Moroni City

Codes and Ordinances

Title 10 – Zoning Regulations

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Chapter 10-1 General Provisions

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10-1-1: Short Title

This Title shall be known as The Planning and Zoning Ordinance of Moroni and may be so cited and pleaded. Said Title shall be referred to herein as "this Title". (Ord.2000-4-12, 4-1 2-2000)

10-1-2: Purpose

The purpose of this Title is designed and enacted to promote the health, safety, morals, convenience and general welfare of the inhabitants of the City and to:

1. Encourage and facilitate the orderly growth and development of the City.
2. Provide adequate light and air, to prevent overcrowding and congestion of the land and streets and avoid undue concentration of population.
3. Secure economy in Municipal expenditures.
4. Create and facilitate adequate provisions for transportation, water, sewerage, schools, parks, land use and other public requirements.
5. Promote the security of home life, foster the improvement of morals, develop and preserve a more favorable environment for citizens and visitors.
6. Stabilize and improve property values by preventing obsolescence and degeneration of buildings.
7. Secure safety from fire, floods, panic, traffic hazards and other dangers.
8. Foster an economic, cultural and social environment which will enhance the well-being of all citizens.

Promote beauty in City development which is the desired result of recognition and enforcement of this Title as well as the result of an orderly and planned use of resources. (Ord. 2000-4-12, 4-12-2000)

10-1-3: Conflicting Provisions

This Title shall not nullify the more restrictive provisions of covenants, agreements, other laws or general ordinances of the City, but shall prevail and take precedence over such provisions which are less restrictive. (Ord.2000-4-12, 4-1 2-2000)

10-1-4: Interpretation

In interpreting and applying the provisions of this Title the requirements contained herein shall be held to be the minimum adopted for the promotion of public health, safety and welfare. (Ord. 2000-4-12, 4-12-2000)

10-1-5: Amendments

Amendments to this Title or Zone Map may be made by the City Council after the proposed amendment shall first be submitted to the Planning Commission for its recommendation to the City Council. (Ord. 2000-4-12, 4-12-2000)

Chapter 10-2 Definitions

Section

- Definitions 10-2-1

10-2-1: Definitions

The words and terms defined in this Chapter shall have the meanings indicated. Words used in the present tense include the future and words in the singular number include the plural, and words in the plural include the singular. Words not included herein but defined elsewhere in the City ordinances shall be construed as termed therein. The word "shall" is mandatory.

- **Access Strip:** A strip of land which is part of a lot and provides access to the part thereof used or to, be used for buildings or structures.

- **Agriculture:** The tilling of the soil, the raising of crops, horticulture and gardening, including keeping or raising of domestic animals and fowl, except household pets, and not any agricultural industry or business, such as food packing or processing plants, fur farms, animal hospital or similar uses.

- **Alley:** A public thoroughfare for the use of pedestrians and vehicles which affords, or is designated or intended to afford, a secondary means of access to abutting properties.

- **Apartment:** A rented room or a suite of two (2) or more rented rooms designated, or intended for, or occupied by, one family for living and sleeping purposes.

- **Area:** The aggregate of the maximum horizontal cross section within given boundaries.

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

- **Board of Adjustment:** A group of appointed citizens who hear and rule on any disputations of City and zoning ordinances.

- **Boarding House:** A building with not more than five (5) guest rooms where, for compensation, meals are provided for at least five (5) but not more than fifteen (15) persons.

- **Billboard:** See definition of Sign, Commercial.

- **Building:** Any structure other than a boundary wall or fence:

- **Accessory:** A detached building or a portion of the main building on a lot, the use of which is clearly incidental to that of a main or principal building.

- **Attached:** A building or buildings connected by any two (2) of the following:

  - A common wall,

  - A continuous wall,

  - A continuous foundation or a continuous roof line.

  - Wall or fences, patios, terraces or other roofed accessory uses open on at least two (2) sides shall not constitute an attached building.

- **Detached:** A building surrounded by open space on the same lot.

- **Façade:** That portion of an exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.

- **Façade Facing:** A resurfacing of an existing façade with approved material, illuminated or non-illuminated.

- **Height of:** The vertical distance from the grade elevation to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to a point midway between the lowest part of the eaves or cornice and ridge of a pitch or hip roof.

- **Line:** A line parallel to the front lot line and at a distance there from equal to the required depth of the front yard and extending across the entire width of the lot.

- **Main:** A building in which is conducted the principal use of the lot on which it is located.

- **Public:** A building owned and operated or owned and intended to be operated by a public agency of the United States of America, of the State of Utah, or any of its political subdivisions.

- **Car Wash:**

- **Laundry Type:** A structure or portion thereof containing facilities for washing passenger automobiles, using production line methods such as, but not limited to, chain conveyer, moveable or revolving cleaning brushes, blower, steam cleaning or other mechanical devices.

- **Manual Spray:** A structure or portion thereof containing facilities for washing passenger automobiles, limited to using only hand operated manual spray cleaning equipment and techniques.

- **Carport:** A covered automobile parking space not completely enclosed by walls or doors. A carport shall be subject to all regulations described in this Title for a private garage.

- **Cellar:** A story having more than one-half (1/2) its height below the average level of the adjoining ground. A cellar shall not be counted as a story for the purpose of height measurement.

- **Center Line of Street:** That line designated as "center line" in any street in the City of Moroni by the records of the County Recorder.

- **Common Open Space:** The land area in a planned unit development (PUD) reserved and set aside for recreational uses, landscaping, open green areas, parking and driveway areas for the common use and enjoyment of the residents of the PUD.

    - **Easement:** A required right of way granted to Moroni City by the owner of a planned unit development(PUD) on and over land in a PUD designated as common open space, which easement guarantees to the City that the designated common open space and recreation land is permanently reserved for access, parking and recreation, and open green space purposes in accordance with the plans and specifications approved by the Planning Commission and City Council at the time of approval of the PUD or as such plans are amended from time to time.

- **Conditional Use:** A non-approved use of land which is allowed by the Planning Commission. Conditional uses cannot adversely affect the surrounding area. Conditional uses generally have conditions placed upon the use.

- **Condominium Project:** A real estate condominium project where ownership of a single unit in a multi-unit project, together with an undivided interest in common in the common areas and facilities of the property, is transferred; a plan or project whereby four (4) or more apartments, rooms, office spaces or other existing and proposed apartments or commercial or industrial buildings or structures are separately offered or proposed to

be offered for sale and meeting all requirements of the Condominium Ownership Act of the State of Utah. Structures shall conform to all area, yard, frontage and height regulations of the zone district in which they are located.

- **Convalescent Home:** An institution other than a hospital wherein people may gradually recover from an illness (see definition of Hospital, Nursing and Rest Home).

- **Corral:** A space, other than a building, used for the confinement of animals.

- **Dairy:** A commercial establishment for the manufacture, processing or sale of dairy products.

- **Dry Cleaner:** An establishment which cleans fabrics with substantially non-aqueous organic solvents. Laundry establishments with se lf-service, coin-operated dry-cleaning machines shall not be classified as a dry cleaner.

- **Dwelling:** A building or portion thereof designed or used as a living quarters for one or more families:

    - **Multiple-Family:** A building arranged or designed to be occupied by two (2) or more families.

    - **Single-Family:** A building arranged or designed to be occupied by one family, the structure having only one dwelling unit.

    - **Unit:** One or more rooms in a dwelling, apartment, hotel or apartment hotel designed for or occupied by one family for living, sleeping and eating purposes. A dwelling unit may contain more than one set of kitchen facilities, whether temporary or permanent, provided they are used only by members of the family occupying the dwelling unit or their nonpaying guests. A dwelling unit may include up to two (2) persons per unit to whom rooms are rented in addition to a family related by blood, marriage or operation of law, but if the number exceeds two (2) or if they use or are furnished separate cooking facilities, whether temporary or permanent, such additional persons shall be considered a separate dwelling unit.

- **Educational Institution:** A public elementary, secondary school or a private educational institution having a curriculum similar to that ordinarily given in public schools.

- **Family:** One or more persons related by blood, marriage or operation of law, plus domestic servants employed for service on the premises, or a group of not more than four

(4) single persons who need not be so related, living together as a single nonprofit housekeeping unit.

- **Fence:** A tangible barrier or obstruction of any material, with the purpose or intent, or having the effect, of preventing passage or view across the fence line. It includes hedges and walls.

- **Flood Plain Area:** An area adjoining a river, stream or watercourse or other body of standing water in which a potential flood hazard exists due to inundation or overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks or watercourses. See ordinance 16 "Flood Damage Prevention" below.

- **Floor Area:** The sum of the gross horizontal area on the same lot, excluding cellar and basement floor areas not devoted to residential use, but including the area of roofed terraces. All dimensions shall be measured from the exterior faces of the exterior walls.

- **Frontage:** All the property fronting on one side of the street between 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. An intercepting Street shall determine only the boundary of the frontage of the side of the street which it intercepts.

- **Garage:**

    - **Home:** An enclosed space or accessory building for the storage of one or more motor vehicles; provided that no business, occupation or service is conducted for profit therein, nor space therein for more than one car is leased to a nonresident of the premises. A garage shall be considered part of a dwelling if the garage and dwelling have a roof or wall in common or are connected structurally by a physical connection such as a wall, trellis or solid fence.

    - **Business:** A building or portion thereof, other than a private garage, designed or used for servicing, repairing, hiring, selling or storing motor vehicles.

- **Grade**: The average level or the finished surface more than five feet (5') from a Street line. For buildings closer than five feet (5') to a street line, the grade is the sidewalk elevation at the center of the building. If there is no sidewalk, the City Council may establish the grade.

- **Guest:** Any person or persons staying temporarily within a dwelling unit without payment of compensation to the owners, tenants or full-time inhabitants of said dwelling unit.

    - **House:** A separate dwelling structure located on a lot with one or more main dwelling structures and used for housing of guests or servants and not rented, leased or sold separate from the main building. Guest houses shall conform with all area, yard, frontage and height regulations of the zone district in which they are located.

- **Home Business:** Any use conducted entirely within a dwelling and carried on by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and in connection with which there is no display, nor stock in trade. The home occupation shall not involve the use of any building or yard space or activity outside the main building, not normally associated with residential use. Home occupations shall not use more than twenty five percent (25%) of the ground floor area of the home.

- **Hospital, Nursing or Rest Home:** A building or any portion thereof designed for the housing of sick, injured, convalescent or infirm persons; provided, that this definition shall not include rooms in any family dwelling, hotel, apartment hotel or other building not ordinarily designed nor intended to be occupied by said persons.

- **Hotel:** A building designed for or occupied as the more or less temporary abiding place of sixteen (16) or more individuals who are lodged, for compensation, with or without meals.

- **Household Pets:** Animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats or birds, but not including a sufficient number of dogs or cats to constitute a "kennel", as defined in this Section.

- **Incombustible Material:** Any material which will not ignite at or below a temperature of one thousand two hundred degrees Fahrenheit (1,200°F) during an exposure of five (5) minutes and will not continue to burn or glow at that temperature. Tests shall be made as specified in the IFC.

- **Junkyard or Automobile Wrecking Yard:** The use of any lot, portion of a lot or tract of land for the storage, keeping or abandonment of junk, including scrap metal or other scrap materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles, or machinery or parts thereof; provided, that this definition shall not be deemed to include such uses which are clearly incidental to and accessory to any agricultural use permitted in the zone.

- **Kennel:** The use of any lot, or portion of a lot or tract of land, for the keeping, whether for compensation or not, of non-household pets, or more than the allowed number of household pets per this Title.

- **Kindergarten:** A school or class for children generally under six (6) years of age.

- **Kitchen:** Any room and/or other place used, intended or designed to be used for cooking or preparation of food.

- **Laundromat:** A self-service laundry establishment where clothes are cleaned in a coin-operated machine. Laundromats may include self-service, coin-operated dry-cleaning machines.

- **Lodge:** A building for the temporary occupancy of guests, without cooking facilities in each unit. Accessory facilities may include any or all things customarily associated with lodges.

- **Lot:** A parcel of land occupied or to be occupied by a main building or group of buildings (main or accessory), together with such yards, open spaces, lot width and lot area as are required by this Title and having frontage upon a street. Except for group dwellings and a guest house, not more than one dwelling structure shall occupy any one lot.

    - **Corner:** A lot abutting on two (2) intersecting streets where the interior angle of intersections or interception does not exceed one hundred thirty-five degrees (135°).

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

    - **Depth:** The horizontal length of a straight line connecting the bisecting points of the front and rear lot lines.

    - **Interior:** Any lot other than a corner lot.

- **Front Line:** A line separating an interior lot from a street. In the case of a corner lot, the side bordering on the Street which has the smallest dimension shall be the front lot line.

- **Rear Line:** The recorded lot line most distant from the front lot line, except that in the case of an interior triangular or core-shaped lot, it shall mean a straight line ten feet (10') in length which is:

- Parallel to the front lot line or its chord; and

- Intersects the two (2) other lot lines at points most distant from the front lot line.

- **Side Line:** Any lot boundary line which is not a front lot line or a rear lot line.

- **Through (Double Frontage Lots):** Any lot having a frontage on two (2) parallel or approximately parallel streets. Said lots, for purpose of this Title, shall have two (2) street frontages and two (2) front yards.

Width: The distance across a lot or parcel of property measured along a line parallel to the front lot line, or parallel to a straight line connecting the ends of an arc which constitutes the front lot line. The distance between the side lot lines at the distance back from the front lot line required for the depth of the front yard.

- **Maintain:** Includes, but is not limited to, the following: service, repair, alter, remodel, re-letter, redecorate, repaint, move or remove. It does not include the removal of signs by a licensed wrecking contractor. Owner or leasee of a sign may repaint, redecorate and/or change letters or panels on his own sign.

- **Manufactured Home or Building:** A home or other building of new construction without attached axles or wheels which has been assembled fully or in part, upon another site, or in a "factory" and moved to the site upon which it is to be permanently assembled and placed upon a permanent foundation in compliance with the provisions of the Uniform Building Code.

- **Map, Official:** Any map adopted by the City Council under the provisions of Utah Code Annotated section10-10-103, as amended.

- **Mobile Home Park:** A parcel of land which has been planned and improved for the exclusive placement of mobile homes for residential use.

- **Motel:** Any building or group of buildings containing sleeping rooms designed for temporary use by automobile tourists or transients, with garage attached or parking space conveniently located to each unit.

- **Natural Waterways:** Those areas, varying in width, along streams, creeks, gullies, springs or washes which are natural drainage channels as determined by the Chief Building Official and in which areas no buildings shall be constructed.

- **Nightclub:** A place of entertainment open at night usually serving food and liquor, having a floor show and providing music and space for dancing.

- **Non-Conforming Building:** A building or structure or portion thereof lawfully existing at the time any applicable zoning regulation becomes effective, the design, erection, use, height, area or yard dimensions of which do not conform to the provision of such regulations.

- **Non-Conforming Use:** The prior lawful use of land or of a building or structure which subsequently is prohibited by zoning regulations pertaining to the zone in which the building or land is situated.

- **Nursery for Children:** A building or structure where six (6) or more children are regularly cared for during the day for compensation.

- **Nursery, Greenhouse:** A place where young plants are raised for experimental purposes, for transplanting or for sale.

- **Nursing Home:** See definition of Hospital, Nursing or Rest Home.

- **Offices:** A building, room or department wherein a business or service for others is transacted, but not including the storage or sale of merchandise on the premises.

- **Open Green Space:** An open space suitable for relaxation or landscaping. It shall be unoccupied and unobstructed by buildings and/or hard surfaces such as asphalt cement and packed gravel, except that such open green space may be transversed by necessary sidewalks.

- **Parapet**: The extension of a false front or wall above a roofline.

- **Parcel of Land:** A contiguous quantity of land in the possession of or owned by, or recorded as the property of, the same claimant or person.

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

- **Parking Space:** Space for parking or storage for one automobile.

- **Paying Guest:** Any person hiring a room in a dwelling unit for living, eating or sleeping purposes.

- **Person:** One or more persons, an association, a co-partnership or a corporation or firm, either by themselves or by an agent, employee, guardian or trustee.

- **Planned Unit Development (PUD):** A development in which the regulations of the zone in which the development is situated are waived to allow flexibility and initiative in site and building design and location in accordance with an approved plan and imposed general requirements.

- **Planning Commission:** A group of appointed citizens who review and recommend planning and zoning ordinances to the City Council.

- **Private Drive:** Non-dedicated thoroughfare or road use exclusively for private access to and from private land/or developments.

- **Projections into Yards:** Any projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building but shall not include signs.

- **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 and other recreational facilities, administrative and service facilities, and public utilities.

- **Recreation:**

    - **Commercial:** Recreation facilities operated as a business on private or public property and open to the public for a fee, such as a golf course, ski lift, tennis court, etc., and support facilities customarily associated with the development.

    - **Private:** Recreation facilities operated on private property and not open to the public.

    - **Public:** Recreation facilities operated by a public agency and open to the public with or without a fee.

- **Recreational Coach, Travel Trailer, Camper, etc.:** A vehicle such as a recreational trailer, tent, camper trailer, truck camper, travel trailer, camp car or other vehicle with or without motive power, designed and/or constructed to travel on the public thoroughfare

in accordance with the provisions of the Utah Vehicle Code, designed for the use of human habitation.

- **Separate Ownership:** A lot or parcel which is not adjacent or contiguous to other property owned by the same owner or owners. Ownership by a husband, wife or other immediate family member or a combination of the same shall not be considered separate.

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

    - **Commercial:** A sign that is erected to promote a commercial use.

    - **Temporary:** A sign that is erected for a short time. Temporary signs are constructed so that they may be erected or removed quickly. Public announcements, yard sale, for sale, rent and political signs are examples of temporary signs.

- **Site Development Standards:** Established regulations concerning lot areas, yard setbacks, building height, lot coverage, open green space and any other special regulations deemed necessary to accomplish the purpose of this Title.

- **Stable, Private:** A detached, accessory building for the keeping of animals owned by the occupants of the premises, and not kept for remuneration, hire or sale.

- **Stable, Public:** A stable other than a private stable.

- **Story:** The space within a building, other than a cellar, included between the surface of any floor and the surface of the ceiling next above.

- **Street:** A public thoroughfare, dedicated, abandoned or condemned for public use accepted by proper public authority, which affords the principal means of access to abutting property arid is more than twenty-six feet (26') wide.

- **Structural Alterations:** Any change in supporting members of a building, such as bearing walls, columns, beams or girders.

- **Structure:** Anything constructed or erected, the use of which requires location on the ground.

- **Swimming Pool:** Any artificial or semi-artificial container, whether indoors, and whether above or below the surface of the ground, or both, used or intended to be used to contain a body of water for swimming by any person or persons, together with all permanent structures, equipment, appliances and other facilities used or intended for use in and about the operation, maintenance and use of such pool.

    - **Family:** A swimming pool used and to be used solely by the owner, operator or lessee thereof and his family and by guests invited to use it without payment of any fee or consideration.

- **Theater:**

    - **Indoor Picture:** A building or part of a building devoted to the showing of moving pictures on a paid admission basis.

    - **Outdoor Drive-In:** An open lot or part thereof, with its appurtenant facilities devoted primarily to showing of moving pictures, on a paid admission basis, to patrons seated in automobiles.

- **This Title:** The combined chapters of zoning ordinances.

- **Trim, Non-Structural:** The molding, battens, caps, nailing strips, latticing, cutouts or letters and walkways which are attached to a sign structure.

- **Uniform Building Code (UBC):** The current edition of the Uniform Building Code as enforced by the Sanpete County Building Department.

- **Use:** The specific purposes for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

    - **Accessory:** A subordinate use customarily incidental to and located upon the same lot occupied by the main use and devoted exclusively to the main use of the premises.

    - **Conditional:** A use or occupancy of a building, or use of land, permitted only when authorized upon issuance of a conditional use permit, and subject to the limitations and conditions specified therein. A conditional use permit is intended to allow compatible integration of uses which may be suitable only in certain locations within a particular zone, or only upon certain conditions and/or design criteria being achieved.

- **Permitted:** Any use lawfully occupying land or buildings as authorized in the zone regulations and for which no conditional use permit is required.

- **Variance:** A deviation from the established zoning code.

- **Yard:** An open space on a lot, other than a court, unoccupied and unobstructed from the ground upward by buildings, except as otherwise provided herein.

    - **Front:** An open space on the same lot with a building between the front line of the building (exclusive of steps) and the front lot line and extending across the full width of the lot. The "depth" of the front yard is the minimum distance between the front lot line and the front line of the building.

    - **Rear:** An open, unoccupied space on the same lot with a building between the rear line of the building (exclusive of steps) and the rear lot line and extending the full width of the lot.

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

- **Zone:** The geographical area of the City within which the zoning regulations are uniform.

- **Zoning Officer:** The official or other person charged with the administration and enforcement of this Title or his duly authorized representative or enforcement officer.

- **Zoning Ordinance or Ordinance:** The Zoning Ordinance of Moroni, Utah. (Ord, or 2000-4-12, 4-12-2000; amd. 2000 Code)

Chapter 10-3 Administration

Section

- Enforcement 10-3-1
- Zoning and Building Permits, Plans 10-3-2
- Licensing 10-3-3
- Amendments to this Title or Zone Map 10-3-4
- Penalty 10-3-5

10-3-1: Enforcement

1. **Zoning Officer**: The City Council may by assignment entrust administration of this Title in whole or in part to the Zoning Officer without amendment to this Title. The Zoning Officer shall enforce all provisions pertinent to City zoning.

2. **Building Inspector**: The Sanpete County Building Inspector is authorized by County/City agreement as the Administrating Officer for this Title as it pertains to the Uniform Building Code. The County Building Inspector shall enforce all provisions pertinent to the Uniform Building Code.

3. **Enforcement:** Any of the aforesaid duties performed by County/City officials shall enforce provisions, entering actions in court, if necessary, and their failure to do so shall not legalize any violations of such provisions. (Ord. 2000-4-1 2, 4-12-2000)

10-3-2: Zoning and Building Permits, Plans

1. **Required**: Construction, alteration, repair or removal of any building or structure or any part thereof, as provided for or as restricted in this Title and the Uniform Building Code shall only be commenced except after clearance and issuance of a:

    a. Zoning permit cleared and issued by the Zoning Officer.

    b. Building permit cleared and issued by the County Building Inspector.

2. **Inspection**: The County Building Inspector and/or Zoning Officer shall, upon presentation of evidence of authority, have the right of access to any premises at any reasonable hour for the purpose of inspecting all buildings during the course of their construction, modification or repair, as well as to inspect land uses to determine compliance with the provisions of this Title.

3. **Occupancy Permits**:

    a. A permit of occupancy shall be issued by the Zoning Officer to the effect that the use, building or premises shall conform to all provisions of this Title, prior to occupancy.

    b. A permit of occupancy shall be issued by the County Building Inspector to the effect that any building erected, enlarged or altered structurally shall conform to the Uniform Building Code, prior to occupancy.

    c. Occupancy permits are needed whenever the use or character of any building or land is to be changed.

    d. This Title may be enforced by withholding an occupancy permit.

4. **Zoning Permit**: Building projects in all zones require a completed and approved zoning permit before applying for a County building permit

    a. Date of application.

    b. Name, address and phone number of applicant.

    c. Address of property (or approximate) if different than above.

    d. Serial number of building property.

    e. Name of legal owner.

    Note: *Applicant will complete items 1 through 6. Remaining items will be completed by the City.*

    f. A detailed description of building project and plot plan.

    g. Setbacks, which indicate measurement required by the City,

    h. Actual measurements of property setbacks.

    i. Setbacks refer to north, south, east and west and also front and street.

j. Notation of fees received for City services: sewer and water. (City fees schedule is set by ordinance or resolution.)

k. Zoning permit may not be issued without payment of fees.

l. City Water and Sewer Superintendents shall indicate needs for new installations, replacements and/or repairs. The applicant shall be informed of related fees.

m. All fees shall be paid to the City Recorder/Clerk prior to installations, replacements and/or repairs.

n. Information regarding flood zone, checking plot plan and retaining copies for City file will be included.

5. **Site Plan and Plot Map Required**: Site plan and plot map approval is required by the Planning and Zoning Commission for all building projects (residential, commercial and manufacturing), unless otherwise stated by the Planning and Zoning Commission, before applying for a County building permit. (Ord. 2000-4-12, 4-12-2000)

6. **Property Survey Required**: An official survey of the property on which building is to occur, is required prior to meeting with the Planning and Zoning Commission to seek a zoning and building permit.

7. **Building Site Sanitary Condition**: All building sites are required to be operated in a sanitary condition at all times, including but not limited to:

   a. Appropriate trash collection, such as the placement of a dumpster for the duration of the construction.

   b. Appropriate bathroom facilities, such as the placement of a porta-potty for the duration of the construction.

10-3-3: Licensing

All departments, officials and public employees of the City who are vested with duty or authority to issue permits or licenses shall conform to the provision of this Title and shall issue no permit or license for uses, buildings or purposes where the same would be in conflict with the provisions of this Title, and any such permit or license, (if issued in conflict with the provisions of this Title, shall be null and void. (Ord. 2000-4-1 2, 4-12-2000)

10-3-4: Amendments to this title or Zone Map

Amendments to this Title or the Official Zone Map are made by the City Council after recommendation from the Planning Commission. Any citizen of the City may request amendments to this Title or Zone Map. An applicant shall first submit to the Planning Commission an application for amendment.

1. **Application**: Applications made to the Planning Commission for any amendments shall contain the following:

    a. Date and designation of the specific zone change or Title amendment desired.

    b. The reason and justification for such zone change or Title amendment, and a statement setting forth the manner in which a proposed amendment or zone change would further promote the objectives and purposes of this Title.

    c. A complete and accurate legal description of the area proposed to be rezoned, or a draft of the proposed Title amendment.

    d. An accurate plat, drawn to scale, showing all areas to be included within the proposed rezoning, designating the present zoning of the property subject of the petition, and properties immediately adjacent thereto.

    e. A list of all property owners within a radius of three hundred feet (300') of the requested amendment. The City shall send by registered mail a letter which states the purpose of requested zone change which would extend an invitation to attend and participate in the scheduled public hearing.

    f. A nonrefundable filing fee set by resolution as listed in the City fee schedule.

2. **Procedure**:

    a. The applicant shall submit the application for zone change or amendment to the Planning Commission.

    b. The application, together with all pertinent information, shall be considered by the Planning Commission at its next regularly scheduled meeting.

    c. The Planning Commission may call a specific public hearing on any application after adequate notice if it is deemed in the public interest.

    d. The Planning Commission shall take action on the application by the second meeting of the Planning Commission after the application filing date.

e. The Planning Commission shall recommend a) approval; b) modification and approval; or c) denial of the amendment to this Title or Zone Map to the City Council.

f. The Planning Commission shall submit their recommendations on proposed changes and amendments to the City Council for its consideration within thirty (30) days after the public hearing, unless an agreement is reached by the applicant and the Planning Commission to table the matter until the next regular decision making meeting of the Planning Commission. Failure of the Planning Commission to table or submit its recommendation within the prescribed time shall be deemed a recommended approval by such Commission of the proposed change or amendment.

g. The City Council shall, within fifteen (15) days of a public hearing which has been posted and published accordingly to Utah Code section 1 0-3-71 1: a) approve; b) modify and approve; or c) deny the amendment to this Title or Zone Map. (Ord. 2000-4-12, 4-12-2000)

10-3-5: Penalty

Any person, firm or corporation (as principal, agent, employee or otherwise) violating, causing or permitting violation of the provisions of this Title shall be guilty of a Class C misdemeanor and subject to penalty as provided in Section 1-4-1 of this Code. (Ord. 2000-4-12, 4-12-2000; amd. 2000 Code)

Chapter 10-4A Residential Agricultural Zoning (RA)

Section

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- Permitted and Conditional Uses 10-4A-2
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10-4A-1: Purpose: 10-4A-1

The residential-agricultural zone permits and safeguards specific residential and agricultural use combinations within the city. This zone controls density and land coverage while promoting compatible land uses. Additionally, it is intended to protect nearby uses from potential negative impacts associated with certain agricultural operations.

10-4A-2: Permitted and Conditional Uses

The following uses or categories, including but not limited to, are permitted in the RA Zone.

1. **Permitted Principal Uses**: The following principal uses and structures are permitted in the RA Zone.

- Agriculture and agricultural related activities as limited herein.
- Animals (noncommercial as limited herein).
- Communication systems.
- Schools (Elementary, Junior High and High School)
- Nursery, primary and secondary education facilities,
- Public parks.
- Religious Facilities.
- Single-family dwellings.

a. Animal Keeping: The limitations on the keeping and maintenance of animals and fowl permitted in the RA Zone are described below. The mixing of animal types (i.e. a cow and a sheep on the same property) is only permitted as long as the one (1) or more property requirements noted below are both met (i.e. for two (2) cows and two (2) sheep on the same property, 1/4 an acre must be available for both animals (1/2 acre) dedicated space).

i. **Farm Animals**

1. Horses, Cattle and Oxen:

a. **Property Requirements:** Not more than two (2) horse, cow or ox per dedicated (free of residential space) one quarter (1/4) acre of property. No other farm animals are allowed on property dedicated for a horse, cow or ox. For additional farm animals, additional dedicated space per the requirements of this section, is required.

All animals kept prior to the modification of this ordinance are hereby grandfathered.

b. **Care and Maintenance:** All horses within city limits must be properly cared for and the property which is dedicated to their care must meet constant and proper hygiene requirements in conjunction with Moroni City Code 4 – Public Health and Safety.

2. Swine:

    a. **Property Requirements:** One (1) swine per dedicated (free of residential space) one quarter (1/4) acre of property. Maximum number of swine allowed within city limits is set at two (2), following the property requirements stated here. No other farm animals are allowed on property dedicated for swine. For additional farm animals, additional dedicated space per the requirements of this section, is required.
    b. **Piglets:** Piglets may be kept temporarily on a property for a period not exceeding eight (8) weeks from birth. These piglets must be kept with their mother and are exempt from the maximum swine limit during this period. After eight (8) weeks, the number of swine on the property must comply with the maximum limit set forth in this code.
    c. **Care and Maintenance:** All pet swine within city limits must be properly cared for and the property which is dedicated to their care must meet constant and proper hygiene requirements in conjunction with Moroni City Code 4 – Public Health and Safety.

3. Sheep and Goats:

    a. **Property Requirements:** ten (10) sheep or goats per dedicated (free of residential space) one quarter (1/4) acre of property. No other farm animals are allowed on property dedicated for sheep or goats. For additional farm animals, additional dedicated space per the requirements of this section is required.

        All animals kept prior to the modification of this ordinance are hereby grandfathered.

    b. **Care and Maintenance:** All sheep / goats within city limits must be properly cared for and the property which is dedicated to their care must meet constant and proper hygiene requirements in conjunction with Moroni City Code 4 – Public Health and Safety.

ii. **Small animals**: there shall be no more than thirty (30) such animals per dwelling unit with the minimum of ¼ acre lot. Small animals include, but are not limited to, the following:

1. Poultry (3/5/2015)
2. Ducks
3. Birds
4. Rabbits

Any such animals must be maintained in an enclosure appropriate to the animal and maintained in the side or back portions of lots. **Keeping of such animals is prohibited in the front of the home.**

iii. **Household Pets**:

1. Large: there shall be no more than three (3) large pets over the age of four (4) months per dwelling unit with the minimum of ¼ acre lot.

2. Small: there shall be no more than six (6) small pets over the age of four (4) months per dwelling unit with the minimum of ¼ acre lot.

iv. **Violation of Ordinance:** A violation of this section follows the resulting progressive penalties:

1. A warning letter will be issued with thirty (30), from the time of issuance, to resolve the violation.

2. If the violation is not appropriately resolved within the required thirty (30) days, a misdemeanor class B citation may be issued.

2. **Permitted Accessory Uses**: Accessory uses, and structures are permitted in the RA Zone, provided they are incidental to, and do not substantially alter, the character of the permitted principal use or structure.
   a. Such permitted accessory uses, and structures include, but are not limited to, the following:

      i. An accessory dwelling unit (ADU), consistent with the provisions of Moroni City Code 10-8-20.

ii. Accessory buildings such as garages, carports, greenhouses, gardening sheds recreation rooms and similar structures which are customarily used in conjunction with and incidental to a principal use or structure.

iii. Swimming pools and incidental bath houses.

iv. Storage of materials used for the construction of a building, including a temporary contractor's office and/or tool shed; provided, that such uses are on the building site or immediately adjacent thereto; and provided further, that such shall be for only the period of construction and thirty (30) days thereafter.

v. Individuals may use a Recreational Coach as a temporary dwelling in the city for a period not to exceed two (2) weeks per year if the Recreational Coach is being utilized for temporary housing by visiting guests. A longer period may be granted, by an issued permit, if the Recreational Coach is being used as a construction office or temporary housing and is placed on the Lot and off of the street, and only where a permanent structure is being constructed by the property owner. The individual must obtain a permit from City Administrator which shall not be granted unless the Individual also obtains, prior to or contemporaneously therewith, a building permit to construct the permanent structure and actual construction is commenced within thirty days (30) of obtaining the building permit. Upon issuance of a certificate of occupancy or within one year after this permit has been granted, whichever occurs first, the Recreational Coach must be removed as a temporary residence or construction office within fourteen days (14). The Recreational Coach must be located on the Lot and shall comply with all setbacks required in this Ordinance for storage or placement of a Recreational Coach.

1. A Recreational Coach shall not to be used as a permanent dwelling within any zone. A Recreational Coach may be utilized as a temporary dwelling or as a Temporary Multiple-Family Dwelling under the following restrictions:
2. (1) Individuals may use a Recreational Coach as a temporary dwelling in the city for a period not to exceed two (2) weeks to a bona fide guest of the occupants of a permanent premises, not being utilized for any commercial or residential rental purpose. A Recreational Coach shall not be located within a triangular area formed by the property lines connecting them at points twenty-five (25') from the intersection of property lines of any street corner or intersection as defined by Section 10-7-8 of this Title; nor shall it be a sight distance hazard to vehicular or pedestrian traffic.

3. (2) The City Administrator may administratively grant an additional one-week extension by issuing a seven (7) day permit after which the Recreational Coach must be removed for a period of at least thirty (30) days.

vi. Buildings or structures required for the housing, nurture, confinement or storage of animals permitted in this Zone, or equipment required for the care and keeping thereof.

vii. Home occupations, subject to the conditions of this Title.

b. All detached buildings or structures, including carports or shipping storage containers, must meet the following requirements:

i. Must be located behind the front wall plane of the principal structure for non- corner lots.

ii. For corner lots, an accessory building may be located in the side yard provided it is placed behind the front wall plane of the principal structure. The accessory building must not encroach into the required front setback of the lot. While it may be adjacent to the side road, it must still comply with all applicable side and rear yard setbacks.

iii. Accessory buildings shall not cover more than 25% of the rear yard

iv. Accessory buildings, including carports, may be attached or detached to the existing house or any other structure, in accordance with applicable fire and building codes, including provisions for fire walls.

v. Accessory buildings or structures must meet the following requirements:

1. Accessory buildings shall not exceed one story in height.
2. The roof apex of the accessory building shall not exceed the height of the main structure's roof apex.
3. Must be set back at least 5 feet from property lines unless firewalls are provided for walls which lay closest and parallel to property lines, as approved by the building inspector or designee
4. The roof must be no taller than 12 feet tall at the property lines and may slope higher at the maximum rate of 1 vertical foot per horizontal foot away from the property line. Buildings taller than 12 feet must be set back from property lines at least 1 foot for every foot above 12 foot in height.
5. All accessory buildings shall be built of like or similar material as the main building structure and shall not detract from other dwellings.

vi. Exceptions to this setback requirement for height may be granted by the Planning Commission if all adjoining property owners agree to the proposed height in writing.

vii. Accessory buildings or structures over 200 square feet in area must have a building permit and comply with all requirements of this ordinance and the building and fire codes.

viii. Private garages and accessory buildings located less than 5 foot from the property line must also meet the following:
    1. the roof shall not project across the property line;
    2. storm water runoff from the building shall not flow onto adjacent property.
    3. the building shall not be placed over any designated easements.

ix. Accessory buildings shall not provide living quarters nor act as a dwelling unit or an accessory apartment to the primary dwelling residence unless granted as an Accessory Dwelling Unit (ADU). Such accessory buildings used for residential occupancy shall only be permitted as specified in this ordinance.

3. **Conditional Uses**: The following uses and structures are permitted in the RA Zone only after a conditional use permit has been approved by the City Council and subject to the terms and conditions thereof:

    a. Animal hospital services.
    b. Communications facilities.
    c. Convalescent and rest home services.
    d. Governmental services.
    e. Public recreation activities.
    f. Utilities.
    g. Veterinarian services (small animals).

4. **Storage Units:** Storage units are prohibited in the C2 Zone.

10-4A-3: Lot Area

The minimum area for any lot or parcel of land in the RA Zone shall be one-half (1/2) acre.

10-4A-4: Lot Width

1. **Interior**: Each lot or parcel of land in the RA Zone, except corner lots, shall have a frontage width of not less than one hundred feet (100') on a public city street.

2. **Corner**: Each corner lot or parcel in the RA Zone shall be ten feet (10') wider that the minimum required for interior lots.

10-4A-5: Lot Frontage

Each lot or parcel of land in the RA Zone shall abut a public street for a minimum distance of one hundred feet (100') on a line parallel to the center line of the street or thirty five feet (35') along the circumference of a cul-de-sac improved to City standards. Frontage on a Street end

which does not have a cul-de-sac improved to City standards shall not be counted in meeting this requirement.

10-4A-6: Legal Non-Conforming Lots and Structures

1. Lots within approved subdivisions that were legally created prior to the application of the zone shall not be denied a building permit solely due to noncompliance with the parcel size, dimensions, or other lot requirements specified in this Article. Any other lot or parcel must comply with the current zoning regulations before a building permit may be issued. All other applicable building and zoning requirements must be met.

2. In the event that a legal non-conforming structure (including buildings, signs, or other structures) is damaged or destroyed by fire, natural disaster, or other causes beyond the owner's control, the owner may submit an application to replace the damaged structure within one (1) year of the event. The application may be approved provided that the replacement structure and use does not increase the degree of nonconformity. The replacement structure may be modified to reduce the degree of nonconformity, even if it does not bring the structure into full compliance with existing zoning regulations.

3. All applications for replacement of damaged structures must be reviewed and approved in accordance with the procedures established by the City. The City reserves the right to impose conditions or modifications to ensure that the replacement structure meets the intent of this Article and other applicable regulations.

4. This provision applies only to legal non-conforming uses and structures, as defined by this Article. Unauthorized or illegal non-conforming uses and structures are not eligible for replacement under this provision

10-4A-7: Lot Area per Dwelling

Not more than one primary single-family dwelling may be placed on a lot or parcel of land in the RA Zone.

10-4A-8: Yard Requirements

The following minimum yard requirements shall apply in the RA Zone:

1. **Drainage:** All properties shall manage their stormwater drainage entirely within their property boundaries. Any new construction or modifications to existing buildings must ensure that no part of the structure, including eaves or overhangs, extends beyond the property lines. Additionally, all roof drainage, including rainwater runoff, must be directed to an appropriate drainage system on the property and must not flow onto neighboring properties.

2. **Setbacks:** See Table A – Setbacks for setback requirements of principle structures.

3. **Side Yard; Driveway**: When used for access to a garage, carport or parking area, a side yard shall be wide enough to provide an unobstructed twelve-foot (12') driveway.

4. **Side Yard; Accessory Building**: An accessory building may be located on a side property line if, and only if, all of the following conditions are met:

    a. The accessory building is located behind the front wall plane of the principle building on the same lot or the lot adjacent to the property line on which said building is being is placed.

    b. It has no openings on the side, which is contiguous to the property line, and is of one-hour fire resistant construction on said side.

    c. It has facilities for the discharge of all roof drainage onto the subject lot or parcel of land.

    An accessory building which is more than six feet (6') to the rear of a main building, but which does not conform to the above conditions, shall have a side yard of at least five feet (5'). All other accessory buildings shall maintain the same side yard as a main building.

5. **Rear Yard; Accessory Building**: An accessory building may be located on the rear property line so long as:

    a. It has no openings on the side which is contiguous to the rear property line.

    b. It has one-hour fire resistant construction in the wall adjacent to said property line.

    c. It provides for all roof drainage to be retained on the subject lot or parcel.

    An accessory building which does not meet the above conditions shall be at least five feet (5') from the rear property line. (Ord.2000-4-12, 4-1 2-2000)

10-4A-9: Projections into Yards

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

    a. Fences and walls in conformance with City codes or ordinances.

b. Landscape elements, including trees, shrubs, agriculture crops and other plants.

c. Necessary appurtenances for utility services.

2. **Conditional**: The structures listed below may project into a minimum front or rear yard not more than four feet (4') and into a minimum side yard not more than two feet (2'):

a. Cornices, eaves, belt courses, sills, buttresses or other similar architectural features.

b. Fireplace structures and bays; provided, that they are not wider than eight feet (8'), measured generally parallel to the wall of which they are part.

c. Stairways, balconies, door stoops, fire escapes and awnings.

d. Planting boxes of masonry planters not exceeding twenty-four inches (24") in height.

e. Carports and other similar structures over a driveway in a side yard, providing such structure is not more than one story in height and twenty-four feet (24') in length, and is entirely open on at least three (3) sides, except for necessary supporting columns and customary architectural features.

10-4A-10: Building Height

In the RA Zone, the height of every building or structure hereinafter designed, erected or structurally altered or enlarged shall be regulated according to Chapter 10-19-1 Table A Setbacks.

10-4A-11: Distance between Buildings

The distance between any accessory buildings and a dwelling shall not be less than six feet (6').

10-4A-12 Parking, Loading and Access

Each lot or parcel in the RA Zone shall have on the same lot or parcel off-street parking sufficient to comply with Chapter 10-8-16. Required parking spaces shall not be provided within a required front yard except as allowed by this ordinance.

10-4A-13: Site Plan Approval

No city officer shall grant a permit or license for the use of any building or land or for the construction or alteration of any building or structure that does not comply with the provisions of this land use ordinance. Approvals given in violation of this ordinance are void.

1. Land Use Permit Required: A signed Land Use Permit signifying that the proposed use complies with the land use ordinance and setting forth the relevant city fees shall be received before a building permit can be issued.
    a. The permit must be signed by the Mayor, Planning Commission chair, Land Use Authority, Fire official, Public Works director, and City Recorder.
    b. Some uses under this code require issuance of Conditional Use Permits by the City Council before a Zoning Permit can be signed.
    c. Zoning Permits expire six (6) months from the date issued if substantive work under the permit has not begun. Significant physical construction work includes activities such as pouring concrete for footings or foundations, major structural work, or installation of essential infrastructure (e.g., plumbing, electrical, sewage). Preliminary activities such as site preparation, excavation, surveying, or delivery of materials are not considered significant physical construction work.
    d. As part of the zoning permit, the applicant may be required to obtain approval from other affected entities, such as UDOT, local Irrigation Companies, utility companies, etc. having infrastructure on the proposed lot or which will be directly affected by the proposed development, before a zoning permit will be issued by the City.
    e. Buildable area: Structures shall not be constructed on slopes of 20% or greater unless the final design is reviewed and approved by a professional geotechnical engineer or a similarly qualified professional, and a conditional use permit has been issued for the development. For projects on slopes less than 20%, the City Engineer may require a professional review if, in their opinion, the site's field conditions warrant additional scrutiny due to unusual conditions or terrain.
    f. If the design or engineering of any application or proposed land use is beyond the expertise of the City Staff, the City may require third party review by an engineer approved by the City prior to the issuance of a land use permit.
        i. The applicant shall pay an additional fee to cover the cost of the third party review.
    g. Applicants must submit a complete application to the City by the close of business at least fourteen (14) days prior to the Planning Commission meeting. This timeframe ensures that the required reviews by the Development Review Committee (DRC) can be completed. An application will not be placed on the Planning Commission agenda for final approval until all necessary signatures from the DRC members, signifying their approval within their respective jurisdictions, are obtained.
2. Building Permit Required: Erection, alteration, repair, removal or relocation of any building shall not commence or proceed without a written building permit and/or demolition permit issued by the Building Official according to the requirements of the

adopted building code. Pools with electrical covers or submersed lighting, also require a permit. Flat concrete work such as driveways, sports courts, etc. do not require a building permit unless the flat work is done as part of a larger project involving buildings and/or structures which would normally require a building permit.

3. Occupancy Permit Required: No land shall be used or occupied and no building hereafter structurally altered or erected shall be used or changed in use until a certificate of occupancy shall have been issued by the Building Inspector stating that the building or the proposed use thereof, or the use of the land complies with the provisions of this ordinance and any other applicable local, state or federal regulation. Certificates of Occupancy are required within ten days of completion of work.

4. Application Approvals: Complete applications for land use approvals are to be considered under the law that was in place when a complete application was submitted and all fees have been paid, unless the application jeopardizes a compelling, countervailing public interest; or a pending amendment to the ordinances was initiated as provided in city ordinance prior to the application. Pending amendments are of no consequence if not adopted within 180 days of being proposed. (Utah Code §. 10-10a-509)

5. Exactions: The city (or town) may impose an exaction or exactions on proposed land use development if:

    a. an essential nexus exists between a legitimate governmental interest and each exaction; and

    b. each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.

6. Application Made to Conform to Zoning Map: An applicant is entitled to approval of a land use application if the application conforms to the requirements of the 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 City Council, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application; or

    b. In the manner provided by City 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.

7. Processing of Application: 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.

8. Application Considered Complete: An application for a land use approval is considered submitted and complete when the application is provided in a form that complies with the requirements of applicable ordinances and all applicable fees have been paid.
9. Reasonable Diligence: The ongoing validity of a land use application approval is contingent upon the applicant proceeding with the implementation of the approved plans with reasonable diligence after receiving approval.
10. No Unexpressed Requirements: The City shall not impose any requirements on the holder of an issued land use permit unless those requirements are:
    a. Expressly stated in the land use permit or in the documents upon which the permit is based; or
    b. Specified in the City's ordinances.
11. Certificate of Occupancy: 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's ordinances.
12. Compliance: The City is bound by the terms and standards of applicable land use ordinances and shall comply with mandatory provisions of those ordinances.

10-4A-14: Other Requirements

1. **Landscaping**: Landscaping requirements shall be in accordance with Chapter 10-9. All open areas between the front lot line and the rear line of the main building, except driveways, parking areas, walkways, utility areas, improved decks, patios, porches, etc., are required (encouraged) to be maintained with suitable landscaping.

2. **Trash Storage**: No trash materials or wrecked and abandoned vehicles or equipment shall be stored in an open area. All such materials must be screened from public streets and adjacent properties with an opaque fence, hedge or must be stored within an enclosed building.

3. **Walls and Fences**:
    a. Fence Permit Required: No fence, opaque hedge or screening material shall be constructed, erected, or installed without first obtaining a fence permit from the city. Approval of said permit shall be solely for the purpose of approving height, type of fence material, and placement in all Zones. If replacing an existing fence, no permit is required unless altering the footprint, material type or height of the fence in all Zones.
    b. Side and Rear Yard Fences: A fence not more than six feet (6') in height may be placed or installed in any side and rear yards.

c. Clear Vision/corner lot: Notwithstanding the preceding subsection, solid or sight obscuring fences located within a triangular area formed by the property lines connecting them at points twenty-five feet (25') from the intersection of the property lines may not exceed three feet (3') in height. Chain-link or other similar fences that do not block vision may not exceed four feet (4') in height in that area.

d. Front Yard Fences: In any front yard, chain-link or similar fences, which do not block vision, may be allowed up to four feet (4') in height. Solid or sight obscuring fences may not exceed three feet (3') in height in such front yards. This provision shall not be interpreted as to prohibit the erection of any open mesh type fence enclosing elementary or secondary school sites or public parks.

e. In no case shall such a privacy wall extend into the clear vision area of a corner lot as defined by Section 10-8-8 of this Title; nor shall it be a sight distance hazard to vehicular or pedestrian traffic.

f. Solid Type Fence Defined: A solid type fence is one that is closed sufficiently to block view of traffic.

Chapter 10-4B Single Family Residential Zoning (R1)

Section

- Purpose 10-4B-1
- Permitted and Conditional Uses 10-4B-2
- Lot Area 10-4B-3
- Lot Width 10-4B-4
- Lot Frontage 10-4B-5
- Legal Non-Conforming Lots and Structures 10-4B-6
- Lot Area per Dwelling 10-4B-7
- Yard Requirements 10-4B-8
- Projections into Yards 10-4B-9
- Building Height 10-4B-10
- Distance between Buildings 10-4B-11
- Permissible Lot Coverage 10-4B-12
- Park, Loading and Access 10-4B-13
- Site Plan Approval 10-4B-14
- Other Requirements 10-4B-15

10-4B-1: Purpose

The Single Family Residential Zone (R1) is established to provide areas for the encouragement and promotion of an environment for family life by providing for the establishment of single-family dwellings on individual lots. This Zone is characterized by landscaped lots and open spaces with lawns, shrubs, small gardens and the keeping of minimal number of farm animals and fowl for noncommercial use. (Ord. 2000-4-12, 4-12-2000)

10-4B-2: Permitted and Conditional Uses

The following uses or categories, including but not limited to, are permitted in the R1 Zone.

1. **Permitted Principal Uses**: The following principal uses and structures are permitted in the R1 Zone.

- Agriculture and agricultural related activities as limited herein.
- Animals (noncommercial as limited herein).
- Communication systems.
- Schools (Elementary, Junior High and High School)
- Nursery, primary and secondary education facilities,
- Public parks.
- Religious Facilities.
- Single-family dwellings.

a. Animal Keeping: The limitations on the keeping and maintenance of animals and fowl permitted in the R1 Zone are described below. The mixing of animal types (i.e. a cow and a sheep on the same property) is only permitted as long as the one (1) or more property requirements noted below are both met (i.e. for a cow and sheep on the same property, 1/4 an acre must be available for both animals (1/2 acre) dedicated space).

i. **Farm Animals**

1. Horses, Cattle and Oxen:

a. **Property Requirements:** one (1) horse, cow or ox per dedicated (free of residential space) one quarter (1/4) acre of property. No other farm animals are allowed on property dedicated for a horse, cow or ox. For additional farm animals, additional dedicated space per the requirements of this section, is required.

All animals kept prior to the modification of this ordinance (3/2018) are hereby grandfathered.

b. **Care and Maintenance:** All horses within city limits must be properly cared for and the property which is dedicated to their care must meet constant and proper hygiene requirements in conjunction with Moroni City Code 4 – Public Health and Safety.

2. Swine:

    a. **Property Requirements:** One (1) swine per dedicated (free of residential space) one quarter (1/4) acre of property. Maximum number of swine allowed within city limits is set at two (2), following the property requirements stated here. No other farm animals are allowed on property dedicated for swine. For additional farm animals, additional dedicated space per the requirements of this section, is required.
    b. **Piglets:** Piglets may be kept temporarily on a property for a period not exceeding eight (8) weeks from birth. These piglets must be kept with their mother and are exempt from the maximum swine limit during this period. After eight (8) weeks, the number of swine on the property must comply with the maximum limit set forth in this code.
    c. **Care and Maintenance:** All pet swine within city limits must be properly cared for and the property which is dedicated to their care must meet constant and proper hygiene requirements in conjunction with Moroni City Code 4 – Public Health and Safety.

3. Sheep and Goats:

    a. **Property Requirements:** five (5) sheep or goats per dedicated (free of residential space) one quarter (1/4) acre of property. No other farm animals are allowed on property dedicated for sheep or goats. For additional farm animals, additional dedicated space per the requirements of this section is required.

        All animals kept prior to the modification of this ordinance (3/2018) are hereby grandfathered.

    b. **Care and Maintenance:** All sheep / goats within city limits must be properly cared for and the property which is dedicated to their care must meet constant and proper hygiene requirements in conjunction with Moroni City Code 4 – Public Health and Safety.

ii. **Small animals**: there shall be no more than twenty-five (25) such animals per dwelling unit with the minimum of ¼ acre lot. Small animals include, but are not limited to, the following:

1. Poultry (3/5/2015)
2. Ducks
3. Birds
4. Rabbits

Any such animals must be maintained in an enclosure appropriate to the animal and maintained in the side or back portions of lots. **Keeping of such animals is prohibited in the front of the home.**

iii. **Household Pets**:

1. Large: there shall be no more than three (3) large pets over the age of four (4) months per dwelling unit with the minimum of ¼ acre lot.

2. Small: there shall be no more than six (6) small pets over the age of four (4) months per dwelling unit with the minimum of ¼ acre lot.

iv. **Violation of Ordinance:** A violation of this section follows the resulting progressive penalties:

1. A warning letter will be issued with thirty (30), from the time of issuance, to resolve the violation.

2. If the violation is not appropriately resolved within the required thirty (30) days, a misdemeanor class B citation may be issued.

2. **Permitted Accessory Uses**: Accessory uses, and structures are permitted in the R1 Zone, provided they are incidental to, and do not substantially alter, the character of the permitted principal use or structure.
   - Such permitted accessory uses, and structures include, but are not limited to, the following:
     i. An accessory dwelling unit (ADU), consistent with the provisions of Moroni City Code 10-8-20.

ii. Accessory buildings such as garages, carports, greenhouses, gardening sheds recreation rooms and similar structures which are customarily used in conjunction with and incidental to a principal use or structure.

iii. Swimming pools and incidental bath houses.

iv. Storage of materials used for the construction of a building, including a temporary contractor's office and/or tool shed; provided, that such uses are on the building site or immediately adjacent thereto; and provided further, that such shall be for only the period of construction and thirty (30) days thereafter.

v. Individuals may use a Recreational Coach as a temporary dwelling in the city for a period not to exceed two (2) weeks per year if the Recreational Coach is being utilized for temporary housing by visiting guests. A longer period may be granted, by an issued permit, if the Recreational Coach is being used as a construction office or temporary housing and is placed on the Lot and off of the street, and only where a permanent structure is being constructed by the property owner. The individual must obtain a permit from City Administrator which shall not be granted unless the Individual also obtains, prior to or contemporaneously therewith, a building permit to construct the permanent structure and actual construction is commenced within thirty days (30) of obtaining the building permit. Upon issuance of a certificate of occupancy or within one year after this permit has been granted, whichever occurs first, the Recreational Coach must be removed as a temporary residence or construction office within fourteen days (14). The Recreational Coach must be located on the Lot and shall comply with all setbacks required in this Ordinance for storage or placement of a Recreational Coach.

1. A Recreational Coach shall not to be used as a permanent dwelling within any zone. A Recreational Coach may be utilized as a temporary dwelling or as a Temporary Multiple-Family Dwelling under the following restrictions:
2. (1) Individuals may use a Recreational Coach as a temporary dwelling in the city for a period not to exceed two (2) weeks to a bona fide guest of the occupants of a permanent premises, not being utilized for any commercial or residential rental purpose. A Recreational Coach shall not be located within a triangular area formed by the property lines connecting them at points twenty-five (25') from the intersection of property lines of any street corner or intersection as defined by Section 10-7-8 of this Title; nor shall it be a sight distance hazard to vehicular or pedestrian traffic.

3. (2) The City Administrator may administratively grant an additional one-week extension by issuing a seven (7) day permit after which the Recreational Coach must be removed for a period of at least thirty (30) days.

vi. Buildings or structures required for the housing, nurture, confinement or storage of animals permitted in this Zone, or equipment required for the care and keeping thereof.

vii. Home occupations, subject to the conditions of this Title.

- All detached buildings or structures, including carports or shipping storage containers, must meet the following requirements:
  i. Must be located behind the front wall plane of the principal structure for non-corner lots.
  ii. For corner lots, an accessory building may be located in the side yard provided it is placed behind the front wall plane of the principal structure. The accessory building must not encroach into the required front setback of the lot. While it may be adjacent to the side road, it must still comply with all applicable side and rear yard setbacks.
  iii. Accessory buildings shall not cover more than 30% of the rear yard
  iv. Accessory buildings, including carports, may be attached or detached to the existing house or any other structure, in accordance with applicable fire and building codes, including provisions for fire walls.
  v. Accessory buildings or structures must meet the following requirements:
     1. The roof must be no taller than 12 feet tall at the property lines and may slope higher at the maximum rate of 1 vertical foot per horizontal foot away from the property line. Buildings taller than 12 feet must be set back from property lines at least 1 foot for every foot above 12 foot in height.
  vi. Exceptions to this setback requirement for height may be granted by the Planning Commission if all adjoining property owners agree to the proposed height in writing.
  vii. Accessory buildings or structures over 200 square feet in area must have a building permit and comply with all requirements of this ordinance and the building and fire codes.
  viii. Private garages and accessory buildings located less than 5 foot from the property line must also meet the following:
     1. the roof shall not project across the property line;
     2. storm water runoff from the building shall not flow onto adjacent property.
     3. the building shall not be placed over any designated easements.

ix. Accessory buildings shall not provide living quarters nor act as a dwelling unit or an accessory apartment to the primary dwelling residence unless granted as an Accessory Dwelling Unit (ADU). Such accessory buildings used for residential occupancy shall only be permitted as specified in this ordinance.

3. **Conditional Uses**: The following uses and structures are permitted in the R1 Zone only after a conditional use permit has been approved by the City Council and subject to the terms and conditions thereof:

   - Communications facilities.
   - Convalescent and rest home services.
   - Governmental services.
   - Public recreation activities.
   - Utilities.

4. **Storage Units:** Storage units are prohibited in the R1 Zone.

10-4B-3: Lot Area

The minimum area for any lot or parcel of land in the R1 Zone shall be ten thousand (10,000) square feet. (Ord.2000-4-12, 4-12-2000)

10-4B-4: Lot Width

1. **Interior**: Each lot or parcel of land in the R1 Zone, except corner lots, shall have a frontage width of not less than one hundred feet (100') on a public city street.

2. **Corner**: Each corner lot or parcel in the R1 Zone shall be ten feet (10') wider that the minimum required for interior lots. (Ord.2000-4-12, 4-12-2000)

10-4B-5: Lot Frontage

Each lot or parcel of land in the R1 Zone shall abut a public street for a minimum distance of one hundred feet (100') on a line parallel to the center line of the street or thirty five feet (35') along the circumference of a cul-de-sac improved to City standards. Frontage on a Street end which does not have a cul-de-sac improved to City standards shall not be counted in meeting this requirement. (Ord. 2000-4-12, 4-1 2-2000)

10-4B-6: Legal Non-Conforming Lots and Structures

1. Lots within approved subdivisions that were legally created prior to the application of the zone shall not be denied a building permit solely due to noncompliance with the parcel size, dimensions, or other lot requirements specified in this Article. Any other lot

or parcel must comply with the current zoning regulations before a building permit may be issued. All other applicable building and zoning requirements must be met.

2. In the event that a legal non-conforming structure (including buildings, signs, or other structures) is damaged or destroyed by fire, natural disaster, or other causes beyond the owner's control, the owner may submit an application to replace the damaged structure within one (1) year of the event. The application may be approved provided that the replacement structure and use does not increase the degree of nonconformity. The replacement structure may be modified to reduce the degree of nonconformity, even if it does not bring the structure into full compliance with existing zoning regulations.

3. All applications for replacement of damaged structures must be reviewed and approved in accordance with the procedures established by the City. The City reserves the right to impose conditions or modifications to ensure that the replacement structure meets the intent of this Article and other applicable regulations.

This provision applies only to legal non-conforming uses and structures, as defined by this Article. Unauthorized or illegal non-conforming uses and structures are not eligible for replacement under this provision.

10-4B-7: Lot Area per Dwelling

Not more than one single-family dwelling may be placed on a lot or parcel of land in the R1 Zone. (Ord. 2000-4-12, 4-1 2-2000)

10-4B-8: Yard Requirements

The following minimum yard requirements shall apply in the R1 Zone:

1. **Drainage:** All properties shall manage their stormwater drainage entirely within their property boundaries. Any new construction or modifications to existing buildings must ensure that no part of the structure, including eaves or overhangs, extends beyond the property lines. Additionally, all roof drainage, including rainwater runoff, must be directed to an appropriate drainage system on the property and must not flow onto neighboring properties.

2. **Setbacks:** See Table A – Setbacks for setback requirements of principle structures.

3. **Side Yard; Driveway**: When used for access to a garage, carport or parking area, a side yard shall be wide enough to provide an unobstructed twelve-foot (12') driveway.

4. **Side Yard; Accessory Building**: An accessory building may be located on a side property line if, and only if, all of the following conditions are met:

    a. The accessory building is located behind the front wall plane of the principle building on the same lot or the lot adjacent to the property line on which said building is being is placed.

    b. It has no openings on the side, which is contiguous to the property line, and is of one-hour fire resistant construction on said side.

    c. It has facilities for the discharge of all roof drainage onto the subject lot or parcel of land.

    An accessory building which is more than six feet (6') to the rear of a main building, but which does not conform to the above conditions, shall have a side yard of at least five feet (5'). All other accessory buildings shall maintain the same side yard as a main building.

5. **Rear Yard; Accessory Building**: An accessory building may be located on the rear property line so long as:

    a. It has no openings on the side which is contiguous to the rear property line.

    b. It has one-hour fire resistant construction in the wall adjacent to said property line.

    c. It provides for all roof drainage to be retained on the subject lot or parcel.

An accessory building which does not meet the above conditions shall be at least five feet (5') from the rear property line. (Ord.2000-4-12, 4-1 2-2000)

10-4B-9: Projections into Yards

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

    a. Fences and walls in conformance with City codes or ordinances.

    b. Landscape elements, including trees, shrubs, agriculture crops and other plants.

    c. Necessary appurtenances for utility services.

2. **Conditional**: The structures listed below may project into a minimum front or rear yard not more than four feet (4') and into a minimum side yard not more than two feet (2'):

a. Cornices, eaves, belt courses, sills, buttresses or other similar architectural features.

b. Fireplace structures and bays; provided, that they are not wider than eight feet (8'), measured generally parallel to the wall of which they are part.

c. Stairways, balconies, door stoops, fire escapes and awnings.

d. Planting boxes of masonry planters not exceeding twenty-four inches (24") in height.

e. Carports and other similar structures over a driveway in a side yard, providing such structure is not more than one story in height and twenty-four feet (24') in length, and is entirely open on at least three (3) sides, except for necessary supporting columns and customary architectural features. (Ord. 2000-4-12, 4-12-2000)

10-4B-10: Building Height

In the R1 Zone, the height of every building or structure hereinafter designed, erected or structurally altered or enlarged shall be regulated according to Chapter 10-19-1 Table A Setbacks.

10-4B-11: Distance between Buildings

The distance between any accessory buildings and a dwelling shall not be less than six feet (6'). (Ord. 2000-4-12, 4-12-2000)

10-4B-12 Parking, Loading and Access

Each lot or parcel in the R1 Zone shall have on the same lot or parcel off-street parking sufficient to comply with Chapter 10-8-16. Required parking spaces shall not be provided within a required front yard except as allowed by this ordinance. (Ord. 2000-4-12, 4-1 2-2000)

10-4B-13: Site Plan Approval

No city officer shall grant a permit or license for the use of any building or land or for the construction or alteration of any building or structure that does not comply with the provisions of this land use ordinance. Approvals given in violation of this ordinance are void.

1. Land Use Permit Required: A signed Land Use Permit signifying that the proposed use complies with the land use ordinance and setting forth the relevant city fees shall be received before a building permit can be issued.
    a. The permit must be signed by the Mayor, Planning Commission chair, Land Use Authority, Fire official, Public Works director, and City Recorder.

b. Some uses under this code require issuance of Conditional Use Permits by the City Council before a Zoning Permit can be signed.

c. Zoning Permits expire six (6) months from the date issued if significant physical construction work under the permit has not begun. Significant physical construction work includes activities such as pouring concrete for footings or foundations, major structural work, or installation of essential infrastructure (e.g., plumbing, electrical, sewage). Preliminary activities such as site preparation, excavation, surveying, or delivery of materials are not considered significant physical construction work.

d. As part of the zoning permit, the applicant may be required to obtain approval from other affected entities, such as UDOT, local Irrigation Companies, utility companies, etc. having infrastructure on the proposed lot or which will be directly affected by the proposed development, before a zoning permit will be issued by the City.

e. Buildable area: Structures shall not be constructed on slopes of 20% or greater unless the final design is reviewed and approved by a professional geotechnical engineer or a similarly qualified professional, and a conditional use permit has been issued for the development. For projects on slopes less than 20%, the City Engineer may require a professional review if, in their opinion, the site's field conditions warrant additional scrutiny due to unusual conditions or terrain.

f. If the design or engineering of any application or proposed land use is beyond the expertise of the City Staff, the City may require third party review by an engineer approved by the City prior to the issuance of a land use permit.

    i. The applicant shall pay an additional fee to cover the cost of the third party review.

g. Applicants must submit a complete application to the City by the close of business at least fourteen (14) days prior to the Planning Commission meeting. This timeframe ensures that the required reviews by the Development Review Committee (DRC) can be completed. An application will not be placed on the Planning Commission agenda for final approval until all necessary signatures from the DRC members, signifying their approval within their respective jurisdictions, are obtained.

2. Building Permit Required: Erection, alteration, repair, removal or relocation of any building shall not commence or proceed without a written building permit and/or demolition permit issued by the Building Official according to the requirements of the adopted building code. Pools with electrical covers or submersed lighting, also require a permit. Flat concrete work such as driveways, sports courts, etc. do not require a building permit unless the flat work is done as part of a larger project involving buildings and/or structures which would normally require a building permit.

3. Occupancy Permit Required: No land shall be used or occupied and no building hereafter structurally altered or erected shall be used or changed in use until a certificate of occupancy shall have been issued by the Building Inspector stating that the building or the proposed use thereof, or the use of the land complies with the provisions of this ordinance and any other applicable local, state or federal regulation. Certificates of Occupancy are required within ten days of completion of work.
4. Application Approvals: Complete applications for land use approvals are to be considered under the law that was in place when a complete application was submitted and all fees have been paid, unless the application jeopardizes a compelling, countervailing public interest; or a pending amendment to the ordinances was initiated as provided in city ordinance prior to the application. Pending amendments are of no consequence if not adopted within 180 days of being proposed. (Utah Code §. 10-10a-509)
5. Exactions: The city (or town) may impose an exaction or exactions on proposed land use development if:
    a. an essential nexus exists between a legitimate governmental interest and each exaction; and
    b. each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.
6. Application Made to Conform to Zoning Map: An applicant is entitled to approval of a land use application if the application conforms to the requirements of the 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 City Council, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application; or
    b. In the manner provided by City 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.
7. Processing of Application: 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.
8. Application Considered Complete: An application for a land use approval is considered submitted and complete when the application is provided in a form that complies with the requirements of applicable ordinances and all applicable fees have been paid.

9. Reasonable Diligence: The ongoing validity of a land use application approval is contingent upon the applicant proceeding with the implementation of the approved plans with reasonable diligence after receiving approval.

10. No Unexpressed Requirements: The City shall not impose any requirements on the holder of an issued land use permit unless those requirements are:

    a. Expressly stated in the land use permit or in the documents upon which the permit is based; or

    b. Specified in the City's ordinances.

11. Certificate of Occupancy: 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's ordinances.

12. Compliance: The City is bound by the terms and standards of applicable land use ordinances and shall comply with mandatory provisions of those ordinances.

10-4B-14: Other Requirements

1. **Landscaping**: Landscaping requirements shall be in accordance with Chapter 10-9. All open areas between the front lot line and the rear line of the main building, except driveways, parking areas, walkways, utility areas, improved decks, patios, porches, etc., shall be maintained with suitable landscaping in accordance with Chapter 10-9: Landscape Requirements.

2. **Trash Storage**: No trash materials or wrecked and abandoned vehicles or equipment shall be stored in an open area. All such materials must be screened from public streets and adjacent properties with an opaque fence, hedge or must be stored within an enclosed building.

3. **Walls and Fences**:

    a. Fence Permit Required: No fence, opaque hedge or screening material shall be constructed, erected, or installed without first obtaining a fence permit from the city. Approval of said permit shall be solely for the purpose of approving height, type of fence material, and placement in all Zones. If replacing an existing fence, no permit is required unless altering the footprint, material type or height of the fence in all Zones.

    b. Side and Rear Yard Fences: A fence not more than six feet (6') in height may be placed or installed in any side and rear yards.

c. Clear Vision/corner lot: Notwithstanding the preceding subsection, solid or sight obscuring fences located within a triangular area formed by the property lines connecting them at points twenty-five feet (25') from the intersection of the property lines may not exceed three feet (3') in height. Chain-link or other similar fences that do not block vision may not exceed four feet (4') in height in that area.

d. Front Yard Fences: In any front yard, chain-link or similar fences, which do not block vision, may be allowed up to four feet (4') in height. Solid or sight obscuring fences may not exceed three feet (3') in height in such front yards. This provision shall not be interpreted as to prohibit the erection of any open mesh type fence enclosing elementary or secondary school sites or public parks.

e. In no case shall such a privacy wall extend into the clear vision area of a corner lot as defined by Section 10-8-8 of this Title; nor shall it be a sight distance hazard to vehicular or pedestrian traffic.

f. Solid Type Fence Defined: A solid type fence is one that is closed sufficiently to block view of traffic.

Chapter 10-4C Medium Density Residential Zoning (R2)

Section

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- Permitted and Conditional Uses 10-4C-2
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10-4C-1: Purpose

The Medium Density Residential Zone (R2) designates appropriate locations for establishing, maintaining, and protecting medium-density residential neighborhoods on lots of at least 10,000 square feet. The regulations also allow for the establishment of public and semi-public uses, such as churches, schools, libraries, parks, and playgrounds, with proper controls to serve the needs of

families. Additionally, the regulations aim to prohibit uses that would be detrimental to a medium-density residential neighborhood.

10-4C-2: Permitted and Conditional Uses

The following uses or categories, including but not limited to, are permitted in the R2 Zone.

1. **Permitted Principal Uses**: The following principal uses and structures are permitted in the R2 Zone.

- Agriculture and agricultural related activities as limited herein.
- Animals (noncommercial as limited herein).
- Communication systems.
- Schools (Elementary, Junior High and High School)
- Mobile Home Park (Strictly as now existing)
- Multiple family dwellings, as limited herein
- Nursery, primary and secondary education facilities,
- Public parks.
- Religious Facilities.
- Single-family dwellings.

- Animal Keeping: The limitations on the keeping and maintenance of animals and fowl permitted in the R2 Zone are described below. The mixing of animal types (i.e. a cow and a sheep on the same property) is only permitted as long as the one (1) or more property requirements noted below are both met (i.e. for a cow and sheep on the same property, 1/4 an acre must be available for both animals (1/2 acre) dedicated space).

i. **Farm Animals**

1. Horses, Cattle and Oxen:

a. **Property Requirements:** one (1) horse, cow or ox per dedicated (free of residential space) one quarter (1/4) acre of property. No other farm animals are allowed on property dedicated for a horse, cow or ox. For additional farm animals, additional dedicated space per the requirements of this section, is required.

All animals kept prior to the modification of this ordinance (3/2018) are hereby grandfathered.

b. **Care and Maintenance:** All horses within city limits must be properly cared for and the property which is dedicated to their care must meet constant and proper hygiene requirements in conjunction with Moroni City Code 4 – Public Health and Safety.

2. Swine:

a. **Property Requirements:** One (1) swine per dedicated (free of residential space) one quarter (1/4) acre of property. Maximum number of swine allowed within city limits is set at two (2), following the property requirements stated here. No other farm animals are allowed on property dedicated for swine. For additional farm animals, additional dedicated space per the requirements of this section, is required.

b. **Care and Maintenance:** All pet swine within city limits must be properly cared for and the property which is dedicated to their care must meet constant and proper hygiene requirements in conjunction with Moroni City Code 4 – Public Health and Safety.

3. Sheep and Goats:

a. **Property Requirements:** five (5) sheep or goats per dedicated (free of residential space) one quarter (1/4) acre of property. No other farm animals are allowed on property dedicated for sheep or goats. For additional farm animals, additional dedicated space per the requirements of this section is required.

All animals kept prior to the modification of this ordinance (3/2018) are hereby grandfathered.

b. **Care and Maintenance:** All sheep / goats within city limits must be properly cared for and the property which is dedicated to their care must meet constant and proper hygiene requirements in conjunction with Moroni City Code 4 – Public Health and Safety.

ii. **Small animals**: there shall be no more than twenty-five (25) such animals per dwelling unit with the minimum of ¼ acre lot. Small animals include, but are not limited to, the following:

1. Poultry (3/5/2015)
2. Ducks
3. Birds
4. Rabbits

Any such animals must be maintained in an enclosure appropriate to the animal and maintained in the side or back portions of lots. **Keeping of such animals is prohibited in the front of the home.**

iii. **Household Pets**:

1. Large: there shall be no more than three (3) large pets over the age of four (4) months per dwelling unit with the minimum of ¼ acre lot.

2. Small: there shall be no more than six (6) small pets over the age of four (4) months per dwelling unit with the minimum of ¼ acre lot.

iv. **Violation of Ordinance:** A violation of this section follows the resulting progressive penalties:

1. A warning letter will be issued with thirty (30) days, from the time of issuance, to resolve the violation.

2. If the violation is not appropriately resolved within the required thirty (30) days, a misdemeanor class B citation may be issued.

2. **Permitted Accessory Uses**: Accessory uses, and structures are permitted in the R2 Zone, provided they are incidental to, and do not substantially alter, the character of the permitted principal use or structure.
   - Such permitted accessory uses, and structures include, but are not limited to, the following:

i. An accessory dwelling unit (ADU), consistent with the provisions of Moroni City Code 10-8-20.

ii. Accessory buildings such as garages, carports, greenhouses, gardening sheds recreation rooms and similar structures which are customarily used in conjunction with and incidental to a principal use or structure.

iii. Swimming pools and incidental bath houses.

iv. Storage of materials used for the construction of a building, including a temporary contractor's office and/or tool shed; provided, that such uses are on the building site or immediately adjacent thereto; and provided further, that such shall be for only the period of construction and thirty (30) days thereafter.

v. Buildings or structures required for the housing, nurture, confinement or storage of animals permitted in this Zone, or equipment required for the care and keeping thereof.

vi. Individuals may use a Recreational Coach as a temporary dwelling in the city for a period not to exceed two (2) weeks per year if the Recreational Coach is being utilized for temporary housing by visiting guests. A longer period may be granted, by an issued permit, if the Recreational Coach is being used as a construction office or temporary housing and is placed on the Lot and off of the street, and only where a permanent structure is being constructed by the property owner. The individual must obtain a permit from City Administrator which shall not be granted unless the Individual also obtains, prior to or contemporaneously therewith, a building permit to construct the permanent structure and actual construction is commenced within thirty days (30) of obtaining the building permit. Upon issuance of a certificate of occupancy or within one year after this permit has been granted, whichever occurs first, the Recreational Coach must be removed as a temporary residence or construction office within fourteen days (14). The Recreational Coach must be located on the Lot and shall comply with all setbacks required in this Ordinance for storage or placement of a Recreational Coach.

1. A Recreational Coach shall not to be used as a permanent dwelling within any zone. A Recreational Coach may be utilized as a temporary dwelling or as a Temporary Multiple-Family Dwelling under the following restrictions:
2. (1) Individuals may use a Recreational Coach as a temporary dwelling in the city for a period not to exceed two (2) weeks to a bona fide guest of the occupants of a permanent premises, not being utilized for any commercial or residential rental purpose. A Recreational Coach shall not be located within a triangular area

formed by the property lines connecting them at points twenty-five (25') from the intersection of property lines of any street corner or intersection as defined by Section 10-7-8 of this Title; nor shall it be a sight distance hazard to vehicular or pedestrian traffic.

3. (2) The City Administrator may administratively grant an additional one-week extension by issuing a seven (7) day permit after which the Recreational Coach must be removed for a period of at least thirty (30) days.

vii. Home occupations, subject to the conditions of this Title.

- All detached buildings or structures, including carports or shipping storage containers, must meet the following requirements:
  i. Must be located behind the front wall plane of the principal structure for non- corner lots.
  ii. For corner lots, an accessory building may be located in the side yard provided it is placed behind the front wall plane of the principal structure. The accessory building must not encroach into the required front setback of the lot. While it may be adjacent to the side road, it must still comply with all applicable side and rear yard setbacks.
  iii. Accessory buildings shall not cover more than 30% of the rear yard
  iv. Accessory buildings, including carports, may be attached or detached to the existing house or any other structure, in accordance with applicable fire and building codes, including provisions for fire walls.
  v. Accessory buildings or structures must meet the following requirements:
     1. Must be set back at least 5 feet from property lines unless firewalls are provided for walls which lay closest and parallel to property lines, as approved by the building inspector or designee
     2. The roof must be no taller than 12 feet tall at the property lines and may slope higher at the maximum rate of 1 vertical foot per horizontal foot away from the property line. Buildings taller than 12 feet must be set back from property lines at least 1 foot for every foot above 12 foot in height.
  vi. Exceptions to this setback requirement for height may be granted by the Planning Commission if all adjoining property owners agree to the proposed height in writing.
  vii. Accessory buildings or structures over 200 square feet in area must have a building permit and comply with all requirements of this ordinance and the building and fire codes.
  viii. Private garages and accessory buildings located less than 5 foot from the property line must also meet the following:
     1. the roof shall not project across the property line;

2. storm water runoff from the building shall not flow onto adjacent property.
3. the building shall not be placed over any designated easements.

ix. Accessory buildings shall not provide living quarters nor act as a dwelling unit or an accessory apartment to the primary dwelling residence unless granted as an Accessory Dwelling Unit (ADU). Such accessory buildings used for residential occupancy shall only be permitted as specified in this ordinance.

3. **Conditional Uses**: The following uses and structures are permitted in the R2 Zone only after a conditional use permit has been approved by the City Council and subject to the terms and conditions thereof:

- Animal hospital services.
- Communications facilities.
- Convalescent and rest home services.
- Governmental services.
- Public recreation activities.
- Utilities.
- Multiple family dwellings

4. **Storage Units:** Storage units are prohibited in the C2 Zone.

10-4C-3: Lot Area

The minimum area for any lot or parcel of land in the R2 Zone shall be ten thousand (10,000) square feet. (Ord.2000-4-12, 4-12-2000)

10-4C-4: Lot Width

1. **Interior**: Each lot or parcel of land in the R2 Zone, except corner lots, shall have a frontage width of not less than one hundred feet (100') on a public city street.

2. **Corner**: Each corner lot or parcel in the R2 Zone shall be ten feet (10') wider that the minimum required for interior lots. (Ord.2000-4-12, 4-12-2000)

10-4C-5: Lot Frontage

Each lot or parcel of land in the R2 Zone shall abut a public street for a minimum distance of one hundred feet (100') on a line parallel to the center line of the street or thirty five feet (35') along the circumference of a cul-de-sac improved to City standards. Frontage on a Street end which does not have a cul-de-sac improved to City standards shall not be counted in meeting this requirement. (Ord. 2000-4-12, 4-1 2-2000)

10-4C-6: Legal Non-Conforming Lots and Structures

1. Lots within approved subdivisions that were legally created prior to the application of the zone shall not be denied a building permit solely due to noncompliance with the parcel size, dimensions, or other lot requirements specified in this Article. Any other lot or parcel must comply with the current zoning regulations before a building permit may be issued. All other applicable building and zoning requirements must be met.

2. In the event that a legal non-conforming structure (including buildings, signs, or other structures) is damaged or destroyed by fire, natural disaster, or other causes beyond the owner's control, the owner may submit an application to replace the damaged structure within one (1) year of the event. The application may be approved provided that the replacement structure and use does not increase the degree of nonconformity. The replacement structure may be modified to reduce the degree of nonconformity, even if it does not bring the structure into full compliance with existing zoning regulations.

3. All applications for replacement of damaged structures must be reviewed and approved in accordance with the procedures established by the City. The City reserves the right to impose conditions or modifications to ensure that the replacement structure meets the intent of this Article and other applicable regulations.

4. This provision applies only to legal non-conforming uses and structures, as defined by this Article. Unauthorized or illegal non-conforming uses and structures are not eligible for replacement under this provision.

10-4C-7: Lot Area per Dwelling

A minimum lot size of 10,000 square feet shall be required for a single-family dwelling. For a multiple family dwelling, the following lot sizes shall apply:

Units	Lot size required (in square feet)
Duplex	18,390 sq ft
Triplex	26,780 sq ft
Four-plex	35,170 sq ft
Five-plex	43,560 sq ft
Additional units	None allowed

10-4C-8: Yard Requirements

The following minimum yard requirements shall apply in the R2 Zone:

1. **Drainage:** All properties shall manage their stormwater drainage entirely within their property boundaries. Any new construction or modifications to existing buildings must ensure that no part of the structure, including eaves or overhangs, extends beyond the property lines. Additionally, all roof drainage, including rainwater runoff, must be directed to an appropriate drainage system on the property and must not flow onto neighboring properties.

2. **Multiple Access Points Required:** Except single family dwellings, all developments in the multi-family, commercial, and manufacturing zones shall be designed to provide at least two points of vehicular access to public streets or roads. These access points must be designed to facilitate emergency vehicle access, reduce traffic congestion, and provide safe ingress and egress for all vehicles. Access points shall not be located within 50 feet of an intersection or stop sign in any zone to maintain traffic safety and flow.

    a. **Access Point Locations:** The required access points should be spaced at appropriate distances to ensure traffic flow and safety, as determined by the City Engineer or other designated authority. When possible, access points should connect to different streets or roads to maximize connectivity and circulation.

    b. **Exceptions:** The Planning Commission may approve a reduction in the number of access points required if it can be demonstrated that the site layout, size, or other unique characteristics make providing two access points impractical, and that public safety and traffic flow will not be compromised.

3. **Setbacks:** See Table A – Setbacks for setback requirements of principle structures.

4. **Side Yard; Driveway**: When used for access to a garage, carport or parking area, a side yard shall be wide enough to provide an unobstructed twelve-foot (12') driveway.

5. **Side Yard; Accessory Building**: An accessory building may be located on a side property line if, and only if, all of the following conditions are met:

    a. The accessory building is located behind the front wall plane of the principle building on the same lot or the lot adjacent to the property line on which said building is being is placed.

    b. It has no openings on the side, which is contiguous to the property line, and is of one-hour fire resistant construction on said side.

    c. It has facilities for the discharge of all roof drainage onto the subject lot or parcel of land.

An accessory building which is more than six feet (6') to the rear of a main building, but which does not conform to the above conditions, shall have a side yard of at least five feet (5'). All other accessory buildings shall maintain the same side yard as a main building.

6. **Rear Yard; Accessory Building**: An accessory building may be located on the rear property line so long as:

    a. It has no openings on the side which is contiguous to the rear property line.

    b. It has one-hour fire resistant construction in the wall adjacent to said property line.

    c. It provides for all roof drainage to be retained on the subject lot or parcel.

An accessory building which does not meet the above conditions shall be at least five feet (5') from the rear property line. (Ord.2000-4-12, 4-1 2-2000)

10-4C-9: Projections into Yards

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

    a. Fences and walls in conformance with City codes or ordinances.

    b. Landscape elements, including trees, shrubs, agriculture crops and other plants.

    c. Necessary appurtenances for utility services.

2. **Conditional**: The structures listed below may project into a minimum front or rear yard not more than four feet (4') and into a minimum side yard not more than two feet (2'):

    a. Cornices, eaves, belt courses, sills, buttresses or other similar architectural features.

    b. Fireplace structures and bays; provided, that they are not wider than eight feet (8'), measured generally parallel to the wall of which they are part.

    c. Stairways, balconies, door stoops, fire escapes and awnings.

    d. Planting boxes of masonry planters not exceeding twenty-four inches (24") in height.

10-4C-10: Building Height

In the R2 Zone, the height of every building or structure hereinafter designed, erected or structurally altered or enlarged shall be regulated according to Chapter 10-19-1 Table A Setbacks.

10-4C-11: Distance between Buildings

The distance between any accessory buildings and a dwelling shall not be less than six feet (6'). (Ord. 2000-4-12, 4-12-2000)

10-4C-12 Parking, Loading and Access

Each lot or parcel in the R2 Zone shall have on the same lot or parcel off-street parking sufficient to comply with Chapter 10-8-16. Required parking spaces shall not be provided within a required front yard except as allowed by this ordinance. (Ord. 2000-4-12, 4-1 2-2000)

10-4C-13: Site Plan Approval

No city officer shall grant a permit or license for the use of any building or land or for the construction or alteration of any building or structure that does not comply with the provisions of this land use ordinance. Approvals given in violation of this ordinance are void.

1. Land Use Permit Required: A signed Land Use Permit signifying that the proposed use complies with the land use ordinance and setting forth the relevant city fees shall be received before a building permit can be issued.
    a. The permit must be signed by the Mayor, Planning Commission chair, Land Use Authority, Fire official, Public Works director, and City Recorder.
    b. Some uses under this code require issuance of Conditional Use Permits by the City Council before a Zoning Permit can be signed.
    c. Zoning Permits expire six (6) months from the date issued if substantive work under the permit has not begun. Significant physical construction work includes activities such as pouring concrete for footings or foundations, major structural work, or installation of essential infrastructure (e.g., plumbing, electrical, sewage). Preliminary activities such as site preparation, excavation, surveying, or delivery of materials are not considered significant physical construction work.
    d. As part of the zoning permit, the applicant may be required to obtain approval from other affected entities, such as UDOT, local Irrigation Companies, utility companies, etc. having infrastructure on the proposed lot or which will be directly affected by the proposed development, before a zoning permit will be issued by the City.
    e. Buildable area: Structures shall not be constructed on slopes of 20% or greater unless the final design is reviewed and approved by a professional geotechnical engineer or a similarly qualified professional, and a conditional use permit has been issued for the development. For projects on slopes less than 20%, the City

Engineer may require a professional review if, in their opinion, the site's field conditions warrant additional scrutiny due to unusual conditions or terrain.

f. If the design or engineering of any application or proposed land use is beyond the expertise of the City Staff, the City may require third party review by an engineer approved by the City prior to the issuance of a land use permit.

    i. The applicant shall pay an additional fee to cover the cost of the third party review.

g. Applicants must submit a complete application to the City by the close of business at least fourteen (14) days prior to the Planning Commission meeting. This timeframe ensures that the required reviews by the Development Review Committee (DRC) can be completed. An application will not be placed on the Planning Commission agenda for final approval until all necessary signatures from the DRC members, signifying their approval within their respective jurisdictions, are obtained.

2. Building Permit Required: Erection, alteration, repair, removal or relocation of any building shall not commence or proceed without a written building permit and/or demolition permit issued by the Building Official according to the requirements of the adopted building code. Pools with electrical covers or submersed lighting, also require a permit. Flat concrete work such as driveways, sports courts, etc. do not require a building permit unless the flat work is done as part of a larger project involving buildings and/or structures which would normally require a building permit.

3. Occupancy Permit Required: No land shall be used or occupied and no building hereafter structurally altered or erected shall be used or changed in use until a certificate of occupancy shall have been issued by the Building Inspector stating that the building or the proposed use thereof, or the use of the land complies with the provisions of this ordinance and any other applicable local, state or federal regulation. Certificates of Occupancy are required within ten days of completion of work.

4. Application Approvals: Complete applications for land use approvals are to be considered under the law that was in place when a complete application was submitted and all fees have been paid, unless the application jeopardizes a compelling, countervailing public interest; or a pending amendment to the ordinances was initiated as provided in city ordinance prior to the application. Pending amendments are of no consequence if not adopted within 180 days of being proposed. (Utah Code §. 10-10a-509)

5. Exactions: The city (or town) may impose an exaction or exactions on proposed land use development if:

    a. an essential nexus exists between a legitimate governmental interest and each exaction; and

b. each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.

6. Application Made to Conform to Zoning Map: An applicant is entitled to approval of a land use application if the application conforms to the requirements of the 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 City Council, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application; or

    b. In the manner provided by City 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.

7. Processing of Application: 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.

8. Application Considered Complete: An application for a land use approval is considered submitted and complete when the application is provided in a form that complies with the requirements of applicable ordinances and all applicable fees have been paid.

9. Reasonable Diligence: The ongoing validity of a land use application approval is contingent upon the applicant proceeding with the implementation of the approved plans with reasonable diligence after receiving approval.

10. No Unexpressed Requirements: The City shall not impose any requirements on the holder of an issued land use permit unless those requirements are:

    a. Expressly stated in the land use permit or in the documents upon which the permit is based; or

    b. Specified in the City's ordinances.

11. Certificate of Occupancy: 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's ordinances.

12. Compliance: The City is bound by the terms and standards of applicable land use ordinances and shall comply with mandatory provisions of those ordinances.

10-4C-14: Other Requirements

1. **Landscaping**: Landscaping requirements shall be in accordance with Chapter 10-9. All open areas between the front lot line and the rear line of the main building, except driveways, parking areas, walkways, utility areas, improved decks, patios, porches, etc., are encouraged to be maintained with suitable landscaping.

2. **Trash Storage**: No trash materials, or wrecked, inoperable, unlicensed, or abandoned vehicles or equipment shall be stored in an open area. All such materials must be screened from public streets and adjacent properties with an opaque fence or hedge or must be stored within an enclosed building.

3. **Walls and Fences**:

    a. Fence Permit Required: No fence, opaque hedge or screening material shall be constructed, erected, or installed without first obtaining a fence permit from the city. Approval of said permit shall be solely for the purpose of approving height, type of fence material, and placement in all Zones. If replacing an existing fence, no permit is required unless altering the footprint, material type or height of the fence in all Zones.

    b. Side and Rear Yard Fences: All new multi-family dwelling units must install a sight obscuring fence at least 6 feet tall around the interior side and rear sides of the property at the time of obtaining a building permit or expansion. (This section does not supersede height requirements for front yard fences listed below.)

    c. Clear Vision/corner lot: Notwithstanding the preceding subsection, solid or sight obscuring fences located within a triangular area formed by the property lines connecting them at points twenty-five feet (25') from the intersection of the property lines may not exceed three feet (3') in height. Chain-link or other similar fences that do not block vision may not exceed four feet (4') in height in that area.

    d. Front Yard Fences: In any front yard, chain-link or similar fences, which do not block vision, may be allowed up to four feet (4') in height. Solid or sight obscuring fences may not exceed three feet (3') in height in such front yards. This provision shall not be interpreted as to prohibit the erection of any open mesh type fence enclosing elementary or secondary school sites or public parks.

    e. In no case shall such a privacy wall extend into the clear vision area of a corner lot as defined by Section 10-8-8 of this Title; nor shall it be a sight distance hazard to vehicular or pedestrian traffic.

    f. Solid Type Fence Defined: A solid type fence is one that is closed sufficiently to block view of traffic.

Chapter 10-4D Planned Unit Development (PUD)

Section

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10-4D-1: Purpose and Intent

1. The Planned Unit Development Overlay Zone (PUD) is established to allow for diversification in the relationship of various uses and structures, to permit more flexibility and to encourage new and imaginative concepts in the design of neighborhood and housing projects. To this end, the development should be planned as one complex land use rather than an aggregation of individual unrelated buildings located on separate unrelated lots.

2. Substantial compliance with zone regulations and other provisions of this Title in requiring adequate standards related to the public health, safety and general welfare shall be observed, without unduly inhibiting the advantages of large site planning for residential and related purposes. (Ord. 2000 4-12-2000)

10-4D-2: Use Regulations

1. **Zone Permitted**: A PUD shall be permitted in the R Zone, and notwithstanding any other provisions as hereinafter set forth, shall be applicable if any conflict exists.

2. **Development Plan**: An overall development plan for a PUD showing building types, locations, sizes, height, number of residential units, access roads, open spaces, parking and landscaping may be approved by the Planning Commission and City Council, and building permits issued in accordance with such plan, even though the residential uses, housing types and the location of the building proposed differ from the residential uses, housing types and regulations governing such uses in; provided, that the provisions of this Article are complied with.

3. **Accessory Uses**: Accessory nonresidential uses may be included in the development to provide a necessary service to the residents of the development as determined by the Planning Commission. (Ord.2000-4-12, 4-1 2-2000)

4. **Accessory Dwelling Unit (ADU):** Any ADU shall be consistent with the provisions of Moroni City Code 10-8-20

10-4D-3: Area Regulations

1. **Minimum Area**: The minimum area for a PUD shall be four (4) acres.

2. **Density**: The basic number of dwelling units in a PUD shall be the same as the number permitted by the lot area requirements of the Residential Zones. Land used for schools, churches, other nonresidential service-type buildings, for streets and exclusively for access to the usable area of a PUD, shall not be included in the area for determining the number of allowable dwelling units.

3. **Increase In Density**: The basic number of dwelling units in a PUD may be increased by up to ten percent (10%) if the Planning Commission in its judgment determines that the concept, site layout and design, the, residential groupings and the aesthetic and landscaping proposals, will provide a superior residential development to that which would result through the normal land subdivision process.

4. **Applicability**: All proposed residential developments, with the exception of normal land subdivision, that is equal to or in excess of the minimum area requirements for a PUD as set forth in this Section shall comply with the provisions of this Article and be developed as a PUD. Land to be developed as a normal subdivision will be subject to the provisions of Chapter 14 of this Title. (Ord.2000-4-12, 4-1 2-2000)

10-4D-4: General Requirements

1. **Ownership**: The development shall be in a single or corporate ownership or the application filed jointly by the owners of the property.

2. **Adjacent Property not Adversely Affected**: The property adjacent to the PUD shall not be adversely affected. The Planning Commission may require in the absence of

appropriate physical boundaries the use of walls of the least intensity or greatest compatibility be arranged around the boundaries of the project. Yard and height requirements of the adjacent zone shall apply on the periphery of the project.

3. **Site Development Standards; Signs**: Site development standards and sign regulations shall be determined by approval of the site development plan.

4. **Open Space**: The City Council, upon recommendation of the Planning Commission, shall require the preservation, maintenance and ownership of open space utilizing, at the City's option, one of the following methods:

    a. Dedication of the land as a public park; or

    b. Granting to the City a permanent open space easement on and over the said private open spaces to guarantee that the open space remains perpetually in recreation use, with ownership and maintenance being the responsibility of a homeowners' association established with articles of association and bylaws which are satisfactory to the City; or

    c. Complying with the provisions of the Condominium Ownership Act of 1963, Utah Code Annotated title 57, chapter 8, as amended, which provides for the payment of common expenses for the upkeep of common areas and facilities. Recreation uses and facilities may be developed within the common opens space areas in compliance with a recreation and landscaping plan approved as part of the approved final development plan of the PUD.

    If the method prescribed in subsection D2 or. D3 of this Section is utilized to maintain the open spaces, but the organization established fails to maintain the open spaces in reasonable order and condition, the City may, at its option, do or contract to have done the required maintenance and shall assess ratably the open space and individually owned properties within the PUD. Such assessment shall be a lien against the property and shall be filed with the Sanpete County Recorder, or the City may bring suit to collect the maintenance fees, together with a reasonable attorney fee and cost.

5. **Bond Required**: The developer shall be required to provide a bond, as determined by the Planning Commission, to the City guaranteeing the completion of the development of the open space, or a phase thereof. When completed in accordance with the approved plan, the bond shall be released. If uncompleted at the end of two (2) years, the City will review the progress and may proceed to use the bond funds to make the improvements to the open space.

6. **Access Roads Creating Corner Lots**: Where access roads create corner lots of adjoining parcels of land, the location of the paved area of the access road shall be located so as to maintain the minimum corner lot side yard requirements of the zone in which the corner lot is located, plus an additional ten foot (10') planting and walking area.

7. **Division Boundaries**: If the PUD is to be subsequently divided either as a "subdivision" or into a phase development parcel of separately owned and operated units, such division boundaries shall be indicated in the development plan and preliminary subdivision approval concurrently obtained in the case of a "subdivision".

8. **Adaptability of Area**: The area shall be adaptable to a unit-type development and shall not contain within or through it any ownership or physical barrier which would tend to impair the unit cohesiveness.

9. **Changes, Alterations**: Once the overall development plan showing details of buildings, structures, and uses has been approved by the City Council after recommendation of the Planning Commission, no changes or alterations to such development plans or uses shall be made without first obtaining approval of the Planning Commission.

   Major revisions require City Council approval. (Ord. 2000-4-12, 4-1 2-2000)

10-4D-5: Submission of Application

An application for a PUD shall be submitted to the Planning Commission and shall be accompanied by an overall development plan showing uses, dimensions and locations or proposed structures, areas reserved for public uses such as schools, playgrounds, landscaping, recreational facilities and open spaces, areas reserved and proposals for accommodating the design and character of the proposed development. Such other information shall be included as may be necessary to determine that the contemplated arrangement of uses make it desirable to apply regulations and requirements differing from those ordinarily applicable under this Title. Revisions to the plan shall be reviewed and approved by the Planning Commission, with City Council approval on major revisions required. (Ord.2000-4-12, 4-12-2000)

10-4D-6: Planning Commission Consideration

In considering the proposed PUD, the Planning Commission shall consider:

1. **Design**: The design of buildings and their relationship on the site and their relationship to development beyond the boundaries of the development.

2. **Streets; Traffic; Parking**: Which streets shall be public, and which shall be private; the entrances and exits to the development and the provisions for internal and external traffic circulation and off-street parking.

3. **Landscaping**: The landscaping and screening as related to the several uses within the development and as a means of its integration into its surroundings.

4. **Signs**: The size, location, design and nature of signs.

5. **Density**: The residential density of the proposed development and its distribution as compared with the residential density of the surrounding lands, either existing of as indicated on the Zoning Map or General Plan proposals of the City as being a desirable future residential density.

6. **Ability of Proponents to Carry Out Project**: The demonstrated ability of the proponents of the PUD to financially carry out the proposed project under total or phase development proposals within the time established. (Ord. 2000-4-12, 4-1 2-2000)

10-4D-7: Planning Commission Action

The Planning Commission, subject to the requirements of this Article, may recommend approval or denial or approval with conditions, of the proposed PUD to the City Council. (Ord. 2000-4-12, 4-12-2000)

10-4D-8: City Council Action

The City Council, after holding a public hearing thereon, may approve or disapprove the application for a PUD. In approving an application, the City Council may attach such conditions, including a limitation of time during which the permit remains valid, as it may be deemed necessary to secure the purpose of this Article. Approval of the City Council, together with any conditions imposed, constitutes approval of the proposed development as a "permitted use".(Ord. 2000-4-1 2, 4-12-2000)

10-4D-9: Building Permit Issuance

The Building Official shall not issue a building permit for the proposed building or use within the project unless such building or use is in accordance with approved development plan and any condition imposed. Approved development plans shall be filed with the Planning Commission, Building Official and City Clerk/Recorder. (Ord. 2000-4-1 2, 4-12-2000)

10-4D-10: Time Limit

Unless there is substantial action leading toward completion of a PUD or an approved phase thereof within a period of eighteen (18) months from the date of approval, as determined by the City Council, such approval shall expire unless an application for extension is requested and approved. (Ord. 2000-4-12, 4-1 2-2000)

Chapter 10-5A: Central Commercial Zoning (C1)

Section

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- Permitted and Conditional Uses 10-5A-2
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10-5A-1: Purpose and Objectives

1. The Central Commercial Zone (C1) is established to provide a district primarily for the accommodation of retail commercial and service uses to serve the needs of the citizens of the City.

2. The C1 Zone is applied to the existing commercial area which has a variety of characteristics. The provisions contained herein should be used to encourage greater integrity and aesthetic improvement as the area is redeveloped and improved. Integrated

and coordinated landscaping, parking, ingress and egress, signing and building design should be encouraged and coordinated through the Planning Commission. New construction should be in harmony with the character of the surrounding structures. (Ord. 2000-4-12, 4-12-2000)

10-5A-2: Permitted and Conditional Uses

The following uses or categories, including but not limited to, are permitted in the C1 Zone:

1. **Permitted Principal Uses:** The following principal uses and structures, are permitted in the C1 Zone:

- Bank or financial institution.
- Barber shop or Beauty culture school, beauty shop
- Bowling alley
- Clinics, medical or dental
- Employment agency
- Restaurant
- Automobile, new or used, sales and service. Automobile parts sales. Automobile repair,
- Bakery
- Car wash
- Clothing and accessory store.
- Hardware store
- Insurance agency
- Pawnshop

2. **Permitted Accessory Uses**: Accessory uses and structures are permitted in the C1 Zone, provided they are incidental to, and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

   a. An accessory dwelling unit (ADU), as part of an existing single-family home and consistent with the provisions of Moroni City Code 10-8-20.

   b. Accessory buildings such as garages, carports, equipment storage buildings and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in C1 Zone.

   c. Storage of materials used for construction of buildings, including the contractor's temporary office; provided, that such use be located on the building site or immediately adjacent thereto; and provided further, that such use shall be permitted only during the construction period and thirty (30) days thereafter.

d. All detached buildings or structures, including carports or shipping storage containers, must meet the following requirements:
    i. Must be located behind the front wall plane of the principal structure for non- corner lots.
    ii. For corner lots, an accessory building may be located in the side yard provided it is placed behind the front wall plane of the principal structure. The accessory building must not encroach into the required front setback of the lot. While it may be adjacent to the side road, it must still comply with all applicable side and rear yard setbacks.
    iii. Accessory buildings, including carports, may be attached or detached to the existing principle building or any other structure, in accordance with applicable fire and building codes, including provisions for fire walls.
    iv. Accessory buildings or structures must meet the following requirements:
        1. Must be set back at least 5 feet from property lines unless firewalls are provided for walls which lay closest and parallel to property lines, as approved by the building inspector or designee
        2. The roof must be no taller than 12 feet tall at the property lines and may slope higher at the maximum rate of 1 vertical foot per horizontal foot away from the property line. Buildings taller than 12 feet must be set back from property lines at least 1 foot for every foot above 12 foot in height.
    v. Exceptions to this setback requirement for height may be granted by the Planning Commission if all adjoining property owners agree to the proposed height in writing.
    vi. Accessory buildings or structures over 200 square feet in area must have a building permit and comply with all requirements of this ordinance and the building and fire codes.
    vii. Private garages and accessory buildings located less than 5 foot from the property line must also meet the following:
        1. the roof shall not project across the property line;
        2. storm water runoff from the building shall not flow onto adjacent property.
        3. the building shall not be placed over any designated easements.
    viii. Accessory buildings shall not provide living quarters nor act as a dwelling unit or an accessory apartment to the primary building.

3. **Conditional Uses**: The following, including but not limited to, uses and structures are permitted on the C1 Zone only after a conditional use permit has been issued by the Planning Commission, and subject to the terms and conditions thereof:

- Amusement enterprises
- Animal hospital, small animals only and provided it is conducted within

completely enclosed buildings

- Circus, carnival or other transient amusement
- Dance hall
- Liquor store
- Lumber yard
- Miniature golf
- Nightclub or social club.
- Parking lot or garage for passenger automobiles
- Public utilities substation
- Theater, outdoor

(Ord. 2000-4-12, 4-12-2000)

4. **Storage Units:** Storage units are prohibited in the C1 Zone.

10-5A-3: Lot Area

There shall be no minimum lot area requirements in the C1 Zone, except as may be dictated by off-street parking requirements found in Chapter 10-8-16, adequate circulation and proper site utilization, and provisions of the Fire Code. (Ord. 2000-4-12, 4-12-2000)

10-5A-4: Lot Width

There shall be no lot width requirement, except as is found in Chapter 10-19-1 Table A Setbacks. (Ord. 2000-4-12,4-12-2000)

10-5A-5: Lot Frontage

Each lot or parcel of land in the C1 Zone shall have frontage on a public Street for a minimum distance of thirty-five feet (35'). (Ord. 2000-4-12, 4-12-2000)

10-5A-6: Legal Non-Conforming Lots and Structures

1. Lots within approved subdivisions that were legally created prior to the application of the zone shall not be denied a building permit solely due to noncompliance with the parcel size, dimensions, or other lot requirements specified in this Article. Any other lot or parcel must comply with the current zoning regulations before a building permit may be issued. All other applicable building and zoning requirements must be met.

2. In the event that a legal non-conforming structure (including buildings, signs, or other structures) is damaged or destroyed by fire, natural disaster, or other causes beyond the owner's control, the owner may submit an application to replace the damaged structure within one (1) year of the event. The application may be approved provided that the replacement structure and use does not increase the degree of nonconformity. The replacement structure may be modified to reduce the degree of nonconformity, even if it does not bring the structure into full compliance with existing zoning regulations.

3. All applications for replacement of damaged structures must be reviewed and approved in accordance with the procedures established by the City. The City reserves the right to impose conditions or modifications to ensure that the replacement structure meets the intent of this Article and other applicable regulations.

This provision applies only to legal non-conforming uses and structures, as defined by this Article. Unauthorized or illegal non-conforming uses and structures are not eligible for replacement under this provision.

10-5A-7: Yard Requirements

The following minimum yard requirements shall apply in the C1 Zone:

1. **Drainage:** All properties shall manage their stormwater drainage entirely within their property boundaries. Any new construction or modifications to existing buildings must ensure that no part of the structure, including eaves or overhangs, extends beyond the property lines. Additionally, all roof drainage, including rainwater runoff, must be directed to an appropriate drainage system on the property and must not flow onto neighboring properties.

2. **Multiple Access Points Required:** Except single family dwellings, all developments in the multi-family, commercial, and manufacturing zones shall be designed to provide at least two points of vehicular access to public streets or roads. These access points must be designed to facilitate emergency vehicle access, reduce traffic congestion, and provide safe ingress and egress for all vehicles. Access points shall not be located within 50 feet of an intersection or stop sign in any zone to maintain traffic safety and flow.

    a. **Access Point Locations:** The required access points should be spaced at appropriate distances to ensure traffic flow and safety, as determined by the City Engineer or other designated authority. When possible, access points should connect to different streets or roads to maximize connectivity and circulation.

    b. **Exceptions:** The Planning Commission may approve a reduction in the number of access points required if it can be demonstrated that the site layout, size, or other unique characteristics make providing two access points impractical, and that public safety and traffic flow will not be compromised.

3. **Setbacks:** See Table A – Setbacks for setback requirements of principle structures.

4. **Side Yard; Driveway**: When used for access to a garage, carport or parking area, a side yard shall be wide enough to provide an unobstructed twelve-foot (12') driveway.

5. **Side Yard; Accessory Building**: An accessory building may be located on a side property line if, and only if, all of the following conditions are met:

    a. The accessory building is located behind the front wall plane of the principle building on the same lot or the lot adjacent to the property line on which said building is being is placed.

    b. It has no openings on the side, which is contiguous to the property line, and is of four-hour fire resistant construction on said side.

    c. It has facilities for the discharge of all roof drainage onto the subject lot or parcel of land.

    An accessory building which is more than six feet (6') to the rear of a main building, but which does not conform to the above conditions, shall have a side yard of at least five feet (5'). All other accessory buildings shall maintain the same side yard as a main building.

6. **Rear Yard; Accessory Building**: An accessory building may be located on the rear property line so long as:

    a. It has no openings on the side which is contiguous to the rear property line.

    b. It has four-hour fire resistant construction in the wall adjacent to said property line.

    c. It provides for all roof drainage to be retained on the subject lot or parcel.

An accessory building which does not meet the above conditions shall be at least five feet (5') from the rear property line. (Ord.2000-4-12, 4-1 2-2000)

10-5A-8: Projections into Yards

1. **Permitted**: The following structures may be erected on or project into any required yard, except into a required driveway:

    a. Fences and walls in conformance with City codes and ordinances.

    b. Landscaping elements, including trees, shrubs and other plants.

    c. Necessary appurtenances for utility service.

2. **Conditional**: The structures listed below may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two feet (2'), except that required driveways shall remain unobstructed from the ground upward:

    a. Cornices, eaves, belt courses, sills, buttresses or other similar architectural features.

    b. Stairways, balconies, door stoops, fire escapes and awnings.

    c. Planter boxes or masonry planters not exceeding twenty-four inches (24") in height.

    d. Carports and loading docks in a side yard or rear yard; provided that such a structure is not more than one story in height and is entirely open on at least three (3) sides, except for necessary supporting columns and customary architectural features. (Ord.2000-4-12, 4-12-2000)

    e. All roof drainage must be discharged onto the lot or parcel on which the structure is erected to prevent runoff onto adjacent properties.

10-5A-9: Building Height

In the C1 Zone, the height of every building or structure hereinafter designed, erected or structurally altered or enlarged shall be regulated according to Chapter 10-19-1 Table A Setbacks.

10-5A-10: Distance Between Buildings

Distance between buildings shall be in accordance with Chapter 10-19-1 Table A Setbacks, unless the City Council approves otherwise. (Ord. 2000-4-12,4-1 2-2000)

10-5A-11: Permissible Lot Coverage

No requirements, except as may be dictated by yard requirements, landscaping requirements and compliance with off-street parking provisions. (Ord.2000-4-12, 4-1 2-2000)

10-5A-12: Parking, Loading and Access

Each lot or parcel in the C1 Zone shall have, on the same lot or parcel, automobile parking sufficient to meet the requirements as set forth in Chapter 10-8-16. 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 not be provided within a required front yard or side yard adjacent to a public street except as allowed by this ordinance. (Ord. 2000-4-1 2, 4-12-2000) -

10-5A-13: Site Plan Approval

No city officer shall grant a permit or license for the use of any building or land or for the construction or alteration of any building or structure that does not comply with the provisions of this land use ordinance. Approvals given in violation of this ordinance are void.

1. Land Use Permit Required: A signed Land Use Permit signifying that the proposed use complies with the land use ordinance and setting forth the relevant city fees shall be received before a building permit can be issued.
    a. The permit must be signed by the Mayor, Planning Commission chair, Land Use Authority, Fire official, Public Works director, and City Recorder.
    b. Some uses under this code require issuance of Conditional Use Permits by the City Council before a Zoning Permit can be signed.
    c. Zoning Permits expire six (6) months from the date issued if substantive work under the permit has not begun. Significant physical construction work includes activities such as pouring concrete for footings or foundations, major structural work, or installation of essential infrastructure (e.g., plumbing, electrical, sewage). Preliminary activities such as site preparation, excavation, surveying, or delivery of materials are not considered significant physical construction work.
    d. As part of the zoning permit, the applicant may be required to obtain approval from other affected entities, such as UDOT, local Irrigation Companies, utility companies, etc. having infrastructure on the proposed lot or which will be directly affected by the proposed development, before a zoning permit will be issued by the City.
    e. Buildable area: Structures shall not be constructed on slopes of 20% or greater unless the final design is reviewed and approved by a professional geotechnical engineer or a similarly qualified professional, and a conditional use permit has been issued for the development. For projects on slopes less than 20%, the City Engineer may require a professional review if, in their opinion, the site's field conditions warrant additional scrutiny due to unusual conditions or terrain.
    f. If the design or engineering of any application or proposed land use is beyond the expertise of the City Staff, the City may require third party review by an engineer approved by the City prior to the issuance of a land use permit.
        i. The applicant shall pay an additional fee to cover the cost of the third party review.
    g. Applicants must submit a complete application to the City by the close of business at least fourteen (14) days prior to the Planning Commission meeting. This timeframe ensures that the required reviews by the Development Review Committee (DRC) can be completed. An application will not be placed on the Planning Commission agenda for final approval until all necessary signatures from the DRC members, signifying their approval within their respective jurisdictions, are obtained.

2. Building Permit Required: Erection, alteration, repair, removal or relocation of any building shall not commence or proceed without a written building permit and/or demolition permit issued by the Building Official according to the requirements of the adopted building code. Pools with electrical covers or submersed lighting, also require a permit. Flat concrete work such as driveways, sports courts, etc. do not require a building permit unless the flat work is done as part of a larger project involving buildings and/or structures which would normally require a building permit.
3. Occupancy Permit Required: No land shall be used or occupied and no building hereafter structurally altered or erected shall be used or changed in use until a certificate of occupancy shall have been issued by the Building Inspector stating that the building or the proposed use thereof, or the use of the land complies with the provisions of this ordinance and any other applicable local, state or federal regulation. Certificates of Occupancy are required within ten days of completion of work.
4. Application Approvals: Complete applications for land use approvals are to be considered under the law that was in place when a complete application was submitted and all fees have been paid, unless the application jeopardizes a compelling, countervailing public interest; or a pending amendment to the ordinances was initiated as provided in city ordinance prior to the application. Pending amendments are of no consequence if not adopted within 180 days of being proposed. (Utah Code §. 10-10a-509)
5. Exactions: The city (or town) may impose an exaction or exactions on proposed land use development if:
    a. an essential nexus exists between a legitimate governmental interest and each exaction; and
    b. each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.
6. Application Made to Conform to Zoning Map: An applicant is entitled to approval of a land use application if the application conforms to the requirements of the 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 City Council, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application; or
    b. In the manner provided by City 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.
7. Processing of Application: 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.

8. Application Considered Complete: An application for a land use approval is considered submitted and complete when the application is provided in a form that complies with the requirements of applicable ordinances and all applicable fees have been paid.

9. Reasonable Diligence: The ongoing validity of a land use application approval is contingent upon the applicant proceeding with the implementation of the approved plans with reasonable diligence after receiving approval.

10. No Unexpressed Requirements: The City shall not impose any requirements on the holder of an issued land use permit unless those requirements are:

    a. Expressly stated in the land use permit or in the documents upon which the permit is based; or

    b. Specified in the City's ordinances.

11. Certificate of Occupancy: 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's ordinances.

12. Compliance: The City is bound by the terms and standards of applicable land use ordinances and shall comply with mandatory provisions of those ordinances.

10-5A-14: Other Requirements

1. **Signs**: All signs erected in the C1 Zone shall be in conformance with the sign provisions of Chapter 10-14 of this Title.

2. **Uses within Buildings**: All uses established in the C1 Zone shall be conducted entirely within a fully enclosed building, except those uses deemed by the Planning Commission to be customarily and appropriately conducted in the open. Such uses may include, but would not be limited to, service stations, ice skating, miniature golf, plant nurseries, etc.

3. **Landscaping**: Landscaping requirements shall be in accordance with Chapter 10-9. Parking areas shall be landscaped where possible around the periphery and at the ends of parking rows in accordance with the landscaping plan approved by the Planning Commission.

4. **Trash Storage**: No trash used materials or wrecked or abandoned vehicles or equipment shall be stored in an open area. Containers for storage of trash of a size, type and quantity approved by the City shall be maintained in a location approved by the Planning Commission in conjunction with approval of the development plan.

5. **Walls and Fences**:

a. Fence Permit Required: No fence, opaque hedge or screening material shall be constructed, erected, or installed without first obtaining a fence permit from the city. Approval of said permit shall be solely for the purpose of approving height, type of fence material, and placement in all Zones. If replacing an existing fence, no permit is required unless altering the footprint, material type or height of the fence in all Zones.
b. Side and Rear Yard Fences: A fence not more than six feet (6') in height may be placed or installed in any side and rear yards.
c. Clear Vision/corner lot: Notwithstanding the preceding subsection, solid or sight obscuring fences located within a triangular area formed by the property lines connecting them at points twenty-five (25') from the intersection of the property lines may not exceed three feet (3') in height. Chain-link or other similar fences that do not block vision may not exceed four feet (4') in height in that area.
d. Front Yard Fences: In any front yard, chain-link or similar fences, which do not block vision, may be allowed up to four feet (4') in height. Solid or sight obscuring fences may not exceed three feet (3') in height in such front yards. This provision shall not be interpreted as to prohibit the erection of any open mesh type fence enclosing elementary or secondary school sites or public parks.
e. In no case shall such a privacy wall extend into the clear vision area of a corner lot as defined by Section 10-7-8 of this Title; nor shall it be a sight distance hazard to vehicular or pedestrian traffic.
f. A decorative wall or fence six feet (6') in height shall be erected along all property lines which lie adjacent to a residential zone.
g. Solid Type Fence Defined: A solid type fence is one that is closed sufficiently to block view of traffic.