordinarily rises annually in season as indicated by changes in the characteristics of soil, vegetation or other appropriate means which consider the characteristics of the surrounding areas. Where the ordinary high-water mark cannot be identified, the top of the channel bank shall be the high-water mark.

H. **Qualified Professional.** A professionally trained person with the requisite academic degree, experience, and professional certification or license in the field or fields relating to the subject matter being studied or analyzed.

I. **Ridgeline**. The natural crest of a hill or mountain as viewed from major roads.

J. **Significant Wetland.** Wetlands which occupy a surface area greater than 1/10 acre or are associated with permanent surface water, riparian vegetation and soils, or which are adjacent to or contiguous with a stream corridor as identified by the Army Corps of Engineers, Soils Conservation Service, or other applicable state or federal agency.

K. **Slope**. The level of inclination of land from the horizontal is determined by dividing the horizontal run of the slope into the vertical rise of the same slope and converting the resulting figure into a percentage value.

L. **Steep Slope**. Slopes greater than fifteen (15) percent.

M. **Stream**. Water Courses, excluding ditches and canals constructed for irrigation and drainage purposes, that flow year-round.

N. **Stream Corridor.** The corridor is defined by the stream's ordinary high-water mark and riparian vegetation boundary.

O. **Wildland-Urban Interface Zone.** A wildland–urban interface (or WUI) refers to the zone of transition between unoccupied land and human development. Developed areas that are within 0.5 miles of the zone may also be included.

18-050: SENSITIVE LANDS ANALYSIS

Any applicant proposing development within the SLO Zone as defined in **Section 18-030** must submit a Sensitive Lands Analysis performed by a qualified professional that addresses all the following information:

A. **Slope/Topography Map.** A slope and topographic map depicting contours at an interval of five feet (5') or less. The map must highlight areas of high geologic hazard, areas subject to land sliding, and all significant steep slopes in the following categories:

1. Greater than fifteen percent (15%), but less than thirty percent (30%);

2. Thirty percent (30%) and greater.

B. **Ridgeline Areas.** A map depicting all crests of hills and ridgeline areas.

C. **Vegetative Cover.** A detailed map of vegetative cover, depicting the following:

1. Deciduous trees;

2. Coniferous trees;

3. Gamble oak or high shrub; and

4. Sage, grassland, and agricultural crops.

The City may require a more detailed tree/vegetation survey if the site has unusual or significant vegetation, stands of trees, or woodlands.

D. **Designated Entry Corridors, Scenic Viewsheds and Vantage Points.** Entry corridors, scenic viewsheds and vantage points within or adjacent to the project site shall be identified in the analysis. Entry corridors shall include the following:

1. The area between I-80 and the rail trail to the east, and the area west of I-80 to the Weber River.

2. Five hundred fifty (550) feet from the centerline of 100 South and two hundred fifty (250) feet from the center line of Main Street and Chalk Creek Road and Border Station Road to the City limits.

1. Scenic view sheds and designated vantage points shall be determined by the Planning Commission after a recommendation from the City Staff at the time of Concept Plan review.

E. **Wetlands.** A map delineating all Wetlands established by using the 1987 Federal Manual for Identifying and Delineating Jurisdictional Wetlands, as amended.

F. **Flood Plains.** A map delineating all property which lies within Zone A of the FEMA Flood Zone Designations.

G. **Streams, Canals, and Irrigation Ditches**. A map delineating all stream corridors, canals, and irrigation ditches, defined by the Ordinary High-Water Mark.

H. **Wildlife Habitat Areas.** A map depicting all wildlife habitat areas, as defined by a Wildlife Habitat Report. The Wildlife Habitat Report shall be prepared by a qualified professional in ecology, wildlife biology, or other relevant disciplines and describe the following:

1. The ecological and wildlife use characterization of the property explaining the species of wildlife using the area, the times or seasons the property is used by those species, and the value, e.g. feeding, watering, cover, nesting, roosting, or perching, that the property provides for such wildlife species;

2. The existence of critical wildlife movement corridors;

3. The existence of special habitat features, including key nesting sites, feeding areas, calving or production areas, use areas for migrant song birds and grassland birds, fox and coyote dens, deer and elk winter concentration areas, as identified by the Utah Division of Wildlife, and areas of high terrestrial or aquatic insect diversity.;

4. Areas inhabited by or frequently utilized by any species identified by state or Federal agencies as Threatened or Endangered;

5. The general ecological functions provided by the property and its features;

6. Potential impacts on these existing wildlife species that would result from the proposed development.

I. **Additional Information Requirements.** The City may require the applicant to submit the following additional information, as applicable:

1. **Visual Assessment.** A visual assessment, including photographic simulations, of the property from vantage points designated by the Planning Commission, depicting conditions before and after the proposed development, including the proposed location, size, design, landscaping, and other visual features of the project.

2. **Soil Investigation Report.** A soil investigation report, including but not limited to shrink-swell potential water table elevation, general soil classification and suitability for development, erosion potential, hazardous material analysis, and potential frost action. The soils report shall indicate whether the property is within a water source protection zone.

3. **Geotechnical Report.** A geotechnical report which must include the location of major geographic and geologic features, the depth of bedrock, structural features, folds, fractures, etc., and potential land slide and other high-hazard areas.

4. **Additional Slope Information.** If the size of the proposed development and visual sensitivity of the site dictate, the City may require the applicant to submit a slope/topographic map depicting contours at an interval of two feet (2').

5. **Fire Protection Report.** A fire protection report that identifies potential Wildland Urban Interface areas. Analysis must include fire hazards, mitigation measures, access for fire protection equipment, existing and proposed fire flow capability and compliance with the International Wildland Urban Interface Code and the Summit County Wildfire Protection Plan.

6. **Hydrological Report.** A hydrological report, including information on groundwater levels, drainage channels and systems, and base elevations in flood plains.

7. **Agricultural Analysis.** An Agricultural Impact Analysis addressing the items in **Section 29-040** may be required to determine the impacts on important agricultural areas. This analysis must address the effects of land use changes on vegetation, irrigation systems, range and crop land quality, weed control, agricultural accesses and rights-of-way, and fire concerns.

18-060: SENSITIVE LANDS DETERMINATION

City Staff shall review the information presented in the Sensitive Lands Analysis and provide a recommendation to the Planning Commission determining and delineating all Sensitive Lands on the development property.

A. **Waiver/Modification of Analysis and Report Requirements.** Based upon a preliminary assessment of the development proposal and a site field inspection, the Planning Commission and/or City Council may modify or waive any of the sensitive lands analysis requirements upon a determination and recommendation from City Staff that the information is not necessary for a full and adequate review of the development or is sufficient at a reduced level of detail.

18-070: SENSITIVE LANDS REGULATIONS

The following provisions shall apply to all Sensitive Lands identified on the development property from the Sensitive Lands Analysis:

A. **Slope and Soil Protection.** The requirements in this Section are in addition to the regulations found elsewhere in this Code. In the event of a conflict, the stricter regulation shall apply.

1. **Intent.** The intent of these regulations is to protect the visual integrity and environmental sensitivity of hillsides slopes and soils. This shall be accomplished by minimizing the visual and environmental impacts of development through careful site design and planning that maximizes the amount of open land, protects existing vegetation, avoids cut and fill and unsuitable soils, minimizes erosion, recognizes the need for water conservation and locates development on the least visually sensitive area of the property.

2. **Prohibitions.** No development shall be allowed on slopes exceeding thirty (30) percent, lands subject to land sliding, regular flooding, soils deemed unsuitable for development, including land fill and mine shaft areas, and other high-hazard geological areas, as determined by a geotechnical or soils report prepared pursuant to **Section 18-050** herein.

3. **Cut and Fill Slopes.** Cutting and filling to create additional or larger building sites shall be avoided to the maximum extent feasible. All proposed grading shall be reviewed by City Staff to ensure minimum visual impact and geotechnical safety. Cut and fill slopes shall be limited to a 3 to 1 slope or less. All graded slopes shall be re-contoured and re-vegetated to the natural, varied contour of the surrounding terrain.

4. **Streets.** Street construction on hillsides can be the most visually disruptive impact of a development. Development in some areas may not be appropriate if access roads cannot be constructed without causing significant visual impacts. The following standards apply for streets and roads, public and private that are proposed to be constructed on steep slopes:

    a. Streets that cross slopes of thirty (30) percent or greater shall not be allowed, except that a short run of not more than one hundred (100) feet across slopes greater than thirty (30) percent may be allowed by the City if such streets will not have significant adverse visual, environmental, or safety impacts.

    b. Where streets are proposed to cross slopes greater than fifteen (15) percent, the following standards shall apply:

        i. Evidence must be presented that such streets will be built with minimum disturbance and environmental damage within acceptable public safety parameters.

        ii. Streets shall, to the maximum extent feasible, follow contour lines, preserve the natural character of the land, and be screened with trees or vegetation and the existing terrain.

        iii. Cutting and filling shall be held to a minimum and retaining walls shall be employed to help provide planting areas

conducive to revegetation. Revegetation plans will be required for all areas disturbed by street construction.

5. **Retaining Walls.** Use of retaining walls may be encouraged to reduce the steepness of man-made slopes and provide planting pockets conducive for revegetation. The use, design, and construction of all retaining walls shall be subject to the approval of the City based upon assessment of visual impact, compatibility with surrounding terrain and vegetation, and safety considerations.

6. **Landscaping and Revegetation.** To mitigate adverse environmental and visual effects, slopes exposed in new development shall be landscaped or revegetated in a manner acceptable to the City. Topsoil from any disturbed portion of a steep slope shall be preserved and utilized in revegetation. Fill soil must be of a quality to support native plant growth.

7. **Location of Development.** Any development permitted in steep slope areas pursuant to this Section shall be located in such a manner to reduce visual and environmental impacts to the maximum extent feasible. To determine the most appropriate location for development, the City shall require the applicant to conduct a visual and environmental analysis considering visual impact from key vantage points, potential for screening, location of natural drainage channels, erosion potential, vegetation protection, access, and similar site design criteria. Based upon the analysis, the City may require any one or a combination of the following mitigation measures:

    a. Clustering of development

    b. Dispersal of development

    c. Transfer of development density to non-sensitive or less sensitive portions of the site.

B. **Ridgeline Protection**

1. **Intent.** The intent of these provisions is to protect the unique visual and environmental character of all ridgelines to ensure that development near ridgeline areas blend in rather than interrupts or modifies the natural contour elevations of these landforms. Significant ridgeline areas should be retained in a natural state, and development should be sighted in such a manner so as not to create a silhouette against the skyline or mountain backdrop as viewed from designated vantage points or major roads.

2. **Minimum setback.** No building, roof or other appurtenant device, except antenna structures, including mechanical equipment, on any building may visually intrude on ridgelines as viewed from designated vantage points or major roads as determined by a visual assessment.

C. **Entry Corridor Protection**

1. **Intent.** The intent of these provisions is to protect the visual image of Coalville as people enter the community. The City desires to maintain the visual character, small-town atmosphere and charm of all designated entry corridors by eliminating or mitigating visually obtrusive development and ensuring that significant portions of integrated open land remains intact.

2. **Applicability to future annexed properties.** Submission of an annexation petition shall require the applicant to identify relevant sensitive lands pursuant to **Section 18-050** herein of any affected entry corridor areas for designation by the City.

3. **Design Standards.** A visual assessment showing proposed development layout including building design, colors and materials, landscaping, exterior lighting and signing, shall be required for all entry corridor developments.

    a. All development within an entry corridor shall comply with the design standards contained in **Section 18-090** and the Multi-family and Affordable Housing Design Guidelines and Architectural Design Guidelines, incorporated herein by reference.

    b. Development will not be approved within an entry corridor that will become the prominent visual feature in the view shed, particularly when surrounded by existing open lands.

D. **Wetlands, Lake Shores, Stream or River Corridors, Floodplains and Drainage ways**

1. **Intent.** Wetlands, lake shores, stream(s) and river channel corridors, floodplains and drainage ways provide important hydrologic, biological and ecological, aesthetic, recreational, and educational functions. The following requirements and standards are intended to promote, preserve and enhance these valuable resources and avoid adverse effects and potentially irreversible impacts.

2. **Prohibited Activities.** No person shall engage in any activity that will disturb, remove, fill, dredge, clear, destroy or alter any areas, including vegetation within wetlands, lake shores, stream or river corridors, floodplains, drainage ways and their respective setbacks, except as may be expressly allowed herein.

3. **Boundary Delineation.** The applicant shall provide delineations as follows:

    a. Wetlands delineation shall be established using the methods of the 1987 Army Corp of Engineers Manual for Identifying and Delineating Jurisdictional Wetlands, as amended.

    b. Lake shores, stream corridors and drainage ways shall be delineated at the ordinary high-water mark and riparian vegetation boundary as defined herein.

c. Floodplain (Zone A) delineation shall be accordance with FEMA mapping and the Coalville City Flood Insurance Rate Map and Flood Damage Prevention Ordinance.

4. **Setbacks.** The following development setbacks are required:

a. Setbacks from wetlands shall extend a minimum of fifty (50) feet outward from the delineated wetland edge.

b. Setbacks from lake shores and stream corridors shall extend a minimum of one hundred (100) feet outward from the ordinary high-water mark.

c. Setbacks from irrigation ditches, canals and drainage ways that meet the Army Corps of Engineers definition for waters of the United States shall extend a minimum of twenty (20) feet from the ordinary high-water mark.

d. Setbacks do not apply to floodplains. However, development is strongly discouraged within the Zone A Floodplain and will only be approved if the finish floor elevation of occupied structures is a minimum of one (1) foot above the 100-year flood elevation, as determined by a qualified professional.

5. **Runoff Control.** All projects adjacent to wetlands, lake shores, stream corridors, floodplains and drainage ways shall provide appropriate temporary and permanent runoff and erosion control to minimize sediment and other contaminants to the maximum extent feasible. These control systems must be approved by the City.

6. **Habitat Restoration Projects.** The City may approve wetland, lake shores, stream corridor, floodplain and drainage way restoration and enhancement projects providing that the project plan has been reviewed by a qualified professional and approved by the appropriate State and Federal agencies with jurisdiction. All habitat restoration work shall be performed under the direct supervision of a qualified professional.

E. **Wildlife Habitat and Fisheries**

1. **Intent.** Wildlife habitat and fisheries provide important biological and ecological, aesthetic, recreational and educational functions. The following standards shall apply to any development which has the potential of adversely affecting critical wildlife or fishery habitats including winter range, migration corridors, birding areas and Class II Fisheries or other critical habitats identified in **Section 18-050**.

a. Construction Timing. Construction shall be organized and timed to minimize disturbance of Sensitive or Specially Valued Species occupying or using on-site and adjacent natural areas.

b. Sensitive and Specially valued Species. If the development site contains or is within five hundred feet (500') of a natural habitat area, and the wildlife and habitat report show the existence of Sensitive or Specially Valued Species, the development plans shall include provisions to ensure that any habitat in any such natural area shall not be disturbed or diminished, and to the maximum extent feasible, such habitat shall be enhanced.

c. Connections. If the development site contains existing natural habitat areas that connect to other off-site natural habitat areas, the development plan shall preserve such natural habitat area connections to the maximum extent feasible. If natural habitat areas lie adjacent to the development site, but such natural habitat areas are not presently connected across the development site, the development plan shall, to the extent reasonably feasible, provide such connection. Such connections shall be designed and constructed to allow for the continuance of existing wildlife movement between natural habitat areas and to enhance the opportunity for the establishment of new connections for movement of wildlife.

d. Wildlife Conflicts. If wildlife that may create conflicts for future occupants of the development are known to exist in natural habitat areas adjacent to or on the development site, then the development plan must include provisions to minimize these conflicts to the extent reasonably feasible.

e. Development Layout. Reasonable steps shall be taken to minimize habitat impacts which may require the clustering of development in the least-sensitive portions of the site. Development layout shall preserve critical wildlife habitat areas or floodplain corridors along streams supporting fisheries.

18-080: PUBLIC PROJECTS

A. Development Approvals for Public Projects/Public Works/Public Utilities

1. **Intent.** All public development projects and public utility installations that visually impact or otherwise adversely impact sensitive lands, shall be reviewed according to the following process and guidelines. It is the intent of this section that proposed public utilities projects, both private and public, make all reasonable attempts to comply with the following standards and guidelines:

   a. **Review Process.** The project sponsor shall notify the City of the proposed project. A project plan delineating the location, alignment, and scope of the undertaking shall also be submitted. Minor projects which are determined by the City to have no potential for

significant visual or environmental impacts shall be exempt from this process.

b. **Mitigation.** The City Staff shall review the proposed project and may request the project sponsor prepare an environmental impact assessment (EA) or mitigation plan that addresses and/or mitigates environmental and visual impacts of the project. To the maximum extent feasible, the project sponsor shall design the public works to preserve the natural character of the sensitive land areas and locate structures and facilities in areas not visible from major public rights-of-way or public property such as parks.

c. **Emergency Repairs.** In the event of an emergency that requires immediate action to protect the health and safety of the general public, such action may go forward without the immediate consent of the City. The City shall be consulted at the earliest stage reasonably possible in the construction/repair phase.

d. **Maintenance.** Maintenance projects shall proceed only after notification and approval by the City Staff. If the City Staff determines that due to the size or nature of the maintenance activity, a significant adverse impact may result in sensitive land areas, the project shall proceed through the review procedures and regulations set forth herein.

18-090: DESIGN STANDARDS

All development within Sensitive Lands shall comply with the following design standards which supplement the Coalville City Architectural Design Guidelines and Multifamily and Affordable Housing Design Guidelines and Best Practices, incorporated herein by reference:

A. **Building Color and Material.** All buildings shall be constructed with muted earth tone color materials that reflect the dominant color of the surrounding vegetation or background.

B. **Parking and Landscaping.** Subdivision lots and streets shall be designed so that wherever possible parking is located between or behind buildings. Uses other than single family residences shall break up parking areas into smaller lots running parallel to the slope contours. The perimeter of parking areas shall be screened with vegetation, fencing, or other architectural or natural elements. A minimum fifteen (15) percent of the internal total parking lot area shall also include landscaping.

C. **Rooftop Mechanical Equipment.** All rooftop mechanical equipment must be screened and/or painted to match the color of the roof so as not to be readily visible from nearby properties or hillsides above the equipment.

D. **Roof Pitch, Color, and Materials.** The pitch of any roof shall generally parallel the slope upon which the building is located, but in any case, shall not exceed a

height to horizontal ratio of 10/12 and shall not descend closer than seven (7) feet from the ground. The minimum roof pitch shall be 4/12, except for flat roofs in the Downtown Historic District. Roofs shall be of a dark, muted earth tone color in a shade of gray, brown, or black that reflects the dominant color of the surrounding vegetation or background.

E. **Underground Utilities.** Utility lines servicing developments in sensitive lands shall be installed underground, if the utility line is located within a scenic view corridor and the visual impacts of overhead lines cannot be reasonably mitigated.

F. **Outdoor Lighting.** In addition to the lighting standards of Chapter 5 herein, all outdoor lighting associated with development in sensitive lands shall be of full cut-off variety and directed downward. Fixtures shall be located in such a way that the light source will not be visible when viewed from public areas and streets beyond the immediate lighted area.

18-100: TREE AND VEGETATION PROTECTION

The following provisions and mitigation measures are required as enhancements to existing regulations contained in this Code. These regulations will apply to new and existing subdivisions in Sensitive Lands, including the following criteria:

A. **Establishing Limits of Disturbance.** Limits of disturbance may be required of any development including the construction of a single-family dwelling in Sensitive Lands or any property found to contain sensitive lands. The limits of disturbance will be established using the following criteria:

1. Visual impacts of the development, including but not limited to screening from adjacent properties, ridgeline areas protection, and protection of entry corridors and scenic view-sheds.
2. Erosion protection and control, including but not limited to protection of natural drainage channels.
3. Fire protection and safety, including but not limited to location of trees and vegetation near structures.
4. Irrigation and water conservation.
5. Wildlife and fisheries habitat, including but not limited to, preservation of critical vegetation, migration routes, winter range, birthing areas, stream corridors and lakeshores.
6. Stream and wetland protection and buffering.

B. **Tree or Vegetation Removal.** No trees or vegetation within Sensitive Lands shall be removed for the purpose of providing open views to or from structures on a site.

C. **Revegetation Plan.** All applicants proposing development in Sensitive Lands involving cut and fill and graded slopes shall submit a revegetation and landscaping plan for City approval. The plan shall include the type, size, and

location of any vegetation and trees being planted and illustrate how the site will be recontoured with sufficient topsoil to ensure revegetation. The plan shall also indicate a time frame for revegetation which is acceptable to the City. Retaining walls shall be used to provide breaks in manmade steep slopes exceeding fifteen (15) percent and to provide planting pockets.

18-110: ECONOMIC HARDSHIP RELIEF PROVISIONS

A. **Hardship Relief Petition.** Any applicant for development, after a final decision is taken by the City on a development application, may file a hardship relief petition with the City seeking relief from certain of the sensitive lands regulations on the basis that the denial of the application has created a substantial economic hardship, depriving the applicant of all reasonable use of the property. The petitioner shall have the burden of proving that the denial of the application created a substantial economic hardship.

B. **Affected Property Interest.** The hardship relief petition must provide information sufficient for the City to determine that the petitioner possesses a protectable interest in property under Article I, Section 22 of the Constitution of Utah, and the Fifth Amendment to the United States Constitution.

C. **Economic Hardship Standard.** For purposes of this ordinance, a substantial economic hardship shall be defined as a denial of all reasonable use of the property. Upon a finding that a City action or determination has resulted in a denial of all reasonable use of the property, the City may provide the petitioner relief from certain provisions of the sensitive lands regulations.

D. **Time for Filing Notice of Petition and Petition.** No later than ten (10) calendar days from final action by the City on any development application, the applicant shall file a notice of petition in writing with the City Recorder. Within thirty (30) days of filing of a petition, the applicant shall file a Hardship Relief Petition with the City Recorder.

E. **Information to be Submitted with Hardship Relief Petition.** The hardship relief petition must be submitted in letter form and must be accompanied at a minimum by the following information:

1. Name of the petitioner.
2. Name and address of current owner of the property, form of ownership, whether sole proprietorship, for-profit or not-for-profit corporation, partnership, joint venture or other, and if owned by a corporation, partnership, or joint venture, name and address of all principal shareholders or partners.
3. Price paid and other terms of sale of the property, the date of purchase, and the name of the party from whom purchased, including the relationship, if any, between the petitioner and the party from whom the property was acquired.

4. Nature of the protectable interest claimed to be affected, such as, but not limited to, fee simple ownership, leasehold interest.

5. Terms (including sale price) of any previous purchase or sale of a full or partial interest in the property within the previous three (3) years.

6. All appraisals of the property prepared for any purpose, including financing, offering for sale, or ad valorem taxation, within the previous three (3) years prior to the date of application.

7. All information concerning current mortgages or other loans secured by the property, including name of the mortgagee or lender, current interest rate, remaining loan balance and term of the loan and other significant provisions, including but not limited to, right of purchasers to assume the loan.

8. All listings of the property for sale or rent, price asked and offers received, if any, within the previous three (3) years.

9. All studies commissioned by the petitioner or agents of the petitioner within the previous three (3) years concerning feasibility of development or utilization of the property.

10. For income producing property, itemized income and expense statements from the property for the previous three (3) years.

11. Information from a Code policy or other source showing all recorded liens or encumbrances affecting the property.

12. Review and processing fee in accordance with the Coalville City fee schedule.

The City may request additional information, if necessary, to arrive at a final conclusion concerning whether there has been a denial of all reasonable use of the property constituting a substantial economic hardship.

F. **Findings of the City Council**

M. The City Council shall, after receiving all the necessary information, hold a Public Hearing in accordance with the notification requirements of Chapter 3 herein. The City Council shall make their decision on the petition based on the evidence and testimonies presented, and address the following issues with their findings:

1. Whether the petitioner has complied with the submittal requirements for the hardship relief petition.

2. Whether the petitioner has a protectable interest in property.

3. The market value of the property considering the Sensitive Lands designation.

4. The market value of the property disregarding the Sensitive Lands designation.
5. Whether it was feasible to undertake construction on or development of the property as of the date of the development application, or in the reasonably near future thereafter.
6. Whether, in the opinion of the City Council, the actions by the City regarding the application created a substantial economic hardship.

Chapter 19

BEEKEEPING

19-010: Purpose
19-020: Certain Conduct Unlawful
19-030: Hives on Residential Lots
19-040: Beekeeper Registration
19-050: Hives
19-060: Flyways
19-070: Water
19-080: Beekeeping Equipment
19-090: Conflict with County Health Department Regulations
19-100: Violations

19-010: PURPOSE:

The purpose of this chapter is to authorize beekeeping subject to certain requirements intended to avoid problems that may otherwise be associated with beekeeping in populated areas.

19-020: CERTAIN CONDUCT UNLAWFUL:

Notwithstanding compliance with the various requirements of this chapter, it shall be unlawful for any person to maintain an apiary or to keep any colony on any property in a manner that threatens public health, safety, or creates a nuisance.

19-030: HIVES ON RESIDENTIAL LOTS:

G. As provided in this chapter, and notwithstanding any contrary provision in this Code, an apiary, consisting of up to three (3) hives on any size lot, may be maintained in a side yard or the rear yard based on the size of the lot in the residential zone. On a residential lot within an AG Zone which is one (1) acre or larger, the number of hives located on the lot may be increased up to ten (10) and additional conditions may be considered for a request of over ten in any zone.

H. A permit for three (3) years will be given as a conditional use for all residential lots. A fee for the permit will be assessed. The fee amount is $25.00 and shall be paid at the time of the application for a conditional use permit. After three (3) years the applicant will have to reapply to extend the permit. No additional fees will be assessed to renew the permit.

I. The City will notify all property owners within 300 feet and a notice and mailing fee will be assessed to the applicant.

J. A person shall not locate nor allow a hive on property owned or occupied by another person without first obtaining written permission from the owner or occupant.

19-040: BEEKEEPER REGISTRATION:

Each beekeeper shall be registered with the Utah Department of Agriculture and Food as provided in the Utah bee inspection act set forth in Code 4, chapter 11 of the Utah code, as annotated.

19-050: HIVES:

A. Honeybee colonies shall be kept in hives with removable frames which shall be kept in sound and usable condition.

B. Hives shall be placed at least ten feet (10) from any property line and six inches (6") above the ground, as measured from the ground to the lowest portion of the hive; provided, however, that this requirement may be waived by the adjoining property owner by executing a written waiver, a copy of which must be provided to the City.

C. Hives shall be operated and maintained as provided in the Utah bee inspection act.

D. Each hive shall be conspicuously marked with the owner's name, address, telephone number, and state registration number.

19-060: FLYWAYS:

A hive shall be placed on property so the general flight pattern of bees is in a direction that will deter bee contact with humans and domesticated animals. If any portion of a hive is located within fifteen feet (15') from an area which provides public access or from a property line on the lot where an apiary is located, as measured from the nearest point on the hive to the property line, a flyway barrier at least six feet (6') in height shall be established and maintained around the hive except as needed to allow access. Such flyway barrier, if located along the property line or within five feet (5') of the property line, shall consist of a solid wall, fence, dense vegetation, or a combination thereof, which extends at least ten feet (10') beyond the hive in each direction so that bees are forced to fly to an elevation of at least six feet (6') above ground level over property lines in the vicinity of the apiary.

19-070: WATER:

Each beekeeper shall ensure that a convenient source of water is available to the colony continuously between April 15 and October 31 of each year. The water shall be in a location that minimizes any nuisance created by bees seeking water on neighboring property. In the event that water is needed by the bee colony, either before April 15 and/or after October 31, the beekeeper will take whatever steps that is necessary in order to ensure adequate water is supplied during those times.

19-080: BEEKEEPING EQUIPMENT:

Each beekeeper shall ensure that no bee comb or other beekeeping equipment is left upon the grounds of an apiary site. Upon removal from a hive, all such equipment shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.

19-090: CONFLICT WITH COUNTY HEALTH DEPARTMENT REGULATIONS:

In the event of a conflict between any regulation set forth in this chapter and honeybee management regulations adopted by the Summit County health department, the most restrictive regulations shall apply.

19-100: VIOLATIONS:

A violation of this chapter may be remedied as provided in Title 7: Health and Safety, Title 11: Nuisance Enforcement. When a violation of this chapter is committed, and provided it is not charged in conjunction with another criminal offense and does not constitute a habitual notice of violation within a twenty-four (24) month period, an authorized agent of the City shall issue a civil notice of nuisance. A penalty of up to $500.00 dollars may be assessed for any such violation in addition to any other penalties that may be applicable under the Coalville City Code and/or Coalville City Ordinances.

Chapter 20

WIRELESS TELECOMMUNICATIONS

20-010: Purpose
20-020: Permit Required
20-030: Submittal Requirements
20-040: Building Permits
20-050: Antenna Site Locations
20-060: Co-Location Requirement
20-070: Lease Agreements for Use of City Land
20-080: Standards for Antennas and Antenna-Support Structures
20-090: Additional Conditional Use Permit Considerations
20-100: Additional Regulations for Monopoles and Towers
20-110: Safety Requirements
20-120: Abandonment
20-130: Site Requirements

20-010: PURPOSE

The intent of this section is to ensure that Telecommunications Facilities are compatible with the unique characteristics of each Zoning District of Coalville, and that adverse impacts on community quality and safety in residential, commercial, and industrial areas are mitigated. The intent of these requirements is to locate Telecommunications Facilities and related equipment where they are least visible from Public Streets, public areas, designated view corridors, ridgelines, and sensitive lands to the best extent possible while still providing screening from adjacent property owners. The City will encourage Co-location of devices wherever possible to limit the total number of individual towers. The installation of these devices is governed by the following regulations.

Each facility shall be considered as a separate use and an annual business license shall be required for each such facility.

20-020: PERMIT REQUIRED

The installation of Telecommunications Facilities, unless otherwise addressed in this Code, shall be deemed Conditional Use and subject to the Coalville City Building Permit Process. It shall be unlawful to install any Telecommunication Facility without first having a conditional use permit and building permit from the City.

20-030: SUBMITTAL REQUIREMENTS:

Any person desiring to develop, construct, or establish a personal wireless-service facility in the City shall submit a building permit application, site plan, and other documentation to the City for approval.

The City shall only consider complete applications. The applicant shall provide the following submittal requirements.

E. A fee for Telecommunication use and site plan review as outlined in the Fee Schedule

F. Site plan, which shall include the following:

1. Vicinity map with sufficient information to accurately locate the property shown on the plan.
2. Footprints of existing and proposed buildings and structures, including a notation of each unit's height above the grade.
3. Location and size of existing and proposed buildings and structures, including a notation of each unit's height above the grade and dimensions of space, cabinets, or rooms within residential structures used to provide computer-Internet service provisions or equipment.
4. Location and size of existing and proposed antennas with dimensions to property lines.
5. Location of existing or proposed fire-protection devices.
6. Location and description (height, materials) of existing and proposed fences.
7. Location and description (dimensions, distance to property lines, and type) of lighting (direct or indirect).
8. A security lighting plan, if proposed.
9. A signed lease agreement with the City if the site is located on City property.

G. The application shall include written descriptions regarding:

1. **Maintenance.** A description of the anticipated maintenance needs for the facility, including frequency of service, personnel needs, equipment needs, and traffic ingress and egress points for the facility.
2. **Service Area.** A description of the service area for the antenna or tower and documentary evidence regarding the need for Telecommunications Facilities within the city, this documentation shall identify the applicants existing facilities and coverage areas to demonstrate the need for the proposed facility within the City.

3. **Location.** A map showing the site and the nearest telecommunications facility sites within the network, a description of the distance between the telecommunications facility sites, and a description of how this service area fits into the service network.

4. **Liaison.** The name, address, telephone number, and fax number of a contact person who can respond to questions concerning the application and the proposed facility.

20-040: BUILDING PERMITS:

A. **General Requirements.** Applicants shall obtain a building permit from the City prior to the construction of any tower or antenna-support structure. The City shall not issue a building permit for any project requiring a site plan, amended site plan, or conditional use permit until after the approval of such site plan, amended site plan, or conditional use permit by the appropriate authority.

B. **Requirements for Monopoles and Towers.** If the applicant is constructing a monopole or other tower-type structure, the applicant shall submit a written report from a qualified structural engineer, licensed in the State of Utah, documenting the following:

1. Height and design of the monopole or tower, including technical and engineering factors governing the selection of the proposed design

2. Seismic-load design and wind-load design for the monopole or tower

3. Total anticipated capacity of the monopole or tower, including number and type of antennas it could accommodate

4. Structural failure characteristics of the monopole or tower and a demonstration that the site and setbacks are of adequate size to contain debris

5. Soil investigation report, including structural calculations

6. Electrical design according to the Electrical Code as adopted by State law.

20-050: ANTENNA SITE LOCATIONS

Coalville City shall not authorize the location of Wireless Service Antennas on sensitive lands, including but not exclusively, wetlands, steep slopes, ridgelines, and scenic view corridors, without the applicant showing undue hardship to this limitation.

20-060: CO-LOCATION REQUIREMENT

Unless otherwise authorized by the Legislative Body for good cause shown, the design and construction of every new monopole shall be of sufficient size and capacity to accommodate at least one additional wireless telecommunications provider on the structure in the future. Any conditional use permit for the monopole may require an agreement of the applicant to allow co-location of other personal wireless providers on such terms as are common in the industry.

20-070: LEASE AGREEMENTS FOR USE OF CITY LAND

The City shall enter into a standard lease agreement with the applicant for any facility built on City property. The Mayor or the Mayor's designee shall have the authority to execute the standard lease agreement on behalf of the City. The Lease shall contain the condition that applicant acquire site plan and/or conditional use permit approval from the City Council before the Lease can take effect, and that failure to obtain such approval renders the Lease null and void.

20-080: STANDARDS FOR ANTENNAS AND ANTENNA-SUPPORT STRUCTURES

The type or location of the antenna structure characterizes personal wireless-services facilities. There are five (5) general types of antenna structures contemplated by this Chapter: wall-mounted antennas; roof-mounted antennas; monopoles with no platform; monopoles with a platform; and stealth facilities. If this Chapter allows a particular type of antenna structure as a permitted or conditional use, the minimum standards for that type of antenna are as follows, unless otherwise provided in a conditional use permit:

A. **Wall-Mounted Antennas.** (Whip antennas are not allowed on a wall mounted antenna structure)

1. **Maximum height.** Wall-mounted antennas shall not extend more than four (4) feet above the roof line of the building or structure or extend more than four (4) feet horizontally from the face of the building.

2. **Setback.** Wall-mounted antennas shall not locate within one hundred (100) feet of any residence.

3. **Mounting Options.** Antennas mounted directly on existing parapet walls, penthouses, or mechanical-equipment rooms are considered wall-mounted antennas if no portion of the antenna extends above the roof line of the parapet wall, penthouse, or mechanical equipment room. Whip antennas are not allowed on a wall-mounted antenna structure.

4. **Compatibility.** Antennas and associated equipment shall be painted to match the color of the predominant background against which they are attached and most commonly seen. All support structures and antennas should be architecturally compatible with the building or structure.

B. **Roof-Mounted Antennas.**

1. **Maximum height.** The maximum height of a roof-mounted antenna shall be ten (10) feet above the roof line of the building

2. **Setback.** Roof-mounted antennas shall be located at least five (5) feet from the exterior wall of the building or structure and one (1) additional foot for every one (1) foot of vertical antenna height starting at five (5) with a maximum of ten (10) feet. At least fifty (50) feet from any neighboring residential structure.

3. **Mounting Options.** Antennas may only be erected on buildings or structures with a flat roof, and shall be screened, constructed and/or colored to match the structure on which they are located.

C. **Monopoles with no platform.**

1. **Maximum Height and Width.** The maximum height of the monopole antenna shall be eighty (80) feet, although the approving body may allow an antenna or antenna-support structure up to one hundred (100) feet in height if the applicant demonstrates to the satisfaction of the approving body that the additional height is necessary to obtain coverage or allow co-location and that the applicant has taken steps to mitigate adverse effects on the surrounding neighborhood. The entire antenna structure mounted on the monopole shall not exceed two (2) feet in width. The antenna itself shall not exceed ten (10) feet in height.

2. **Setback.** Monopoles shall be set back a minimum of two hundred fifty (250) feet from any residential dwelling, measured from the base of the monopole to the nearest residential lot line.

D. **Monopoles with Platform.**

1. **Maximum Height and Width.** The maximum height of the monopole antenna shall be sixty (60) feet, although the approving body may allow an antenna or antenna-support structure up to one hundred ten (110) feet in height if the applicant demonstrates to the satisfaction of the approving body that the additional height is necessary to obtain coverage or allow co-location and that the applicant has taken steps to mitigate adverse effects on the surrounding neighborhood. The antennas and antenna-mounting structures on the monopole shall not exceed eight (8) feet in height or thirteen (13) feet in width.

2. **Setback.** Monopoles shall be set back a minimum of five hundred (500) feet, measured from the base of the monopole to the nearest residential dwelling.

E. **Stealth Facilities.**

1. **Maximum Height.** The maximum height of a stealth facility shall be the maximum structure height permitted in the zoning district wherein the stealth facility will be located. The applicant may exceed the maximum structure height if allowed pursuant to a conditional use permit.

20-090: ADDITIONAL CONDITIONAL USE PERMITS CONSIDERATIONS

In addition to the City's standard conditional use permit considerations, the City shall consider the following factors when deciding whether to grant a conditional use permit for a personal wireless-services facility:

A. **Compatibility.** The facility or antenna shall be compatible with the height, mass, and design of buildings, structures, neighborhood aesthetics, and uses in the vicinity of the facility.

B. **Screening.** The facility or antenna shall use existing or proposed vegetation, topography, or structures in a manner that effectively screens the facility.

C. **Disguise.** The facility or antenna shall include a disguise that mitigates potential negative impacts on surrounding properties.

D. **Parcel Size.** The parcel upon which the facility or antenna will be located shall be of sufficient size to adequately support the facility.

E. **Location on Parcel.** The structure or antenna shall be located on the parcel in a manner that can best protect the interests of surrounding property owners but still accommodate other appropriate uses of the parcel.

F. **Co-Location.** The applicant shall be willing to allow co-location on its facility by other personal wireless-services providers on such terms as are common in the industry.

20-100: ADDITIONAL REGULATIONS FOR MONOPOLES AND TOWERS

A. **Distance from other Monopoles.** Monopoles and towers shall be located at least one mile from each other except upon showing of necessity by the applicant, or upon a finding by the City, that a closer distance would adequately protect the health, safety, and welfare of the community. This distance requirement shall apply to stealth facilities or to antennas attached to lawful structures such as transmission towers, utility poles, outdoor lighting structures, and water tanks.

B. **Location on Parcel.** Monopoles shall be located as unobtrusively on a parcel as possible, given the location of existing structures, nearby residential areas, and service needs of the applicant. Monopoles shall not be located in a required landscaped area, buffer area, or parking area.

C. **Co-Location.** Co-Location of more than one antenna structure is a permitted use on all approved monopoles and is approved administratively by the Land Use Authority.

20-110: SAFETY REQUIREMENTS

A. **Regulation Compliance with FCC and FAA Regulations.** All operators of personal wireless-services facilities shall demonstrate compliance with applicable Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) regulations, including FCC radio frequency regulations, at the time of application and periodically thereafter as requested by the City. Failure to comply with the applicable regulations shall be grounds for revoking a site plan or conditional use permit approval.

B. **Protection Against Climbing.** Monopoles shall be protected against unauthorized climbing by removal of the climbing pegs from the lower twenty (20) feet of the monopole.

C. **Fencing.** The applicant shall fully enclose all monopoles and towers with a minimum six- (6) foot tall fence or wall, as directed by the City.

D. **Security Lighting Requirements.** Monopoles and towers shall comply with the FAA requirements for lighting. As part of the conditional use permit consideration, the City may also require security lighting for the site. If using security lighting, the applicant shall minimize the lighting impact on surrounding residential areas by using indirect lighting, where appropriate.

20-120: ABANDONMENT

The City may require the removal of all antennas and monopoles if the facility has been inoperative or out of service for more than twelve (12) consecutive months.

A. **Notice.** Notice to remove shall be given in writing by personal service or by certified mail addressed to the last known applicant.

B. **Violation.** Failure to remove the antennas and monopoles as instructed after receiving written notice to remove the same is a violation of the terms of this Chapter. The City may initiate criminal and/or civil legal proceedings against any person, firm, or corporation, whether acting as principal, agent, property owner, lessee, lessor, tenant, landlord, employee, employer, or otherwise, for failure to remove antennas and monopoles in accordance with this Chapter.

Any lease agreement with the City shall also stipulate that failure to remove

the antennas and monopoles, after receiving written notice to do so pursuant to this Chapter automatically transfers ownership of the antennas, monopoles, support buildings, and all other structures on the site to the City.

20-130: SITE REQUIREMENTS

A. **Regulations for Accessory Structures.**

1. **Storage Areas and Solid-Waste Receptacles.** The site shall not permit any outside storage of solid-waste receptacles.

2. **Equipment Enclosures.** All electronic and other related equipment and appurtenances necessary for the operation of any personal wireless-services facility shall, whenever possible, be located within a lawfully pre-existing structure or completely below grade. When a new structure is necessary to house such equipment, the structure shall blend with the natural features, buildings, and structures in the zone wherein the facility will be located.

3. **Accessory Buildings.** Freestanding accessory buildings used with a personal wireless-services facility shall not exceed four hundred fifty (450)

square feet and shall comply with the setback requirements for structures in the zone wherein the facility will be located.

B. **Parking.** The City may require a minimum of one (1) parking stall for sites containing a monopole, tower, and/or accessory buildings, if there is insufficient parking available on the site.

C. **Landscaping.** Applicants shall landscape all sites with personal wireless services facilities per conditions of approval by the Land Use Authority.

D. **Maintenance Requirements.** Applicants shall maintain all personal wireless services facilities in a safe, neat, and attractive manner.

Chapter 21

ADULT/SEX ORIENTED FACILITIES AND BUSINESSES

21-010: Purpose
21-020: Definitions
21-030: Conforming Criteria
21-040: Mandatory General Conditions
21-050: Mandatory Design of Premises
21-060: Conditional Use Permit Required
21-070: Location and Zoning Restrictions
21-080: Business License Required
21-090: Single Location and Name
21-100: Transfer Limitations
21-110: Obscenity and Lewdness
21-120: Alcohol Prohibited
21-130: Professional Service exemption
21-140: Nude Modeling/Escort Services
21-150: Nonconforming Uses
21-160: Change or Extension/Enlargement of Use
21-170: Cessation of Use
21-180: Dramatic Works Exception
21-190: Employee Licenses
21-200: Penalties
21-210: Right of Appeal
21-220: No Rights Created in Third Parties
21-230: Savings Clause
21-240: Conflict

21-010: PURPOSE

The purpose and objective of this provision is to establish reasonable and uniform regulations and guidelines to approve conditional uses for adult/sex-oriented facilities and businesses in order to prevent the concentration of such facilities and businesses or their location in areas deleterious to the City and prevent inappropriate exposure of such facilities and businesses to the community. This provision is to be construed as a regulation of time, place, and manner of the operation of these facilities and businesses to protect legitimate governmental interests and mitigate the secondary effects of such businesses in a manner consistent with the constitutional protections provided by the United States and Utah Constitutions.

Adult/sex-oriented facilities and business shall be a conditional use within the Light Industrial (LI) Zoning District and are prohibited in all other zoning districts. The following provisions are adopted governing the granting of conditional use permits for adult/sex-oriented facilities and businesses and regulating the conduct of such businesses.

21-020: DEFINITIONS

E. **Adult Business.** An Adult Theater, Adult Cabaret, Adult Motion Picture Theater, Adult Escort Services, Outcall Services, Adult Bookstore, Adult Video Store, Adult Boutique, Adult Novelty Shop or Adult Clothing/Lingerie Store.

F. **Adult Bookstores, Adult Novelty Store, Adult Video Store.** A business establishment which has a significant or substantial portion of its stock in trade, or derives a significant or substantial portion of its revenues, or devotes a significant or substantial portion of its interior business or advertising, or maintains a substantial section of its sales or display space for the sale or rental, for any form of consideration, of any one or more of the following:

1. Books, magazines, periodicals, or other printed matter; photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations; clothing of any type; the central theme of which depicts, describes, or encourages "specified sexual activities" or "specified anatomical areas,"

2. Instruments, devices or paraphernalia which are designated for use or marketed primarily in connection with specified sexual activities, except for legitimate medically recognized contraceptives.

G. **Adult Cabaret.** An establishment which features as a principal use of its business, waiters, waitresses, or bartenders who are in a state of nudity or semi-nudity, and/or which features on a regular basis entertainer who perform in a state of nudity or semi-nudity.

H. **Adult Motion Picture Theater.** A business establishment which:

1. Holds itself out as such a business; or

2. As its principal business, regularly shows, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions which are primarily characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

I. **Adult/Sex Oriented Facility or Business.** Nude or Semi-Nude Entertainment Businesses and Adult Businesses as defined in this Ordinance.

J. **Adult Theater.** A theater, concert hall, auditorium, or similar business establishment which:

1. Holds itself out as such a business; or

2. As its principal business, regularly features persons who appear in live performance in a state of nudity or semi-nudity, or which are characterized by the exposure of "specified anatomical areas" or by "specific sexual activities."

K. **Distance.** All distances discussed herein as they pertain to buffers from other SOBs, churches, schools, parks, and residential zone districts are measured as follows:

1. In a straight line, without regard to intervening structures, from the nearest property line of the school, park, church, residential zone district or other SOB to the nearest property line of the SOB.

L. **Escort.** Any person who, for pecuniary compensation, dates, socializes, visits, consorts with or accompanies or offers to date, consort, socialize, visit or accompany another or others to or about social affairs, entertainment or places of amusement or within any place of public or private resort or any business or commercial establishment or any private quarters. "Escort" shall not be construed to include persons who provide business or personal services such as licensed private nurses, aides for the elderly or handicapped, social secretaries or similar service personnel whose relationship with their patron is characterized by a bona fide contractual relationship and who provide a service not principally characterized as dating or socializing.

M. **Escort Service.** An establishment which features as a principal use of its business, for pecuniary compensation, furnishing or offering to furnish escorts, or provides or offers to introduce patrons to escorts.

N. **Nude or Semi-Nude Entertainment Business.** A business, including an Adult Theater, where employees/entertainers perform or appear in the presence of patrons of the business in a state of nudity or semi-nudity. A business shall also be presumed to be a Nude or Semi¬-Nude Entertainment Business if the business holds itself out as such a business.

O. **Nudity or State of Nudity.** A state of dress in which the areola of the female breast, or male or female genitals, pubic region, or anus are covered by less than the covering required in the definition of semi-nude.

P. **Obscene.** Any material for performance is Obscene if:

1. The average person, applying contemporary community standards, finds that, taken as a whole, it is intended, implied, or conceivably sexually oriented.

2. It is patently offensive in the description or depiction of Nudity, sexual conduct, sexual excitement, sado-masochistic abuse, or excretion; and

3. Taken as a whole, it does not have serious literary, artistic, political or scientific value.

Q. **Operator.** The manager or other natural person principally in charge of an Adult/Sex Oriented Facility or Business.

R. **Outcall Services.** Escorts and businesses which provide, as any portion of their business, nude or semi-nude services outside of the premises in any place of private resort or private quarters by models, dancers or other similar employees.

S. **Semi-Nude.** A state of dress in which a person wears opaque clothing covering (1) only the male or female genitals, pubic region, and anus, by an opaque cover that is four inches wide in the front and five inches wide in the back tapering to one inch at the narrowest point, and (2) only the nipple and areola of the female breast, if applicable.

T. **Sexually Oriented Business Employees.** Those employees who work on the premises of the Adult/sex-oriented facility or business in activities related to the sexually oriented portion of the business. This includes all managing employees, dancers, escorts, models, and other similar employees whether or not hired as employees, agents or independent contractors. Employees shall not include individuals whose work is unrelated to the sexually oriented portion of the business, such as janitors, bookkeepers and similar employees. All persons employed by an outcall service making outcall meetings under this Ordinance, including dancers, escorts, models, guards, drivers, and other similar employees, regardless of the employee's state of dress, shall be considered sexually oriented business employees.

U. **Specified Anatomical Areas.** The human male or female pubic area or anus with less than a full opaque covering, or the human female breast from the beginning of the areola, papilla or nipple to the-end -¬thereof with less than full opaque covering.

V. **Specified Sexual Activities.** Means:

1. Acts of masturbation, human sexual intercourse, or sodomy; or
2. Manipulating, caressing, or fondling by any person of the genitals of a human, the pubic area of a human, or the breast of a human female; or
3. Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound, or otherwise physically restrained on the part of the one so clothed.
4. Bestiality in any form.

21-030: CONFORMING CRITERIA

Adult/sex-oriented facilities and businesses shall conform to the following criteria:

A. Adult/sex-oriented facilities and businesses may be constructed or operated as conditional uses within the Light Industrial Zoning District.

B. Adult/sex-oriented facilities and businesses shall not be located within five hundred (500) feet of any other adult/sex-oriented facility and business.

C. Adult/sex-oriented facilities and businesses shall not be located within five hundred (500) feet of a church, public park or public or private school accredited by the State of Utah, or within three hundred (300) feet of any residential zone district, residential dwelling or use.

D. All applicants for a conditional use must provide the following information, in addition to any other requirements required under this Code:

1. The correct legal name of each applicant, corporation, partnership, limited partnership or entity doing business under an assumed name who is making application for a conditional use permit hereunder.

    a. If the applicant is a corporation, partnership or limited partnership or individual or entity doing business under an assumed name, the information required below shall be submitted for each partner and each principal of an applicant and for each officer or director. Any holding company or entity holding more than ten percent of an ownership shall be considered an applicant for purposes of disclosure under this provision.

    b. All corporations, partnerships or non-corporate entities included on the application shall also identify each individual authorized by the corporation, partnership, or non-corporate entity to sign checks for such corporation, partnership or non-corporate entity.

2. All applicants must provide any other names or aliases used by that individual, present physical and mailing business address and telephone number, present mailing, as well as physical, residential addresses and telephone number, Utah driver’s license or identification number and social security number with appropriate proof that the individual is at least twenty-one (21) years of age. Where an applicant is a non-resident of the State of Utah, that applicant must provide an agent resident within the State to act on its behalf.

3. The applicant's fingerprints on a form provided by the Summit County Sheriff's Department. For persons not residing in Summit County, the fingerprints shall be on a form from the law enforcement jurisdiction where the person resides. Fees for fingerprints shall be paid by the applicant directly to the issuing agency.

4. A statement detailing the license or permit history of the applicant for the five-year period immediately preceding the date of the filing of the application, including whether such applicant possesses or previously possessed any liquor licenses. The statement shall list all other jurisdictions in which the applicant owned or operated an adult/sex-oriented facility or business. The statement shall also state whether the applicant has ever had a license, permit, or authorization to do business denied, revoked or suspended in this or any other county, city, state, or territory. In the event of any such denial, revocation or suspension, state

the date, the name of the issuing or denying jurisdiction and state in full the reasons for the denial, revocation or suspension. A copy of any order of denial, revocation or suspension shall be attached to the application for a conditional use permit.

5. In the event the applicant is not the owner of record of the real property upon which the business or proposed business is to be located, the application must be accompanied by a notarized statement from the legal or equitable owner of the property specifically acknowledging the type of business for which the applicant seeks a license for the property. In addition to furnishing such notarized statement, the applicant shall furnish the name, address, and phone number of the owner of record of the property, as well as a copy of the lease or rental agreement pertaining to the premises in which the service is or will be located.

6. A description of the services to be provided by the business, with sufficient detail to allow reviewing authorities to determine what business will be transacted on the premises, together with a schedule of usual fees for services to be charged by the licensee and any rules, regulations, or employment guidelines under or by which the adult/sex-oriented facility or business intends to operate. This description shall also include:

    a. the hours that the business or service will be open to the public and the methods of promoting the health and safety of employees and patrons and preventing them from engaging in illegal activity,

    b. the methods of supervision preventing the employees from engaging in acts of prostitution or other related criminal activities,

    c. the methods of supervising employees and patrons to prevent employees and patrons from charging or receiving fees for services or acts prohibited by other statutes and ordinances, and

    d. the methods of screening employees and customers in order to promote the health and safety of employees and customers and prevent the transmission of disease and prevent the commission of acts of prostitution or other criminal activity.

7. All criminal convictions or pleas of nolo contendere, except those which have been expunged, and the disposition of all such arrests for the applicant, individual, or entity subject to disclosure hereunder for five years prior to the date of the application. This disclosure shall include identification of all ordinance violations, excepting minor traffic offenses (any traffic offense designated as a felony shall not be construed as a minor traffic offense); stating the date, place, nature of each conviction, plea, and sentence or other disposition; identifying the convicting jurisdiction and sentencing court and providing the court identifying case numbers or docket numbers. Application for a Conditional Use Permit for an Adult/Sex Oriented Facility or Business shall constitute a waiver of

disclosure of any criminal conviction or plea of nolo contendere for the purposes of any proceeding to grant a permit for such business.

8. No applicant who has been convicted or pled nolo contendere to a crime involving prostitution, exploitation of prostitution, solicitation of sex acts, sex acts for hire, compelling prostitution, aiding prostitution, sale, distribution or display of material harmful to minors, sexual performance by minors, possession of child pornography, lewdness, indecent exposure, any crime involving sexual abuse or exploitation of a child, sexual assault or aggravated sexual assault, rape, forcible sodomy, forcible sexual abuse, incest, harboring a runaway child, criminal attempt, conspiracy, or solicitation to commit any of the foregoing offenses or offenses involving similar elements from any jurisdiction, regardless of the exact Code of the offense for which less than two years have lapsed from the date of conviction, if the conviction is of a misdemeanor offense, or less than five years if the convictions are of two or more misdemeanors within the previous five years, or if less than five years have elapsed from the date of conviction when the offense is a felony, shall be entitled to receive a conditional use permit to operate an adult/sex oriented facility or business in Coalville City. The fact that a conviction is being appealed shall have no effect on the disqualification provide for in this subpart.

21-040: MANDATORY GENERAL CONDITIONS

All conditional use permits for adult/sex-oriented facilities and businesses shall include conditions which prohibit such facilities and businesses from:

A. Allowing persons under the age of eighteen (18) years on the premises, except that in adult businesses which exclude minors from less than all of the business premises, minors shall not be permitted in excluded areas,

B. Allowing, offering, or agreeing to allow any alcohol to be stored, used, sold, or consumed on or in the premises,

C. Allowing the outside or interior door to the premises to be locked while any customer or employee is in the premises, except that management may lock interior offices for security purposes,

D. Allowing, offering or agreeing to gambling on the premises,

E. Allowing, offering or agreeing to any employee of an adult/sex-oriented facility or business touching any patron or customer in a sexually enticing, explicit, or arousing manner,

F. Allowing, offering, or agreeing to illegal possession, use, sale or distribution of controlled substances on the premises,

G. Allowing, offering, or agreeing to commit prostitution, solicitation of prostitution, solicitation of a minor or committing activities harmful to a minor to occur on the premises,

H. Allowing, offering, or agreeing to any specified sexual activity as validly defined by Coalville City ordinances or state statute in the presence of any customer or patron,

I. Allowing, offering, or agreeing to allow a patron or customer to masturbate in the presence of an employee or on the premises of an adult/sex-oriented facility or business,

J. Allowing, offering, or agreeing to commit an act of lewdness as defined in Utah State law, and

K. Forbidding or prohibiting the Police Department or other County official from having access during the hours of operation to all premises covered by a conditional use permit for an adult/sex-oriented facility or business or to make periodic inspection of said premises whether the officer or official is in uniform or plain clothes.

L. Allowing a dancer, model, or performer, while performing in any business licensed/permitted pursuant to this Ordinance:

1. To touch in any manner any other person;

2. To throw any object or clothing off the stage area;

3. To accept or solicit any gratuity, money, drink, or any other object directly or indirectly from any patron;

4. To place anything within the costume or adjust or move the costume while performing so as to render the performer in a state of nudity in violation of State Indecency/Lewdness laws.

M. Allowing a patron to touch in any manner any dancer, model, or performer; to place any money or object on or within the costume or person of any dancer, model, or performer; or to give or offer to give to any such dancer, model, or performer any drinks, money, or object.

N. Allowing operation of the business from 11 pm to 10 am.

21-050: MANDATORY DESIGN OF PREMISES

A. **Adult Business.**

1. In addition to all other requirements under this Ordinance, any applicant for a conditional use permit as an Adult Business shall also submit a diagram, drawn to scale, of the premises. The design and construction shall conform to the following:

a. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms;

b. Restrooms may not contain any video reproduction equipment or any of the business merchandise. Signs shall be posted requiring only one person be allowed in the restroom per stall and only one person in any stall at a time and requiring that patrons shall not be allowed access to-manager's station areas;

c. For businesses which exclude minors from the entire premises all windows, doors and other apertures to the premises shall be darkened or otherwise constructed to prevent anyone outside the premises from seeing the inside of the premises. Businesses which exclude minors from less than all of the premises shall be designed and constructed so that minors may not see into the area from which they are excluded;

d. The diagram must show marked internal dimensions, all overhead lighting fixtures and ratings for illumination capacity.

2. It shall be the duty of the permit holder and its employees to insure that the views from the manager's station of all areas specified in section (1)(a) above remain unobstructed by any doors, walls, merchandise, display racks or any other materials, at all times that any patron is present in the premises, and to insure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.

3. The premises shall at all times be equipped and operated with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one foot-candle measured at floor level. It shall be the duty of the permit holder and its employees present on the premises to insure that the illumination described above is maintained at all times that any patron is present on the premises. Further, there should be adequate outside lighting in such intensity to illuminate the parking lot which services the facility or business.

4. There shall be no outside neon lighting or spotlighting of the building or facility.

5. Outside signage shall be limited to signs which are affixed to the building or facility. Free standing signs or offsite signs are prohibited.

B. **Nude and Semi-Nude Entertainment Business.**

1. Adult Theaters shall require that the performance area shall be separated from the patrons by a minimum of six feet, which separation shall be delineated by a physical barrier at least three feet high.

2. It is unlawful for business premises operating under a conditional use permit for Nude or Semi-Nude Entertainment to:

a. Permit a bed, sofa, mattress or similar item in any room on the premises, except that a sofa may be placed in a reception room open to the public or in any office to which patrons are not admitted, and except that in an Adult Theater such items may be on the stage as part of a performance;

b. Allow any door on any room used for the business, except for the door to an office to which patrons shall not be admitted, outside doors and restrooms to be lockable from the inside;

c. Provide any room in which the employee or employees and the patron or patrons are alone together without a separation by a solid physical barrier at least three feet high and six inches wide. The patron or patrons shall remain on one side of the barrier and the employee, or employees shall remain on the other side of the barrier;

3. All illumination at the business premises must be sufficient so that all objects are plainly visible at all times.

21-060: CONDITIONAL USE PERMIT

Adult/sex-oriented facilities and businesses are conditional uses in the Light Industrial Zone and must be approved in accordance with the provisions of this Ordinance. In all cases a site plan diagramming the premises shall be provided as part of the application process. A public hearing shall be required in all cases prior to conditional use approval. The procedures for conditional use approval, as described in the development code, shall be followed in all cases. A final decision by the City as to the approval of a conditional use for a SOB shall be made within 90 days of receipt of a completed application unless a delay is requested or agreed upon by the applicant.

21-070: LOCATION AND ZONING RESTRICTIONS

It shall be unlawful for any Adult/Sex Oriented Facility or Business to do business at any location within the City not zoned for such business and where the necessary conditional use has not been approved.

21-080: BUSINESS LICENSE REQUIRED

It shall be unlawful for any person to operate an Adult/Sex Oriented Facility or Business without first obtaining a business license from the City. Said licenses shall be issued in accordance with Coalville City Ordinance 1982-2, or its successor ordinance, after conditional use approval has been granted, and under the time limits therein provided.

21-090: SINGLE LOCATION AND NAME

It is unlawful to conduct business under a business license and conditional use approval pursuant to this Ordinance at any location other than the licensed/permitted premises. It is further unlawful for any Adult/Sex Oriented Facility or Business to do business under any name other than the business name specified in the license or project applications.

21-100: TRANSFER LIMITATIONS

Conditional Use Approvals and Business Licenses granted hereunder are not transferable. It shall be unlawful for an individual to transfer such approvals or licenses. It shall be unlawful for an adult/sex-oriented facility or business conditional use approval held by a corporation, partnership, or other non-corporate entity to transfer any part in excess of 10% thereof, without filing a new application and obtaining prior City approval. If any transfer of the controlling interest in an Adult/Sex Oriented Facility or Business occurs, the conditional use approval is immediately null, and void and the business shall not operate until a new conditional use approval has been properly granted by the City as herein provided.

21-110: OBSCENITY AND LEWDNESS

This provision shall not be construed as permitting any use or act which is otherwise prohibited or made punishable by law.

21-120: ALCOHOL PROHIBITED

It is unlawful for any business licensed or permitted pursuant to this Ordinance to allow the sale, storage, supply or consumption of alcoholic beverages on the premises. It is unlawful for any person to possess or consume any alcoholic beverage on the premises of any Adult/Sex Oriented Facility or Business.

21-130: PROFESSIONAL SERVICE EXEMPTION

This Ordinance shall not apply to any sex therapist or similar individual licensed by the State of Utah to provide bona fide sexual therapy or counseling, licensed medical practitioner, licensed nurse, psychiatrist, psychologist, nor shall it apply to any educator licensed by the State of Utah for activities in the classroom.

21-140: NUDE MODELING/ESCORT SERVICES

This Ordinance is not intended to unreasonably or improperly prohibit legitimate modeling which may occur in a state of nudity for purposes protected by the First Amendment or similar state protections. The City does intend to prohibit prostitution and related offenses occurring under the guise of nude modeling or escorting. A contract for nude modeling or escort services must be signed by the parties at least twenty-four (24) hours in advance of such activity. During such nude modeling or escort services it shall be unlawful to:

A. Appear nude or semi-nude in the presence of persons under the age of eighteen (18);

B. Allow, offer or agree to any touching of the contracting party or other person by the individual appearing nude;

C. Allow, offer or agree to commit prostitution, solicitation of prostitution, solicitation of a minor, or committing activities harmful to a minor;

D. Allow, offer, commit, or agree to any sex act as validly defined by city ordinance or state statute;

E. Allow, offer, agree or permit the contracting party or other person to masturbate in the presence of the individual contracted to appear nude; or

F. Allow, offer, or agree for the individual appearing nude to be within five feet of any other person while performing or while nude or seminude.

21-150: NONCONFORMING USES

Adult/Sex Oriented Facilities and Businesses already existing within the City shall have the right to continue in their businesses without a conditional use permit. However, all such businesses shall be subject to compliance with the criteria, mandatory general conditions, and mandatory design of premise's conditions herein within ninety (90) days of the adoption of this Ordinance. A time extension may be granted where the City Council determines, on a case-by-case basis, that a hardship exists for a business owner/operator.

21-160: CHANGE OR EXTENSION/ENLARGEMENT OF USE

Any nonconforming use herein may not be materially changed, nor extended/enlarged unless it comes into compliance with the then existing Development Code.

21-170: CESSATION OF USE

If active and continuous operations are not carried on in a nonconforming use during a continuous period of one (1) year, the building or land where such nonconforming use previously existed shall thereafter be occupied and used only for a conforming use. Intent to resume active operations shall not affect the foregoing.

21-180: DRAMATIC WORKS EXCEPTION

This Ordinance shall not be construed so as to prohibit:

A. Plays, operas, musicals, films, or other dramatic works which are not obscene;

B. Classes, seminars, and lectures held for serious scientific or educational purposes; or

C. Exhibitions, dances, or works of art which are not obscene.

21-190: EMPLOYEE LICENSES

A. It is unlawful for any sexually oriented business to employ or for any individual to be employed by an adult/sex-oriented facility or business in the capacity of a sexually oriented business employee in Coalville City unless that employee first obtains a sexually oriented business license from the City.

B. Before any applicant may be licensed as a sexually oriented business employee, the applicant shall submit in writing to the City Recorder the following:

1. The correct legal name of the applicant and any other names or aliases used by the individual;

2. The applicants age, date and place of birth, height, weight, color of hair, color of eyes, present address and phone number, Utah driver's license or identification number, and social security number;

3. Acceptable written proof that the applicant is at least eighteen years of age or, in the case of employees to be employed in businesses where a different age is required by law, proof of the required age;

4. Two color photographs of the applicant clearly showing the individual's face, and the individual's fingerprints on forms provided by the Summit County Sheriff's Office. For persons not residing in Summit County, the photographs and fingerprints shall be on forms from the law enforcement jurisdiction where the person resides. Fees for the photographs and fingerprints shall be paid by the applicant directly to the issuing agency;

5. For any applicant who works as a model, dancer, or escort, a certificate from the Summit County Health Department, stating that the individual has, within thirty days immediately preceding the date of the application, been examined and found to be free of the following contagious diseases: gonorrhea, syphilis, and chlamydia, and is negative for the AIDS antibody;

6. A statement of the business, occupation or employment history of the applicant for five years immediately preceding the date of the filing of the application; and

7. All criminal convictions or pleas of nolo contendere, except those which have been expunged, for five years prior to the date of the application. This disclosure shall include identification of all ordinance violations, excepting minor traffic offenses (any traffic offense designated as a felony shall not be construed as a minor traffic offense), stating the date, place, nature of each conviction or nolo contendere and sentence of each conviction, identifying the convicting jurisdiction and sentencing court and providing the court identifying case numbers or docket-numbers. Application for a sexually oriented business employee license shall constitute a waiver of disclosure of any criminal conviction or plea of nolo contendere for the purposes of any proceeding involving the employee license.

C. Each initial application shall be accompanied by a nonrefundable fee as fixed by the City to defray the costs of processing and investigating the application. Each applicant shall be required to pay regulatory license fees as fixed by the City on a yearly basis. These fees are regulatory fees and shall be in addition to the other licenses and fees required to do business in the City.

D. The City Recorder shall issue a license to the applicant within thirty days after receipt of a complete application unless he or she fords one or more of the following:

1. The applicant is under eighteen years of age or any higher age if the license sought requires a higher age;
2. The applicant is overdue in payment to the City of taxes, fees, fines or penalties assessed against the applicant or imposed on the applicant in relation to an adult/sex oriented facility or business;
3. The applicant has falsely answered a material question or request for information as authorized by this Ordinance;
4. The applicant has been convicted of a violation of a provision of this Ordinance or a similar ordinance from another jurisdiction within two years immediately preceding the application (the fact that a conviction is being appealed shall have no effect on the denial);
5. The license fees required by this Ordinance have not been paid;
6. An applicant has been convicted of or has pled nolo contendere to a crime:
    a. involving prostitution; exploitation of prostitution; aggravated promotion of prostitution; solicitation of sex acts; sex acts for hire; compelling prostitution; aiding prostitution; sale, distribution or display of material harmful to minors; sexual performance by minors; possession of child pornography; public lewdness; indecent exposure; any crime involving sexual abuse or exploitation of a child; sexual assault or aggravated sexual assault; rape; forcible sodomy; forcible sexual abuse; incest; harboring a runaway child; criminal attempt, conspiracy or solicitation to commit any of the foregoing offenses or offenses involving similar elements from any jurisdiction regardless of the exact Code of the offense for which:
        i. less than two years have elapsed from the date of conviction if the conviction is of a misdemeanor offense or less than five years if the convictions are of two or more misdemeanors within the fives years, or
        ii. less than five years have elapsed from the date of conviction, if the offense is a felony.
    b. The fact that a conviction is being appealed shall have no effect on the disqualification pursuant to this Ordinance.

E. Sexually oriented business employee licenses issued pursuant to this Ordinance shall be valid from the date of issuance through July 1st of the next calendar year.

F. Any change in the information required to be submitted by this Ordinance shall be given, in writing, to the City Recorder within fourteen days after such change.

G. Sexually oriented business employee licenses shall not be transferable. It is unlawful for a sexually oriented business employee to transfer such license to another. Any such transfer or attempted transfer shall render the license null and void. If such license is void, the employee may not reapply for a new license for one year.

H. It is unlawful for any individual licensed pursuant to this Ordinance to fail to carry their employee license on their person at all times while engaged in licensed activities within the City limits. If the individual is nude, such license shall be visibly displayed within the same room as the employee is performing. It is unlawful to fail to show the appropriate licenses while engaged in licensed activities within the City limits upon request by the Summit County Sheriff's Office or other enforcement personnel or health official.

21-200: PENALTIES:

A. Violations of any of the provisions of this Ordinance shall subject the offender to the penalties as provided for in the Coalville City Development Code, other applicable State law, or where no penalty is otherwise provided, a fine of not more than $750 and a 90-day jail sentence.

B. Businesses in violation of this Ordinance shall be subject to license revocation. Such business shall also be subject to conditional use approval revocation. Where revocations occur, those businesses which are nonconforming under the current development code shall thereafter cease to be legal nonconforming uses within Coalville City.

C. Sexually oriented business employees in violation of this Ordinance shall be subject to license revocation proceedings wherein a hearing by the City Council, or by an official whom the Council may designate, shall be awarded to the individual. The individual shall be given written notice of the violation and an opportunity to be heard before the Council or designated hearing official.

D. It shall be unlawful to submit false or materially misleading information on or with a Conditional Use Approval Application for an Adult/Sex Oriented Facility or Business or to fail to disclose or omit information for the purpose of obtaining said approval.

E. Prior to any approval or license revocation hearing, as provided for by the Development Code, City Business License Ordinance, or this Ordinance, a stay of enforcement action shall be granted, pending the outcome of the hearing and subsequent appeals, upon written application to the City by the approval or license holder.

21-210: RIGHT OF APPEAL

A. All appeals from denials by the City Council of conditional use approvals shall all be as provided in Chapter 3 herein of the Coalville City Development Code, and application section of the Utah Code Annotated to the District Court within thirty (30) days of the Planning Commission/City Council's final action.

B. All appeals from denials by the City Recorder of sexually oriented business employee licenses shall be directed to the City Council.

21-220: NO RIGHTS CREATED IN THIRD PARTIES

This Ordinance is not intended to, nor shall it be construed to create any rights, claims, or causes of action in third parties.

21-230: SAVINGS CLAUSE

In the event one or more of the provisions of this Ordinance shall, for any reason, be held to be unenforceable or invalid in any respect under any applicable laws, such unenforceability or invalidity shall not affect any other provision; and in such an event, this Ordinance shall be construed as if such unenforceable or invalid provision had never been contained herein.

21-240: CONFLICT

Any Ordinance, Resolution, or any provision of the Coalville City Development Code which is inconsistent with this Ordinance is hereby repealed to the extent of that inconsistency.

Chapter 22

FENCES AND WALLS

22-010: Purpose
22-020: Front Yard Setback
22-030: Side Yard and Corner Lot Setback
22-040: Sidewalk and Right-of-Way Setback
22-050: Other Restrictions
22-060: Maximum Height
22-070: Materials
22-080: Exceptions
22-090: Penalty
22-100: Appeals

22-010: PURPOSE

The purpose of the regulations for Fences and Walls is to ensure safe sight lines and minimize the potential negative visual impact or hazards of high or unsightly fences and walls.

C. Property owners are strongly encouraged to hire a licensed surveyor to locate property lines prior to the construction of a fence or wall. Property line disputes are a civil matter and cannot be resolved by the City.

D. The City may require fencing consistent with the provisions described herein for security, buffering or screening purposes as determined necessary with the review of development applications.

22-020: FRONT YARD SETBACK

A. No fence, wall, or similar structure extending into or enclosing all or part of the front yard setback area adjacent to a street shall be constructed or maintained at a height greater than four (4) feet (except fifty percent (50%) see-through fencing, decorative arbors, gates, and similar entry features).

B. All fences, walls, or similar structures shall be set back at least one (1) foot from the property line along a sidewalk or public street right-of-way.

22-030: SIDE YARD AND CORNER LOT SETBACK

A. No fence, wall, or similar structure shall be constructed in the side yard setback of a corner lot exceeding four (4) feet in height adjacent to a street unless the following conditions are met:

1. No portion of the fence, wall, or similar structure is located closer than twenty (20) feet to the property line adjacent to the street, and does not extend into the front setback area or the clear vision area of the lot, or;
2. The fence is decorative wrought iron or other fencing material that is similar in appearance and is at least fifty percent (50%) see-through not exceeding six feet (6') in height.

22-040: SIDEWALK AND RIGHT-OF-WAY-SETBACK

All fences, walls, or similar structures shall be set back at least one (1) foot from the property line along a sidewalk or public street right-of-way.

22-050: OTHER RESTRICTIONS

A. All fences shall be constructed with the finished surface facing the neighboring property with support posts placed to the inside, except in cases where the posts are an integral part of the fence design, in-line with the fence.

B. Fencing within a Public Utility Easement (PUE) is permitted only upon approval by the City Engineer.

C. If a fence is located within a recorded public utility easement, there is a possibility of the fence being removed should the easement become active, and the use of the easement is required by the City or other utility company.

D. All fences shall be maintained in a condition of reasonable repair and shall not become or remain in a condition of disrepair including noticeable leaning or missing sections, broken supports, non-uniform height, flaking paint or stain and growing of noxious weeds along the fence.

E. A minimum of three feet (3') of clearance is required around all fire hydrant and electrical or communications transformers.

F. Gates for driveways leading to a public street shall be located a minimum twenty feet (20') behind the property line. The gate shall open onto the property.

22-060: MAXIMUM HEIGHT

A. Fences and walls are not allowed over six (6) feet in height, unless first obtaining a Conditional Use Permit.

B. Retaining walls over four (4) feet in height shall be engineered and are allowed only after obtaining a Building Permit.

22-070: MATERIALS

A. All fences, walls, and similar structures should be constructed of natural or natural appearing materials, if possible. Standard fence wood, vinyl, or metal such as wrought iron or pipe and black vinyl coated chain link are acceptable materials. Non-coated chain-link or other wire fencing shall only be allowed if the

fence is not readily visible from the public street, except as exempted in **Section 22-080** herein.

B. It shall be unlawful to erect or maintain any barbed wire, concertina, razor wire or electric fencing along or adjacent to Main Street within the Historic District of the City.

C. It shall be unlawful to erect or maintain any concertina or razor wire fencing along or adjacent to Main Street north and south, 100 South, 100 North/Chalk Creek Road and Border Station Road to the City Limits.

22-080: EXCEPTIONS

The following shall be exempt from the requirements and review standards of this Chapter:

A. Fences or walls placed around utility buildings for security reasons as approved by the City Council to adequately protect the facility;

B. Fences and walls constructed in areas not expressly prohibited may be erected provided that no fence shall be higher than six (6’) feet, unless a Conditional Use Permit is obtained;

C. Approval of fence or wall height greater than six feet (6') high by the City Council, to provide screening of adjacent uses as a part of a development plan review;

D. Temporary construction fences installed to protect the public from injury during construction or to maintain security for development activity (must be removed at completion of construction);

E. Agricultural fencing which does not adjoin residential neighborhoods or commercial areas and the repair or replacement of existing agricultural fencing;

F. Fences required by State law to surround or enclose public utility installations, public schools, or other public buildings;

G. Fences for uses such as tennis or sports courts, which may be a maximum of fifteen feet (15') high if the fence meets all of the required yard setbacks in the zone district in which it is located, and;

H. Decorative wrought iron or fencing that is similar in appearance and is at least fifty percent (50%) see-through may be installed in front yard and corner lot side yard setback areas up to six feet (6') in height.

22-090: PENALTY

Any person found guilty of violating any of the provisions, rules and regulations of this Chapter, is guilty of a Class “C” misdemeanor, pursuant to Utah Cade Annotated, as amended. Each violation shall be subject to a $100 fine for each day the violation continues beyond the correction notice date issued by the City for such violation.

22-100: APPEALS

Any person, applicant or entity aggrieved by an administrative action by the Staff or Planning Commission may appeal the decision to the Administrative Law Judge who shall have authority to reverse, affirm or modify the decision of the Staff or Planning Commission.

Chapter 23

DEMOLITION, RENOVATION AND EXCAVATION

23-010: Purpose
23-020: Demolition
23-030: Excavation Permit Required
23-040: Excavation Application Requirements
23-050: Excavation Permit Fees
23-060: Excavation Permit Contents
23-070: Excavation Permit – No Transfer or Assignment
23-080: Excavation Emergency Work
23-090: Excavation Restoration
23-100: Excavation Insurance Requirements
23-110: Excavation Bonding Requirements

23-010: PURPOSE

To annotate requirements for demolition, renovation, and excavation occurring within Coalville City, the following guidelines will be reviewed and executed by the City Staff.

23-020: DEMOLITION

I. Persons Renovating or seeking a Demolition Permit shall follow the Application and Demolition Permit Procedure which are available at the City Office upon request.

J. All Demolition Permits must comply with State Division of Air Quality requirements. See the Division of Air Quality Renovation/Demolition Application for further details.

(http://www.airquality.utah.gov/HAPs/ASBESTOS/news/Reno-demo.pdf)

K. A Demolition permit will not be issued until plans for a replacement building and/or appropriate landscaping have been completed including the following:

1. Properly submitted to City Staff
2. Reviewed by City staff, Advisory Body, and Deciding Body
3. Approved by City Staff, Advisory Body, and Deciding Body
4. All Application submissions, Reviews, and Approvals must follow the Application, Notice, and Meeting Standards set forth in **Sections 03-030**, **03-040**, **03-050** of this Code.

23-030: EXCAVATION PERMIT REQUIRED

Any person desiring to perform excavation work of any kind within the Public Right-Of-Way in Coalville City shall be required to complete an application permit.

23-040: PERMIT APPLICATION REQUIREMENTS

Permit Applications shall be filed with the Public Works Division upon a form, or forms furnished by the City. The following provisions will be considered:

A. Property Owners and or tenants for whom the work is being done shall be responsible for ensuring that permits are obtained; however, Contractors may obtain permits in the Contractors Name.

B. The City Staff may deny the issuance of permits to contractors, utility companies, or other permit Applicants, who have shown by past performance, that in the opinion of the City Engineer, they will not consistently conform to the Development Regulations, Specifications, Design Standards, or the requirements of this chapter.

C. When necessary, the City Engineer, to fully determine the impact of the work proposed to existing or proposed facilities within the Public Way, may require the filing of engineering plans, specifications and sketches showing the proposed work.

D. It is unlawful for any person to commence work on any Public Way until the City has approved the application and until a permit has been issued for such work, except as specifically approved to the contrary in this Chapter.

E. The decision of approving or denying an application falls under the category of administrative decisions and can be contested by following the provisions in **03-150**.

F. A permit is not required from the Public Works Division for hand digging excavations for installation or repair of sprinkler systems and landscaping within the non-paved areas of the Public Way, however conformance to all other City specifications is required.

23-050: PERMIT FEES

The City shall charge and the Permitted shall pay all fees associated with the permit, upon issuance of said permit, as outlined in the City Fee Schedule. All costs shall be assessed in a non-discriminatory manner.

The City may waive permit fees or penalties or portions thereof provided for in this chapter when it is determined that such permit fee or penalty pertains to an encroachment on the Public Way involving a beautification project which furthers specific goals and objectives set forth in the City’s strategic plan, master plan, or other official documents, including decorative street lighting, building façade lighting, flower and planter boxes, and landscaping.

The City may assess additional fees to cover any reasonable costs incurred due to the need for engineering review or inspections or any work site restoration not completed.

23-060: PERMIT - CONTENTS, DURATION, AND EXTENSIONS:

A. Permit Application Completion will be determined by City Staff and shall be completed with all required information before issuance of Permit.

B. Public Works Division shall be notified by the Permittee of commencement of the work within twenty-four (24) hours prior to commencing work. The permit shall be valid for the time period specified in the permit.

C. If work is not completed during such period specified, prior to the expiration of the permit, the Permittee may apply to the City for an additional permit or an extension, which may be granted by the City.

D. The length of the extension requested by the Permittee shall be subject to the approval of the City. No extension shall be made that allows work to be completed in the winter period except during times of emergency or with permission from the City Council.

23-070: PERMIT - NO TRANSFER OR ASSIGNMENT

Permits shall not be transferable or assignable. Work shall not be performed under a permit in any place other than that specified in the permit. A Permittee may subcontract the work to be performed under a permit, provided that the holder of the permit remains responsible for:

A. The performance of the work allowed under the permit;

B. All the bonding, insurance, and other requirements of this chapter under said permit.

23-080: EMERGENCY WORK

A. Any person maintaining, pipes, lines, or facilities in the Public Way may proceed with work upon existing facilities without a permit when emergency circumstances demand the work to be done immediately, provided a permit could not reasonably and practicably have been obtained beforehand.

B. In the event of emergency work needing to be commenced during regular business hours, the City shall be notified within one-half an hour, (30 minutes) from the time the work is commenced or as soon thereafter as possible. The person commencing work shall take all necessary safety precautions and maintain the work standards expected during normal circumstances.

C. Any person commencing emergency work in the Public Way outside normal business hours shall apply for a permit or give notice during the first hour (60, “sixty” minutes) of the next business day the City Offices are open or as soon thereafter as possible.

D. At the discretion of City Officials, a permit for such work may be issued which shall be retroactive to the date when the work commenced.

23-090: RESTORATION OF PUBLIC PROPERTY AND EXISTING IMPROVEMENTS

A. If any sidewalk or curb ramp is blocked by excavation work, a temporary sidewalk or curb ramp shall be constructed or provided. Such improvement shall be safe, convenient, and consistent with City Standards for such.

B. The Permittee shall, at its own expense, restore the surface of any Public Way to its original condition, and replace any removed or damaged pavement with the same type and depth of pavement as that which is adjoining, including the gravel base material.

1. Excavations made in paved areas shall replace the surface with proper pavement until such time as the permanent repairs are completed.

2. All restoration shall conform to the Development Regulations, Design Standards and Specifications set forth by the City.

3. All restoration shall be accomplished within the time limits set for in the permit unless additional time is granted in writing by the proper authority.

C. At any time, a Permittee disturbs the yard, residence, real or private property of a private owner or the City, such Permittee shall insure that such property is returned, replaced and or restored to a condition comparable to that which existed prior to the commencement of the work or as otherwise directed by the property owner.

1. All costs associated with the disturbance and the return, replacement and/or restoration shall be borne by the Permittee.

2. A Permittee shall reimburse a property owner or the City, for any actual damage caused by the Permittee, its subcontractor, or its independent contractor, in connection with the disturbance of such property.

3. A Permittee shall not be required to reimburse a subscriber/property owner if, said subscriber/property owner requests that improvements be removed, replaced, or relocated, and such Permittee exercises due care in the performance of that service; Or when a subscriber/property owner provides false information to the Permittee on which the Permittee relied to its detriment.

4. By issuing a permit hereunder, the City does not authorize Permittee to perform any work on private property other than the property of the Permittee as specified in the Permit.

5. Permittee shall be required to indemnify the City for any damages that are sustained on private property, public property or in any manner, including any costs and attorney’s fees that are incurred by the City.

D. The requirements imposed upon the Permittee extend to any subcontractor or independent contractor that the Permittee might employ to perform the tasks pursuant to the permit.

E. The requirements of this section shall not apply to the removal by a Permittee of a permanent structure placed by a property owner in a Public way, unless such property owner received prior written permission from the City granting the property owner the right to install a permanent structure on a Public Way, and such permission has been recorded in the Office of the County Recorder.

23-100: INSURANCE REQUIREMENTS

Before a permit is issued, the applicant shall furnish to the City evidence that such Applicant has a comprehensive general liability and property damage policy that includes contractual liability coverage.

A. The insurance companies issuing the policy or policies shall have no recourse against the City for Payment of any premiums due or for any assessments under any form of any policy.

B. The Permittee shall include all subcontractors as insured under its policies or shall furnish separate certificates and endorsements for each subcontractor.

C. A property owner performing work adjacent to his or her residence in connection with a permit issued hereunder may submit proof of a homeowner’s insurance policy in lieu of the insurance requirements of this Section.

23-110: BOND REQUIREMENTS

Each applicant, before being issued a permit, shall provide the city with an acceptable corporate cash or surety bond as shown in the fee schedule or determined by the City Staff to guarantee faithful performance of the work authorized by a permit granted pursuant to this Chapter.

A. The amount of the bond required may be increased or decreased at the discretion of the City Staff whenever it appears that the amount and cost of the work to be performed may vary from the amount of bond otherwise required under this Chapter.

B. The form of the bond and the entity issuing the bond shall be subject to the approval of City Staff.

C. The bond required by this Section shall be conditioned as follows:

1. The Permittee shall fully comply with the requirements of the City ordinances and regulations, specifications and standards promulgated by the City relative work in the Public Way, and respond to the City in damages for failure to conform therewith:

2. After work is commenced, the Permittee shall proceed with diligence and expedition and shall promptly complete such work and restore the Public

Way to construction specifications, so as not to obstruct the Public Way or travel more than is reasonable necessary;

3. The Permittee shall guarantee the materials and workmanship for a period of one (1) year from the date of final inspection for work performed in the summer and two (2) years for work performed in the winter, with reasonable wear and tear excepted. Winter is from October 15 to April 15.

Chapter 24

RV PARKS AND CAMPGROUNDS

24-010: Conditional Use Approval Required
24-020: Minimum Park Area
24-030: Property Development Standards
24-040: Length of Occupancy
24-050: Eating and Cooking Facilities
24-060: Wastewater and Trash Disposal and Drinking Water Stations

24-010: CONDITIONAL USE APPROVAL REQUIRED

A Conditional Use Approval for a commercial recreational vehicle (RV) park or campground facility must be issued in accordance with the provisions of this Code and this section. In addition to conditions as may be required upon the issuance of a Conditional Use Approval for a RV park or campground, all RV Parks or campgrounds shall be built to the standards set forth in this Code. RV shall mean recreational camping type vehicles, travel trailers as well as tent trailers or tents if applicable.

24-020: MINIMUM PARK AREA

RV parks or camping facilities shall contain at least five (5) acres.

24-030: PROPERTY DEVELOPMENT STANDARDS

The following development standards shall apply to RV or camping sites. Plans for the RV Park or Campground and any proposed accessory buildings or structures shall be submitted with the application for Conditional Use Approval. The plans shall be in conformance with the following development standards:

4. Each RV or camping site shall be plainly marked and numbered for identification and shall meet all requirements of this Code.
5. Each RV or camping site shall have an area of not less than one thousand (1,000) square feet.
6. Each site shall have a minimum width of twenty (20) feet. Trailers shall be separated from each other and from other structures by at least ten (10) feet. Any accessory uses such as slide-outs, attached awnings, or steps, for the purposes of this separation requirement, will be considered part of the trailer.
7. Each site shall abut directly on a park street for a minimum distance of twenty (20) feet. Alignment and gradient shall be properly adapted to topography and provisions shall be made for proper drainage.
8. Not more than one (1) RV shall be placed on an RV site.

9. Each RV site shall provide sufficient parking and maneuvering space so that the parking loading or maneuvering of trailers incidental to parking shall not necessitate the use of any public street, sidewalk, right-of-way, or any private grounds not part of the RV parking area.

10. There shall be provided guest parking in each RV or camping park at the ratio of one (1) parking space for each ten (10) RV or camping sites within the park.

11. All open areas except driveways, parking areas, walking ways, utility areas, or patios shall be maintained with landscaping in accordance with a detailed landscaping plan to be approved in conjunction with issuance of a Conditional Use Approval. There shall be at least one (1) tree per camping site.

12. Streets shall be at least twenty-four (24) feet wide. Parking shall not be allowed on park streets. The park streets shall be paved in accordance with City standards and shall provide concrete curb and gutter if applicable according to current standards. Curb and gutter may be of a "roll" type to provide convenient access to trailer sites.

13. A central recreation area shall be established in all RV parks which shall be easily accessible from all trailer sites. The size of such recreation areas shall be not less than ten (10) percent of the gross site area of all RV spaces, or three thousand (3,000) square feet, whichever is greater.

14. RV or camping parks may have one (1) or more laundry rooms.

15. Restrooms, including toilets, showers, and lavatories, shall be provided within a RV or campground to serve conveniently and adequately said park.

16. All utility distribution facilities, including television antenna service lines serving individual RV sites, shall be placed underground. The owner is responsible for complying with the requirements of this section and shall make the necessary arrangements with each of the public serving utilities for installation of said facilities. Transformers, terminal boxes, meter cabinets, pedestals, concealed ducts, and other necessary appurtenances to such underground facilities may be placed above ground. All RV sites must be served with water and electricity. Tent only campgrounds shall only be serviced with water to each site or group of sites. Natural gas hookups shall not be provided to individual RV or camping sites.

17. There shall be no open storage of personal belongings within an RV or camping site, nor shall an accessory building, shed, or cabinet be placed upon or erected upon an individual RV or camping site for the storage of materials or personal belongings.

18. All fuel tanks maintained within an RV site must be mounted securely upon or attached to the RV or recreation vehicle which they serve. No such tanks shall be larger than fifty (50) gallon capacity.
19. Any skirting surrounding the open space beneath an RV or other recreation vehicle shall be of the same basic material as the exterior skin of the vehicle and shall have the same color(s) as that of the skin of the vehicle, or complimentary color(s) thereto.
20. There shall be no removal of axles, wheels or tires from an RV or other vehicle located within an RV or camping park, except for emergency or temporary removal to accomplish repairs.
21. There shall be no separate mailboxes, separate street address designations, or other similar accessories which would give the appearance of "permanence" to occupants of a RV site.

24-040: LENGTH OF OCCUPANCY

No RV or camping site located within a park established under these provisions shall be occupied more than thirty (30) consecutive days by the same user, except for the RV park manager.

24-050: EATING AND COOKING FACILITIES

Each RV or camping site shall be equipped with a picnic table and benches or equivalent, and an outdoor cooking facility which meets the approval of the North Summit Fire District.

24-060: WASTEWATER, TRASH DISPOSAL, AND DRINKING WATER STATIONS

Each RV or camping park shall have facilities for disposal from the holding tanks of trailers and similar vehicles which shall be hooked to the City sewer system, or a wastewater disposal system approved by the City Council and State Health Department. Also, a source of potable water for filling RV, travel trailer or other water tanks shall be required. Proper screened facilities for waste storage, handling and disposal shall also be approved by the Planning Commission.

Chapter 25

RECREATIONAL PARK MODEL TRAILERS

25-010: Purpose
25-020: Definitions
25-030: Installation
25-040: Inspection Required
25-050: Location
25-060: Temporary Dwelling and Occupancy
25-070: Temporary Dwelling Permit

25-010: PURPOSE

The purpose of this section is the governance of Temporary Dwelling Units, including installation and occupancy.

25-020: DEFINITIONS

D. **Temporary Dwelling.** A Manufactured mobile unit (other than a mobile home) designed and permitted by its manufacturer as a temporary dwelling for travel, recreational, and vacation use, including recreational vehicles, such as: travel trailers recreational park model trailers, camp trailers, motor homes, truck campers and vans.

E. **Travel Trailer.** A travel trailer shall not require special highway movement permits when towed on public highways and shall not exceed 8 feet in width or 40 feet in length.

F. **Recreational Park Model Trailer.** shall not exceed an area of 400 square feet and shall follow all standards set forth in ANSI 119.5. The unit must be self-contained or connected to the city public sewer system.

25-030: INSTALLATION

A. No person or firm shall install a Recreational Park Trailer in the city without complying with the standards adopted herein or prior to obtaining an installation permit from the city. Such permits shall be granted only after proper application by the owner or installer made upon forms provided by the city and the payment of a fee set by the City Council. The following standards will be applied to all installation permit requests:

1. A working smoke detector shall be installed

    a. Per NFPA 1192 current edition, section 6.3 for recreational vehicles; or

b. Per ANSI A119.5 Current Edition Section 3-3 for recreational park trailers;

2. A working carbon monoxide (CO) alarm shall be installed

   a. Per NFPA 1192 Current Edition, section 6.4.6 for recreational vehicles; or

   b. Per ANSI A119.5 Current Edition Section 3-5 for recreational park trailers;

3. There shall be egress directly from the sleeping area consisting of a door, or an egress window with a minimum size of 23 x 17

   a. Per NFPA 1192 2008 Edition, Section 6.2 for recreational vehicles; or

   b. Per ANSI 119.5 Current Edition Section 3-2 for recreational park trailers;

4. Recreational Park model trailer electrical cords' shall be protected within a rigid conduit;

5. The unit shall be connected to the water supply provided within the park, in accordance with the applicable plumbing provisions of the adopted uniform plumbing code, and all applicable fees will be paid;

6. The unit shall be connected to the sanitary sewer system provided within the park, in accordance with the plumbing provisions of the adopted uniform plumbing code, and all applicable fees will be paid;

7. All steps, landings, stairways, decks, and balconies shall meet the requirements of the International Residential Code and shall be independently supported; and

25-040: INSPECTION REQUIRED

The city shall inspect the installation of each such recreational park trailer, or recreational vehicle covered by an installation permit to determine that such installation complies with Coalville City standards in regard to the Health Safety and Welfare of future occupants within City Limits and shall not permit occupancy until such inspection and approval have been given.

25-050: LOCATION

Recreational Park Model Trailers are only allowed to operate within a designated recreational vehicle park and campground area.

25-060: TEMPORARY DWELLING OCCUPANCY

Recreational Park Model Trailers or Recreational Vehicles shall not be occupied for more than thirty (30) consecutive days by the same user. Recreational Park Model Trailers shall not be used as Primary or Secondary Dwellings.

25-070: TEMPORARY DWELLING PERMIT

A property owner shall obtain a building permit, in conjunction with the Conditional Use Permit, to house a Recreational Park Trailer within any R.V. Park. The City of Coalville requires that a site plan be submitted showing the location of the Recreational Park Trailers and any other improvements on the lot. A Certification of Occupancy must be obtained before human habitation of a Recreational Park Trailer may occur.

The City may discontinue the conditional use permits at any time, if the agreed upon conditions are not being followed.

Chapter 26

RIGHT TO FARM PROVISIONS

26-010: Purpose
26-020: Impact Analysis
26-030: Applicability
26-040: Factors Considered
26-050: Farm Animal Point System

26-010: PURPOSE

As the City is an agricultural community and because the City Council places a high value on the protection and preservation of agricultural land uses, the City has adopted the following right to farm provisions:

26-020: IMPACT ANALYSIS

All subdivisions and master planned developments that:

1) border an agricultural area; or 2) contain within them an agricultural or irrigation rights-of-way or easements; or 3) will contain agricultural open space or preservation, shall have additional requirements imposed upon the developer in the form of an impact analysis to be reviewed and implemented as part of the conditional use process, MPD review process or subdivision process. This impact analysis shall be used to determine the impact on associated farming and/or livestock operations affected by the development and implement mitigation measures for the development to alleviate conflicts with affected agricultural operations.

26-030: APPLICABILITY

The developer is responsible for the performance of the analysis with the input and review by the City. The planning commission and developer shall use the following review guidelines or issues in determining the impact on farming operations of the development and will apply appropriate conditions during the approval process to ensure that the farm or ranch affected is assured a right to farm without undue burden of residential or commercial growth and complaints by neighbors. All rights to farm are preserved to the best ability of the City, taking into consideration practical land use applications and private property rights and concerns.

26-040: FACTORS CONSIDERED

The following factors shall be used as guidelines or issues in the preparation and review of the agricultural impact analysis. Mitigation measures may be required as permit conditions, restrictive covenants, or agreements:

8. Protection of irrigation access and maintenance of ditches and canals.

9. Safety and protection of the public from ditches, canals, ponds and drainage systems.
10. Livestock movement corridor protections and safety concerns.
11. Fencing safety (i.e., electrical, barbed wire) and design.
12. Private property protection issues.
13. Hunting protection, access and livestock safety concerns.
14. Protection of farm equipment ingress and egress.
15. Erosion and soil protection and conservation concerns.
16. Drainage of the subdivision and designs to minimize the discharge or impact on agricultural lands and soils.
17. Noxious weeds, pests and pet (dog) controls in the development.
18. Provisions, acknowledgments, and understandings by new property owners (including hold harmless agreements, if necessary) that farm work hours run late and begin early, and that farm operations may contribute to noises and odors.
19. Screening provisions and landscaping designs to reduce noise or visual impact on surrounding or conflicting land uses.
20. Any other provisions or concerns that the City deems necessary to protect the right to farm on adjoining or appurtenant properties.

26-050: FARM ANIMAL POINT SYSTEM

Farm animals. Livestock, fowl, and other animals (excluding household pets) may, where permitted, be kept, bred, and maintained according to the following point system:

A. Animals may total 50 points per one-half acre of ground used solely for their care and keeping.

B. Animals shall be worth the following points:

1. Chickens, pigeons, pheasants, and other similar birds: 2 points each.
2. Rabbits, chinchillas, and other similar animals: 5 points each.
3. Geese, ducks, peafowl, turkey, and other similar birds: 10 points each.
4. Sheep, goats, llamas, calves, foals, and other similar sized animals: 25 points each.
5. Horses, cattle, and other similar sized animals: 40 points each.
6. The keeping of swine will be allowed only to a maximum of four animals.

7. For the purpose of this point system, an animal and one offspring shall be considered to be one animal until six months after the birth of the offspring.

C. Any building, structure or corral in which livestock is kept must be at least 100 feet from any existing dwelling on a neighboring lot or parcel or 50 feet from side and rear property lines, whichever is greater. This restriction does not include open pasturing on a temporary or seasonal basis.

D. Nothing herein shall be construed as authorizing the keeping of inherently dangerous animals capable of inflicting harm or endangering the health and safety of any person or property.

E. Existing farm animal uses are classified as existing legal non-conforming uses and are allowed and may continue but cannot be expanded per Chapter 4 herein.

Note: Farm animals are not allowed in the Very High Residential (R-8), Community Commercial (CC), and Highway Commercial (HC) Zones of the City.

Chapter 27

SIGN REGULATIONS

27-010: Purpose
27-020: Permit Requirements
27-030: Approval
27-040: Definitions
27-050: Permitted Signs
27-060: Prohibited Signs
27-070: Exempted Signs
27-080: Nonconforming Signs
27-090: Enforcement
27-100: Penalty
27-110: Appeals

27-010: PURPOSE

The purpose of this chapter is to promote and protect the public health, safety and welfare of the general public by implementing outdoor advertising regulations that promote scenic quality, protect property values and reduce visual clutter:

F. Create an attractive economic and business advertising climate that enhances the aesthetic appearance of the community.

G. Ensure that the constitutionally guaranteed right of free expression is protected.

H. Reduce signs or advertising distractions and obstructions that may contribute to visual clutter or traffic accidents.

27-020: PERMIT REQUIREMENTS

It is unlawful for any person to erect, construct, alter or relocate any sign, other than exempt signs specifically described in **Section 27-070** of this chapter, without first obtaining a sign permit. Routine maintenance or repairing existing like parts shall not be considered an alteration; provided that such change does not alter the surface dimensions, height, message, or copy of the sign. An application for a sign permit shall be submitted to the City and include the following:

A. The name, address and telephone number of the applicant, owner and occupant of the property.

B. Location of the structure or parcel of property on which the sign will be attached or erected.

C. The position of the sign in relation to nearby buildings, property lines, rights-of-way, sidewalks and streets.

D. A copy of plans and specifications showing materials and method of construction for the sign including applicable supports, illumination and electrical wiring.

E. A colored rendering showing the sign face, colors, exposed surfaces and proposed Copy, accurately represented in scale as to size, height from finish grade, and proportions.

F. The name and contact information of the person erecting the sign.

G. Written consent from the owner of the building, structure or land on which the sign is to be erected.

H. For an application for a temporary sign the applicant shall list the earliest date on which the sign may be established and the date on which the sign shall be removed.

27-030: APPROVAL

The community development director or designated planning staff member shall approve, approve with conditions, or deny the sign permit within thirty (30) days from the date of the submittal of a complete application.

A. **Sign Design.** It is recognized that it is desirable to have some diversity of sign design within the City. However, it is also desirable to ensure that materials and color schemes used on signs be compatible with the image of the Coalville City community and rural small-town character.

B. **Permit Fees.** Prior to issuance of a sign permit by the City, the applicant shall pay the required permit fee for each sign permitted.

27-040: DEFINITIONS

For the purposes of this chapter, the following definitions will be used:

A. **Alterations.** Alterations as applied to a sign means change or rearrangement in the structural parts or its design, whether by extending on a side, by increasing in area or height, or in moving from one location or position to another.

B. **Area of Sign.** The area of a sign is measured by drawing the smallest square, circle, rectangle, triangle, or combination thereof that encompasses the extreme limits of the copy, representation, emblem, graphic or other display on the sign backing. Sign area does not include structural supporting framework, bracing or sign backing or wall to which the sign is attached. If individual letters are mounted directly on a wall or canopy, the sign area shall be the square feet of the smallest rectangle, which encloses the sign, message, logo or other graphic.

C. **Balcony**. A platform that projects from the wall of a building and is surrounded by a railing or balustrade.

D. **Banner**. A strip of cloth, plastic, paper or other material on which letters or logos are painted or written, hung up or carried on a crossbar, staff, string or between two (2) poles.

E. **Billboard**. A permanent outdoor advertising sign that advertises goods, products, or services not necessarily sold on the premises on which the sign is located.

F. **Building Face or Wall.** All window and wall area of a building on one (1) plane or elevation.

G. **Canopy**. A roofed structure constructed of fabric or other material that extends outward from a building, generally providing a protective shield for doors, windows, and other openings, supported by the building and supports extended to the ground directly under the canopy or cantilevered from the building.

H. **Community or Civic Event**. A public event not intended for the promotion of any product, political candidate, religious leader or commercial goods or services.

I. **Display Box.** A freestanding or wall sign faced with glass or other similar material designed for the express purpose of displaying menus, current entertainment, or other like items.

J. **Electronic Display Terminal.** An electronic terminal, screen, or monitor used to receive or provide information, advertise a good or service or promote an event.

K. **Flag**. A piece of cloth, plastic, or similar material, usually rectangular or triangular, attached by one (1) edge to a staff/pole as a distinctive symbol of a country, government, organization or other entity or cause.

L. **Grade**. The ground surface elevation of a site or parcel of land.

1. **Grade, Existing.** The grade of a property prior to any proposed development or construction activity.

2. **Grade, Natural.** The grade of land prior to any development activity or any other man-made disturbance or grading. Planning Staff shall estimate the natural grade, if not readily apparent, by reference elevations at points where the disturbed area meets the undisturbed portions of the property.

3. **Grade, Finish.** The final or resulting grade where earth meets the building or sign after completion of the proposed development activity.

M. **Handbill**. A paper, sticker, flyer, poster, pamphlet, or other type of medium distributed by hand for identification, advertisement, or promotion of the interest of any person, entity, product, event, or service.

N. **Height of Sign.** The height of a sign is the vertical distance measured from natural or finish grade to the top of the sign.

O. **Opaque**. Opaque means that a material does not transmit light from an internal illumination source. Applied to sign backgrounds, opaque means that the area surrounding any letters or symbols on the sign either is not lighted from within or allows no light from an internal source to shine through it.

P. **Multiple Uses.** Any lot, building, or other structure or tract of land that has been designated for multiple nonresidential uses, through the approval of a development permit.

Q. **Name Plate.** A sign that identifies the name, occupation, and/or professions of the occupants of a premise.

R. **Premise.** Land and the buildings owned or rented, upon it.

S. **Private Plaza.** Private property more than 1,000 square feet that generally serves as common area to adjoining commercial development and is free of structures, is hard surfaced and/or landscaped. Private plazas generally provide an area for pedestrian circulation, common amenities, and act as a gathering space for private or public purposes.

T. **Public Property.** Any property owned by a governmental entity.

U. **Reproduction**. An object that has been designed and built to resemble a product or service.

V. **Sign**. Sign shall mean and include a display of an advertising message, usually written, such as an announcement, declaration, demonstration, product reproduction, illustration, insignia, surface, or space erected or maintained in view of the observer primarily for identification, advertisement, or promotion of the interest of any person, entity, product, or service. The definition of a sign shall also include the sign structure, supports, lighting system, and any attachments, flags, ornaments or other features used to draw the attention of observers.

1. **Sign, Abandoned.** Any sign applicable to a use which has been discontinued for a period of six (6) months.

2. **Sign, A-Frame.** Any sign or structure composed of two (2) sign faces mounted or attached back-to-back in such a manner as to form a basic triangular shape.

3. **Sign, Awning.** Any sign painted on or attached to an awning or canopy.

4. **Sign, Cabinet.** A frame covered by translucent material. The entire structure is one (1) unit, and the copy is not intended to include the individual letters.

5. **Sign, Campaign.** A temporary sign on or off-premises, announcing, promoting, or drawing attention to a candidate seeking public office; or announcing political events or issues.

6. **Sign, Canopy.** Any sign painted or attached to a canopy.

7. **Sign, Changeable Copy.** A manually operated sign that displays graphics or a message that can be easily changed or altered without altering the face or surface of the sign (also see Sign, Electronic).

8. **Sign, Construction.** A temporary sign placed on a site identifying a new development or building construction.

    a. Project Marketing Sign. A sign identifying the financial institution of a development, and may include a plat map, and real estate information.

    b. Construction Identification Sign. A sign identifying the contractor and or builder responsible for a project or development.

    c. Construction/Project Marketing Sign. A combination of a construction sign and project marketing sign.

9. **Sign, Copy.** Copy is all the written matter, illustrations, logos or slogans on a sign expressed in words, sentences, or figures designed to convey the desired message of the sign.

10. **Sign, Directional.** Signs which serve as directional guides to recognized areas of local or regional importance and patronage, including:

    a. Recreational and entertainment centers of recognized regional significance.

    b. Major sports stadiums, entertainment centers or convention centers.

    c. Historic landmarks, churches, schools, community centers, hospitals and parks.

    d. Public safety, municipal directional, parking, and essential services.

11. **Sign, Directory.** A sign located on the premise to direct traffic, that contains the name of a building, complex or center and name and address of two (2) or more businesses being part of the same sign structure or interior to the building which can be seen from the outdoors.

12. **Sign, Electronic.** A window, wall, or other sign that changes messages through a marquee, reader board, electronic message center, or other replaceable copy area (also see Sign, Changeable Copy).

13. **Sign, Externally Illuminated.** A sign illuminated by light sources from the outside.

14. **Sign, Free-Standing.** A sign that is supported by one (1) or more uprights or braces which are fastened to or embedded in the ground.

15. **Sign, Ghost.** A sign on an exterior building wall, which has been weathered and faded to the extent that it has lost its original brightness of color and visibility.

16. **Sign, Hanging.** A sign attached underneath a canopy, awning or colonnade.

17. **Sign, Historic.** A sign that by its construction materials, age, prominent location, unique design, or craftsmanship, provides historic character, individuality, and a sense of place or orientation regarding clues to a buildings history.

18. **Sign, Historic Replication.** A sign, which is an exact replication, including materials and size, of a historic sign which once existed in the same location.

19. **Sign, Hours of Operation.** A sign that displays the hours during which the buildings tenant serves the public, this includes “open” and “closed” signs.

20. **Sign, Hybrid.** A sign which is a combination of two or more common types of signs. (ex. Electronic- monument, electronic- projection.)

21. **Sign, Identification.** A sign which identifies only the name and/or logo and/or address of a commercial, industrial, or multi-family complex and the owner and tenants thereof.

22. **Sign, Illegal.** Any sign which does not conform to the regulations of this chapter as currently adopted or as amended at the time of construction.

23. **Sign, Internally Illuminated.** A sign illuminated by light sources enclosed entirely within the sign cabinet and not directly visible from outside the sign.

24. **Sign, Luminous Tube (Neon).** A sign that is outlined, or has characters, letters, figures, or designs that are illuminated by gas filled luminous tubes, such as neon, argon or fluorescent.

25. **Sign, Monument.** A sign that is supported by a foundation embedded in the ground and not attached to any building or wall.

26. **Sign, Municipal Identification.** A sign designed specifically for the purpose of notifying motorists of a City’s municipal boundary and welcoming them.

27. **Sign, Neighborhood Information.** A sign located entirely on private property, designed to provide information or notifications to local residents regarding neighborhood events or issues.

28. **Sign, Non-commercial Opinion.** A sign, which does not advertise products, goods, businesses, or services and which expresses an opinion or point of view, such as, a political, religious, or other ideological sentiment or support or opposition to a candidate or proposition for a public election.

29. **Sign, Non-Conforming (Legal).** Any advertising structure or sign which was lawfully erected and maintained prior to such time as it came within the purview of the development code and any amendments thereto, and

which fails to conform to all applicable regulations and restrictions of this chapter.

30. **Sign, Off-Premises.** A sign identifying a business, commodity, service, or industry, which is not conducted upon the premises on which the sign is placed.

31. **Sign, On-Premises.** A sign that identifies the name, occupation, and/or professions of the occupants of the premises.

32. **Sign, Permanent.** Any sign which is not temporary by definition and is intended to be displayed for more than sixty (60) consecutive days.

33. **Sign, Pole.** A freestanding sign that is supported by one (1) upright not greater than twenty-four inches (24”) in diameter, or as determined by a structural engineer, and is not attached or braced by any other structure.

34. **Sign, Political.** A sign advertising a candidate for public office, proposition or other issue to be voted on by the electorate.

35. **Sign, Portable.** A sign that can be moved from place to place and is not permanently affixed to the ground or a building.

36. **Sign, Projecting.** A sign attached to a building or other structure, perpendicular to the street and extending in whole or in part more than six inches (6") beyond any wall of the building or structure.

37. **Sign, Projection.** A sign that utilizes a beam of light to project a visual image or message onto a surface.

38. **Sign, Public Necessity.** A sign that informs the public of danger or a hazard.

39. **Sign, Real Estate.** A temporary sign advertising the sale, rental or lease of the premises or part of the premises on which the sign is displayed. Real Estate signs are typically T-Post style signs.

40. **Sign, Roof.** A sign erected or painted upon or above the roof or parapet of a building.

41. **Sign, Solicitation.** Sign used to communicate no solicitations.

42. **Sign, Special Purpose.** A sign advertising a special event pertaining to drives or events of a civic, philanthropic, educational, or religious organization.

43. **Sign, Special Sale.** Temporary signs used to advertise a special sale.

44. **Sign, Spot-Lit.** A sign illuminated by spotlights intended to broadcast light on the sign.

45. **Sign, Temporary.** A banner, pennant, valance, or other advertising display with or without frames, intended to be displayed in or out of doors

for a short period of time; A temporary sign shall include, but is not limited to, the following:

a. Open house signs

b. Political signs

c. Special events signs

d. Yard or garage sale signs

e. Grand Opening signs

f. Special business promotional display signs

g. Mobile signs

h. Banners

i. Wind signs

j. Portable signs

k. Inflatables

46. **Sign, Unsafe or Dangerous.** A sign constituting a hazard to public safety, or which does not meet lateral and/or vertical load requirements, or applicable wiring and installation standards of the city building codes.

47. **Sign, Vehicle.** Any sign, logo or advertisement placed, painted, attached, or displayed on a vehicle.

48. **Sign, Wall.** A sign with messages or copy erected parallel to and attached to or painted on the outside wall of a building.

49. **Sign, Window.** A sign installed upon or within three feet (3') from the window, visible from the street and exceeds two (2) square feet in area, for the purpose of viewing from outside of the premises. Window signs do not include merchandise displays.

50. **Sign, Yard.** A temporary sign that announces a garage sale, open house or similar event.

W. **Single Use.** Any lot, building, or other structure or tract of land that has been designated for one nonresidential use, through the approval of a development permit.

X. **Theater Marquee.** A permanent sign with changeable copy, which is used to advertise theater events.

Y. **Wall Mural.** A work of art, such as a painting applied directly to a wall, fence, pavement, or similar surface that is purely decorative in nature and content and does not include advertising by picture or verbal message.

Z. **Zone District.** Refers to land use regulatory zones under the zoning ordinances of Coalville City.

27-050: PERMITTED SIGNS

The following types of signs are allowed:

- Freestanding Signs
- Monuments Signs
- Building Signs
- Subdivision, Multi-Family Dwellings, and Residential Complex Signs
- Highway Commercial (HC) Zone Sign Exceptions
- Off-Premises Signs
- Temporary Signs

A. **Freestanding Signs.** Each nonresidential use may erect an on-premises freestanding sign. All freestanding signs shall comply with the following standards:

1. **Number of Signs.** One (1) freestanding sign shall be permitted for the primary vehicular access to the parcel. The primary vehicular access is that access located adjacent to the primary parking area.

2. **Location/Setbacks.** Freestanding signs shall be located adjacent to the primary vehicular access to the parcel. In no case shall a freestanding sign encroach into a road right-of-way, nor shall any sign be situated near an intersection in such a manner to interfere with vehicular sight distance. The sign, including supports, base, and sign face, shall be setback at least three feet (3) from the edge of the right-of-way.

3. **Display Area Size.** The display area of all freestanding signs for a single use shall not exceed seventy-five (75) square feet in size. The display area of all freestanding, on premises signs for a parcel containing Multiple Uses shall not exceed one hundred (100) square feet. The display area of a sign, which may be double sided, shall include all copy and architectural embellishments that are an integral part of the sign message and appearance.

4. **Freestanding Sign Height.** In no case shall the highest point of a freestanding sign be more than twenty feet (20') above the grade elevation at the base of the sign.

5. **Materials.** Freestanding signs shall be constructed of wood or other natural or natural appearing materials, excluding supports. Plastic, Lexan or similar materials are allowed for individual letters and internally illuminated sign cabinets only.

6. **Illumination.** Signs may be illuminated provided that only indirect or internal lighting is utilized and that the light source is not visible. Backlit full sign face illuminated signs are prohibited. Backlighting through individual letters/copy on a dark translucent or opaque material that comprises the letters/copy of the sign face is permitted if the light source is not visible.

7. **Landscaped Area.** Where feasible, all freestanding signs shall be located within a landscaped area. Landscaping, including shrubs, perennials, trees, lawn other appropriate vegetative materials, and landscape boulders where appropriate, shall be designed in a manner that softens the visual impact of the sign and maintains pedestrian and vehicular sight distances. Designs shall integrate the sign into the landform where possible.

B. **Monument Signs.** Each nonresidential use may erect an on-premises monument sign. All monument signs shall comply with the following standards:

1. **Number of Signs.** One monument sign shall be permitted for each separate primary vehicular access to the parcel, up to a maximum of two (2) signs. The primary vehicular access is that access located adjacent to the primary parking area.

2. **Location/Setbacks.** Monument signs shall be located adjacent to the primary vehicular access to the parcel. In no case shall a monument sign encroach into a road right-of-way, nor shall any sign be situated near an intersection in such a manner to interfere with vehicular sight distance. The sign, including base and sign face, shall be set back at least three feet (3’) from the edge of the right-of-way.

3. **Monument Sign Base.** All monument signs shall be constructed with a base of stone, stone veneer, textured concrete or weather resistant wood.

4. **Display Area Size.** The display area of all monument signs shall not exceed thirty-two (32) square feet in size. The display area of a sign, which may be double sided, shall include all copy and architectural embellishments that are an integral part of the sign message and appearance.

5. **Monument Sign Height.** In no case shall the highest point of a monument sign be more than eight feet (8') above the grade elevation at the base of the sign.

6. **Materials.** Monument signs shall be constructed of wood, stone or other natural or natural appearing materials. Plastic, Lexan or similar materials are allowed for individual letters and internally illuminated sign cabinets only.

7. **Illumination.** Signs may be illuminated provided that only indirect or internal lighting is utilized and that the light source is not visible. Backlit full sign face illuminated signs are prohibited. Backlighting through individual

letters/copy on a dark translucent or opaque material that comprises the letters/copy of the sign face is permitted if the light source is not visible.

8. **Landscaped Area.** All monument signs shall be located within a landscaped area. Landscaping, including shrubs, perennials, trees, other appropriate vegetative materials, and landscape boulders where appropriate, shall be designed in a manner that softens the visual impact of the sign and maintains pedestrian and vehicular sight distances. Designs shall integrate the sign into the landform where possible.

C. **Building Signs.** Primary and Secondary Wall Signs, Projecting Sign, Suspended Sign, Awning Sign. Each nonresidential use may choose to utilize three (3) out of the five (5) types of signs, as described below. In no case shall two (2) or more same types of signs be used per use.

1. **Wall Signs.** Wall signs are those signs that are attached to or painted on the wall of a building, the display surface of the sign being parallel to the wall of the building on which the sign is placed. Wall signs shall not project out more than six inches (6") from the wall on which they are mounted.

   a. **Display Area.** The area of all wall signs shall be the extreme limits of the display surface. The display surface includes any architectural embellishments or background materials that are an integral part of the display used to differentiate the sign from the wall of which it is mounted.

   b. **Materials.** Wall signs shall be wood, metal, other natural or natural appearing materials, or painted on the side of the building. Plastic, Lexan, or similar materials are allowed for individual letters or internally illuminated sign cabinets only.

2. **Primary Wall Sign.** A wall sign that is located on the facade of the building that contains the primary access to the particular use. A primary wall sign shall not exceed one square foot of sign area for each one (1) linear feet of building facade frontage, up to a maximum of fifty (50) square feet.

   1. In the case of multiple users in one building, the frontage shall include the length of the individual suite that is exposed to the exterior of the building where the primary access to the use is located.

   2. In cases where a use does not contain exterior exposure to a building for the purposes of measuring sign area, that use may have a twenty-four (24) square foot sign.

3. **Secondary Wall Sign.** A sign that is located on a building facade that is separate from the facade on which the primary wall sign is located. A secondary wall sign shall not exceed a maximum of one-half (1/2) the size of the permitted primary wall sign.

4. **Projecting Signs.** Projecting signs are supported by a building or other structure and project out from the building or structure over sidewalks or similar area in a manner that the display area is generally perpendicular to the face of the building or structure.

    a. **Size.** Projecting signs shall not exceed thirty (30) square feet.

    b. **Display Area.** The area of a projecting sign shall be the extreme limits of the display surface. The display surface also includes any architectural embellishments or background materials that are an integral part of the display and used to differentiate the sign from its surroundings.

    c. **Height.** Signs which project over a pedestrian walkway shall allow at least seven and one-half feet (7.5') of clearance between the bottom of the sign and the sidewalk or ground.

    d. **Lighting.** Projecting signs may be illuminated; provided that only indirect or internal lighting is utilized and that the light source is not visible.

    e. **Materials.** Projecting signs shall be constructed of wood, metal or similar natural or natural appearing materials. Plastic, Lexan or similar materials are allowed for individual letters or internally illuminated sign cabinets only.

5. **Suspended Signs.** A sign that is suspended parallel or perpendicular from a building roof, facade, porch, overhang or other structural element by brackets, hooks, cables or chains.

    a. **Size.** Suspended signs shall not exceed fifteen (15) square feet.

    b. **Display Area.** The area of a suspended sign shall be the extreme limits of the display surface. The display surface also includes any architectural embellishments or background materials that are an integral part of the display and used to differentiate the sign from its surroundings.

    c. **Height.** Suspended signs shall allow at least seven and one-half feet (7.5') of clearance between the bottom of the sign and the sidewalk or ground.

    d. **Lighting.** Suspended signs may be illuminated; provided that only indirect or internal lighting is utilized, and that the light source is not visible.

    e. **Materials.** Suspended signs shall be constructed of wood, metal, or similar natural or natural appearing materials. Plastic, Lexan or similar materials are allowed for individual letters or internally illuminated sign cabinets only.

6. **Awning Signs.** Awning signs are comprised of letters and logos that are attached to the valance of an awning.

    a. **Size.** The words and logos on any awning sign shall not exceed eight inches (8") in height. Sign copy shall not exceed a maximum of fifteen percent (15%) of each side or face of the awning.

    b. **Lighting.** Backlighted awnings are permitted provided that the light source is not visible.

    c. **Number of Signs.** Up to three (3) sides of the awning may be used for a total of three (3) signs. Only one (1) sign is allowed on each side of the awning.

7. **Gas Station Canopy Signs.** Canopy signs are comprised of letters, numbers and logos that are attached to the sides of a canopy.

    a. **Size.** The words, numbers and logos on any canopy sign shall not exceed twenty-four inches (24") in height. Sign copy shall not exceed a maximum of twenty-five percent (25%) of each side or face of the canopy.

    b. **Lighting**. Backlighted canopies are permitted provided that the light source is not visible.

    c. **Number of Signs.** Up to three (3) sides of the canopy may be used for a total of three (3) signs. Only one (1) sign is allowed on each side of the canopy.

8. **Luminous Tube (Neon) Signs.** Luminous tubes (Neon) signs used to draw attention or advertise a business in any manner shall comply with the following standards:

    a. **Size.** All luminous-tube signs are limited to fifteen (15) square feet or less in size.

    b. **Height Limit.** Luminous-tube signs shall be limited to the ground-floor elevation.

    c. **Number of Signs.** Two (2) luminous-tube sign is allowed for every twenty-five feet (25’) of building façade width. One (1) luminous-tube sign of less than two (2) square feet in size is allowed per building or commercial tenant space without a permit.

    d. **Setback and Orientation.** Luminous-tube signs may be attached to the exterior of the building as a wall sign, installed as projecting sign or suspended sign.

    e. **Zoning Restrictions.** Luminous-tube signs are permitted in the Historic District of the Commercial (CC) Zone. Luminous-tube signs are prohibited in all other zoning districts.

f. **Design.** Luminous-tube signs may not flash, move, alternate, or show animation. The outlining of a building's architectural features is prohibited.

g. **Illumination.** No additional illumination other than the sign itself is permitted.

D. **Subdivision, Multi-Family Dwellings, and Residential Complex Signs.** These signs are intended to identify and state the name of a subdivision, multi-family development, or residential townhome or condominium complex.

1. **Monument Signs.** One monument sign shall be permitted for each separate primary vehicular access to a subdivision, multi-family dwelling development, or residential townhome or condominium complex. All monument signs shall comply with the following standards:

a. **Monument Base.** All monument signs shall be constructed with a base of stone, stone veneer, textured concrete or weather resistant wood. The monument sign base structure is not subject to the sign display area size requirement.

b. **Size.** The sign display area shall not exceed thirty (30) square feet in size. The display area of a sign, which may be double sided, shall include all copy and architectural embellishments that are an integral part of the sign message and appearance.

c. **Height.** In no case shall the highest point of the sign be more than six feet (6') above the grade elevation at the base of the sign.

d. **Materials.** All monument signs shall be constructed of wood, stone or other natural or natural appearing materials. Plastic, Lexan or similar materials are allowed for individual letters and internally illuminated sign cabinets only.

e. **Landscaped Area.** All monument signs shall be located within a landscaped area. Landscaping, including shrubs, perennials, trees, other appropriate vegetative materials, and landscape boulders where appropriate, shall be designed in a manner that softens the visual impact of the sign and maintains pedestrian and vehicular sight distances. Designs shall integrate the sign into the landform where possible.

f. **Location/Setbacks.** In no case shall a monument sign encroach into a road right-of-way, nor shall the sign be situated near an intersection in such a manner to interfere with vehicular sight distance. Monument signs shall be set back at least three feet (3') from the edge of the right-of-way or property line.

E. **Highway Commercial (HC) Zone Sign Exceptions.** In addition to the sign standard provisions described in this chapter, the following sign exceptions are allowed in the Highway Commercial (HC) Zone District:

1. **Freestanding Sign Height.** The highest point of a freestanding sign located in the HC Zone shall not exceed eighty feet (80') above the grade elevation at the base of the sign.

2. **Freestanding Sign Display Area Size.** The display area of freestanding signs for a single use in the Highway Commercial (HC) Zone shall not exceed three hundred (300) square feet. The display area of all freestanding signs for a parcel containing multiple uses shall not exceed one thousand (1,000) square feet and shall be combined in one sign.

3. **Primary Wall Sign.** A wall sign that is located on the facade of the building that contains the primary access to the particular use shall not exceed one square foot of sign area for each one (1) linear feet of building facade frontage, up to a maximum of one hundred (100) square feet.

   3. In the case of multiple uses in one building, the frontage shall include the length of the individual suite that is exposed to the exterior of the building where the primary access to the use is located.

   4. In cases where a use does not contain exterior exposure to a building for the purposes of measuring sign area, that use may have a fifty (50) square foot sign.

4. **Secondary Wall Sign.** A sign that is located on a building facade that is separate from the facade on which the primary wall sign is located shall not exceed a maximum of one-half (1/2) the size of the permitted primary wall sign.

5. **Gas Pump Signs.** Signs located on or above gas pumps are exempt up to a maximum of two (2) signs for each side of the pump for a total sixteen (16') square feet of sign area.

6. **Changeable Copy Signs.** Changeable copy signs are permitted in the Highway Commercial (HC) Zone and shall comply with the following standards:

   a. **Electronic Message Signs.** Electronic message signs shall not cause glare or rapid blinking, nor be intensely lighted that may create a nuisance or hazard to vehicular traffic, pedestrians, or adjacent properties. These signs shall have a minimum of two (2) second intervals between screen changes. Any time an electronic message sign is operating between sunset and sunrise, said signs shall be set at not more than forty percent (40%) of the maximum capable light output.

   b. **Number of Signs.** The maximum number of changeable copy signs for a commercial or non-profit business is two (2) signs.

   c. **Design.** The sign materials and design shall be compatible with the color, materials, and architecture design of the building. The sign

shall be colorfast and resistant to ultraviolet radiation. The individual letters shall be uniform in size and color.

d. **Illumination.** Illumination of changeable copy signs shall be limited to a case with a dark translucent or opaque background face which encloses the sign letters.

F. **Off-Premises Signs.** Off-premises signs are intended to identify a business, commodity, service, or industry, which is not located within and readily visible from the entry corridors of the City. Off-premises signs shall be limited to provide direction to a business or use located in the City and shall be constructed in accordance with the following:

1. **Size.** Off-premises signs shall not exceed fifty (50) square feet.

2. **Sign Copy.** Off-premises signs shall contain the business name and directional information only.

3. **Number of Signs.** There shall be no more than one sign face per direction of facing for each business or use.

4. **Location.** An off-premises sign shall not be located within a 300-foot radius of any other off-premises sign intended to be read from the same right-of-way. The sign shall not be within a 100-foot radius of any other off-premises sign intended to be read from a different right-of-way. All spacing measurements in this subsection shall refer to a measurement made along the edge of the right-of-way and shall apply only to structures located on the same side of the roadway. These spacing provisions do not apply to signs separated by buildings or other obstructions in such a manner that only one sign facing located within the above spacing distance is visible from the road right-of-way at any one time.

5. **Lighting.** Off-premises signs shall not be illuminated nor shall blinking or flashing lights be used.

6. **Height.** In no case shall the highest point of the sign be more than twenty (20) feet above the grade elevation at the base of the sign.

7. **Setback.** In no case shall an off-premises sign encroach into a road right-of-way, nor shall the sign be situated near an intersection in such a manner to interfere with vehicular sight distance. Off-premises signs shall be set back at least 10 feet (10') from the edge of the right-of-way.

8. **Written Permission.** Off-premises signs shall only be located on property for which the permit applicant has written permission from the landowner or person lawfully in control of the property to erect and maintain an off-premises sign.

G. **Temporary Signs.** "Temporary sign" means any sign or advertising display constructed of cloth, wood, canvas, light fabric, paper, vinyl, or other materials

with or without frames intended to be displayed for a limited time period and not permanently affixed to a building or the ground.

1. **General Provisions for All Temporary Signs.** The following standards shall apply to all temporary signs:

    a. **Permit Required.** A sign permit is required for a temporary sign prior to Installation, unless otherwise exempted in **Section 27-070**.

    b. **Location.** Signs shall be located on the parcel on which the entity requesting the sign is located and may not encroach into the public right-of-way, nor impede pedestrian traffic. Signs shall not be attached to utility poles, fences, trees, or other similar objects.

    c. **Illumination.** Illumination of temporary signs is prohibited.

    d. **Size.** Signs may not exceed a maximum size of twenty (20) square feet.

    e. **Display.** All temporary signs must be subordinate to and be positioned in such a way that any permanent signage display on the same property remains completely visible.

    f. **Maintenance.** Temporary signs must always be properly maintained. Any faded, torn, ripped, detached, defaced, sagging or otherwise damaged sign must be promptly repaired, replaced, repositioned or removed.

    g. **Timeframe.** Temporary signs may be displayed up to sixty (60) days per calendar year.

    h. **Height.** Freestanding temporary signs may not exceed eight feet (8’) in height, measured from the top of the sign to the grade directly below. Signs attached to a building may not exceed fifteen feet (15') in height, measured from the top of the sign to the grade directly below.

    i. **Number of Signs.** Only one (1) temporary sign is allowed for each use.

27-060: PROHIBITED SIGNS

The following signs are prohibited in Coalville City:

A. **Electronic Message Signs.** A sign where message content is changed in a fixed cabinet composed of electrically illuminated or mechanically driven changeable components. Changeable Copy Signs may be allowed in the Highway Commercial (HC) Zone as exempted in **Section 27-050.E**.

B. **Flashing Signs.** Any illuminated sign on which the light is not stationary or constant in intensity and color.

C. **Roof Mounted Signs.** A sign that is mounted on the roof of a structure, or signs that project above a roof edge or eave.

D. **Moving Signs.** Any sign or part of a sign that changes physical position by any movement or rotation or that gives the visual impression of movement. Such signs also include strings of pennants, banners, ribbons, streamers, balloons, spinners, or other similar moving or fluttering or inflated devices.

E. **Signs Imitating Official Traffic Signs.** Signs imitating official traffic signs in any manner which are visible from public areas.

F. **Portable Signs.** Portable signs not permanently affixed to the ground, except as otherwise allowed as an off-premises temporary sign in Section G.

G. **Mobile Signs.** Signs attached to stationary vehicles, equipment, trailers, and related devices, when used in a manner to augment approved signage for a business as opposed to normal operation or parking of the vehicle or device.

H. **Obstructing Signs.** Signs which, by reason of size, location, content, coloring or manner of illumination, obstruct the vision of motorists or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on any road or street, as determined by the City.

I. **Hazardous Signs.** Any sign or sign structure which constitutes a hazard to public health or safety, as determined by the City.

J. **Signs on Public Property.** Signs on trees, utility poles, and on other public property, other than public information signs.

K. **Off Premises Signs.** Off-premises signs are prohibited except as provided for in **Section 27-050.F** herein.

L. **Signs in Disrepair.** Any sign in disrepair or which the sign message face has been removed or destroyed, leaving only the supporting frame or other components, and said condition exists for more than ninety (90) days is prohibited and shall be removed.

27-070: EXEMPTED SIGNS

The following signs are exempt from obtaining a sign permit with the following requirements:

A. **Informational Signs.** Signs which are not more than six (6) square feet in size and not more than four feet (4') in height and which are used to direct vehicular and pedestrian traffic or to direct parking and traffic circulation on private property. Informational signs shall not contain advertising material or message. These signs shall not be permitted in a public right-of-way.

B. **Public Signs.** Legal notices, identification, informational, cultural, promotional, historic or directional signs erected by Coalville City or other governmental entities authorized by the City for public purposes. These signs may be in the public right-of-way.

C. **Public Regulatory Signs.** All public regulatory signs located in the City which meet all the state requirements.

D. **Interior Signs.** Signs located on the interior of any building, or within an enclosed lobby of any building or group of buildings and which cannot readily be seen from the exterior of the building, and the signs are located to be viewed exclusively by the patrons of such use or uses.

E. **Utility Signs.** Signs of public utility or cable television companies which show the locations of underground facilities.

F. **Street Address and Identifications Signs.** A sign with content including only the name or professional Code of the occupant and address of the premises. Such signs shall not exceed two (2) square feet in size. The sign shall be limited to flush mounted or window type signs with only one sign per premises. These signs shall not be permitted in the public right-of-way.

G. **Customer Information Signs.** Customer information signs located on or near the building and outside of required setback areas may display such items as "credit cards accepted", prices and menus. Signs shall not exceed two (2) square feet in size.

H. **Flags.** Single or multiple-use developments may have no more than three (3) freestanding flagpoles at any time. Flagpoles are restricted to only flying one flag per pole. The maximum size of any one flag shall be sixty (60) square feet. Flagpoles may not exceed twenty-eight feet (28') in height, measured from the top of the pole to the grade directly below. Up lighting of all flags, except the flag of the United States of America, is prohibited. The painting of flags on an exterior building surface is also allowed in compliance with these requirements.

I. **Window Signs.** Window signs shall not exceed fifty (50%) of the area of a single window in which it is placed. A single window is any window, or section of windows, that is separated from another window by twelve inches (12") or more. Any door with windows is considered a separate window. Window signs may not be combined in order to gain a larger sign for one particular window.

J. **Neon Signs.** Two (2) neon signs are allowed for each nonresidential use. The sign may be located on the inside of any window. These signs may not exceed two (2) square feet in size and may not flash or be animated in any manner. Neon signs are considered window signs and may not exceed fifty percent (50%) of the area of the window in which they are placed.

K. **Light Pole Banners.** Banner signs on light poles are allowed in all developments. Banner signs may not exceed twelve (12) square feet in size.

L. **No Trespassing or No Dumping Signs.** No trespassing or no dumping signs may not exceed sixteen (16) square feet in area for a single sign or are limited to four (4) signs at four (4) square feet for each lot or parcel unless the land use administrator, or other authorized officer, finds more signs are required to prevent violation.

M. **Plaques.** Plaques or nameplate signs not more than two (2) square feet which are fastened directly to the building.

N. **Symbols or Insignia.** Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies, provided that no such sign shall exceed eight (8) square feet in area and provided further that all such signs be placed flat against the building.

O. **On Premises Real Estate Signs.**

1. Signs advertising the sale, rent, or lease of property shall be limited to one real estate sign on each lot. Each sign shall not exceed six (6) square feet in size and six feet (6') in height.

2. One real estate sign per street frontage is allowed for any multiuse residential or professional office building or lot intended for such and may not exceed twenty-four (24) square feet in area or eight feet (8') in height. If the parcel is over two (2) acres in size, the sign may not exceed thirty-two (32) square feet.

3. Model home signs shall not exceed sixteen (16) square feet in area, nor exceed six feet (6') in height and shall be placed entirely upon the premises of the model home.

P. **Temporary Open House Real Estate Signs.** Open house signs not to exceed six (6) square feet in area and four feet (4') in height, advertising real estate open houses may be placed on private property in the vicinity of the property open for inspection. They shall not be attached to trees, poles, street signs, etc. Signs may be displayed in the City right-of-way if they are not disruptive to the regular flow of traffic or pedestrians. Open house signs shall be displayed only during those hour(s)/day(s) which the property is open for actual inspection.

Q. **On Premises Signs for Home Occupation in Residential Zones.** Home occupations may have one non-illuminated flat wall sign two (2) feet by three (3) feet for a total of six (6) square feet in size which identifies the name of the business. This exemption applies to uses operated out of a single-family home.

R. **Political or Campaign Signs.** In addition to signage otherwise authorized by this chapter, political or campaign signs on behalf of candidates for public office or measures on election ballots are allowed as follows:

1. Signs for all candidates, regardless of participation in a primary election, may not be erected earlier than sixty (60) days prior to a primary election and shall be removed by the Monday following a general election. Candidates who lose a primary election shall remove signs by the Monday following the primary election. Signs relating to elections on special issues may be installed and must be removed on the same basis.

2. Any one sign shall not exceed twenty-four (24) square feet in size and shall not exceed six feet (6') in height. Such sign shall not be erected in a manner as to constitute a roof sign. No more than 2 signs of the same

candidate or issue shall be posted on the same property. Signs may not be placed on public property or in a public street right of way in which the sign location would impede traffic visibility or safety. Signs along roadways which do not contain improvements of curb, gutter, and/or sidewalks may not be placed closer than ten feet (10') to the edge of the paved surface.

3. Campaign signs shall not be placed closer than one hundred fifty feet (150') to a building where any official voting station is located.

S. **Properties Under Development or Construction.** Properties which have an approved subdivision plat, site plan, or other type of development permit upon which construction or development is occurring are exempt subject to the following sign standards:

1. **Size.** Signs may not exceed a maximum of twenty (20) square feet in size.

2. **Materials.** Signs may only be freestanding and must be made of a rigid material. Banners or other similar signs applied to cloth, paper, flexible plastic, vinyl, or fabric of any kind are not permitted.

3. **Height.** Signs may not exceed six feet (6') in height, measured from the top of the sign to the grade directly below.

4. **Number of Signs.** Only one (1) sign is allowed per street frontage.

5. **Location.** The sign must be located on the parcel that is subject to the approved development permit and may not encroach into the right of way, nor impede pedestrian traffic.

6. **Timeframe.** The sign(s) are allowed for the duration of the construction of the development. and shall be removed upon completion of the project.

T. **Non-commercial Opinion Signs.** Noncommercial opinion signs are subject to all requirements and provisions of the Utah State Code annotated and other laws as may be applicable. There are no time frames for noncommercial opinion signs. Such signs are regulated as follows:

1. **Residential Properties.** Residential properties are permitted to have nine (9) square feet of a sign area, not to exceed three feet (3') in height. The sign square footage may be split between two (2) or more signs, but the total square footage may not exceed nine (9) square feet.

2. **Non-residential Properties.** Nonresidential properties are permitted six (6) square feet of sign area, not to exceed three feet (3') in height. The sign square footage may be split between two (2) or more signs, but the total square footage may not exceed six (6) square feet.

27-080: NONCONFORMING SIGNS

Existing signs which were lawfully established before the adoption of this chapter, but which are now prohibited, regulated, or restricted, may remain until such time as they are removed or otherwise required to be brought into conformance:

A. **Property Owner Responsibility.** The property owner bears the burden of establishing that any nonconforming sign lawfully exists.

B. **Enlargement of Nonconforming Signs.** A nonconforming sign may not be enlarged in any way unless it conforms to the provisions of this chapter.

C. **Location.** Signs conforming to the provisions of this chapter may be erected on a parcel that contains a nonconforming sign(s); however, the new sign(s) must be a different type than the existing nonconforming sign(s) (i.e., if the nonconforming sign is a freestanding sign, a conforming freestanding sign may not be erected).

D. **Alterations.** A nonconforming sign may be altered to decrease its nonconformity.

E. **Maintenance, Repair and Upgrading of Nonconforming Signs.** All nonconforming signs shall be maintained in a state of good repair; provided, however, that any repainting, cleaning and other normal maintenance or repair and upgrading of the sign or sign structure shall not modify the sign structure or copy in any way which makes it more nonconforming.

27-090: ENFORCEMENT

A. The CDD or designated planning staff member shall be responsible for enforcing the provisions of the sign regulations established herein.

B. Violation of the sign provisions established herein may result in fines or other remedial actions in accordance with the provisions of this code and state law.

C. If signs not conforming to the requirements of this chapter are installed within a public right-of-way, City personnel may remove and impound the signs for (ten) 10 days prior to disposing. If contact information is included on the sign(s) notice to remove the signs will be communicated to the sign owner and if they fail to comply with the notice within twenty-four (24) hours City personnel may remove the sign.

27-100: PENALTY

Any person found guilty of violating any of the provisions, rules and regulations of this Chapter, is guilty of a Class “C” misdemeanor, pursuant to Utah Code Annotated, as amended. Each violation shall be subject up to a $100 fine for each day the violation continues beyond the correction notice date issued by the City for such violation.

27-110: APPEALS

A. **Right To Appeal.** Any person who has been ordered to alter or remove any sign, or any person whose application for a sign permit has been denied because of conflict with regulations stated herein, may appeal to the Administrative Law Judge by serving a written notice to the CDD, or designated staff member, within fifteen (15) days of the order or denial. An applicant may also appeal to the Administrative Law Judge an alleged error by the CDD or designated staff member.

B. **Request for Special Exceptions.** Upon request by the sign owner or business, the City Council is empowered to grant a special exception to allow the retention, alteration, movement, or expansion of an existing nonconforming sign, provided the City Council determines that:

1. The nonconforming sign poses an alternative equivalent means of meeting the intent of this chapter and the City's general plan;

2. The action will not impose a burden on other properties in the City beyond that posed by a conforming sign; and

3. Approval will provide a forum for free expression or other measurable benefits to the public.

Chapter 28

SUBDIVISION GENERAL PROVISIONS

28-010: Enactment
28-020: Introduction
28-030: Purpose
28-040: Authority
28-050: Interpretation, Conflict, Severability
28-060: Saving Provision
28-070: Enforcement
28-080: Violations and Penalties
28-090: Appeals

28-010: ENACTMENT

In order that land may be divided and developed in an orderly fashion, the following provisions have been enacted to regulate such divisions, Lot line adjustments, and developments for the health, safety, and welfare of the community.

28-020: INTRODUCTION

Developments in Coalville shall be designed in a manner so that they are safe for building purposes without danger to health or peril from fire, flood, landslide, subsidence, geologic and natural hazards, or other menace.

Land shall not be subdivided or developed until available public facilities and improvements exist (or adequate guarantees are in place) and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks and recreation facilities, streets and transportation facilities, and related improvements. If adequate public facilities, infrastructure, and safety protections are not in place or cannot be provided for, the development will not be approved.

Proposed public improvements shall conform to the General Plan, Streets Master Plan, Official Zoning Map, and the capital budget and infrastructure improvement program of Coalville. It is intended that these regulations supplement and facilitate the enforcement of the provisions and standards contained in the currently adopted Building and Housing Codes, this Development Code, General Plan, Official Zoning Map, and capital budget and infrastructure improvement program as they are adopted and amended.

28-030: PURPOSE

The Development Standards and Subdivision Regulations in Chapter 31 are adopted for the following purposes:

A. To protect and provide for the public health, safety, and general welfare.

B. To guide future growth and development in Coalville City, in accordance with the General Plan.

C. To provide for adequate light, solar access, open space, air, privacy, safety from fire, flood, landslides and other geologic and natural hazards, and other danger, and to prevent overcrowding of the land and undue population congestion.

D. To protect and conserve the value of land throughout the municipality and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.

E. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, streets, and other public facilities.

F. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion on the streets and the pedestrian traffic facilities, and to provide for the proper width of streets and building setbacks.

G. To establish reasonable standards of design and procedures for development layout and use of land and to insure proper legal descriptions and documenting of subdivided land.

H. To ensure that public facilities are available with sufficient capacity to serve the proposed development.

I. To prevent the pollution or degradation of air, streams, and ponds, assure the adequacy of drainage facilities, protect subsurface water, minimize site disturbance and the removal of native vegetation and soil erosion, encourage the preservation and management of natural resources throughout the municipality, and preserve the integrity, stability, and beauty of the community and value of the land.

J. To provide for open spaces through efficient design and layout of the land using flexible density or cluster development, and flexible width and area of lots, while preserving the overall development density of land as established in Code 10 herein.

28-040: AUTHORITY

A. The Land Use Authority for **preliminary** subdivision applications under this Code is the Planning Commission. For the purpose of preliminary subdivision applications, the Planning Commission shall be responsible for the following, but may delegate any responsibility to City staff:

1. Rendering land use decisions related to preliminary applications.
2. Reviewing preliminary applications in an impartial manner and according to the standards and deadlines described in this Code.
3. Holding a public hearing for preliminary applications (when needed).

4. Providing feedback to applicants on their preliminary applications.
5. Scheduling and holding a Concept Plan Conference with potential applicants (when requested). This task is delegated to the CDD by default.
6. Keeping application forms (both preliminary and final) and related informational material up to date and publicly accessible and distributing such forms and materials to potential applicants.
7. Providing notice to entities and parties on subdivision applications as required by this Code.
8. Ensuring that documents are properly recorded with the County after final approval as required by this Code.

B. The Land Use Authority for **final** subdivision applications under this Code is the Subdivision Review Committee (SRC), which shall consist of the Community Development Director, one or more representatives of the Planning Commission, the Public Works Director or the City Engineer, and the City Attorney. For purposes of final subdivision applications, the SRC shall be responsible for the following:

1. Rendering land use decisions related to final applications.
2. Reviewing final applications in an impartial manner and according to the standards and deadlines described in this Code.
3. Signing final application approvals as required by this Code.

C. As subdivision application decisions are administrative, not legislative, the Planning Commission and SRC are, respectively, as described by this Code, authorized to make any administrative land use decision regarding subdivision applications without City Council approval.

D. In accordance with Utah Code §10-9a-604.1(1)(b) and §10-9a-604.1(9)(b), the Coalville City Council and its members shall not approve, deny, or require revisions to any preliminary or final subdivision application except in the case of development agreements, Master Planned Developments (which proceed as development agreements), or otherwise as permitted under state law. This provision does not limit the City Council's power to enact ordinances or administer other land use procedures.

28-050: INTERPRETATION, CONFLICT, AND SEVERABILITY

A. **Interpretation.** In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of public health, safety, and general welfare.

B. **Conflict with Public and Private Provisions.** These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision or ordinance, rule or regulation, or law, whichever provision is more restrictive or imposes higher standards shall control.

Further, these regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall control. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the conditions of approval, and such private provisions are not inconsistent with these regulations or determinations there under, then such private provisions shall be operative and supplemental to these regulations and conditions imposed. Provided, however, that the City is under no obligation to enforce private covenants.

These regulations shall not supersede the terms of a valid development agreement entered into by the City to subdivide or develop land.

C. **Severability.** These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing development regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the municipality under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the municipality except as shall be expressly provided for in these regulations.

28-060: SAVING PROVISION

If any chapter, section, subsection, sentence, clause, phrase, or part of this Code is for any reason held invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remaining provisions of this Code but shall confine its operation to the specific chapter, section, sentence, clause, or part of this Code held invalid and shall not affect the validity of the remaining portion of this Code.

28-070: ENFORCEMENT

The development standards and subdivision regulations described in this Code shall apply to all development of land, as defined herein, located within the corporate limits of Coalville City.

No land shall be subdivided within Coalville until the subdivider or agent obtains written approval of the Preliminary Plan by the Planning Commission, obtains written approval of the Final Plan by the SRC, and records the approved final plat with the County Recorder.

The subdivision of any lot or any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these regulations, shall not be acknowledged, or accepted by the City for development purposes, except for applications for agricultural use, lot splits, or resolving boundary disputes, as described in this Title.

No building permit or certificate of occupancy will be issued for any parcel or plat of land which was created by a subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations or approved under prior subdivision ordinances. No excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the applicable City regulations.

28-080: VIOLATIONS AND PENALTIES

Any person, firm, or corporation who fails to comply with, or violates, any of these regulations shall be guilty of a Class C misdemeanor. Appropriate actions and proceedings may be taken by law or in equity to prevent violation of these regulations, unlawful construction, to recover damages, restrain, correct, or abate a violation, or prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the penalties described above.

The City may, in its discretion, void transfers of land done pursuant to an invalid subdivision. In the case of such a voided transfer, the transferor shall be liable to the transferee(s) for any damages resulting from the voiding of the transfer.

28-090: APPEALS

Any applicant, member of the Planning Commission and/or property owner within 300 feet of proposed subdivision property shall have the right to appeal the action of the Land Use Authority within fifteen (15) days of the date of such action to the Appeal Authority. Any action taken and not appealed within said fifteen (15) days shall be final. When a written appeal is received by the City within fifteen (15) days of the time the action was taken, the City will publish notice of an appeal hearing following the “Notice Schedule” outlined in Chapter 3.

Chapter 29

SUBDIVISION DEVELOPMENT REQUIREMENTS AND PROCEDURES

29-010: Jurisdiction
29-020: Subdivision Classification
29-030: General Information and Procedures
29-040: Concept Plan
29-050: Review
29-060: Approval
29-070: Notice to Affected Entities

29-010: JURISDICTION

These Subdivision regulations shall apply to all Subdivisions or Re-subdivisions of land, and Lot Line Adjustments, as defined herein, located within the corporate limits of Coalville. Whenever any Subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a Structure in such proposed Subdivision shall be granted, the subdividing Owner, or his authorized Agent, shall apply for and secure approval of such proposed Subdivision in accordance with the following procedure.

29-020: SUBDIVISION CLASSIFICATION

A. **Minor Subdivision.** A Subdivision in a residential zone, containing not more than five (5) Lots fronting on an existing street, not involving any new street or road, or the creation of public improvements. An application for minor subdivision will not be required to separately prepare a Preliminary Plan.

1. **Concept Plan.** The applicant may elect to attend a Concept Plan Conference (pre-application meeting) with a concept plan. This meeting will be conducted in accordance with regulations outlined in this Chapter and Section 30-010.

2. **Final Plan.** A Final Plan shall need to be approved in accordance with regulations in this Chapter and Section 30-030.

B. **Major Subdivision.** A Subdivision of land into six (6) or more Lots and any size Subdivision requiring any new Public Street, and concurrent or subsequent review of multiple minor subdivision applications by the same or related entity, or any re-subdivision including six (6) or more lots in a prior approved subdivision.

1. **Concept Plan.** The applicant may elect to attend a Concept Plan Conference (pre-application meeting) meeting with a concept plan. This

meeting will be conducted in accordance with regulations outlined in this Chapter and Section 30-010.

2. **Preliminary Plan.** A Preliminary Plan shall need to be approved in accordance with regulations outlined in this Chapter and Section 30-020.

3. **Final Plan.** A Final Plan shall need to be approved in accordance with regulations outlined in this Chapter and Section 30-030.

C. **Master Planned Development.** A subdivision of land that is split into phases or is required to be developed as a Master Planned Development as outlined in the MPD section below.

1. **Concept Plan.** The applicant may elect to attend a Concept Plan Conference (pre-application meeting) with a concept plan. This meeting will be conducted in accordance with regulations outlined in this Chapter, Chapter 33, and Section 30-010.

2. **Preliminary Plan.** A Preliminary Plan shall need to be approved for each phase of the MPD in accordance with regulations outlined in this Chapter, Chapter 33, and Section 30-020.

3. **Final Plan.** A Final Plan shall need to be approved for each phase of the MPD in accordance with regulations outlined in this Chapter, Chapter 33, and Section 30-030.

D. **Plat Amendment.** The adjustment of subdivision lot lines, changes plat notes, or combining Lots.

1. **Final Plan.** A Final Plan shall need to be approved in accordance with regulations outlined in this Chapter and Section 30-030.

E. **Record of Survey.**

1. **Final Plan.** A Final Plat shall need to be approved in accordance with regulations outlined in this Chapter and Section 30-030.

F. **Lot Line Adjustment.** The relocation of the Property boundary line between two adjoining Parcels.

1. Procedure shall follow those listed in Section 03-200.

29-030: GENERAL INFORMATION AND PROCEDURES

A. **Official Submission Dates.** At its discretion, the Planning Commission may waive one or more of the steps in the approval process by allowing the Applicant and Developer to combine the requirements of both Preliminary Plan and Final Subdivision Plats into a single submittal. In such a case, the single submittal shall be treated as the preliminary application but subject to the combined requirements of both the preliminary and final plans.

B. **Major Subdivision.** A major subdivision review process is used when more than five (5) lots are being subdivided into one phase. Each applicant desiring a Major

Subdivision shall follow the application requirements for a Major Subdivision; if the Planning Commission holds a public hearing in the preliminary review phase, the applicant or duly authorized agent shall be required to attend.

C. **Master Planned Development.** Master planned developments can be utilized if a developer wishes to pursue density bonuses, or when a project wishes to build separate phases of a development over a period of time. Each applicant desiring a Master Planned Development shall follow the Codes and Regulations in Chapter 6, the requirements outlined in required applications and a phasing plan.

D. **Phasing Plan.** All Master Planned Developments shall include a phasing plan which specifies the timing of public improvements and residential construction. This plan must address or answer the following:

1. The number of units or parcels to be developed in each phase and the approximate timing of each phase,

2. The timing on construction of public improvements and subdivision amenities to serve each phase whether on or off site,

3. The relationship between the public improvements in the current subdivision and contiguous land previously subdivided and yet to be subdivided.

4. A developer may request a revision of the phasing plan due to such conditions as changing market conditions, inclement weather, or other factors, with the burden of proof lying with the developer to substantiate the claims.

29-040: CONCEPT PLAN

A. **Concept Plan, Generally.** A party intending to submit a subdivision application under this Code may request a Concept Plan Conference (pre-application meeting) with the CDD for the purpose of reviewing any element of the party's proposed subdivision application (preliminary or final). The proposed application or concept plan need not be complete for purposes of this meeting.

1. If a party requests a pre-application meeting, the CDD shall schedule the meeting within 15 business days after the request. The meeting shall be scheduled at the earliest convenient opportunity, and, at the option of the party requesting the meeting, shall occur within 20 business days after scheduling.

B. **Concept Plan Conference.** The Concept Plan Conference provides an opportunity for the applicant, and Staff to review and discuss a proposed project in the conceptual stage.

The applicant can use the meeting to ask questions of the Staff and receive direction on project layout. At the Conference, the Staff will inform the applicant what zone the proposed project is located in and what uses are allowed in the zone. The Staff shall provide or have available on the municipal website the

following at the time of the meeting: copies of applicable land use regulations, a complete list of standards required for the project, and relevant application checklists.

The Staff may also discuss the procedure for approval of a subdivision plat and the specifications and requirements as to the general layout of streets, reservations of land, street improvements, drainage, water, sewerage, fire protection, mitigation of environmental impacts, and similar matters, as well as the availability of existing public services.

The Staff may also advise the applicant, where appropriate, to discuss the proposed development with those agencies who must eventually approve those aspects of the subdivision plat within their jurisdiction, including but not limited to, the North Summit Fire District, North Summit School District, and the various utility service providers. Neighbors of the project area may also be notified to get their views and concerns.

29-050: REVIEW

A. **Preliminary Plan Application Requirements.** Prior to any process or procedure for subdividing or developing land as required by this code, the owner of the land or an authorized agent shall submit an application for a Preliminary Plan. The Preliminary Application must include all elements as required by Chapter 30 of this title.

B. **Final Plan Application Requirements.** Following the approval of the Preliminary Plan, the applicant may proceed with the subdivision by filing an application for a Final Plan. The Final Application must include all elements as required by Chapter 30 of this title.

C. **Review Procedure:** The Land Use Authority shall review all subdivision applications in accordance with the requirements of this Section before approving or denying those applications. The City shall not approve, nor shall a party record, any plat or other creating instrument for a new subdivision unless the party has properly applied under this Chapter and received approval from the respective Land Use Authorities.

1. For both preliminary and final applications, the review process begins when an applicant submits a complete application.

    a. The Land Use Authority shall not review an incomplete subdivision application, except to determine whether the application is complete.

    b. If the Land Use Authority determines that an application is incomplete, it shall notify the applicant of the incompleteness, highlighting any insufficiencies and explaining that the application will not be reviewed until it is complete.

2. For both preliminary and final applications, after the applicant submits a complete application, the Land Use Authority shall review and provide feedback to the applicant in a series of "review cycles."

   A review cycle consists of the following phases:

   a. Phase #1: The applicant submits a complete application (or, if after the first cycle, submits a revised version of the complete application).

   b. Phase #2: The Land Use Authority reviews the application in detail and assesses whether the application conforms to local ordinances.

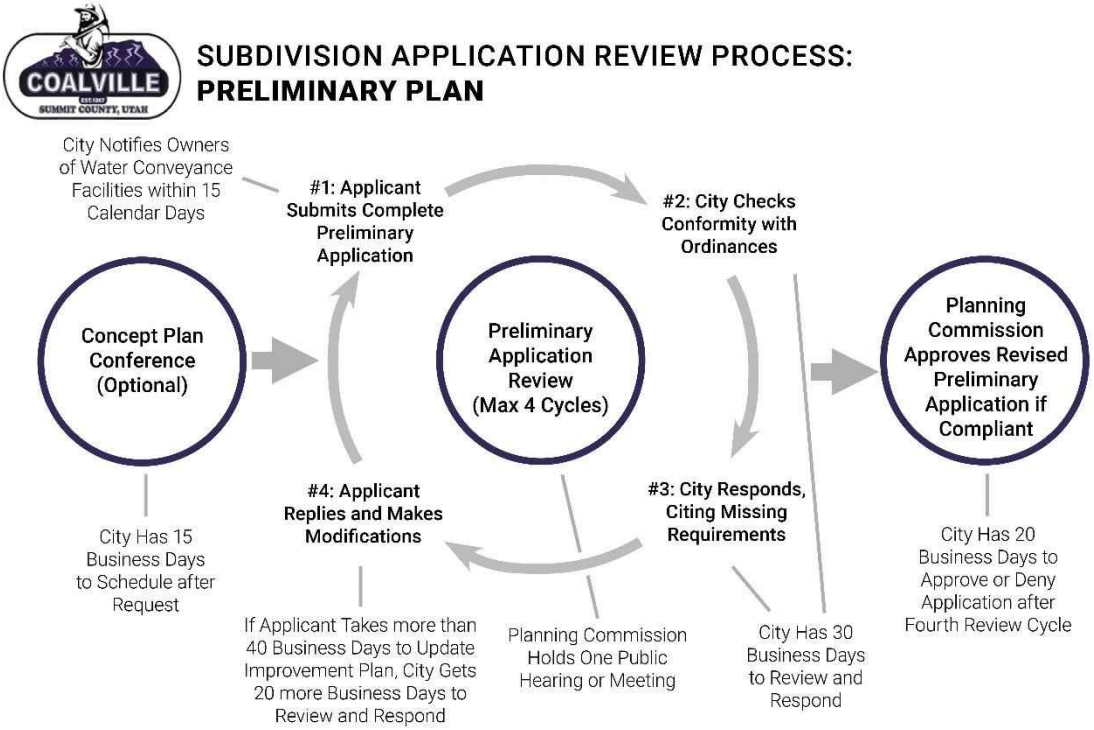
   c. Phase #3: The Land Use Authority responds to the applicant, citing any missing requirements or areas of noncompliance and providing a detailed list of necessary revisions to the applicant. For any required modification or addition to the application or request for more information, the Land Use Authority shall be specific and include citations to ordinances, standards, or specifications that require the modification or addition and shall provide the applicant with an index of all requested modifications or additions.

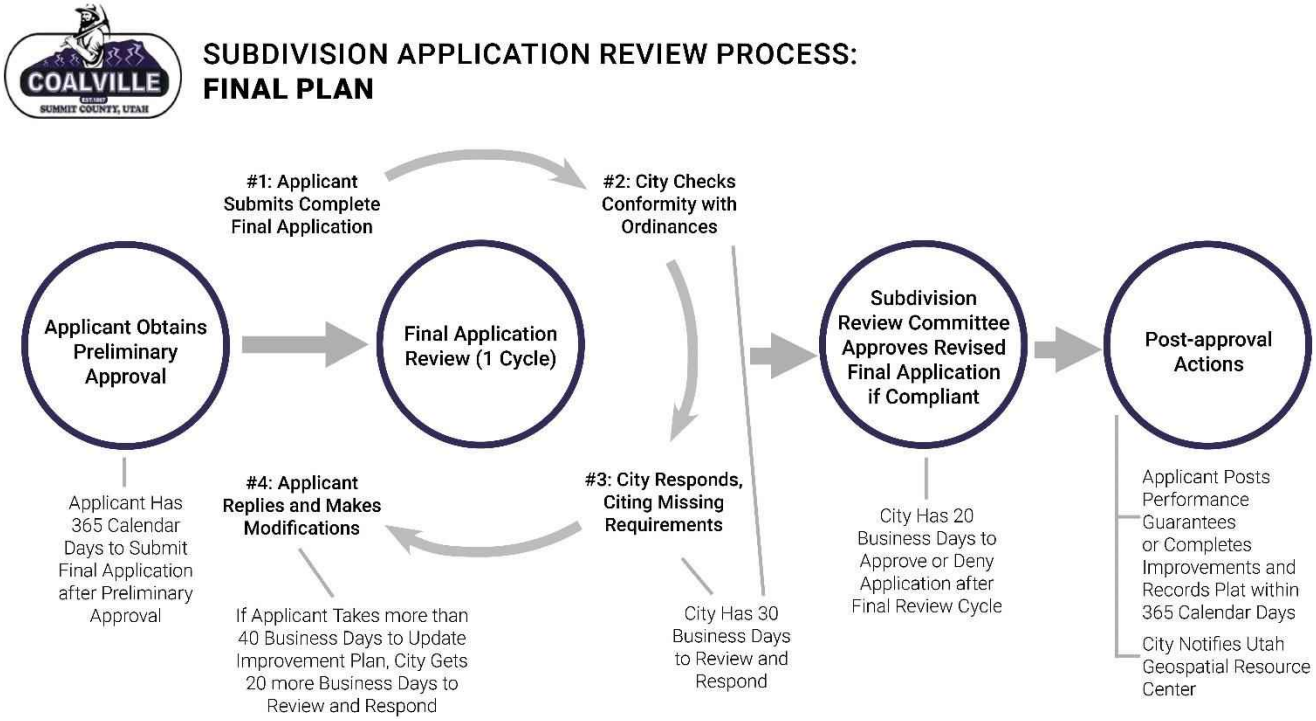
   d. Phase #4: The applicant revises the application, addressing each comment or requirement the Land Use Authority made. The applicant must submit both revised plans and a written explanation in response to the City's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any. If the applicant fails to respond to a comment made by the Land Use Authority in its review, the review cycle is not complete and will remain open until the applicant addresses all comments.

Table A – Review Cycles, Hearings, and Timelines by Subdivision Use Type

Use Type	*Approval Stage*	*Max Review Phases*	*Max Public Hearings*	*City Turnaround Deadline**
All Uses	Preliminary	4	1	30 Business Days
	Final	1	0	30 Business Days

*Describes the total time (per review cycle) the City may take to complete both Phase #1 and Phase #3





3. The Land Use Authority (and other City representatives or agents) shall adhere to the maximum number of review cycles and the review deadlines described in Table A, except as described below. If no further revisions are needed, the Land Use Authority may end the review process early and approve or deny the preliminary or final application.

a. This provision notwithstanding, for any subdivision application that affects property within an identified geological hazard area, the City is exempt from limits on the number of permitted review cycles and the City's deadlines for reviewing and responding (Phases #2 and #3).

b. If the applicant makes a material change to a preliminary or final application not requested by the City at any point in the review process, the Land Use Authority may restart the review process, but only with respect to the portion of the application that the material change substantively affects.

c. For both preliminary applications and final applications, if an applicant takes longer than 40 business days to submit a revised subdivision improvement plan responding to the City's requests for modifications and additions (in Phases #1 and #4), the City shall have an additional 20 business days to review and respond to the revised application (Phases #2 and #3 of the next review cycle or issuing an approval decision).

d. For both preliminary and final applications, if an applicant takes longer than 180 calendar days to submit a revised application and respond to the City's requests for modifications and additions (Phases #1 and #4), the application shall, at the option of the Land Use Authority, expire. If an application expires, the applicant must restart the subdivision application process.

e. If the applicant has not submitted a final application within 365 calendar days after the Land Use Authority notifies the applicant that it has approved the related preliminary application, the related preliminary approval shall expire. In this case, the applicant shall not submit a final application until the Land Use Authority has issued a new preliminary application approval.

4. When a preliminary or final application's review period ends, the Land Use Authority shall approve or deny the respective preliminary or final application within 20 business days.

   a. If the Land Use Authority has not approved or denied the application within 20 business days after the allotted review cycles are complete, the applicant may request a decision. After such a request, the City shall, within 10 business days:

      i) For a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Utah Code §10-9a-511(5)(d) to review and approve or deny the revised set of plans; or

      ii) For a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to the designated Appeal Authority.

5. After the Land Use Authority provides comments in the last allotted review cycle for a final application, the City shall not require further modifications or corrections to the application unless those modifications or corrections are necessary to protect public health and safety or to enforce state or federal law or unless the review cycle reset due to the applicant making a material change that the Land Use Authority did not request.
    a. With the exception of modifications or corrections that are needed to protect public health and safety, that are needed to enforce state or federal law, or that arise from the review cycle being reset, the municipality waives noncompliant subdivision-related requirements that the Land Use Authority does not identify during the review process.
    b. The applicant shall make reasonable changes, unless prohibited otherwise by a contract or deed, to the subdivision application to accommodate the water conveyance facility to the extent required by Utah Code §73-1-15.5.
6. The Land Use Authority may conduct one or more public hearings (up to the number described in Table A) during the review period for a preliminary subdivision application.
    a. The purpose of these public hearings is to ask questions of the applicant and receive commentary on the technical aspects of the application from affected entities, interested parties, and the public.
    b. If the Land Use Authority elects to hold a public hearing, the hearing must occur before the end of the Land Use Authority's preliminary review period (end of Phase #3 of the last preliminary review cycle). Scheduling issues shall not extend the review and approval deadlines in this Chapter.
    c. The Land Use Authority shall not hold a public hearing during the review period for a final subdivision application.
7. Other chapters of this Title notwithstanding, the Land Use Authority shall approve or deny preliminary and final applications under this Chapter after reviewing the complete applications as described in this Section.

29-060: APPROVAL

A. **Approval**. The respective Land Use Authorities shall approve any complete preliminary and final applications made under this Chapter that comply with applicable municipal ordinances.

B. The respective Land Use Authorities shall issue all approvals in writing and shall certify the approved final plat, either by signing the plat directly or by attaching a signed certification to the plat.

C. **Payment of Fees.** The Land Use Authority shall not approve any application until all review fees have been paid in full according to the fee schedule approved by the City.

D. **Recording.** The applicant shall record the approved final plat with the County Recorder's Office within 365 calendar days after the Land Use Authority approves the final application, provided that the applicant has completed any improvements or posted any performance guarantee required by the City ordinances or described in the approved improvement plan.

1. An approved final plat not properly recorded within the timeline specified in this provision is void, unless the Planning Commission approves an extension.

E. **Submission.** City staff shall submit to the Utah Geospatial Resource Center (so the subdivision can be included in the 911 database, within 30 calendar days after the final application is approved either

1. An electronic copy of the approved final plat; or

2. Preliminary geospatial data that depict any new streets and situs addresses for proposed construction within the bounds of the approved final plat.

F. **Effect of Approval.** In approving the plat, the City and its officers and agents are only certifying to substantial compliance with the statute and ordinances regarding the recording of plats and the prior approval of the project as being in compliance with City Ordinances. The City does not make any representation concerning the accuracy of the information on the plat, nor the value of the project. Every site for which a site plan has been approved shall conform to such plan and adhere to the following:

1. A building permit shall not be issued for any building or structure, external alterations thereto, or any sign or advertising structure until the provisions of this section have been met. Any building permit issued shall expressly require that development be undertaken and completed in conformity with the approved site plan. No structures or improvements may be added to sites that are not included on the approved site plan.

2. All improvements shown on the approved site plan or amended site plan shall be maintained in a neat and attractive manner.

3. Approval of a site plan shall not be deemed an approval of any conditional use permit or other permit. Approval of such permits shall be obtained in accordance with the applicable provisions of this Code.

G. **Alterations, Amendments, and Vacations of Subdivision Plats**. Alterations, Amendments, and Vacations of Subdivision Plats may occur through a petition by landowners, recommendation by the Land Use Authority, or through a motion by the Legislative Body. Alterations, Amendments, and Vacations of a Subdivision Plat, Street, Lot, Alley, or Public Use Area shall be considered at a public hearing after following the notification procedures contained in Chapter 03-060.

H. **Expiration.** Failure to obtain a building permit within one (1) year of final approval of a site plan or recordation of a subdivision plat shall terminate and cancel the prior site plan or subdivision plat approval given, whereupon the Planning Commission may require that a new site plan or subdivision plat be submitted, and approval obtained pursuant to this section. A written request may be submitted to the Planning Commission prior to expiration of the site plan or subdivision plat for a one-time extension of up to six months. The Planning Commission can grant such an extension where good cause can be shown.

I. **Appeal of Decision.** Any person adversely affected by a decision of the Land Use Authority regarding approval or denial of a concept plan, preliminary plan, or final plat, or any site plan may be appealed to the District Court in accordance with the provisions of this Code and Utah Code Annotated.

29-070: NOTICE TO AFFECTED ENTITIES

Within 15 calendar days after receiving a complete subdivision application under this Chapter, the City Manager or designee shall provide written notice of the proposed subdivision to the facility owner of any known water conveyance facility located, entirely or partially, within 100 feet of the subdivision plat.

A. To determine whether any water conveyance facility is located within 100 feet of a proposed subdivision, the City Manager or designee shall review information:

   1. From the facility owner under Utah Code §10-9a-211, using mapping-grade global positioning satellite units or digitized data from the most recent aerial photo available to the facility owner;

   2. From the state engineer's inventory of canals; or

   3. From a licensed surveyor who has consulted with a representative of an existing water conveyance facility that services an area near the land the application concerns.

B. To give water conveyance facilities time to provide feedback on subdivision applications, the Land Use Authority shall not approve a preliminary (or related final) subdivision application under this Chapter sooner than 20 calendar days after the applicant submits a complete application. This waiting period does not apply to revised applications the applicant may submit during the application review process.

   1. A water conveyance facility owner’s failure to provide comments to the Land Use Authority about a subdivision application does not affect or impair the Land Use Authority’s authority to approve the subdivision application.

Chapter 30

SUBDIVISION APPLICATION DOCUMENTS

30-010: Concept Plan
30-020: Preliminary Plan
30-030: Final Plan
30-040: Exceptions

30-010: CONCEPT PLAN

City Staff may discuss with a potential applicant, at a Concept Plan Conference, the procedure for approval of a subdivision plat and the specifications and requirements as to general layout of streets and for reservations of land, street improvements, drainage, water, sewerage, fire protection, mitigation of environmental impacts and similar matters, as well as the availability of existing services. City staff may also advise the applicant of likely changes or additions, to the applicant's Concept Plan that will likely be required as a prerequisite to the approval of the Preliminary Plan..

J. **General.** If the applicant elects to attend a Concept Plan Conference before applying, the applicant shall supply the City with a digital and two (2) hard copies of the Concept Plans.

K. **Concept Plan elements.** The potential applicant requesting a Concept Plan Conference may include any information the applicant desires on the Concept Plan. The proposed application need not be complete for the applicant to attend. The following elements are strongly recommended:

1. A plan prepared at an engineers' scale not more than one inch equals one hundred (100) feet, on standard twenty-four (24) inch by thirty-six (36) inch paper, with sheets numbered in sequence if more than one sheet is used. Except when permission is expressly granted by the Staff, no concept plan hand drawn in pen or pencil shall be accepted.

2. The date of the plan, true north arrow, standard scale, and name of the subdivision.

3. The location of property with respect to surrounding property and streets, the names of adjoining streets, and the location of all boundary lines of the property.

4. The location of existing streets, easements, water bodies, rivers, streams, and other pertinent features such as swamps, buildings, parks, cemeteries, drainage or irrigation ditches, bridges, or other features as determined by the Staff.

5. The location and width of all existing and proposed streets, street names and easements, alleys, trails, and other public ways, and easement and proposed street rights-of-way.
6. The location and size of all proposed or existing lots, complete with building pads, utility easements, lot numbers, and building setback lines.
7. The location and size of all property proposed to be set aside for park or playground use, or other public or private reservations and open space dedications, with designation of the purpose thereof, types, and conditions, if any, of the dedication, preservation, or reservation.
8. The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider if other than the owner, and the name of the land surveyor.
9. Indication of the use of all lots or parcels whether single-family, two-family, multi-family, agricultural, commercial, industrial, recreation open space, as well as all uses other than those specified that are proposed by the subdivider.
10. A preliminary lighting and signing plan showing all proposed exterior lighting and signing.
11. Explanation of reservations and conservation easements, if any.
12. A preliminary utility plan showing all utility facilities existing and proposed throughout the subdivision.
13. A preliminary grading and drainage plan with an indication of all slopes from 0-8%, 8-15%, 15-30% and slopes greater than 30%.
14. If the plan does not include all contiguous property of the owner of the subdivision, an indication of future use of the contiguous property.
15. Indication of the nearest location of all existing public and private utilities.
16. A preliminary landscape and irrigation plan showing proposed plant species, size and location including means of irrigation.
17. Proposed Phasing Plan per **Section 29-040:E** if applicable.
18. Five (5) or more lots or units will require an Impact Analysis on environmentally sensitive lands and public infrastructure per **Section 03-090** and **Section 18-050.**
19. As applicable, a right to farm provision agreement or study, with appropriate deed restrictions or restrictive covenants.
20. Filing fee as shown on the current City Fee Schedule.

30-020: PRELIMINARY PLAN

The Land Use Authority shall review and approve of the preliminary plan in accordance with the regulations as outlined in sections 29-050 and 29-060.

These Preliminary Plan requirements are the minimum; other information may be required by the Development Code, Staff, or Planning Commission.

General. The applicant shall supply the City with a digital and two (2) hard copies of the Preliminary Plans and an electronic copy in PDF format. To be considered complete, a preliminary subdivision application must include at least the following elements:

A. An **approved land use application** that describes how the property will be used after it is subdivided.

1. If the intended use is permitted by right under City ordinances, the land use application must include citations to the specific ordinance(s) that the applicant believes authorizes the intended use.

2. If the intended use requires a conditional use permit or is otherwise conditioned on City approval, the land use application must include an approved, City-issued permit authorizing the intended use. Should an applicant seek a use permit concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the use permit is issued.

3. If the intended use is prohibited under City ordinances and requires a variance, the land use application must include an approved, City-issued variance authorizing the intended use. Should an applicant seek a variance concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the variance is issued.

B. An **improvement plan,** including Construction Drawings, created in accordance with applicable portions of Chapters 31 and 32 of this Title, for all public improvements proposed by the applicant or required by City ordinances.

1. In addition to the requirements in Chapters 31 and 32, the improvement plan must contain an engineer’s estimate of the cost of completing the required improvements.

C. A **Preliminary Plat.** The preliminary plat must include at least the following information, which is intended to be as complete as possible. However, the applicant is responsible for including all information required by this Code, the Planning Commission, or Staff on the Preliminary Plan whether included in this list or not. Failure to show any information required by this Code, the Planning Commission, l or Staff may result in denial of the plan.

1. A plan prepared at an engineers' scale not more than one-inch equals one hundred (100) feet, on standard twenty-four (24) inch by thirty-six (36) inch paper, with sheets numbered in sequence if more than one sheet is used.

Except when permission is expressly granted by the Staff, no preliminary plan hand drawn in pen or pencil shall be accepted.

2. The date of the plan, true north arrow, standard scale, and name of the subdivision, which name must be distinct from any subdivision name on a plat recorded in the County Recorder's Office.

3. The location of property with respect to surrounding property and streets, the names of adjoining streets, and the location of all boundary lines of the property.

4. The location of existing streets, easements, water bodies, rivers, streams, and other pertinent features such as swamps, buildings, parks, cemeteries, drainage or irrigation ditches, bridges, or other features as determined by the Staff.

5. The location and width of all existing and proposed streets, street names and easements, alleys, trails, and other public ways, and easement and proposed street rights-of-way.

6. The location and size of all proposed or existing lots, complete with building pads, utility easements, lot numbers, and building setback lines.

7. The location and size of all property proposed to be set aside for park or playground use, or other public or private reservations and open space dedications, with designation of the purpose thereof, types, and conditions, if any, of the dedication, preservation, or reservation.

8. The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider if other than the owner, and the name of the land surveyor.

9. Indication of the use of all lots or parcels whether single-family, two-family, multi-family, agricultural, commercial, industrial, recreation open space, as well as all uses other than those specified that are proposed by the subdivider.

10. Any known and unrecorded water conveyance facility located, entirely or partially, within the plat.

11. Filing fee as shown on the current City Fee Schedule.

12. If the subdivision includes a condominium, the requirements found in Utah Code §57-8-13, as amended.

D. **Plans and Studies,** including:

1. A preliminary lighting and signing plan showing all proposed exterior lighting and signing.

2. A preliminary utility plan showing all utility facilities existing and proposed throughout the subdivision.

3. A preliminary grading and drainage plan with an indication of all slopes from 0-8%, 8-15%, 15-30% and slopes greater than 30%.
4. If the plat does not include all contiguous property of the owner of the subdivision, an indication of future use of the contiguous property. A preliminary landscape and irrigation plan showing proposed plant species, size and location including means of irrigation.
5. Proposed Phasing Plan as per Section 29-030.E of the Code if applicable.
6. Five (5) or more lots or units will require an Impact Analysis on environmentally sensitive lands and public infrastructure per Section 03-090 and Section 18-050.
7. Indication of the nearest location of all existing public and private utilities.
8. Explanation of reservations and conservation easements, if any.
9. A traffic study, if one is required by an applicable UDOT Access Management Plan.

E. **Certifications,** including:

1. An affidavit from the applicant certifying that the submitted information is true and accurate.
2. The signature of each owner of record of land described on the preliminary plat, signifying their consent to the preliminary subdivision application and their intent to dedicate portions of the preliminary plat to the public as described in the application.
3. Certification that the surveyor who prepared the plat:
    a. Holds a license in accordance with Utah Code 58-22; and
    b. Either
        i. Has completed a survey of the property described on the plat in accordance with state requirements and has verified all measurements; or
        ii. Has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and
    c. Has placed monuments as represented on the plat.

F. **Fees**. Payment of all required fees for a preliminary subdivision application as described on the City's fee schedule.

G. **Incomplete Application.** The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause of an incomplete application and disapproval of a Preliminary Plan.

30-030: FINAL PLAN

Following the approval of the Preliminary Plan, the applicant may proceed with the subdivision by filing an application for a Final Plan.

The Land Use Authority shall review and approve of the final plan in accordance with the regulations as outlined in sections 29-050 and 29-060.

General. The applicant shall provide the City with a digital and two (2) hard copies of the Final Plat, with one of the copies being produced on reproducible Mylar for recording, and electronic copies of the final plat in AutoCAD and other documents in PDF. To be considered complete, a final subdivision application must include at least the following elements:

A. **Land Use Authority approval of the applicant's preliminary application**, given within the last 365 calendar days.

B. The **approved land use application** that was accepted during the preliminary application review process.

C. A **Final Plat**. The final plat should be the version of the preliminary plat approved by the City during the preliminary application review process, plus any other additions and immaterial changes (e.g., formatting) necessary to comply with the recording requirements of the County Recorder's Office. The following elements are also required:

   1. A final draft of any subdivision restrictive covenants (CC&R's) or agreements, if applicable.

   2. The subdivision plat must be signed by the owner of the property and all persons claiming an interest in the property within the plat, including those holding a security interest in the property, excluding mechanic liens and judgment liens. A condominium plat need not be signed by those holding security interests in the property. All owners' signatures must be legally acknowledged.

   3. The plat must have signature blocks for Rocky Mountain Power, Dominion Energy, North Summit Fire District, City Community Development Director, the City Engineer, City Public Works Director, Mayor, City Attorney, and any other signatures required by the City.

   4. Owner's dedication and consent to record as required by applicable state law.

D. A **performance guarantee** for all public improvements required by the approved improvement plan and City ordinances, or a statement that such improvements will be completed before development occurs on the proposed subdivision and before the applicant records the plat, as required by Section 32-020 of this Title.

E. **Certifications,** including:

   1. A Title Report or Title Insurance Policy for the land to be subdivided verifying property ownership.

2. A Tax Clearance Certificate from the state indicating that all taxes, interest, and penalties owing on the land have been paid.
3. An affidavit from the applicant certifying that the submitted information is true and accurate.

1. Certification that the surveyor who prepared the plat:
    a. Holds a license in accordance with Utah Code 58-22; and
    b. Either
        i. Has completed a survey of the property described on the plat in accordance with state requirements and has verified all measurements; or
        ii. Has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and
    c. Has placed monuments as represented on the plat.

F. **Dedications**.

1. Binding dedication documents, as applicable, for proposed public and City spaces and any conveyances of common areas to community associations.
2. Formal, irrevocable offers of dedication to the public of all required streets, public uses, utilities, parks, and easements, in a form approved by the City Attorney.
3. If required by the City Attorney, the applicant shall deliver a full covenant and warranty deed to all such lands in proper form for recording, together with a Code policy for the City not older than 30 days and in the sum not less than 110% of the project cost, which sum shall be determined by the City Attorney and or Engineer before signing of the Final Plat.
4. If applicable, a right to farm provision agreement or study, with appropriate deed restrictions or restrictive covenants.

G. The Land Use Authority may require, and the applicant shall provide, additional information beyond the requirements of this Section or those published by the City relating to an applicant's plans to ensure compliance with City ordinances and approved standards and specifications for construction of public improvements and to protect the health and safety of City residents.

30-040: EXCEPTIONS

A. **Agricultural Land**

1. Applications to subdivide agricultural land are exempt from the preliminary and final plat requirements (but not the other application requirements) of Chapters 29 and 30 if the resulting parcels:

a. Qualify as land in agricultural use under Utah Code §59-2-502;

b. Meet the minimum size requirement of applicable City land use ordinances; and

c. Are not used and will not be used for any nonagricultural purpose.

2. For subdivision applications for which this exception applies, an applicant may submit to the City—in place of a plat—a record of survey map that illustrates the boundaries of the parcels.

3. If the City approves a subdivision application based on a record of survey map, the applicant shall record the map, signed by the City, with the County Recorder's Office.

4. If a parcel resulting from a subdivision under this exception ever ceases to be used for agriculture, the subdivision shall become invalid. The City may, in its discretion, impose the penalty in Section 28-080 and/or require a subdivision amendment before issuing a building permit.

B. Development Agreements

1. Subdivisions platted in a valid development agreement are exempt from the application requirements and review and approval requirements (Sections 29-050 and 29-060) of this Title.

2. Clauses in a valid development agreement with the City supersede all conflicting requirements in this Title, except where a clause in the development agreement poses a substantial danger to the health and safety of City residents.

CHAPTER 31

REQUIREMENTS FOR IMPROVEMENTS

31-010: Construction Drawings
31-020: Improvement, Design, & Layout Considerations
31-030: General Subdivision Requirements
31-040: Lot Improvements & Arrangements
31-050: Roads, Streets, & Driveways
31-060: Drainage and Storm Sewers
31-070: Water Facilities
31-080: Sewer Facilities
31-090: Other Utilities
31-100: Parks, Trails, and Open Space
31-110: Preservation of Natural Features & Amenities
31-120: Infill and Flag Lot Development

31-010: CONSTRUCTION DRAWINGS

Construction drawings shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than one (1) inch equals fifty (50) feet. These requirements are the minimum, other information may be required by the Development Code, Staff, Planning Commission or City Council.

The following information is intended to be as complete as possible. However, the applicant is responsible for including all information required by this Code and the Land Use Authority in the construction drawings, whether included in this list or not. Failure to show any information required by this Code or the Land Use Authority may result in denial of the project, and resubmittal will be required.

A. **Construction Drawings Format.** The Drawings shall be prepared on a similar medium and be the same size as the preliminary plat. The applicant shall provide a digital and two (2) hard copies of the Construction Drawings to the City.

B. **Information to be Shown on the Construction Drawings.** The following information, at a minimum, shall be shown:

1. Plans and profiles showing existing and proposed elevations along centerlines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the centerline of the existing road or roads within one hundred (100) feet of the intersection shall be shown. Approximate radii of all curves, lengths of tangents, and central angles on all streets. The Planning Commission may require, upon recommendation by the City Engineer, where steep slopes exist, that typical cross-sections of all proposed streets be shown.

2. Plans showing the location of existing and proposed trails, sidewalks, drainage easements, irrigation ditches, and rights-of-way.
3. Utility plan including plans and profiles showing the location, size, and invert elevations of manholes, catch basins, existing and proposed sanitary sewers, storm water drains, culinary and irrigation water lines, fire hydrants, and connections to any existing or proposed utility systems, and exact location and size of all water, gas, or other underground utilities or structures.
4. Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, and easements, and other pertinent features such as water bodies, streams, wetlands, buildings, and each tree or group of trees and shrubs to be preserved. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high and low water elevations of such lakes or streams. All elevations shall be referred to the U.S.G.S. datum plane. If the subdivision borders a lake, river, or stream, the distances and bearings of a meander line established not less than fifty (50) feet back from the ordinary high-water mark of such waterways.
5. Topography at the same scale as the Preliminary Plan with contour intervals of five (5) feet over 30% slope and a minimum contour interval of one (1) foot less than 30% slope, referred to sea-level datum. All datum provided shall be the latest applicable U.S. Geodetic Survey datum and should be so noted on the plat.
6. All other specifications, details, and references required by the Coalville City Engineering Standards and Construction Specifications.
7. Signature approval blocks for the City Engineer, City Public Works Director, and City Community Development Director.
8. Code, name, address, signature, and seal of the professional engineer preparing the plans, and date, including revision dates.
9. Erosion control plan, including limits of disturbance and re-vegetation.
10. Site grading and drainage plans.
11. Landscape, maintenance, and irrigation plans.
12. Phasing plan.
13. Lighting and signing plans.

31-020: IMPROVEMENT, DESIGN, AND LAYOUT CONSIDERATIONS

A. **Laws Rules and Adopted Policy Statements.** In addition to the requirements established herein, all Subdivision Plats shall comply with the following law, rules, adopted policy statements and regulations, unless otherwise approved by the City Council:

1. All applicable statutory provisions,
2. Sensitive Lands regulations, Uniform Building and related Codes, City Engineering Standards and Specifications,
3. The Official Streets Master Plan, the General Plan, the Official Zone Map, the Trails Master Plan,
4. Public Utilities Plans, Capital Improvements Program or any other Local Government having jurisdiction in the development, including all streets, trails, drainage systems, and parks,
5. Federal and State Agency regulations as necessary.

B. **Self-Imposed Restrictions.** If the applicant places restrictions on any of the land contained in the development more restrictive than those required by this Code or these regulations, such restrictions or reference thereto may be required to be indicated on the Final Plat, or the Planning Commission or City Council may require that restrictive covenants be recorded with the County Recorder in a form to be approved by the City Attorney.

C. **Plats Straddling Municipal Boundaries, Annexations.**

1. Whenever a development is proposed that includes property under the jurisdiction of another entity, the City may require the annexation of the property involved.
2. If the area in the County is not annexed, the City and County shall work together in a cooperative arrangement or through an inter-local agreement, if necessary, to ensure that the portion of development lying in the County is compatible with the City Codes, development regulations, Zoning Map and General Plan.

D. **Restrictions Attributed to Character of the Land.**

1. If the Planning Commission or City Council finds lands unsuitable for development due to natural hazards, flooding, improper drainage, fire hazards, steep slopes, rock formations, geologic hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, utility easements, wildlife habitats that cannot be reasonably mitigated, or other natural features, including view corridors, ridge lines and hilltops, which will be detrimental to the safety, health, and general welfare of the present or future inhabitants of the development or surrounding areas, the land shall not be developed.

2. The development may be made suitable if adequate methods are formulated by the developer and approved by the City, upon recommendation of a qualified planner or engineer hired by the developer and approved by the City, to solve or remedy the problems created by the unsuitable land conditions. The burden of proof shall lie with the developer to establish the viability of development in these sensitive or unsuitable areas. Unsuitable land shall be set aside or reserved for uses that will not create a danger or severe environmental impact. Lands located in sensitive lands areas are further regulated by Chapter 18 of this Code.

3. Additionally, consideration shall be given to soil conditions and ground water existence and may require appropriate setbacks and conservation measures.

E. **PLAT APPROVAL WITHHELD.** Plat approval may be withheld if a Subdivision is not in conformity with the above guides or policy and purposes of these regulations established in this Code.

31-030: GENERAL SUBDIVISION REQUIREMENTS

A. **Monuments.**

1. The applicant shall place permanent reference monuments in the development as required herein or as otherwise required by the City.

2. Monuments shall be installed in accordance with Coalville City Engineering Standards and Construction Specifications and shall be installed on street right-of-way lines, at street intersections, angle points of curve and block corners. They shall be spaced so as to be within sight of each other, the sightlines being contained wholly within the street limits.

3. All monuments shall be properly set in the ground and approved by a Registered Land Surveyor.

B. **Subdivision Name.** The proposed name of a subdivision and all roadways contained therein shall not duplicate, or too closely approximate phonetically, the name of any other subdivision or street in the area covered by these regulations or nearby communities. The Planning Commission and City Council shall have final authority to designate the name of the subdivision and to select street names.

C. **Ridge Line and Hillside Development.** Protection of ridges from development which would be visible against the skyline from prominent areas or designated vantage points (as per Section 18-070:B) in Coalville City will be regulated. Hillside development which may impact scenic view sheds may be prohibited unless it can be shown that the development and improvements will be constructed or clustered in a way to minimize visual impacts.

D. **Open Space.** Lots should be clustered in the most developable and least sensitive portions of the site with common open space corridors separating

clusters. The open space corridors should be designed to coincide with significant vegetation and in many cases left natural. Open space areas will be the maintenance responsibility of a homeowners association, unless dedicated and accepted by the City. Open space conservation easements dedicated in perpetuity to a qualified land trust are encouraged to prevent future development.

E. **Drainage Ways and Irrigation Ditches.** Existing natural drainage and irrigation ditches or rights-of-ways shall be maintained. Notification and approval of irrigation companies for development may be required in certain circumstances as determined by the City if the development impacts irrigation works or access.

F. **Trails and Sidewalks.** Trails or sidewalks shall be provided to allow efficient internal pedestrian and non-motorized circulation as well as provide links to adjacent trail or sidewalk systems on other properties. Existing trails should be maintained and incorporated into open space elements of the project. This may include trails for pedestrian, bicycle, or equestrian circulation. Construction of new trails will be required concurrently with the installation of other public improvements. Although required trails may not link to adjacent trails immediately, each trail is a vital part of an overall circulation plan. In most cases, a homeowners association will be required to maintain the trails.

G. **Limits of Disturbance/Vegetation Protection.** A separate plan which addresses limits of disturbance and vegetation protection during construction and re-vegetation of disturbed areas will be required as part of the landscape plan for the project. This plan shall address construction necessary for all project improvements such as roads and utilities.

H. **Architectural or Design Standards.** Architectural or design standards may be required on projects or developments which could have a significant effect on the character of the surrounding area. Specific standards will be developed on a case-by-case basis. It is intended by this Section to create a development which will result in compatible building design and materials within the development and the respective zone district consistent with rural small town historic coal mining and Victorian architecture themes. Guidelines should include roof pitch, roofing materials, exterior materials, colors, porch details, window types and similar elements.

I. **Fire Sprinkling.** Fire sprinkler systems may be required in projects as determined by the City or the North Summit Fire District. This determination is based upon an analysis of the size of structures, vegetation surrounding the structures, fire suppression devices and location of the project as it relates to response time.

J. **Roads And Utility Lines.** Roads and utility lines should be designed to work with the Existing Grade and cut and fill Slopes should be minimized. Roads and utilities should be placed so that disturbance of Vegetation is minimized.

K. **Soil Conditions.** Consideration must be given to soil conditions and ground water existence; restrictions may include appropriate Setbacks.

L. **Waterbodies and Watercourses.** If property being subdivided contains a water body or water course, or portion thereof, lot lines shall be drawn to distribute ownership of the water body among the adjacent lots or placed in open space. The Planning Commission may approve a plan whereby the ownership of and responsibility for safe maintenance of the water body will not become a City responsibility. No more than twenty-five (25) percent of the minimum area of a lot required in this Code may be inside the historic high-water elevations. Where a watercourse separates the buildable area of a lot from the street by which it has access, a bridge, culvert, or other structure shall be approved by the City prior to installation.

31-040: LOT IMPROVEMENTS AND ARRANGEMENTS

The lot arrangement in subdivisions shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Building Code, this Development Code, and in providing standard driveway access to buildings on such lots from a dedicated public street.

In areas that are determined to be in high fire danger areas, the building sites shall be located or situated in areas of development that are less hazardous or are naturally clear of hazardous vegetation.

If deemed necessary by the Staff and Planning Commission, building sites or envelopes shall be designed to minimize disturbance of existing vegetation. If required, limits of disturbance or building pad lines shall be shown on the Final Plat. If required, all construction activity must be contained within the limits of disturbance line, with the balance of the parcel remaining undisturbed. Access to the limits of disturbance area should be along the planned driveway.

In some cases, building pad lines may be specified instead of limits of disturbance. If building pad lines are designated, no part of the new construction may lie outside of the building pad line. Construction disturbance may extend as far as ten (10) feet beyond the building pad line. Access to the building pad should be along the planned driveway.

A. **Square Footage.** Maximum dwelling or unit square footage information may be required. Smaller parcels will be expected to limit building sizes so that homes relate to the parcels upon which they are built. Limited building heights may also be required in visually sensitive areas. Limitations, if required, of square footage and height shall be indicated on the Final Plat.

B. **Staggered Front Setbacks.** In new subdivisions, front setbacks may be required to be staggered with consideration of existing site conditions. The minimum front setbacks shall be consistent with the zone in which the subdivision is proposed.

C. **Lot Dimensions.** Lot dimensions shall comply with the minimum standards found in Code 10 Chapter 8 of this Code. Where lots are more than double the minimum required area for the zoning district, the Planning Commission may require that such lots be arranged so as to allow further subdivision and the opening of future streets that would be necessary to serve such potential lots, all

in compliance with this Code and these regulations. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this requirement would result in a better street or lot plan. Dimensions of corner lots shall be large enough to allow for construction of buildings, observing the minimum setbacks from both streets.

D. **Double Frontage Lots and Access to Lots.** Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.

N. Lots shall not, in general, derive access exclusively from an arterial or collector street. Where driveway access from an arterial or collector street may be necessary for several adjoining lots, the Planning Commission may require that such lots be served by a combined access drive in order to limit possible traffic hazard on such street. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on arterial or collector roads.

E. **Grading, Drainage and Re-Vegetation.**

1. **Final Grading.** A building permit shall not be issued for any lot in the subdivision until final grading has been completed in accordance with the development approval. Topsoil should not be removed from residential lots or used as fill but should be redistributed to provide suitable soils for vegetation. Slope stabilization and erosion control, as designed by the developer’s engineer and approved by the city, is required to be installed according to approved specification.

2. **Property Drainage.** Lots shall be laid out to provide positive drainage away from all buildings in accordance with the Building Code and individual lot drainage shall be coordinated with the general storm drainage pattern of the area. Drainage shall be designed to avoid concentration of storm water drainage from any lot to adjacent lots.

3. **Re-Vegetation.** All disturbed area on the project site or individual lots shall be re-vegetated to avoid erosion and improve the visual quality of the development. Re-Vegetation shall include landscaping and/or reseeding with native grasses.

4. **Debris and Waste.** Unless otherwise approved by the City, no cut trees, timber, debris, earth, rocks, stones, soil, junk, trash, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street, and removal of aforementioned materials shall be required prior to issuance of any building permit, nor shall any be left or deposited in any area of the subdivision at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.

5. **Fencing.** Each applicant shall be required to furnish and install fences when the Planning Commission determines that a hazardous condition may exist, or a buffer screen is necessary for the project. The fences shall be constructed according to standards established in Chapter 22 and shall be noted as to height and material on the Final Plat. No building permit shall be issued until the required fence improvements have been duly installed.

31-050: ROADS, STREETS, AND DRIVEWAYS

A. **General Requirements and Standards.** All road, street and driveway layouts and designs are subject to approval of the City. All roads, streets and driveways shall meet the applicable requirements of the Coalville City Engineering Standards and Construction Specifications and Transportation Master Plan, incorporated herein by reference.

B. **Grading and Improvement Plans.** Roads, streets, and driveways shall be graded and improved in conformance with the Coalville Engineering Standards and Construction Specifications and shall be approved as to design by the City. Construction Drawings are required to be submitted prior to Final Plat approval. Prior to Final Plat approval, the City shall make the determination as to whether each road, street or driveway is to be public or private. Such status shall be indicated on the plat.

1. **Dedication.** It is the general intention of the City for all subdivision streets to be dedicated public streets. If private roads are approved for public dedication in the future, they must be constructed to meet all requirements of public streets.

C. **Topography and Arrangement.** Roads, streets, and driveways shall be related appropriately to the topography. Local roads should generally be curved to avoid conformity of lot appearance. Grades of roads, streets and driveways shall conform as closely as possible to the original topography with all cut and fill sections adequately stabilized and revegetated. Steep grades resulting in large cut and fill sections shall be avoided. All cuts and fills shall conform to the Sensitive Land requirements of Chapter 18 herein, regardless of whether the development is located within Sensitive Lands.

1. **Integration.** All roads and streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established in the General Plan, Streets Master Plan and Zoning Map. Streets shall be laid out to provide efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.

D. **Access.**

1. **Access to Existing Roads.** All points of access to existing public roads or highways shall meet the standards set forth in the Engineering Standards and Construction Specifications of the City. The design and construction

of turn lanes, merging lanes, traffic signs or signals and other improvements required to make access points conform to the City or UDOT standards shall be the responsibility of the developer.

2. **Ingress and Egress.** A minimum of two (2) access roads for separate ingress and egress shall be required for all developments exceeding five (5) lots or units. (One access road may be allowed for developments of five (5) lots/units or less). All access roads shall be constructed to minimum standards as required herein.

3. **Spacing.** Except as otherwise provided herein, access roads shall be spaced according to the following table:

Table 31-1 – Road Spacing Requirements

Road Classification	Minimum Spacing	Minimum Distance from Intersection
Local	35 feet apart	50 feet
Collector	50 feet apart	75 feet
Arterials	Access points shall	Arterials

Local Road: *A road having the sole function of providing access to adjacent land and which is designed to feed traffic onto collector roads.*

Collector Road: *A road which is designed to collect and distribute traffic between local roads and arterial roads and to serve as a linkage between land access and mobility needs.*

Arterial Road: *A road which brings traffic to and from freeways and serves major movements of traffic within or through areas that are not served by freeways. Arterials interconnect and provide direct access to the principal traffic generators within the City, such as offices and retail centers.*

E. **Intersections.**

1. **Grade.** The grade within one hundred feet (100') of any intersection shall not exceed three percent (3%).

2. **Alignment.** Roadways shall be within ten percent (10%) of a perpendicular alignment within one hundred feet (100') of any intersection, unless otherwise approved by the City Engineer.

3. **Intersection Offsets/Spacing.** Intersection offsets shall be based upon the roadway classification, and shall be measured as follows unless otherwise approved by the City Engineer:

Table 31-2 – Intersection Offsets

Road Classification	Offset
Local	125 feet
Collector	330 feet

Arterials	600 feet

Local Road: *A road having the sole function of providing access to adjacent land and which is designed to feed traffic onto collector roads.*

Collector Road: *A road which is designed to collect and distribute traffic between local roads and arterial roads and to serve as a linkage between land access and mobility needs.*

Arterial Road: *A road which brings traffic to and from freeways and serves major movements of traffic within or through areas that are not served by freeways. Arterials interconnect and provide direct access to the principal traffic generators within the City, such as offices and retail centers.*

F. **Road Grades.**

1. The maximum grade of all roads, with the following exceptions, shall be eight percent (8%). Rural collector, rural local, and rural minor roads shall require grades of ten percent (10%) or less. However, these rural roads may contain grades in excess of ten percent (10%) up to a maximum of twelve percent (12%) for short distances only when, at the discretion of the City, it is determined that the steeper road grade is in the best interest of the City for purposes of environmental protection, and it is further determined that the steeper grade will not adversely affect public safety. Roads having grades more than eight percent (8%) shall be privately owned and maintained.

    a. "Short distances" are measured along roadway centerline and are defined as less than or equal to five hundred feet (500') over a continual distance of one thousand feet (1,000').

    b. Main through roads (nonstop sign roads) shall remain at a constant grade of less than eight percent (8%) through the intersection.

    c. Retaining walls shall be used when cuts or fills exceed ten feet (10') as measured vertically at the edge of the road shoulder. Cut and fill slopes shall be as specified by a qualified engineer to achieve a stable embankment. Cut and fill areas shall be contoured to three feet (3') horizontal to one foot (1') vertical slopes or flatter unless stability at a steeper slope is determined by a qualified engineer and approved by the City Engineer.

2. In all instances, the minimum road grade shall be 0.3 percent.

3. Revegetation of all disturbed soils meeting City construction standards will be required along all roads.

G. **Road Infrastructure Design.**

1. The design and construction of all roads in the City shall be in accordance the Engineering Standards and Construction Specifications of the City, the American Association of State Highway and Transportation Officials ("A

Policy of Geometric Design of Highways and Streets"), and those set forth in **Table 31-3**, **Table 31-4**, and **Table 31-5** herein.

2. All roads and driveways shall have unobstructed vertical clearance of thirteen feet six inches (13'-6").

3. Roads on soils having low bearing strengths, high shrink/swell potentials or high frost heave hazards may be required, upon recommendation of the City Engineer, to be constructed to specifications more demanding than those typically required.

4. Homeowners may not grant additional vehicular rights-of-way and road easements across their property in addition to those vehicular rights-of-way and road easements that are already on record at the date of the plat recordation.

Table 31-3 – Rural Road Standards

FOR DEVELOPMENT WITH LOT SIZES OF 1 ACRE OR MORE - Agricultural (AG), Residential Agriculture (RA), and Low-Density Residential (R-1) Zones

The City Engineer may require adjustments based on site specific conditions and development characteristics.

	Rural Collector	Rural Local	Rural Minor
Function	Provides primary access to and through development from other arterial or collectors and is intended to serve as a primary trafficway	Provides supplemental access to adjoining properties and is secondary to a rural collector; provides limited continuity	Provides supplemental access to adjoining properties and is secondary to a rural local road; provides little continuity
Rights-of-way	50-60 feet	50-60 feet	50 feet
Pavement width	24 feet	20-24 feet	18-20 feet
Shoulder width	2-4 feet	2 feet	2 feet
Drainage	Open swale or ditch	Open swale or ditch	Open swale or ditch
Design speed	40 mph	25 mph	20 mph

Notes:

The minimum width of a road surface that will be considered for a public dedication is 24 feet.

The minimum width of a road right of way that will be considered for public dedication shall be 60 feet.

All dimensions noted above represent minimum standards. Required dimensions may be greater depending on specific conditions.

Table 31-4 - Moderate Density Road Design Standards

FOR DEVELOPMENT WITH LOT SIZES LESS THAN 1 ACRE

The City Engineer may require adjustments based on site specific conditions and development characteristics.

	Arterial	Collector	Residential Street
Function	Traffic movement with limited access for adjacent uses	Traffic movement with limited access for adjacent uses	Access to adjacent moderate to high density uses
Rights-of-way	60-100 feet	50-60 feet	50-60 feet
Pavement width	24-50 feet	24-32 feet	20-28 feet
Shoulder width	n/a	n/a	n/a
Drainage	Curb/gutter or open swale or ditch depending on development intensity	Curb/gutter or open swale or ditch depending on development intensity	Curb/gutter
Sidewalks (5-feet wide)	Possibly, depending on development intensity	Possibly, depending on development intensity	Required, both sides of road depending on development intensity
Park Strips (5-8 feet wide)	Possibly, depending on development intensity	Possibly, depending on development intensity	Required, both sides of road depending on development intensity
Parking lanes	Not required	Not required	Possibly, depending on development intensity
Design speed	45 mph	35 mph	25 mph

Notes:

The minimum width of a road surface that will be considered for public dedication is 24 feet.

The minimum width of a road right of way that will be considered for public dedication shall be 60 feet.

All dimensions noted above represent minimum standards. Required dimensions may be greater depending on specific conditions.

Table 31-5 - High Density, Multi-Family Residential And Commercial Development Road Design Standards

The City Engineer may require adjustments based on site specific conditions and development characteristics.

	Arterial	Collector	Commercial Street	Residential Street	Local Road	Alley
Function	Traffic movement with limited access for adjacent uses	Traffic movement with limited access for adjacent uses	Access to adjacent high density uses	Access to adjacent moderate to high density uses	Access to adjacent low density uses	Access to adjacent uses; not intended for traffic movement
Rights-of-way	60-100 feet	50-60 feet	65-96 feet	42-60 feet	44-48 feet	12-20 feet
Pavement width	24-50 feet	24-44 feet	20-36 feet	20-28 feet	20-24 feet	12-20 feet
Shoulder width	Per AASHTO	Per AASHTO	Per AASHTO	Per AASHTO	2 feet	Per AASHTO
Drainage	Curb/gutter or open swale or ditch depending on development intensity	Curb/gutter or open swale or ditch depending on development intensity	Curb/gutter	Curb/gutter	Curb/gutter or open swale or ditch depending on development intensity	n/a
Sidewalks (5-feet wide both sides of road)	Required	Required	Required	Required	Required, depending on development intensity	n/a
Park Strips (5-8 feet wide)	Possibly, depending on development intensity	Possibly, depending on development intensity	Required, both sides of road depending on development intensity	Required, both sides of road depending on development intensity	Possibly, depending on development intensity	n/a
Parking lanes	No	Possibly	Yes	Yes	Possibly	No
Design speed	45 mph	35 mph	25 mph	25 mph	25 mph	15 mph

Notes:

The minimum width of a road surface that will be considered for public dedication is 24 feet.

The minimum width of a road right of way that will be considered for public dedication shall be 60 feet.

All dimensions noted above represent minimum standards. Required dimensions may be greater depending on specific conditions.

H. **Cul-De-Sacs.**

1. The maximum length of a cul-de-sac on any non-rural designated road, as defined in subsection F of this section, shall be seven hundred fifty feet (750').

2. The maximum length of a cul-de-sac on a rural designated road, as defined in subsection F of this section, shall be as follows, unless other lengths are approved by NSFD. The length of these cul-de-sacs shall be based on the wildfire hazard rating of the area:

Table 31-6 – Maximum Cul-de-sac Length

Wildfire Hazard Rating	Maximum Length
Moderate	1,200 feet
High	900 feet
Extreme	500 feet

1.

3. Cul-de-sacs on private roads shall not be less than sixty feet (60') in diameter. Public roads having a cul-de-sac shall not be less than ninety feet (90') in diameter, unless otherwise approved by the City Engineer.

4. A hammerhead cul-de-sac design may be allowed in certain instances as approved by NSFD.

5. All cul-de-sacs longer than one-hundred fifty feet (150’) must include signage within fifty feet (50’) of the road intersection indicating the road is a dead-end road.

6. Project designs including cul-de-sacs within developments where local roads are dedicated for public maintenance are discouraged and will only be allowed where the configuration or constraints of the property necessitates the use of cul-de-sacs.

I. **Road Base Specifications.**

1. All roads shall include compacted road base, covered with either concrete or asphalt material, except for emergency access roads, which may, at the discretion of the City Council, be compacted gravel or road base. Roads must meet all applicable Engineering Standards and Construction Specifications of the City.

2. All roads shall be designed by a qualified engineer. A geotechnical report supporting pavement design shall be required.

3. All roads shall have a base capable of supporting a gross vehicle weight of at least forty thousand (40,000) pounds. The City Engineer may require

an additional support base depending on the specific function and traffic volumes anticipated on the roadway.

4. All road surfaces must be capable of providing all weather, year-round access.

J. **Bridges and Culverts.**

1. Bridges and culverts shall be constructed to support a gross vehicle weight of forty thousand (40,000) pounds. Vehicle load limits shall be posted. Permanent culverts shall be installed at all intermittent and perennial stream crossings. Specifications for bridges, culverts and other stream crossing devices shall consider at least the 25-year frequency storm and upstream debris hazard. If the development is within the 100-year floodplain, then 100-year frequency storm shall be used in drainage design. Bridges and culverts deemed to be visible from a public roadway shall include materials such as natural stone, wood, or steel.

2. Bridges of primary benefit to the applicant, as determined by the City Council, shall be constructed at the full expense of the applicant without reimbursement from the City. The sharing of expense for the construction of bridges not of primary benefit to the applicant as determined by the City Council will be fixed by special agreement between the City Council and the applicant.

K. **Traffic Control and Street Signage.**

1. All roads will be designated with road names, and signs will be installed at each major road intersection. All lots and/or homesites will be visibly signed with street addresses and numbered as such or at the beginning of the driveway. Emergency access roads shall also be clearly identified.

2. The applicant shall erect or post acceptable guarantees ensuring placement of road and street signs required by the City Engineer. All signs shall be installed before issuance of a building permit for any residence on the streets approved. Street signs shall be designed according to City Specifications and Construction Standards.

3. All roads shall be named or numbered in accordance with the City's addressing system and road identification signs in accordance with City standards and specifications. All permitted structures for residential, commercial and industrial uses shall post addresses prior to occupancy.

4. The developer shall be responsible for the expense of constructing and placing traffic control signs, as follows:

   a. Stop signs shall be placed at all intersections of arterial and collector streets or as determined by the City Engineer.

   b. Yield signs shall be required at the intersection of all other streets and roads when determined appropriate by the City Engineer.

L. **Road Maintenance.**

1. **Snow Removal and Road Maintenance.**

   a. Snow removal and road maintenance on private roads will be the responsibility of the respective homeowners' association and/or homeowners and will be noted as such on the recorded plat.

2. **Maintenance Cost.**

   a. Roads intended to be owned and maintained by the City will not be accepted for such purposes until adequate tax revenues accrue to the City from the development to pay the cost of all related road maintenance services for the roadway, in addition to other applicable City services for the development, or unless the City determines that there are compelling reasons to accept responsibility for the road in the absence of adequate tax revenues. Road maintenance and snow removal services shall be provided in accordance with applicable City ordinances.

M. **Road Layout and Design.**

1. A rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets shall be encouraged where such design will result in a more desirable layout.

2. Stub streets shall be extended to the boundary lines of the property to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Planning Commission and City Council the extension is not necessary or desirable for the coordination of the layout of the subdivision with existing development or future development of adjacent property.

3. The layout of roads and streets shall provide for the continuation of principal access between adjacent properties when such continuation is necessary for convenient movement of traffic, effective safety protection, efficient provision of utilities, and where such continuation is in accordance with the Streets Master Plan. If the adjacent property is undeveloped and the road or street is proposed as a temporary dead-end road or street, the right-of-way shall be extended to the property line and shall include an acceptable turnabout as required by the NSFD.

4. Where a road or street does not extend to the boundary of the subdivision and its continuation is not required by the City for access to adjoining property, its terminus shall normally not be nearer than fifty feet (50’) to such boundary. However, the City may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, snow removal/storage or utilities.

N. **Blocks.** Coalville City encourages the use of the grid block system in areas where a continuation of the existing adjacent grid pattern is logical or desirable.

As such, the following provisions have been outlined to guide development layout:

1. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, or water ways. The lengths, widths, and shapes of blocks shall be appropriate for the locality and the type of development contemplated. Block lengths in residential areas should not exceed one thousand two hundred feet (1,200') or twelve (12) times the minimum lot width required in the zone district, whichever is greater, nor be less than four hundred (400) feet in length. When practicable, blocks along major arterials and collector streets shall be not less than one thousand feet (1,000') in length. In long blocks the City may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic.

2. Pedestrian ways or crosswalks, not less than ten feet (10') wide, may be required by the City through the center of blocks more than eight hundred feet (800') long where deemed essential to provide circulation or access to schools, playgrounds, shopping areas, transportation centers, trails, or other community facilities.

O. **Road and Street Names.** The City Council shall approve names for all roads and streets at the time of final approval. Names shall be sufficiently different in sound and in spelling from other road names in Coalville to eliminate confusion. A Street which is or is planned as a continuation of an existing road shall bear the same name.

P. **Street and Parking Lot Lighting.** Installation of street and parking lot lights shall be in accordance with: Chapter 5.

Q. **Reserve or Protection Strips.** The creation of reserve or protection strips shall not be permitted adjacent to a proposed street for the purpose of denying access from adjacent property to the street.

R. **Excess Right-of-Way.** Right-of-way widths in excess of the standards referenced in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate cut and fill slopes. Such slopes shall not be more than 3:1 grade, unless specifically approved by the City.

S. **Road Dedications and Reservations.** Where a subdivision borders an existing narrow road or when the General Plan or Streets Master Plan indicates plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant may be required to improve and dedicate such areas for widening or realignment of such roads.

T. **Variances.** When circumstances peculiar to the property exist, or if it is in the best interest of preserving the natural environment and when approved by the applicable public agencies, a variance to these road, street or driveway standards may be granted by the City. No Variance shall be given if the hardship

has been self-imposed. All Variance Proceedings shall follow the procedures set forth in this Code.

U. **Road Level of Service Standards.**

1. No development application may be approved which causes a reduction in the level of service for any road below the adopted level of service as set forth in this Code, the General Plan, and the Transportation Master Plan, as amended.

2. A Transportation Impact Study (TIS) will be required at the time of application and prior to the approval of a project if the proposed development will generate twenty-five (25) or more net new vehicle trips during the weekday AM or PM peak hour or other analysis hour at the discretion of the City Engineer. The City Engineer also reserves the right to require a TIS for any other reason, including traffic safety concerns.

3. The operational character that shall be maintained for roadways and intersections in the City shall be a level of service “C” for City roads and intersections and a level of service “D” for state roads. "Level of service" is as defined by the transportation research board, highway capacity manual (special report 209, 1985).

4. Prior to approval of a final subdivision plat or final site plan, the applicant shall make an offer of dedication of any rights of way which are within but will not serve a development, and which are necessary to effectively link the proposed development with future major roads or future developments, or to prevent the "landlocking" of adjoining properties or to provide the best possible long term traffic circulation pattern.

5. The dedication of wider rights-of-way necessary to facilitate road improvements called for in the City Transportation Plan in response to a request from the City Council or Planning Commission, may be required.

V. **Street Landscaping.**

1. **Tree Planting and Size.**

   a. Street trees shall be planted at the rate of a minimum of one (1) tree per thirty (30) lineal feet measured along the centerline of all public streets.

   b. Trees shall be 1 ½ - 2” caliper in size. If appropriate, trees may be planted in clusters to create a more natural affect.

2. **Plant Species.**

   a. All trees and other landscape plants shall be native and indigenous to the area. Landscape park strips shall contain grass or other ground cover acceptable to the City Council as recommended by the Planning Commission.

b. Shrubs, flower beds, bark mulch and other appropriate ground cover is highly encouraged, specifically native and drought resistant species.

3. **Irrigation and Maintenance.**

a. All landscaped areas shall be maintained using a sprinkler and/or irrigation system which is capable of being engaged automatically on a regular basis.

b. The applicant shall provide appropriate guarantee on landscaping for a minimum of one (1) year survival as part of the Construction Performance Guarantee of the overall project.

W. **Sidewalks, Curbs, Trails, and Path.** Sidewalks, walkways or nonmotorized trails necessary for adequate internal pedestrian circulation within a development shall be provided by the developer in accordance with **Section 31-080** herein.

1. **Location**.

a. Sidewalks shall be provided in appropriate locations as specified in **Table 31-3**, **Table 31-4**, and **Table 31-5** of this chapter and shall be included within the dedicated non-pavement right-of-way of all roads unless an alternate location has been specifically approved by the Planning Commission. In many cases pedestrian paths separate from the road right of way may be preferable.

b. Concrete curbs are required for all roads where sidewalks are required by these regulations and run along roads or where required at the discretion of the Planning Commission.

2. **Improvements**. Sidewalks, Trails, and Paths shall be designed and constructed in accordance with the City Engineering Standards and Construction Specifications.

a. Sidewalks shall be constructed of concrete at least four (4) inches thick, six (5) inches thick through driveway approaches, and not less than five (5) feet wide and shall be designed to best facilitate their assumed use and serve the public interest and safety.

3. **Trails and Paths.** Trails, pedestrian paths, and bike paths shall be related appropriately to topography require a minimum of site disturbance, permit efficient drainage, and provide safe access. Walking and hiking trails, bike paths, and horse trails shall be provided by the developer as specified in **Section 31-080**.

a. Connectivity: Trails should provide a link to schools, recreation facilities, commercial areas, parks, other development areas and significant natural features.

b. Construction: Trails shall be built to City specifications and easements shall be dedicated for trails. The trails shall be

constructed at the time of road construction, unless the Planning Commission determines otherwise, in which case a cash deposit or surety bond shall be required pursuant to Chapter 31 for the trail improvements.

X. **Driveway Access Standards.**

1. All individual driveway access locations shall be designed to function well with existing site conditions and layout of each residential building. Care shall be taken in locating driveways to allow for the least amount of site and vegetation disturbance. Where possible, driveways shall parallel the slope to lessen site impact.

2. The maximum grade of any driveway shall not exceed ten percent (10%), except that twelve percent (12%) grades may be allowed for short distances not to exceed two hundred fifty feet (250') when approved by the North Summit Fire District (NSFD).

3. A driveway may provide access to one or more dwelling units, but not more than five (5) dwellings. The minimum width of any driveway serving up to three (3) dwellings shall be twelve feet (12') in width and shall have a minimum right-of-way width of twenty-four feet (24’). Driveways serving four (4) or five (5) dwellings must be a minimum of twenty feet (20') in width and shall have a minimum right-of-way width of thirty-two feet (32’).

4. Retaining walls shall be used with cuts more than ten feet (10'). Cut slopes shall be as specified by a qualified engineer to achieve a stable embankment. Fill areas shall be contoured to three feet (3') horizontal to one foot (1') vertical slopes or flatter. If the disturbed areas fail to match existing grade within ten (10) vertical feet, a retaining wall shall be used.

5. All driveways must provide a NSFD approved turnaround for emergency vehicles where the driveway meets the building pad, and every two hundred feet (200') when longer driveways occur.

6. Driveways more than two hundred feet (200') and less than twenty feet (20') wide must be provided with turnouts. Driveway turnouts must be an all-weather road surface, ten feet (10') wide and thirty feet (30') long. Driveway turnouts to be located as required by NSFD.

7. Driveway access for all lots within a subdivision may not be from any street or road other than interior roads within the subdivision, unless approved by the City based on site specific conditions and development characteristics.

8. Driveways with distances under fifty feet (50’) must have a hard surface (concrete or Asphalt).

9. Driveways over fifty feet (50’) must have a paved approach to the public street, with concrete or asphalt, for a distance of fifty feet (50’) measured from the pavement edge of the public street.

10. All driveways shall be set back a minimum distance of five (5) feet from any adjacent property line.
11. Minimum setback from a driveway shall be twenty (20) feet.
12. Driveway connections to a public street shall not exceed twenty-four (24) feet in width at the property or street right-of-way line and shall include minimum five (5) flares to the street pavement edge.
13. All subdivisions or developments approved with a common private driveway shall include street addresses on the common driveway for each lot or parcel which shall be shown on the subdivision plat or site plan.
14. Multiple driveways on a single-family dwelling lot must be consolidated so only one driveway access connects with the public street except for circular drives not over sixteen (16) feet in width and a minimum of forty-five (45) feet apart at the centerline of the drives.

31-060: DRAINAGE AND STORM SEWERS

The Planning Commission shall not recommend approval of any Final Plat which does not make adequate provision for storm or flood water runoff including, but not limited to channels, catch basins, dry wells, or detention ponds. Plans shall be reviewed for compliance with the Coalville City Engineering and Standards and Construction Specifications, or other standards as may be adopted. The storm water drainage system shall be separate and independent of the sanitary sewer system. Storm sewers, where required, shall be designed by the Rational Method, or other methods as approved by the City Engineer, and a copy of design computations shall be submitted along with Construction Drawings. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than six hundred (600) feet in the gutter. When calculations indicate that curb capacities are exceeded, catch basins shall be used to intercept flow. Surface water drainage patterns of the project site shall be shown on a grading and drainage plan.

The applicant may be required by the Planning Commission, upon the recommendation of the City, to carry away by pipe or open channel any spring or surface water that may exist either previously to, or as a result of the development. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the engineering standards and construction specifications.

Underground Storm Sewer Systems shall be constructed throughout the development and be connected to an approved out-fall. Inspection of facilities shall be conducted by the City. If a future connection to a public storm sewer is provided, as determined by the City, the developer shall arrange for future storm water disposal at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the performance guarantee required for the project.

No development shall be approved unless adequate drainage is provided to an approved drainage watercourse or facility. No development shall be approved unless

adequate drainage is provided to an approved drainage watercourse or facility. All developments and redevelopments must comply with the current Storm Drain Master Plan.

A. **Accommodation of Upstream Drainage Areas.** Culverts or other drainage facilities shall be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside the subdivision. The development must detain storm water with a release rate of 0.20 cubic feet per second per acre. The developer shall hire a qualified engineer to determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of a ten- year storm event for pipeline design and a one-hundred-year storm event for a one-hour duration for detention basin design. The intent of this design criterion is that pipes flow at or below capacity during a ten-year storm, and these same pipes flow in a surcharged condition during larger storms. Also, the intent of this design criterion is that roadways convey storm water toward the detention basin, thus allowing a greater-than-ten-year storm to be attenuated through the detention basin. The City shall review and approve the design. If the facility must be enlarged to accommodate future upstream development, the City shall contribute the absolute difference between the facility needed for the subdivision and the facility needed for upstream drainage.

B. **Effect on Downstream Drainage Areas.** To determine the effect the subdivision will have on existing downstream drainage facilities outside the project area, the developer shall submit a storm water drainage study prepared by a qualified engineer. City storm drainage studies together with such other studies shall serve as a guide to determine needed improvements. Where it is anticipated that the additional runoff will overload an existing downstream drainage facility, the City may require the applicant to improve the facility in order to serve the subdivision or provide additional on-site drainage facilities.

C. **Flood Plain Areas.** The Planning Commission may, upon recommendation of the City Staff and when determined necessary for the health, safety, or welfare of the present and future population of the area and for the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property which lies within an one hundred year flood plain of any stream, lake or drainage course. Flood plain areas shall be identified and regulated in accordance with the Coalville City Flood Insurance Rate Map and Flood Damage Prevention Ordinance. Flood plain areas should be preserved from any and all disturbance or damage resulting from clearing, grading, or dumping of earth, waste material, or vegetative debris.

D. **Dedication of Drainage Easements.** Where a subdivision is traversed by a watercourse, drainage way, channel, river or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the historic high-water lines of such watercourse. Where possible, the drainage must be maintained by a pipe, box culvert, concrete-lined channel, or by an open channel with landscaped banks.

O. Where topography or other conditions make the inclusion of drainage facilities within road rights-of-way impractical, perpetual unobstructed easements at least twenty (20) feet in width for such drainage facilities shall be provided across property outside the road right-of-way lines. Such easement shall include satisfactory access to the road. Easements shall be indicated on the Final Plat. Drainage shall be carried from the road to a natural watercourse or to other drainage facilities. When a proposed drainage system carries water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.

P. The applicant shall dedicate either in fee or by drainage or conservation easement of land on both sides of existing watercourses to the City or other appropriate agency, to a distance to be determined by the City.

E. **Storm Water Pollution Prevention.** A storm water pollution prevention plan (SWPPP) must be incorporated into every development or redevelopment that disturbs an area of land that is one acre and larger. A Utah Pollutant Discharge Elimination System (UPDES) Permit must be filed with the Utah Division of Water Quality (DWQ) if the project requires a Notice of Intent. The SWPPP must include all requirements from Utah DWQ, such as: contact names; construction period; installation, maintenance, and removal of best management practices (BMP); illicit discharge; inspections; and related information. The SWPPP must be certified with a signature and updated as necessary throughout the construction. At the completion of construction, a Notice of Termination must be filed, and a Letter of Compliance must be received prior to transferring the completed project to the owner.

31-070: WATER FACILITIES

All applicants proposing development that requires water supply will be responsible for the design, engineering, and construction of extending and developing a safe water supply system for the project. Water supply systems shall provide water capable of serving domestic water use, secondary irrigation water and fire protection demands of the development. All developments and re-developments shall comply with the City Engineering Standards and Construction Specifications and City Culinary Water Master Plan, incorporated herein by reference.

A. **Requirements.** All water supply systems, both domestic and secondary irrigation, shall meet the availability, distribution and delivery system, capacity, storage, design, and construction requirements of the City. All water mains shall be a minimum eight (8) inches in diameter. The City Engineer shall review and approve all water supply systems prior to final subdivision plat, final site plan, conditional use, or permitted use approval.

B. **Concurrency Management.** All improvements whether on or off-site which provide direct benefit to the development shall be phased, constructed, and paid for by the developer in a manner which does not decrease the existing service levels of the water supply facilities serving the community. The developer will be

responsible for the proportionate share of off-site impact created by the proposed development.

1. **Impact Analysis.** The impact of the development on the City's water systems will be determined through an impact analysis prepared by a qualified engineer and paid for by the developer at the time of preliminary subdivision or site plan review of the development. The impact analysis shall address the water demand required for the proposed development, and the water supply available to serve the project from existing City water resources. The impact analysis should specifically identify available water rights, source capacity, reserve capacity, system capacity and storage capacity required to provide the pressure, volume and quality required by the City regulations in time to meet the projected demand of the development. The impact analysis shall be approved by the City Engineer.

2. **Water Dedication or Fee in Lieu.** The developer shall either dedicate sufficient water rights to the City to serve the proposed development or "pay a fee in lieu" in accordance with the City's duly adopted ordinances, resolutions, policies and/or water dedication agreements. All secondary water connections require a transfer of a share of water. No "fee-in-lieu" is allowed for secondary water service.

    1. The payment of "fee-in lieu" option for culinary water associated with a major development/subdivision is at the discretion of the City Council, based on the following:

        a. Available water capacity, distribution, and storage in the City's system to serve the proposed development.

        b. Location of the proposed development in proximity to existing water distribution main lines.

        c. Proposed infrastructure constructed and paid for by the developer to serve the project.

        d. Developer or Applicant providing all water shares associated with the property or other water rights within Coalville City prior to being eligible for the payment of fee-in-lieu.

            a. The amount of the "fee-in-lieu" shall be determined by an updated water right cost analysis at the time of final subdivision plat or site plan review and approval.

3. **Proof of "Wet" Water.** Adequate proof of ownership of "wet" water (as opposed to paper water) in quantity, quality, annual duration, or availability throughout the entire year shall be required. The proof must be provided in a legal form, opinion or Code policy that is acceptable to the City Attorney. The City shall not accept water certificates that have lapsed, expired, or been revoked by the state engineer. The developer and City shall enter

into a Water Dedication Agreement prior to final subdivision plat or site plan approval of the project.

4. **Developer Options.** If existing water capacity is not available in the City system to serve a proposed development, the developer may consider the following options:

    a. Wait until water capacity is available in the city system to serve the development demand (the City Council will not approve any preliminary subdivision plat or site plan until such capacity is available).

    b. Enter into an agreement with the City to design, build and pay for the required infrastructure to provide increased water sources, storage, and distribution capacity in the City system.

5. **Development Improvement Agreement.** A Development Improvement Agreement (DIA) is required between the developer and the City, for all Major Developments and at the discretion of the City Council for Minor Developments, to address the terms of water service and other infrastructure improvements. The DIA shall be executed by the developer and the City prior to final subdivision plat recordation or final site plan signing.

C. **Private Water Systems.** Individual water systems (private wells) may be permitted by the City only in agriculture/remote areas designated on the zoning map as the Agricultural (AG) and Residential Agricultural (RA) Zones. Only lots one (1) acre or more in size for which a connection to the City water system is not feasible will be considered. Private water systems will not be allowed within any water source protection zone.

1. **Health Department and NSFD Approval.** Applicants must receive preliminary approval by the Summit County Health Department and NSFD on the feasibility of private water systems prior to approval of the development by the City. The developer must submit information concerning site geology, area hydrogeology, site topography, soil types and the proven wet water by the drilling of one or more test wells as determined by a qualified geotechnical engineer. Well logs shall be submitted to the City identifying the depth and yield of the well. The source must be consistently available at sufficient quantities to supply domestic, irrigation, and fire protection needs according to City, State and NSFD regulations.

2. **Final Plat and Building Permit Requirements.** Language shall be included on the final recordation plat and within the project's CC&Rs that identifies the process for obtaining a building permit as it is related to water rights and well drilling confirmation. A water right and associated well permit will remain with each lot and is not transferable. A well of sufficient capacity shall be drilled prior to building permit issuance.

Approval from the Summit County Health Department and NSFD shall be a pre-condition to issuance of a building permit.

D. **Existing Systems.** Where a public water main is accessible, as determined by the City Engineer, the developer shall connect and install adequate water facilities (including fire hydrants) subject to the specifications of the City, State and NSFD. Water main extensions and water facility improvements shall be approved by the City Engineer, City Public Works Director, and City Council.

E. **Guarantees.** The location of all fire hydrants and all water storage and supply improvements shall be shown in the Final Construction Drawings. A qualified construction cost estimate for the design and construction costs, including both on and off-site improvements, shall be included in the performance guarantee to be furnished by the developer. All guarantees shall be in an acceptable form described herein.

F. **Ownership of Facilities.** Prior to approval of the final subdivision plat, development site plan or conditional use permit, a determination shall be made by the City Council regarding the location and extent of facilities to be maintained by the City. Private facilities will be required to be so noted on the final subdivision plat or development plans and will be the responsibility of the developer or owners of the development.

G. **Fire Hydrants.** Fire hydrants shall be required in all developments. Fire hydrants shall be located no more than five hundred (500) feet apart and shall be approved by the NSFD and City Engineer. In some instances, the City and NSFD may determine that due to wild land fire potential, hydrants will be required to be located no more than three hundred (300) feet apart. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other water supply improvements shall be installed before any final paving of streets. All fire hydrants shall include clean-outs. Fire hydrants located on cul-de-sacs shall be installed at the direction of the City Engineer and NSFD.

H. **Source Protection.** New residential, commercial, or industrial development shall not be approved within existing well and spring protection zones, identified as sensitive lands in this Code, which are used for domestic consumption purposes, without a contained sewage collection and disposal system. The impact on water source protection zones shall be determined from a study prepared by qualified geotechnical engineer based on distance, soil conditions, slope, and drainage patterns, or in compliance with state law.

I. **Easements, Rights-of-Way.** Easements or rights-of-way required for currently proposed or anticipated future water service by the City shall be provided by all developments prior to final subdivision plat or final site plan approval.

J. **Water Service Prohibited Outside Coalville City Limits.** Water service extensions or connections outside the City limits are prohibited and will not be

considered until or unless the property outside the City limits is duly annexed into the City.

K. **Water Capacity Reservation Ordinance.** In accordance with Ordinance No. 2022-5, at any time that the total connections to the Water System in Coalville City reaches ninety percent (90%) of the Water System's capacity, no additional connections shall be allowed, except for existing approved and platted Subdivision Lots and/or Lots of Record, which may be connected to the Water System beyond the ninety percent benchmark amount.

31-080: SEWER FACILITIES

All applicants proposing development that requires sanitary sewer service will be responsible for the design, engineering, and construction of extending and developing a system for the project. All developments and re-developments shall comply with the City Engineering Standards and Construction Specifications, Sanitary Sewer Model and Capital Facilities Plan, incorporated herein by reference.

A. **Requirements.** All sewer system plans shall be designed in accordance with current City, State and EPA rules, regulations, and standards. Off-site requirements may be necessary to mitigate impacts imposed by the development on the City Sewer Facilities. The City Engineer shall review and approve all sewer systems prior to final subdivision plat, final site plan, conditional use, or permitted use approval.

1. **Connection**. Sanitary sewerage facilities shall connect with the public sanitary sewer at sizes required by the City Public Works Director and the City Engineer. Sanitary sewerage facilities (including the installation of laterals in the right-of-way and dedication of easements) shall be subject to City standards.

2. **Sewer Service Prohibited Outside Coalville City Limits.** Sewer service extensions or connections outside the City limits are prohibited and will not be considered until or unless the property outside the City limits is duly annexed into the City.

B. **Concurrency Management.** All improvements whether on or off-site which provide direct benefit to the development shall be phased, constructed, and paid for by the developer in a manner which does not decrease the existing service levels of the sanitary sewer facilities serving the community. The developer will be responsible for the proportionate share of off-site impact created by the proposed development.

1. **Impact Analysis.** The impact of the development on the City's sanitary sewer system will be determined through an impact analysis prepared by a qualified engineer and paid for by the developer. The impact analysis shall address the sewer service demand required for the proposed development, and the sewer disposal capacity available to serve the project from existing City sewer system and plant facilities. The impact analysis should specifically identify available sewer plant capacity, reserve

capacity and system capacity required to serve the project by the City in time to meet the projected demand of the development. The impact analysis shall be approved by the City Engineer.

2. The developer and City shall enter into a Development Improvement Agreement (DIA) addressing sewer service prior to final approval.

C. **Public Sewer System.** A connection to the City sewer system will be required for all subdivisions, developments and structures that are less than three hundred feet (300') from an existing or proposed City sewer line or less than three hundred feet (300') from the boundaries of a platted or existing subdivision or development which is served by the City.

D. **Private Sewer System.** Individual sewer systems (septic tank and drain fields) may be permitted by the City only in agriculture/remote areas designated on the zoning map as the Agricultural (AG) and Residential Agricultural (RA) Zones. Only lots one (1) acre or more in size for which a connection to the City sewer system is not feasible will be considered.

No individual disposal systems or treatment plants (private or group disposal systems) shall be permitted in the areas of the City serviced by the sewer system and within (300') from an existing or proposed City sewer line or less than three hundred feet (300') from the boundaries of a platted or existing subdivision or development which is served by the City. Private sewer systems will not be allowed within any water source protection zone.

1. **Health Department Approval.** Applicants must receive preliminary approval by the Summit County Health Department on the feasibility of private sewer systems prior to preliminary approval of the development by the City. The developer must submit information concerning site geology, area hydrogeology, site topography, soil types and representative percolation test results. The property must meet the minimum requirements of the county health department for consideration of individual sewer systems.

2. **Final Plat.** Prior to final subdivision plat, final site plan, conditional use or permitted use approval, the county health department shall determine that sufficient percolation tests are undertaken within the buildable area of each lot within the subdivision to verify that soils are capable of percolating at projected wastewater flow rates. The developer must submit such other data and information concerning utilization of individual sewage systems to allow an evaluation of the impact of the private systems on water quality.

3. **Building Permit.** Language shall be included on the final recordation plat and within the project's CC&Rs that identifies the process for obtaining a building permit as it relates to obtaining a septic tank and drain field permit. Approval from the Summit County Health Department shall be a pre-condition to issuance of a building permit.

E. **Guarantees.** The location of all sewer system improvements shall be shown in the Final Construction Drawings. A qualified construction cost estimate for the design and construction, including both on and off-site improvements, shall be included in the performance guarantee to be furnished by the developer. All guarantees shall be in an acceptable form described herein.

F. **Source Protection.** New residential, commercial, or industrial development shall not be approved within existing well and spring protection zones, identified as sensitive lands in this Code, which are used for domestic consumption purposes, without a contained sewage collection and disposal system. The impact on water source protection zones shall be determined from a study prepared by a qualified geotechnical engineer based on distance, soil conditions, slope, and drainage patterns, or in compliance with state law.

G. **Easements, Rights-of-Way.** Easements or rights-of-way required for currently proposed or anticipated future sewer service by the City shall be provided by all developments prior to final subdivision plat or final site plan approval.

31-090: OTHER UTILITIES

Utility facilities including but not limited to gas, electric power, telephone, internet and cable TV, shall be located underground in new developments when underground location does not violate safety standards of the particular utility and underground location does not impose any potential additional maintenance burden on the City as determined by the City Engineer. Underground service connections for water and sewer shall be installed to the street property line of each platted lot at the expense of the developer and shall be marked on the surface, including casings or conduits for all other underground utilities as determined by the City Engineer.

A. **Easements.** A ten (10) foot utility easement shall be provided around the perimeter of the subdivision as well as along the frontage of public and private streets for each lot in the subdivision for both private and public utilities. Proper coordination shall be established by the subdivider between the applicable utility companies for the establishment of utility facilities and easements to adjoining properties.

Where topographical or other conditions make it impractical to include utilities within these easements, perpetual unobstructed easements at least sixteen (16) feet in width shall be provided with satisfactory access to the road. All easements shall be indicated on the plat.

Where necessary to determine proper access and maintenance, easement widths shall be increased as required by the City Engineer or Public Works Director.

31-100: PARKS, TRAILS, AND OPEN SPACE

All required parks, trails/sidewalks and open space are subject to approval of the City Council consistent with the Coalville City Parks, Trails and Open Space Master Plan and the applicable Coalville City Engineering Standards and Construction

Specifications, incorporated herein by reference. All required open space shall be provided by the developer and all required park and trail/sidewalk improvements shall be constructed and paid for by the developer.

A. **Parks.** All developments including residential subdivisions, master planned developments and commercial or industrial projects require land to be reserved, and improvements Installed for parks and playgrounds or other recreation purposes.

Locations of recreational land shall be identified in the Coalville City Parks, Trails, and Open Space Master Plan or other areas where such reservations would be appropriate and would benefit the development and surrounding residents.

Each reservation shall be of suitable size, dimension, topography, and general character, have adequate access, and benefit the development and surrounding residents. The area shall be shown on the subdivision plat or development site plan. The developer shall also be required to install improvements to the recreation areas which directly benefit the development. All improvements shall be built to City specifications.

Payment of a fee to the City in lieu of reserving land and installing improvements may be considered in unique circumstances, as determined by the City Council, including property location, lack of access or need for parks or other recreational facilities. The fee-in-lieu amount shall be determined from a cost estimate of reserving the required land and installing the associated improvements.

1. **Required Park Area.** The number of acres to be reserved using level of service standard of five (5) acres per one thousand residents or typically five (5) acres per two hundred fifty (250) dwelling and other units or lots. This calculation equates to eight hundred seventy-one (871) square feet per single family dwelling unit or 3,000 square feet of an equivalent residential unit (ERU) for all other units including but not limited to rental units and commercial or industrial buildings.

2. **Dedication of Recreation Areas.** The developer shall dedicate all recreation areas and facilities to the City as a condition of final subdivision plat or development site plan approval. If the applicant provides recreational facilities solely for the use of the residents of the development, the facilities shall be privately maintained by the development and not dedicated to the City.

3. **Easement Area or Fee-in-Lieu of Provisions.** In certain circumstances, such as property location, land characteristics, existing surrounding recreational areas and facilities, or other factors the City Council determines to be applicable, dedicated easement areas or payment of a fees-in-lieu may be preferable to on-site land reservations for parks and recreational facilities.

4. **Minimum Size of Park Areas and Recreational Facilities.** In general, land reserved in all subdivisions or other developments for recreation

purposes shall have an area of at least one (1) acre. When the proposed area would create less than one acre, the City Council may require that the recreation area be located at a suitable place on the edge of the development so that additional land may be added at the time adjacent land is developed, in no case shall an area of less than one quarter (1/4) acre be reserved for recreation purposes This smaller amount will be accepted only when it is on the edge of the subdivision or when the City Council determines that the reduced size will result in a functional and usable recreation site.

5. **Recreation Sites.** Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, play field, trails or for other recreational purposes, and shall be relatively level and dry; and shall be improved by the developer to the City standards. Such improvements shall be included in the performance guarantee for the development. All land to be reserved for dedication to the City for park and recreational purposes shall be approved by the City Council.

6. **Additional Recreational Areas or Open Space Reserved.** The provisions of this section are minimum standards. None of the paragraphs above shall be construed as prohibiting a developer from reserving land for recreational or open space purposes in addition to the requirements of this section.

B. **Trails and Sidewalks.** Trails and sidewalks shall promote the expansion of the Coalville City trail and sidewalk network as illustrated on the City Parks, Trails, and Open Space Master Plan. All subdivisions, master planned developments and commercial developments shall be designed with trail or sidewalk linkages to the Chalk Creek Corridor, Rails-to-Trail, Historic Main Street trail and sidewalk systems or other areas as applicable. An impact analysis shall be prepared by the developer addressing existing and future trail and sidewalk needs and opportunities.

1. **Required Sidewalks and Trails.** The Coalville City Parks, Trails and Open Space Master Plan shows the existing and proposed future trails and sidewalks in the city. The future trails and sidewalks shown on the master plan are conceptual and are not required to be constructed until such time the property is considered for development. The final alignment, easement dedication, level of improvement (classification) and construction of all sidewalks and trails shall be determined at the time of subdivision review of the property.

   All sidewalks and trails are to be non-motorized and dedicated for public use. An easement and construction of the associated sidewalk or trail classification shall be required with all major subdivision and master planned development (MPD) applications.

   Per **Section 31-090** of the Code, sidewalk and trail requirements shall be based on the “rough proportionality” of the sidewalk or trail with the

associated impact of the development. Only an easement for the sidewalk or associated trail classification shall be required for a property being considered for a minor subdivision application. However, construction of a sidewalk or trail may be required for a minor subdivision if the property is located along an existing public street and the City Council determines the sidewalk or trail is necessary for safety.

2. **Location.** Trails and sidewalks are to be generally located as shown on the trails master plan and shall provide a link to schools, recreation facilities, Historic Main Street, parks, other development areas and significant natural features, such as Chalk Creek, the Weber River, Echo Reservoir, ridgelines, rock outcroppings, cliffs, densely vegetated areas, and other similar features. In most cases trails separated from the road right of way are preferable.

3. Sidewalks shall be located within the dedicated non-pavement right-of-way of all roads unless an alternate location has been specifically approved by the City Council. Preferably the sidewalks should be separated from the travel lane by a park strip.

4. **Design Standards.** Trails shall be related appropriately to topography, require a minimum of site disturbance, permit efficient drainage, and provide safe access. Walking and hiking trails, bike paths, and horse trails shall be provided by the developer consistent with the City Parks, Trails and Open Space Master Plan, the General Plan and the Engineering Standards and Construction Specifications as determined through the project review process.

5. **Construction Standards.** Trails and sidewalks shall be built to applicable City standards and specifications based on the classification of trail or sidewalk being constructed as identified on the Coalville City Trails, Parks and Open Land Master Plan. Easements for the applicable trail classification shall be dedicated for trails (see Typical Trail Classifications and Standards). Trails and sidewalks shall be constructed at the time of road construction, unless the City Council determines otherwise through the development review process, in which performance security shall be required pursuant to the Code for all trail and sidewalk improvements. Sidewalks shall, at a minimum, be constructed of concrete at least four (4) inches thick, and six (6) inches thick through driveway approaches, and not less than five (5) feet in width.

C. **Open Land.** All Master Planned Developments (MPD), as set-forth in Chapter 33 shall provide and deed restrict open land that is left natural, undeveloped, or unimproved (except recreational areas) for public or private purposes. A base percentage amount of deed restricted open land is required for development within each zone district in accordance with **Subsection 33-070.B** of the Code.

31-110: PRESERVATION OF NATURAL FEATURES AND AMENITIES

Existing features which add natural value or historical amenities to the community shall be retained. Buildings shall be sited in a manner that preserves significant views. Ridges should be protected from development which would be visible from prominent areas or vantage points, as defined in Chapter 18. Existing vegetation should also be retained as much as possible. Vegetation protection will be required during construction so that disturbance is limited. Existing features such as water courses, rivers, irrigation works, wetlands, historic sites, critical meadow lands, important vistas, and other irreplaceable assets shall be preserved in the design of the development. All trees on the site plan required to be retained shall be preserved, and all trees where required shall be welled and protected against change of grade. The preliminary plan shall show the general number, size, and location of existing plant materials and indicate all those marked for retention. Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and regulations as outlined in the Sensitive Lands Regulations contained in **Section 18-070** of this Code.

31-120: INFILL AND FLAG LOT DEVELOPMENT

Infill development is valuable not only for the environmental benefits of using land more efficiently and directing growth into Coalville's existing neighborhood areas, but also the benefit that quality projects bring to neighborhoods and communities. Infill uses vital land left vacant during early development and contributes to community revitalization and is representative of smart growth. Good infill conserves open space, helps to energize communities, contributes to jobs, housing, and area sustainability.

By absorbing growth into existing neighborhoods, infill relieves growth pressures on the larger agricultural areas and can improve quality of life for older neighborhoods. Infill helps to achieve the goals of smart growth: preserving our best agricultural and natural areas and saving taxpayers from the high cost of building infrastructure to support development that has spread far from Coalville's traditional population center.

A. **Definition.** The term "infill development" refers to building within unused and underutilized lands within existing zoning and/or development patterns.

B. **Intent.** It is the general intent of this provision to:

1. Accommodate growth in Coalville by encouraging and facilitating new development on vacant, bypassed, and underutilized land within areas that already have infrastructure, utilities, and public facilities, while addressing the needs of Coalville residents.

2. Encourage efficient use of land and public services in the context of existing neighborhoods.

3. Stimulate economic investment and development in older established neighborhoods.

4. Extend developers and property owners flexibility so that they can achieve high quality design and develop infill projects that strengthen existing neighborhoods and address the needs of the community.

5. Create a high-quality community environment that is enhanced by a balanced compact mix of residential, commercial, recreational, open space, employment and institutional uses and building types.

6. Implement the goals, objectives, and policies of the General Plan.

7. Improve approval certainty for infill development by providing clear development standards.

C. **General Requirements.** The site plan for infill development shall incorporate the following elements to enhance compatibility with the surrounding community:

1. Sidewalks that connect to the adjacent or a future planned sidewalk system will be built to City standards.

2. Public streets shall connect to the adjacent street pattern.

3. Preservation of architecturally significant structures whenever feasible.

4. Inclusion of, or relationship to, civic spaces, i.e. setbacks, building envelopes, use and parking compatible with surrounding community.

D. **Permitted Uses.**

1. Commercial/Employment (Example: for live/work units) Commercial/employment may be mixed vertically or horizontally with residential. First floor space (Live/work units) restricted to non-residential use in areas of predominantly commercial use.

2. Institutional/Civic/Public uses are permitted for not-for-profit uses.

3. Residential uses can be single family, multi-family and mixed use (mixed vertically with commercial/employment) based on underlying zone.

E. **Development Standards.** Density, design, materials, use and scale should reflect local style, climate, heritage, and materials unique to Coalville City.

1. Density may not exceed the underlying zone.

a. Total number of dwelling units as well as location to be established at the time of preliminary plan approval.

b. Lot Size. Lot areas established in the preliminary plan shall be dependent on proposed densities, floor area ratios, setbacks, building heights and community compatibility.

i. Existing Small Lot Amnesty. A legal lot of record may be eligible to apply Infill and Flag Lot Development Guidelines to allow for development.

ii. Setbacks for Small Lot Amnesty will be evaluated and addressed by the City Council if the proposed development does not meet the designated setbacks for the underlying Zone.

2. Building Height.

a. Buildings restricted to (2) stories or (35) feet in height, or the average of adjacent buildings.

b. Following criteria should be reviewed for community compatibility:

i. Neighborhood scale

ii. Privacy

iii. Light and shadow

iv. Views

v. Architectural compatibility

3. (3) All planned uses, building types, and landscaping will be included on the preliminary plan and will demonstrate the relationships of the proposed development with existing off-site development in the context of the adjacent community. Compliance with these requirements shall in and of itself be deemed to create a presumption of compatibility.

F. **Open space and Landscaping.** All open space, recreational amenities and landscaped areas for Infill Development shall be shown on the plan.

1. **Open space.** Infill development shall provide common public open space, except as follows:

a. Proximity to Public Park. An open space credit may be granted if a project is connected to, and located within ¼ mile of, an improved public park by a continuous public sidewalk.

2. **Landscaping.**

a. Natural vegetative features and existing trees shall be incorporated into the site design if practicable.

b. Based on the zone and the surrounding land uses a certain percentage of landscaping may be required.

c. Landscaping between the residential units and parking areas are required for all multi-family residential development.

d. Long term management and maintenance plans for natural areas, street trees, and common open space shall accompany the project application.

3. **Fencing**.

    a. Fencing may be required based on the zone and the surrounding land uses per the fencing requirements in Chapter 22.

    b. Applicants must indicate the height, type, and location of the fencing on the site plan.

4. **Drainage**.

    a. Applicants will be required to provide a grading and drainage plan with all infill requests that contain two or more units.

    b. Drainage must comply with Section 31-050 Drainage and Storm Sewers.

G. **Public Facilities and Utilities.** Existing and planned public facilities should be shown on the plan.

1. All public streets, private streets, walkways, and trails shall be shown on the plan. The street shall accommodate for emergency vehicles access and walkway system shall be safe, efficient, convenient, attractive, and shall accommodate use by all segments of the population.

2. The street network shall include a sidewalk on at least one side of the street.

3. Roads, lighting, sidewalks, street furniture, utilities and other public furniture, utilities and other public facilities should enhance pedestrian circulation.

4. All developments will follow the subdivision regulations in Chapter 31 for street design, water and sewer infrastructure, parking, fencing, and storm water requirements.

H. **Parking.** Parking for private automobiles is provided based on safety, convenience, pedestrian and vehicular circulation, and proximity of parking.

1. Two parking spaces per unit is required.

2. Shared parking is encouraged in the commercial zones where a mixed-use development has commercial uses located on the first floor. However, the requirement of two parking spaces per unit will still stand. The applicant must demonstrate that they have enough parking to accommodate both uses.

3. All parking spaces shall be shown on the site plan.

4. Landscaping shall be required between a multi-family unit and parking if attached garages are not built.

Chapter 32

ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

32-010: Public Improvements
32-020: Performance Guarantee
32-030: Land Acquisition and Acceptance of Dedication Offers
32-040: Issuance of Building Permit
32-050: Occupancy of a Dwelling
32-060: Consumer Protection Legislation and Conflicts of Statutes

32-010: IMPROVEMENTS

I. **Costs Of Improvements.** All required public improvements shall be made by the applicant, at the applicant's expense, without reimbursement by the City or any improvement district therein, and in accordance with related codes, fee schedules, and ordinances.

J. **Escrow Deposits or Letters of Credit for Lot Improvements.**

1. **Acceptance of Escrow Funds.** When, by reason of the season of the year any lot improvements required by the subdivision regulations cannot be performed, the Building Official may, nevertheless, issue a temporary certificate of occupancy, provided there is no danger to health, safety, or general welfare, upon accepting a cash escrow deposit in an amount approved by the City for one hundred ten (110) percent of the cost of remaining improvements. The performance guarantee covering such lot improvements shall remain in full force and effect.

2. **Procedures on Escrow Fund.** All required improvements for which have been accepted by the City at the time of issuance of a certificate of occupancy shall be installed by the developer within six (6) months from the date of deposit and issuance of the temporary certificate of occupancy. If the improvements have not been properly installed, at the end of the time period the City shall give two (2) weeks written notice to the developer requiring installation of the improvements. In the event that they are not installed properly as approved and shown on the building or site plans the City Council may proceed to contract out the work for the installation of the necessary improvements in a sum not to exceed the amount of the escrow deposit.

K. **Temporary Improvements.** The applicant shall build and pay for all costs of temporary improvements required by the SRC, Planning Commission, or Staff and shall maintain them for the period specified. Prior to construction of any

temporary facility or improvement, the developer shall file with the City a separate suitable guarantee, in accordance with this Code, for temporary facilities, which ensures that the temporary facilities will be properly constructed, maintained, and removed.

L. **Deferral or Waiver of Required Improvements.**

1. The Planning Commission may defer or waive at the time of preliminary subdivision approval, subject to appropriate conditions, the provision of any or all such improvements as, in its judgment, are not requisite in the interests of the public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.

2. Whenever it is deemed necessary by the Planning Commission to defer the construction of any improvement required herein because of incompatible Grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the Applicant shall pay his share of the costs of the future improvements to the City government prior to the signing of the final Subdivision Plat, or the Applicant may post a Guarantee insuring completion of said improvements upon demand of the municipality.

M. **Construction and Inspections of Improvements.**

1. **General Procedure and Fees.** An Authorized City Representative shall inspect the required improvements during construction to oversee their satisfactory completion.

   The applicant shall, in accordance with the City's fee ordinance, pay to the City an inspection fee, and the Final Plat shall not be signed by the Chair of the Planning Commission or Mayor unless the fees have been paid. These fees shall be due and payable upon demand of the City and no project approvals, building permits or certificates of occupancy shall be issued until all fees are paid.

   If the Staff finds upon inspection that any of the required improvements have not been constructed in accordance with the approved plans or City Engineering Standards and Construction Specifications, the applicant shall be responsible for completing the improvements. Wherever the cost of improvements is covered by a performance guarantee, the applicant and the issuing company shall be severally and jointly liable for completing the improvements according to the approved plans and specifications.

2. **Public Improvements.** No construction of public improvements shall proceed until the final plat has been approved by the City Council and filed for record in the office of the County Recorder. All public improvements shall be completed within one year of the date the final plat was approved, and the Authorized City Representative shall inspect the construction as it proceeds and at the completion of construction.

A construction punch list of outstanding items shall be made up by the Authorized City Representative indicating the items missed or needing correction prior to acceptance of the improvements. All required replacements or repairs shall be completed by the subdivider, at his expense, prior to acceptance by the City.

3. **As Built Drawings.** The developer shall provide the City with record drawings accurately defining for permanent record the surface improvements and underground utilities as they were actually constructed and shall provide one reproducible copy, drawn to scale, which indicates any changes from the original approved final drawings. All sewer, storm drain, and land drain manhole flow lines shall be verified.

4. **Inspection.** All construction work involving the installation of improvements in subdivisions shall be subject to inspection by the Authorized City Representative. The City may request the services of the City Engineer to assist in inspection if it is deemed necessary.

    a. To cover the cost of inspection and management of off-site improvements, the subdivider shall pay a fee to the City based on the linear feet of improvements installed, the number of building lots in the subdivision, and the average number of hours spent inspecting off-site improvements. Said fee shall be established by resolution of the City Council. Said fee shall be paid prior to recordation of the subdivision plat.

    b. An Authorized City Representative shall determine whether all off-site improvements have been installed in accordance with approved subdivision standards prior to acceptance by the City.

    c. Inspection frequency shall be discussed and agreed to during the pre-Construction Meeting.

5. **Requests for Inspection.** Requests for inspections shall be made to the City by the person responsible for construction. Notice shall be given one (1) day in advance of the start of work requiring periodic inspection.

6. **Acceptance of Materials.** Material such as, but not limited to, bituminous products, Portland cement, steel, pipe gaskets, joints filler, fire hydrants and other similar commercially produced products will be accepted by the City upon submission by the subdivider of a supplier certification that the material meets specifications. These materials shall not be incorporated into the project until such certification has been received and approved in writing by the City.

7. **Samples and Tests.** Materials, equipment, and workmanship shall be subject to sampling or testing by the City to verify compliance with standards. At the option of the City, materials shall be subject to tests and inspections before such materials are used in the work. Representative preliminary samples of the character and quality prescribed shall be

submitted without charge by the contractor or producer of materials to be used in the work in sufficient quantities or amounts for testing.

All tests of materials furnished by the contractor shall be made in accordance with the commonly recognized standards of National technical organizations and such special methods and tests as are prescribed herein.

The result of all testing performed under the direction of the contractor must be submitted to the city within 3 days of when the results are complete.

N. **Maintenance and Warranty of Improvements.**

1. **Prior to Completion.** The applicant shall be required to maintain all improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks until Final Acceptance of the improvements by the City Council. The City will not normally accept water improvements or street improvements or assume responsibility for either general maintenance or snow removal until fifty (50) percent of the lots within the subdivision are built upon and have been issued a certificate of occupancy.

2. **Warranty after Acceptance and Dedication.** The applicant shall be required to file a maintenance guarantee with the City, prior to acceptance, in an amount equal to ten (10) percent of the construction cost and in a form satisfactory to the City Attorney, in order to assure the satisfactory condition of the required improvements, including all lot improvements on the individual subdivided lots for a period of one (1) year after the date of their Final acceptance by the City and dedication of same to the City.

   The subdivider shall warrant and guarantee (and post bond or other security) that the improvements provided for hereunder, and every part thereof, will remain in good condition for a period of one (1) year after the date of the construction completion inspection report by the City Inspector and shall agree to make all repairs to and maintain the improvements and every part thereof in good condition during that time with no cost to the City.

   It is further agreed and understood that the determination for necessity of repairs and maintenance of the work rests with the City. Their decision upon the matter shall be final and binding upon the subdivider, and the guarantee hereby stipulated shall extend to and include, but shall not be limited to, the entire street base and all pipes, joints, valves, backfill and compaction, as well as the working surface, curbs, gutters, sidewalks, and other accessories that are, or may be affected by the construction operations, and whenever, in the judgement of the City, said work shall be

in need of repairs, maintenance, or rebuilding, they shall cause a written notice to be served to the subdivider.

Thereupon, the subdivider shall undertake and complete such repairs, maintenance, or rebuilding. If the subdivider fails to do so within ten (10) days from the date of service of such notice, the City Inspector shall have such repairs made, and the cost of such repairs shall be paid by the subdivider, together with 15 percent in addition thereto as and for stipulated damages for such failure on the part of the subdivider to make the repairs.

O. **Completion of Improvements.**

Prior to issuance of building permits, the applicant shall be required to complete any and all on and off-site improvements indicated by the project approval. The applicant shall also dedicate all applicable public improvements to the City, including any water right transfers, conservation easements or dedications of public lands to Land Trusts, free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

All construction shall be completed according to the approved plans and site improvement specifications. For purposes of this Code, the term site improvements shall include all roads, sidewalks, trails, curbs, gutters, drains, drainage systems, grades, walls, landscaping, planting, paving, utility lines and related facilities or similar improvements as shown on the set of plans on which the final approval is based. Off-site Improvements shall refer to all facilities as defined in site improvements above but located off of the development parcel(s) and required by the infrastructure impact review studies. These improvements shall be constructed at the same time as the site and building development that required the improvements and shall be constructed to City standards and approved, inspected, and constructed under the authority of the City Engineer or representative. These two types of improvements may be referred to collectively as improvements. Deviations from the approved plans must be approved in advance by the City.

Before the Final Plat is recorded with the County, all Applicants shall be required to complete, in accordance with the Planning Commission's decision and to the satisfaction of the City Engineer, all the Street, sanitary sewer, and other improvements, i.e.: storm drainage, trails, sidewalk, curb, gutter, Street signs, water lines, etc., including Lot improvements on the individual Lots of the Subdivision as required, and as approved by the Planning Commission and the City Council, and to dedicate same to the local government, free and clear of all liens and encumbrances on the Property and public improvements thus dedicated.

P. **Certificate of Satisfactory Completion.**

Subject to maintenance provisions contained in **Section 32-010.F**, the City will not accept dedication of required improvements, or release or reduce a performance Guarantee, until the City has submitted a certificate stating that all required improvements have been satisfactorily completed and until the Applicant's engineer or

surveyor has certified to the City, through submission of detailed "as-built" survey plats of the Subdivision, indicating location, dimensions, materials, and other information required by the Planning Commission and City, that the layout of the line and Grade of all public improvements is in accordance with the City approved construction plans for the Subdivision and that a commitment for a Code policy or other acceptable evidence has been furnished to the City indicating that the improvements have been completed, are ready for dedication to the local government and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the City Council shall thereafter accept the improvements for dedication in accordance with the established policy and procedure.

Q. **Failure to Complete Improvement.**

For Subdivisions for which no performance Guarantee has been posted, if the improvements are not completed within the period specified by the Planning Commission and City Council in the Ordinance approving the plat, the approval shall be deemed to have expired. In those cases where a performance Guarantee has been posted and required improvements have not been installed within the terms of such performance Guarantee, the City Staff may thereupon declare the Guarantee to be in default and require that all the improvements be installed.

32-020: PERFORMANCE GUARANTEE

A. **Performance Guarantee.** The SRC may require the applicant to post an acceptable guarantee at the time of Final Plat approval in an amount equal to one hundred ten (110) percent estimated by the developer and approved by the City as sufficient to secure to the municipality the satisfactory construction, installation, and dedication of the required improvements. The postings of guarantees are in lieu of actual construction and are therefore established for the benefit of and inure to the public at large and as such are not to be used for satisfying contractor or mechanics liens or other unrelated obligations. The performance guarantee shall also secure all lot improvements on the individual lots of the subdivision as may be required. Such performance guarantee shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution.

1. **Security Required.** In order to protect the City from the financial burdens resulting from damage to or increased maintenance costs for City facilities and infrastructure that may occur as a result of incomplete or inadequate site improvements on private construction projects or off-site improvements performed by the developer as required by the City, developers shall complete all required on and off-site improvements prior to building permit issuance. If that is not possible, adequate financial security for completion, together with a right of entry to the property to complete the work shall be granted to the City in accordance with this Code.

2. **Security for Completion.** No building permit will be issued, unless all required on and off-site improvements are completed, or the developer

has provided adequate security to guarantee timely completion of the improvements. When all of the improvements cannot be completed due to weather conditions or other factors beyond the control of the developer (excluding financial inability to complete the project) the City may issue building permits for the project, provided all the following conditions are met:

a. The Building Official determines that construction of the buildings, or portions thereof, prior to completion of required site improvements is safe and that access for emergency vehicles is adequate with the site improvements unfinished.

b. The developer posts adequate security to insure completion of the site improvements in full compliance with the approved plans within one (1) year from the date of final plat approval.

c. Access to an operational fire hydrant is within 400 feet of the farthest building wall.

3. **Amount of Security.** The amount of the security to be posted by the developer shall be equal to one hundred ten (110) percent of the amount reasonably estimated by the developer and approved by the City as being necessary to complete on and off-site improvements as shown on the approved plans.

4. **Terms of Security.** The terms of any security arrangement offered to the City shall state a date certain by which the developer agrees to have on and off site improvement work completed in accordance with the plans, and further provide that in the event that the developer has not completed required site improvement work by that date, the City may, at its option, and on its schedule, draw on the funds in escrow, or credit established, or such other security device by its own act, and shall not be required to obtain consent of developer to withdraw funds for completion of the work shown on approved plans. The City's actual costs in administering the completion of work in the event of a default by the developer shall be reimbursed from the escrow or other security arrangements in an acceptable and timely manner.

5. **Form of Security.** Security arrangements offered in lieu of advance completion and payment for site improvements shall be in an amount fixed under the terms of **Section 32-020**, shall be documented in form and substance as required by the City Attorney, and shall be in one or more of the following forms subject to approval in each instance by the City Attorney:

a. A performance bond executed by a corporate surety which guarantees payment of construction costs and completion of the project.

b. A deposit of cash with a third-party escrow.

c. An agreement with the construction lender providing that the lender will withhold funds in the construction loan in an amount equal to the amount calculated in **Section 32-020** and will disburse those funds only with the written consent of the City, and only for the completion of required improvements. As improvements are completed, the City will consent to the disbursement of the funds set aside by the lender.

d. A security agreement (Property Bond) secured by the encumbrance of unencumbered real property. This is not a favored form of security and shall not be approved except under exceptional circumstances as determined by a unanimous vote of the City Council.

e. Some combination of the foregoing.

6. **Retainage.** The amount in excess of the actual construction costs, but in no event more than ten (10) percent of the actual construction cost, shall be held for a period of one year following final inspection and approval of the required on and off-site improvements. The retainage amount may be provided in any of the ways described in **Section 32-020**. If the developer fails to provide new security instruments within thirty (30) days from the expiration of the security instruments provided for the initial construction, the City shall make a demand or draw on that security to the extent of the required retainage amount and hold the proceeds in cash until and unless other adequate security, as provided in this Code, is posted by the developer. Retainage will be used to replace or repair any site improvements which fail or appear to be defective during the one-year retainage period. The corrective work may be done by the City or the developer. Upon completion of work, the retainage, or so much of it as remains, shall be released. Retainage amounts may be drawn and applied to any outstanding fees owed by the developer to the City, provided that such fees are imposed by ordinance and the amount of the fees is not contested by the developer.

7. **Payment of Interest.** Any interest accruing on escrow funds shall, unless expended for completion of site improvements required, inure to the benefit of the developer upon release and not to the City, and the City shall not be required to pay interest to the developer on any funds in escrow for this purpose.

8. **No Third-Party Beneficiaries Intended.** It is the intention of the City that financial security given by the developer is limited to a contract between the City and the developer for the express purpose of providing for the protection of City facilities and elimination of conditions which could become public nuisances. It is not intended that this security be available for payment of subcontractors or material suppliers in the nature of a surety bond, or that the security provided become available to the purchasers of property to correct construction flaws or defects, which are

the fault of the developer. In no event will the funds be used for purposes other than those stated in this section and the time and manner of the expenditure and prioritization of work performed shall rest in the sole discretion of the City.

B. **Performance Guarantee to Include Lot Improvements.** The performance guarantee shall include an amount to guarantee completion of all requirements contained in this Chapter, and in the regulations including, but not limited to, final grading, lot drainage, landscaping, revegetation, curb, gutter and sidewalk, removal of debris and waste, fencing, and all other lot improvements required by the City. Whether or not a building permit or certificate of occupancy has been issued, at the expiration of the performance guarantee, the City may enforce the provisions of the guarantee where the provisions of this section or any other applicable law, ordinance, or regulation have not been complied with.

1. **Modification of Plans.** A developer may request modifications to plans to cover on or off-site improvement work by submitting revised plans to the City for review and approval consideration. Until the revised plans have received approval by the City, the developer shall be required to offer security for the performance of the improvement work as shown on the last set of plans to have received City approval. Upon acceptance of revised plans by the City, the City shall release any cash, credit or other security held, which is in excess of one hundred ten (110%) percent of the completion cost (estimated) of work shown on the most recently revised plan. If the modification of the plans increases the cost of required improvements, additional security shall be provided by the developer to cover the increased costs.

2. **Detailed Improvement Plans and Specifications.** Detailed on or off-site improvement plans and specifications shall be presented, showing the location, design and nature of all streets, drainage systems, utility pipelines, storage tanks, pumping systems and related facilities, grade changes, retaining walls and landscaping, together with any trails, paths, or walkways that may be included or required under these or other provisions of this Development Code. All plans and supporting documentation must be approved by the City prior to any construction by the Developer. The Developer is responsible for all plan review fees incurred by the City or its consultants.

C. **Time Period to Complete Improvements.** The period within which required improvements must be completed shall be specified by the City Council with the approval of the Final Plat. The completion time period shall be incorporated in the guarantee and shall not in any event exceed two (2) years from the date of final plat approval. Such guarantee shall be approved by the City Council with satisfactory surety and conditions. The City Council may extend the completion date set forth in such guarantee one (1) time for a maximum period of one (1) additional year. The City Council may at any time during the period of such guarantee accept a substitution of principal or sureties.

D. **Release or Reduction of Performance Guarantee.** Subject to the provisions contained in this Code, the City will not accept dedication of required improvements, or release or reduce a performance guarantee, until the City Community Development Director, City Engineer, Public Works Director or Building Official has submitted a certificate stating that all required improvements have been satisfactorily completed and until the applicant's engineer or surveyor has certified to the City, through submission of detailed "as-built" survey plats of the subdivision indicating location, dimensions, materials, improvements and other information required by the Planning Commission and City Council, that the layout of the line and grade of all public improvements is in accordance with the approved Construction Drawings for the subdivision.

Further, a Code insurance policy shall be furnished to the City indicating that the improvements have been completed, are ready for dedication to the local government, and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the City Council shall thereafter accept the improvements for dedication in accordance with the established policy and procedure.

1. **Reduction of Performance Guarantee.** A performance guarantee may be reduced upon actual completion and acceptance of public improvements and then only to the ratio that the public improvement accepted bears to the total public improvements for the project. In no event shall a performance guarantee be reduced below ten (10) percent retainage of the principal amount until total completion.

E. **Single Family Buildings.** This provision shall apply to all construction in Coalville, including single family dwellings when improvements are required by the impact analysis. The amount of security required for single family dwellings shall be the reasonably estimated cost to complete construction of any improvements, including required landscaping on a labor and materials basis.

F. **Phased Projects and Concurrency.** On and off-site improvements applicable to each phase of a phased project or development shall be completed concurrently with the first phase of the project and appropriate securities shall be put in place to insure that the total infrastructure is completed along with the first phase. Phasing of improvements may be allowed only under special circumstances as outlined by the City and approved by the City Council. If phasing is allowed, adequate security for completion of each phase must be provided to insure that each phase of infrastructure is constructed

G. **Prohibited Guarantees.** The City shall not require performance guarantees for any of the prohibited uses listed in Utah Code §10-9a-604.5(3)(d), including improvements the City has previously inspected and accepted, private improvements that are not essential to meet the building code, fire code, flood or storm water management provisions, street and access requirements, or other essential necessary public safety improvements adopted in a land use regulation.

32-030: LAND ACQUISITION AND ACCEPTANCE OF DEDICATION OFFERS

A. Acceptance of formal offers of land acquisition, dedication of streets, public areas, easements, and parks shall be by action of the City Council. The recommendation for approval by the Planning Commission for a subdivision will be a Final Plat which shall not be deemed to constitute or imply the acceptance by the City Council of any land acquisition, street, easement, park or public improvement shown on said plat.

32-040: ISSUANCE OF BUILDING PERMIT

A. The following requirements shall be met prior to issuance of any building permit within a subdivision:

   1. All required fencing installed as a condition of subdivision approval in compliance with Coalville City Fence Ordinance Chapter 22;

   2. All water, sewer, and drainage systems installed, inspected and tested by City approved inspector;

   3. All curb and gutter installed;

   4. A minimum of 8 inches of road base in place and graded;

B. Contractors will be responsible to see that all construction materials and/or debris are continuously secured or removed from construction site.

C. The developer shall at the time of the dedication submit in escrow to the City a sum determined by the City Engineer for the necessary final improvement of the street(s).

D. No building permits shall be issued for the final fifty (50) percent of lots in a subdivision until all public improvements required by the City for the project have been fully completed and dedicated to the City.

32-050: CERTIFICATE OF OCCUPANCY

All structures shall meet the following guidelines prior to occupancy:

A. All underground off-site improvements properly installed and operational as approved by Coalville City.

B. All required asphalt or concrete hard surface roadway installed and completed throughout the entire phase in which the dwelling is located in accordance with Coalville City design standards. In the event that hard surface paving cannot be properly installed due to weather related circumstances, the developer may petition the City Council for conditional occupancy providing the following guidelines are met:

   1. Road-base installed in accordance with Coalville City design standards.

2. Developers must maintain all road-base surfaces providing for adequate vehicular accessibility and that the developers provide for services which will not be available due to the absence of paving.

3. Required asphalt or concrete hard surface roadway shall be installed and completed as soon as weather related circumstances change or as directed by Coalville City.

C. Where a performance guarantee has been required for a subdivision, no certificate of occupancy for any building in the subdivision shall be issued prior to the completion of the improvements and dedication to the City, as required in the Planning Commission's and City Council's final approval of the project

32-060: CONSUMER PROTECTION LEGISLATION AND CONFLICTS OF STATUTES

No building permit or certificate of occupancy shall be granted or issued if a developer or his authorized agent shall have violated any federal, state, or local law pertaining to consumer protection of real estate land sales, promotion, or practices, or any applicable conflicts-of-interest legislation with respect to the lot or parcel of land which is the subject of the permit or certificate, until so ordered by a court of competent jurisdiction.

With respect to a lot or parcel of land, in the event a building permit or certificate of occupancy has been granted or issued, it shall be subject to revocation by the City until so ordered otherwise by a court of competent jurisdiction, provided that in no event shall the rights of intervening innocent third parties in possession of a certificate of occupancy be prejudiced by any such revocation.

Any violation of a federal, state, or local consumer protection law (including but not limited to: Postal Reorganization Act of 1970; the Federal Trade Commission Act of 1970; Interstate Land Sales Full Disclosure Act; the Truth in Lending Act; the Uniform Commercial Credit Code; State "Blue Sky" laws; State subdivision disclosure acts or conflicts of interest statute, law, or ordinance) shall be deemed a violation of these regulations and subject to all of the penalties and proceedings as set forth in this Code.

Chapter 33

MASTER PLANNED DEVELOPMENTS (MPD)

33-010: Purpose
33-020: Applicability
33-030: Uses
33-040: Process
33-050: Vesting of MPD Approval
33-060: MPD Modifications
33-070: MPD Requirements
33-080: Required Findings

33-010: PURPOSE

The purpose of the Master Planned Development (MPD) is to provide a comprehensive project design strategy to create projects, including mixed use development, that best address site conditions, the characteristics of the surrounding properties, as well as community and market demands. The master planned development process also creates tools to promote the efficient use of land resources as well as efficient public infrastructure and utility services. The goal of this strategy is to produce superior project design through flexibility and innovation to advance the goals of the General Plan and this chapter.

The Planning Commission and City Council may accept or reject an MPD proposal based on the project quality, as well as the architectural design and serviceability of the project area. All MPD developments shall be designed to protect the character of the neighborhoods and rural small-town character of the City.

Complete planning of the entire project in all its phases is critical in the proper application of the MPD.

33-020: APPLICABILTY

The master planned development process shall be required in all zones for the following applications:

D. Any application for a rezone.

E. Any application to subdivide or develop at base density resulting in six (6) or more dwelling units or lots (Major Subdivision/Development).

F. Any application which includes the transfer of base density or uses between zones on a single parcel which results in the creation of six (6) or more lots or parcels.

G. Any application which includes a density bonus within a residential zone.

H. All applications for commercial uses, retail commercial establishments, offices, institutional uses, or industrial uses with more than twenty-five thousand (25,000) square feet of floor area.

33-030: USES

A master planned development shall become supplementary to the provisions of the zones in which the MPD is located, including rezones.

A. **Differing Zones.** When the project includes parcels with adjacent differing zones or uses, the MPD may be relocated across zone boundaries so long as the City Council determines that the relocation results in a project design that advances the goals set forth in the General Plan.

B. **Attached Units.** Attached units may be allowed in all residential and commercial zones except the Agriculture (AG) Zone and Residential Agricultural (RA) Zone.

C. **Types of Developments.** Master Planned Developments may include commercial/industrial projects, cluster subdivisions, mixed use planned developments, twin or town homes, condominiums, combinations of housing types such as single units and multiple units, and zero lot line developments.

D. **Zone Use Limitations.** Uses permitted in the MPD shall be limited to those uses permitted in the Zone District in which the MPD is proposed, with accessory uses as allowed by the development code.

33-040: PROCESS

The MPD application process has three primary steps:

A. **Pre-Application Conference.** A required pre-application conference shall be held with staff for the applicant to become acquainted with the master planned development procedures and related City requirements, standards, and schedules. Staff may give preliminary feedback to the applicant based on the information available and inform the applicant of potential issues or special requirements which may apply to the proposal.

B. **Master Planned Development Application.** A concept plan for the MPD and preliminary plan for Phase 1 of the master planned development shall be submitted with completed application forms supplied by the City. A list of minimum requirements will accompany the application form. The application must include written consent by all owners of the property to be included in the master planned development. Once an application is received, it shall be reviewed for completeness. The applicant will be informed if additional information is necessary to constitute a complete application.

C. **Planning Commission and City Council Review and Public Hearings.** The City Council is the Land Use Authority for master planned developments. Prior to final action by the City Council, the Planning Commission shall hold a minimum of one (1) public hearing prior to forwarding a recommendation to the City Council. The City Council shall also hold a minimum of one (1) public hearing

and take final action on the application. City Council action shall be in the form of written findings of fact, conclusions of law and in the case of approval, conditions of approval.

Q. The Planning Commission may recommend, and the City Council may impose such conditions on the development plans as they deem appropriate to meet the goals and objectives of the General Plan.

R. The City Council may approve, amend, and approve or deny the Preliminary Development Plan as recommended by the Planning Commission. The City Council may also remand the Preliminary Development Plan back to the Planning Commission for further review and evaluation.

D. **Development Agreement.** All MPD approvals shall be put in the form of a development agreement. The document shall contain, at a minimum, the following:

1. A legal description of the land.
2. All conditions of approval, relevant zoning, and development code parameters, including all findings of fact and conclusions of law, specifying any exceptions, including but not limited to those outlining more or less restrictive height, setbacks of lot size.
3. An express reservation of the future legislative power and zoning authority of the City Council.
4. A copy of the approved MPD site plan, architectural plans, landscaping plans, grading plan, trails and open space plans, and other plans, which are a part of the approval.
5. A description of all developer exactions or agreed upon public dedications.
6. The developer’s agreement to pay all specified impact fees.
7. The form of ownership anticipated for the project; and
8. A specific project phasing plan.

The development agreement shall be signed by the Mayor and recorded with the Summit County Recorder. The development agreement shall contain language to allow for minor, administrative modifications without revision of the agreement. The development agreement shall be reviewed and signed as part of any final rezone approval by the City Council.

33-050: VESTING OF MPD APPROVAL

Construction, including the installation and placement of infrastructure such as roads and utilities, within the MPD project area will be required to commence within five (5) years of the date of the City Council approval. After construction commences, the MPD shall remain valid so long as it is consistent with the approved project-phasing plan as set forth in the MPD approval and associated documents. It is anticipated that the

specific project-phasing plan may require periodic review and re-evaluation of the project during the development of the project. Extensions will not be considered for an MPD approval that does not meet the prescribed timeframes as specified in this section.

A. **Final Subdivision Plat.** The initial final subdivision plat associated with a Master Planned Development must be recorded within one (1) year of the date of the City Council MPD and Phase 1 Preliminary Plat approval. Construction of the project must begin within three (3) years of the date of City Council MPD approval. In the event that the required final subdivision plat recordation and construction commencement has not taken place, or extended, in the prescribed timeframe, the MPD shall expire, and the final subdivision plat shall be void.

B. **Final Site Plan.** The initial final site plan associated with a Master Planned Development must be approved within one (1) year of the date of the City Council MPD and Preliminary Site Plan approval. Construction of the project must begin within three (3) years of the date of City Council MPD approval. If the required final site plan approval and construction commencement has not taken place, or extended, in the prescribed timeframe, the MPD shall expire, and the final site plan shall be void.

C. **Rezone.** Master Planned Developments associated with a rezone will be required to commence construction within three (3) years of the date of the City Council MPD approval. If the required construction commencement has not taken place in the prescribed timeframe, the MPD shall expire, and the zone(s) shall revert to the previous zone designation(s).

D. **Phasing and Density Bonus.** For phased developments, it shall be necessary to record the Phase 1 Final Subdivision Plat within the prescribed one (1) year timeframe or as extended up to six (6) months to vest the entire master planned development and density bonus. Thereafter, subdivision plats associated with subsequent phases of the master planned development shall be recorded in accordance with the overall phasing plan approved for the development.

33-060: MPD MODIFICATIONS

Modifications to an MPD shall be processed as a minor or major amendment as follows:

A. **Minor Amendment.** A minor amendment is defined as an amendment that does not increase square footage, density, or intensity (traffic or parking demand, service demand, etc.) of the previously approved master planned development. A minor amendment shall be processed as a Minor Permit.

B. **Major Amendment.** A major amendment is defined as an amendment that increases square footage, density, or intensity (traffic or parking demand, service demand, etc.) of the previously approved master planned development. A major amendment shall be processed as a Master Planned Development.

33-070: MPD REQUIREMENTS

All applications for a master planned development shall meet the following minimum requirements and all other applicable requirements of the development code. Additional project information necessary for the project analysis may be required at the discretion of the Community Development Director, Planning Commission, or City Council.

A. **Density.** The maximum density permitted on the project site will be determined as a result of a site design, sensitive lands and infrastructure impact analysis. The maximum density shall not exceed that set forth in the proposed or existing zone, except as otherwise provided in this section.

B. **Deed Restricted Open Land.** Deed restricted open land consists of land in a subdivision or MPD that is left natural, undeveloped, or unimproved (except recreation areas) and is deed restricted for public or private purposes including agricultural production, scenic, historic, or cultural resources and active or passive recreational uses such as trails, parks, golf courses and similar uses.

1. Deed restricted open land does not include open areas in private individual residential lots, public roads, private roads, parking spaces and drive aisles in parking lots, outdoor storage areas and land covered by structures not designated for recreational use.

2. A base percentage amount of deed restricted open land is required in all master planned developments within each zone district as follows:

a.	Agricultural Zone (AG)	20%
b.	Residential Agricultural Zone (RA)	15%
c.	Low Density Residential (R-1)	10%
d.	Medium Density Residential (R-2)	10%
e.	High Density Residential (R-4)	10%
f.	Very High Residential (R-8)	5%

3. The City Council may consider a reduction in the base amount of deed restricted open land when the reduction results in the project advancing the goals, objectives, and policies of the General Plan.

4. Where an MPD contains more than one (1) zone, the City Council may consider the location of deed restricted open land irrespective of zone boundaries to advance the project design or use, accessibility, and quality of the open land. This exception may only be considered if the project advances the goals, objectives, and policies of the General Plan.

5. At the discretion of the City Council, Deed Restricted Open Land may be applied on different property better suited for restricted open land which is not associated with the proposed development and owned by the applicant.

C. **Density Bonus.** A density bonus may be permitted in accordance with the following:

1. **Deed Restricted Open Land.** In addition to the base requirement of an MPD, additional deed restricted open land is a requirement for the development of bonus density.

2. **Bonus Density Calculation.** If the proposed number of lots in an MPD is greater than the allowed base density, the applicant may be entitled to the increased number of lots in excess of base density at a one-to-one percentage ratio of the amount of deed restricted open land being set-aside.

   a. The amount of bonus density is calculated by multiplying the base density by the percentage of deed restricted open land being set-aside, in addition to the base requirement of the MPD underlying zone district(s), and any sensitive lands on the property.

   b. The amount of the density bonus cannot exceed more than twenty-five percent (25%) of base density.

   c. The base density and minimum lot size in each zone for Master Planned Developments shall be as follows:

Agriculture Zone (AG)	1 Unit/20 Acres: 1-acre min.
Residential Agriculture Zone (RA)	1 Unit/5 Acres: 3/4-acre min.
Low Density Residential (R-1)	1 Unit/Acre: 1/2-acre min.
Medium Density Residential (R-2)	2 Units/Acre: 1/3-acre min.
High Density Residential (R-4)	4 Units/Acre: 1/4-acre min.
Very High Density Residential (R-8)	8 Units/Acre: 1/8-acre min.

   d. No density bonus of the deed restricted open land may consist of sensitive lands.

      Example Bonus Density Calculation for a twenty (20) acre parcel in the R-1 Zone with 1.5 acre of sensitive lands:

      i. Base Density for R-1 Zone = (1U/AC) or 20 lots/minimum lot size ½ acre requiring 10 acres development area).

      ii. Base Percentage Amount = 10% requiring 2 acres development area.

      iii. Sensitive lands = 1.5 acres.

      iv. Density Bonus = 25% of base density (5 acres) deed restricted open land being set-aside for 5 bonus density lots.

v. Total of 25 lots on 12.5 acres at ½ acre minimum size with 8.5 acres of deed restricted open land (2 acres base percentage amount + 1.5 acres sensitive lands + 5 acres density bonus land).

D. **Setbacks.** The minimum setback around the exterior boundary of an MPD shall match the setbacks of the more restrictive/larger abutting zone setback. In some cases, that setback may be increased to create an adequate buffer to adjacent uses. The City Council may reduce or increase setbacks as determined by the overall density configuration, clustering, open land, and proposed product types within the development from those otherwise required provided the project meets minimum Building Code and Fire Code requirements.

E. **Building Height.** The maximum building height for all structures within a master planned development shall not exceed the zone standard. The City Council may grant additional building height beyond the maximum zone standard up to forty-five feet (45') based on demonstrated good cause, related but not limited to, structured parking, workforce housing, deed restricted open land, community outdoor common area improvements, superior architectural design or provision of community support services.

F. **Reduction of Minimum Lot Size Requirements.** The City Council may reduce the minimum lot size specified in a zone (minimum 0.125 (1/8) acre) for density purposes if the proposed decrease in minimum lot size:

1. Improves the development site design;
2. Results in the clustering of buildings or lots;
3. Preserves contiguous open land and natural resources;
4. Provides efficiency of infrastructure, and;
5. Produces unique product type development.

G. **Off-Street Parking.** Master planned developments shall meet the following off-street parking standards:

Table 33-1 – Off-Street Parking Standards

Residential uses:	
Single family dwelling unit	Minimum 2 spaces/unit
Duplex dwelling unit	Minimum 2 spaces/unit (total of 4/building)
Accessory dwelling unit	Minimum 1 space/unit
Guest house	Minimum 1 space/unit
Multi-unit (3 or more units)	Minimum 1 space/unit

Non-residential uses:	
Commercial/retail	3 spaces/1,000 sq. ft. of net leasable floor area
Commercial/restaurant-cafe	3 spaces/1,000 sq. ft. of net leasable floor area
Hotel/lodging	1 space/guest room or suite; 2 spaces/1,000 sq. ft. of net support commercial floor area
Offices	2.5 spaces/1,000 sq. ft. net leasable area

1. The off-street parking requirements for any other uses not listed above shall be determined by the City Council based on a project-specific parking study provided by the developer and prepared by a qualified traffic engineer.
2. The City Council may reduce or increase the overall parking requirement for a master planned development based upon the applicant demonstrating reasonable justifications for the increase/decrease in parking spaces.
3. The City Council may grant additional exterior/surface parking provided such parking is designed to include permeable surfaces, additional landscaping and buffering.

H. **Designing with Topography.** Master planned developments shall be designed to fit into the topography of the site. The City Council may consider flexibility in the siting of development to best fit into the natural terrain, minimize excessive site grading and mitigate impacts on the natural environment and resources of the surrounding area. The project design shall demonstrate the preservation of watercourses, drainage areas, wooded areas, steep terrain and other natural features and areas.

I. **Designing with Adjacent Uses.** The master planned development shall take adjacent land uses into consideration. Development along the project perimeter shall adequately mitigate any potentially adverse effects, including but not limited to flooding, erosion, subsidence, sloping of the soil or other dangers and nuisances.

J. **Access.** All master planned developments shall have vehicular access from a public road. All projects shall have a secondary point of access in compliance with the city engineering, development code and fire district standards. All roads/streets shall follow the natural contours of the site wherever possible to minimize the amount of grading and balance the cut and fill of the roadway.

K. **Utilities.** Existing or proposed utilities, including private and public services for master planned developments shall be adequate to support the proposed project at normal service levels and will be designed in a manner to avoid adverse impacts on adjacent land uses, and existing public services, and utility resources.

Unless otherwise permitted by this chapter, all master planned developments shall comply with all requisite infrastructure standards found in this Code.

L. **Building Locations.** All buildings shall be located to avoid, to the extent practicable, wetlands, riparian areas, steep slopes, ridgelines, and other similar areas in accordance with the sensitive land regulations of the Code.

M. **Connectivity.** Internal and external vehicular/pedestrian/bicycle circulation should be demonstrated at the time of application per the City Transportation and Trails Master Plans. Pedestrian/equestrian/bicycle circulation should be separated from vehicular circulation wherever reasonable.

N. **Snow Storage.** Master planned developments shall include adequate areas for snow removal and snow storage. An appropriate form of landscaping plan shall allow for designated snow storage areas. Structures shall be set back from any hard surfaces to provide adequate areas to remove and store snow. Snow should be able to be stored on site or hauled to a location within the MPD and not removed to an off-site location.

O. **Outdoor Lighting.** All outdoor lighting shall be downward directed and fully shielded per the City Outdoor Lighting requirements of this Code. All outdoor lighting shall be designed and installed to prevent light trespass on adjacent properties. Lighting of the United States flag is exempt from this provision.

P. **Compliance with Development Evaluation Standards.** Unless otherwise permitted by this chapter, all master planned developments shall comply with all requisite development evaluation standards found in this Code.

Q. **Project Design Narrative.** An application for a master planned development shall include a written explanation of how the project plan addresses the following design questions:

S. Responses to the questions shall be descriptive and shall include but may not be limited to the design questions.

T. A list of amenities proposed for the master planned development shall also be provided with the application.

1. **Community Connectivity.** How does the proposed development interconnect with the surrounding properties, neighborhood, and area? Including but not limited to:

    a. Where will vehicles enter and exit the site?

    b. Where will new streets be developed?

    c. Is there a need for pedestrian and bicycle routes (including trails and sidewalks) through the project area or connection with adjacent properties per the City Trails Master Plan? If so, how are such needs and routes addressed?

d. Is the location of the proposed development within reasonable proximity (including walking and biking) to community facilities and services such as schools, retail centers, parks, etc.?

2. **Housing Needs.** How does the proposed development advance the community need for a mix of housing types and affordability, as prescribed in the General Plan?

3. **Character.** What are the architectural design character objectives of the proposed development? How do these design objectives address the local context, character and/or community preferences?

4. **Site Design.** How is the proposed development designed to integrate with the existing topography, landscape features, riparian areas, vegetation, wildlife corridors, existing structures, etc.?

5. **Complete Street Design.** How is the proposed development street/circulation system designed to accommodate a variety of transportation modes (where appropriate), easy route finding, safe speeds and avoidance of vehicle/pedestrian conflicts?

6. **Parking Areas.** How does the proposed development balance the need for parking with the need to design parking areas in a manner that minimize visibility, site grading, and exterior lighting?

7. **Public and Private Outdoor Spaces.** What is the proposed development's need(s) for outdoor space, open space, habitat/wildlife areas, parks, or outdoor amenity areas? How does the proposed development address these needs?

8. **External Storage.** How does the proposed project address needs for garbage collection, equipment or vehicle storage, etc.?

9. **Natural Resources.** How does the project preserve and protect critical wildlife habitat, riparian areas, water recharge zones and other natural resources and sensitive lands?

33-080: REQUIRED FINDINGS

The City Council shall make findings with evidence that supports the following conclusions to approve a master planned development. In most cases, conditions of approval will be attached to the final action to ensure compliance.

A. The master planned development site design integrates well into the natural terrain, minimizes excessive site grading and protects and preserves surrounding natural areas.

B. The master planned development makes suitable provisions for the protection, preservation, and enhancement of wildlife habitat, watercourses, riparian areas, drainage areas, wooded areas, steep terrain and similar natural features and sensitive lands.

C. The master planned development takes adjacent land uses into consideration and mitigates potential impacts, including but not limited to flooding, erosion, subsidence, sloping of the soil or other dangers and nuisances, through careful site planning. Integration of connectivity with adjacent properties, as applicable, has also been considered and provided.

D. The master planned development has direct vehicular access from a public road or suitable private road or driveway access meeting all requirements of the city engineering, development code and fire district standards.

E. The master planned development has a secondary point of access/emergency access or other mitigation satisfactory to the City Council and fire district.

F. All roads/streets within master planned development follow the natural contours of the site wherever possible to minimize the amount of grading and balance cut and fill.

G. Existing or proposed utility and public services are adequate to support the proposed master planned development at normal service levels and are designed in a manner to avoid adverse impacts on existing adjacent land uses, public services, and utility resources.

H. The proposed structures within the master planned development are located on reasonably developable portions of the site as determined by the site analysis and sensitive lands determinations. The open areas within the master planned development are designed so that existing significant vegetation can be maintained to the greatest degree possible.

I. The master planned development includes adequate internal vehicular and pedestrian/equestrian/bicycle circulation in accordance with the City Transportation and Trails Master Plans.

J. The master planned development includes adequate and designated areas for snow removal and snow storage.

K. All exterior lighting within the master planned development is downward directed and fully shielded in compliance with the City Outdoor Lighting standards.

L. The master planned development, as conditioned, complies with all the requirements of this chapter.

M. The master planned development, as conditioned, is consistent with the General Plan.

N. The master planned development has been noticed and a public hearing held in accordance with this chapter.