Chapter 10-5B: Mixed Use Commercial Zoning (C2)

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10-5B-1: Purpose and Objectives

The objective of establishing the C2 zone is to designate areas for the city's mixed use commercial activities. Residences in the C2 zone must comply with all requirements under the R2 designation, including regulations related to the keeping of animals.

10-5B-2: Permitted and Conditional Uses

The following uses or categories, including but not limited to, are permitted in the C2 Zone:

1. **Permitted Principal Uses:** The following principal uses and structures, are permitted in the C2 Zone:

- Apartment or multiple-family dwelling
- Automobile, new or used, sales and service. Automobile parts sales. Automobile repair,
- Bank or financial institution.
- Bakery
- Barber shop or Beauty culture school, beauty shop
- Boarding or lodging house.
- Bowling alley
- Car wash
- Clinics, medical or dental
- Clothing and accessory store.
- Employment agency
- Hardware store
- Hotel
- Insurance agency
- Restaurant
- Pawnshop
- Retail store
- Single-family dwellings

2. **Permitted Accessory Uses**: Accessory uses and structures are permitted in the C2 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 C2 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 primary 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 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

Conditional Uses: The following, including but not limited to, uses and structures are permitted on the C2 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
- Parking lot or garage for passenger automobiles
- Rest home
- Nightclub or social club.
- Public utilities substation
- Theater, outdoor

10-5B-3: Lot Area

With the exception of single family homes, which shall conform to all ordinances described in the R1 zone, there shall be no minimum lot area requirements in the C2 Zone, except as may be dictated by off-street parking requirements, adequate circulation and proper site utilization, and provisions of the Fire Code.

10-5B-4: Lot Width

There shall be no lot width requirement, except as is found in Chapter 10-19-1 Table A Setbacks.

10-5B-5: Lot Frontage

Each lot or parcel of land in the C2 Zone shall have frontage on a public Street for a minimum distance of thirty-five feet (35').

10-5B-6: Prior Created Lots

Lots or parcels of land which were created prior to the application of this Zone shall not be denied a building permit solely for reasons of nonconformance to the parcel requirements of this Title.

10-5B-7: Yard Requirements

The following minimum yard requirements shall apply in the C2 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)

10-5B-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.

10-5B-9: Building Height

In the C2 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.

10-5B-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.

10-5B-11: Permissible Lot Coverage

With the exception of single family homes which shall conform to all ordinances described in the R1 zone, there shall be no requirements, except as may be dictated by yard requirements, landscaping requirements and compliance with off-street parking provisions.

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

Each lot or parcel in the C2 Zone shall have, on the same lot or parcel, automobile parking sufficient to meet the requirements of 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.

10-5B-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 City designee over planning, as well as any other city officials relevant to the purpose of the permit being sought.
    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 months from the date issued if substantive work under the permit has not begun.
    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.

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.

10-5B-14: Other Requirements

1. **Signs**: All signs erected in the C2 Zone shall be in conformance with the sign provisions of Chapter 10-14.

2. **Uses within Buildings**: All uses established in the C2 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. **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.

4. **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.

Chapter 10-6: Manufacturing Zoning (M)

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10-6-1: Purpose and Objectives

1. The Manufacturing Zone (M) is established to provide areas in the City where light manufacturing firms can engage in processing, assembling, manufacturing, warehousing and storage; and for incidental service facilities and public facilities to serve the manufacturing area. The Zone is intended to encourage sound development, subject to regulations necessary to assure the orderly growth of the City and the protection of residential and commercial land uses from noise and other disturbances.

2. This Zone is to be characterized by relatively flat, open land suited for industrial uses because of proximity to major transportation routes and the availability of utilities necessary for successful manufacturing or processes. The area in which this Zone will be applied may provide for land reserves for industrial and manufacturing uses.

3. Representative of the uses within the Zone are light manufacturing, fabrication, processing, storage warehousing and wholesale distribution. Uses which generate excessive noise, vibration, smoke, odor, dust, fumes or danger of explosion have been excluded from this Zone.

4. The basic objectives of the M Zone are:

    a. To provide space for light manufacturing and processing uses within the City in an appropriate location and to discourage uses from locating within this Zone which will tend to deteriorate the light manufacturing environment and thwart the use of the land for light industrial purposes.

    b. To broaden the tax base and improve the economic base of the community.

    c. To promote new industry, to the end that the economic and social well-being of the City and its inhabitants shall be enhanced.

    d. To discourage the undesirable mixture of incompatible commercial, industrial and residential uses. (Ord. 2000-4-12, 4-12-2000)

10-6-2: Permitted and Conditional Uses

The following uses or categories, including but not limited to, are permitted in the Manufacturing Zone (M):

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

- Carpenter, cabinet shop
- Laboratory
- Manufacture/maintenance
- Office, business and/or professional
- Veterinary
- Wholesale business
- Garage, public
- Machine shop
- Motor vehicles shop/business
- Parking lot
- Warehouse and storage

2. **Permitted Accessory Uses**: Accessory and uses and structures are permitted in the M Zone, provided they are incidental to and do not substantially alter the character of the permitted principal uses or structures. 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 the M Zone.

    c. Temporary storage of materials used for the construction of a building, including a contractor's 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 in the M Zone only after a conditional use permit has been issued by the Planning Commission, and subject to the terms and conditions thereof:

- Building material sales yard
- Construction of buildings to be sold and moved off the premises
- Draying, freighting or trucking yard/terminal
- Foundry, casting light-weight nonferrous metal without causing noxious odors/fumes
- Public and quasi-public use
- Welding shop
- Coal, fuel, wood yards
- Contractor's equipment storage yard
- Manufacture, compounding, assembling and treatment of articles of merchandise from the following previously prepared materials
- Manufacture, compounding, processing, packaging and treatment of products:
- Tire retreading/vulcanizing
- Accessory uses and buildings customarily incidental to the above uses

(Ord. 2000-4-12, 4-1 2-2000)

10-6-3: Lot Area

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

10-6-4: Lot Width

Each lot or parcel of land in the M Zone shall have an average width of not less than seventy feet (70').(Ord. 2000-4-1 2, 4-12-2000)

10-6-5: Lot Frontage

Each lot or parcel of land in the M Zone shall abut on a public Street for a minimum distance of thirty-five feet (35') on a line parallel to the center line of said street or along the circumference of a cul-de-sac improved to City standards. (Ord. 2000-4-1 2,4-1 2-2000)

10-6-6: Prior Created Lots

Lots or parcels of land which were created prior to the application of this Zone shall not be denied a building permit solely for reason of nonconformance to the above parcel requirement of this Article. (Ord. 2000-4-12, 4-12-2000)

10-6-7: Area of Zone

No requirement, except that an orderly development pattern following good planning principle shall be used. (Ord. 2000-4-12, 4-12-2000)

10-6-8: Yard Requirements

The following minimum yard requirements shall apply in the M 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)

10-6-9: Projections into Yards

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

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

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

    c. Necessary appurtenances for utility service.

2. **Conditional**: The structures listed below may project into a minimum front yard or side yard adjacent to a street 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 up:

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

    b. Stairways, balconies, door stoops, fire escapes, awnings and planter boxes or masonry planters not exceeding twenty-four inches (24") in height. (Ord. 2000-4-12, 4-12-2000)

10-6-10: Building Height

In the M 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.

10-6-11: Distance Between Buildings

In the M Zone, the distance between buildings or structures shall be regulated according to Chapter 10-19-1 Table A Setbacks.

10-6-12: Permissible Lot Coverage

No requirement, except as may be necessitated by required parking and yard requirements. (Ord. 2000-4-12, 4-1 2-2000)

10-6-13: Parking, Loading and Access

1. Each lot or parcel of land in the M Zone shall have, on the same lot or parcel, automobile parking sufficient to meet the requirements set forth in this Title. All parking spaces shall be paved with asphaltic cement or concrete and shall be provided with paved access from a public street. Said spaces shall be provided with adequate drainage which shall not run across a public sidewalk.

2. Parking spaces shall not be provided within a required front yard or a side yard adjacent to a public street except as allowed by this ordinance.

3. Loading spaces shall be provided as required by the Planning Commission, using as a guide a requirement of one such space per ten thousand (10,000) square feet of gross building area. (Ord. 2000-4-12, 4-1 2-2000)

10-6-14: 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.

10-6-15: Other Requirements

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

2. **Uses within Buildings**: All uses in the M 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. Open storage of materials and equipment permitted in this Zone may be accomplished only when fully screened from public view by an opaque fence or wall approved by the Planning Commission in conjunction with the issuance of a conditional use permit for said use.

3. **Landscaping**: The following landscaping provisions shall apply in the M Zone:

    a. Landscaping requirements shall be in accordance with Chapter 10-9.
    b. The front yard area and side yard areas adjacent to a public street, except those portions devoted to driveways, shall be maintained with suitable landscaping of plants, shrubs, trees, grass and similar landscaping materials.

c. All parking areas which are open to public view shall be landscaped where possible around the periphery and at the ends of parking rows in accordance with the landscaping plan approved as part of the site plan approval procedure.

4. **Trash Storage**: No trash used materials or wrecked or abandoned vehicles or equipment shall be stored in an open area. Containers for trash storage of the size, type and quantity approved by the City shall be maintained at a location approved by the Planning Commission in conjunction with the approval of the site 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. No wall, fence or opaque hedge or screening material higher than thirty-six inches (36") shall be maintained within a front yard or side yard adjacent to a public street in an M Zone.

   c. A minimum 6' site obscuring fence shall be erected along all property lines which lie immediately adjacent to any residential zone.

   d. The clear vision area as defined in Section 10-7-8 of this Title shall be maintained clear to the extent set forth in that Section.

Chapter 10-7 Sensitive Lands Zoning (SL)

Section

- Purpose and Intent 10-7-1
- Permitted Uses 10-7-2
- Development Restrictions 10-7-3
- Setback Requirements 10-7-4
- Review and Approval Process 10-7-5

10-7-1: Purpose and Intent

1. The purpose of the Sensitive Lands (SL) Zone is to protect areas of significant environmental value, including but not limited to, the Sanpitch River and other sensitive natural areas within Moroni City. This zone aims to preserve natural habitats, water resources, and the overall ecological balance while allowing for minimal, carefully regulated use.

10-7-2: Permitted Uses

1. **Non-Development Uses:** The SL Zone is designated to remain free from development activities except where necessary for environmental protection, maintenance, or scientific study.
2. **Fencing:** Fencing is permitted provided it meets the following criteria:
    a. Setback: Fences must be set back at least 15 feet from the sensitive land boundary.
    b. Design: Fences should be constructed in a manner that does not impede natural water flow or wildlife movement.

10-7-3: Development Restrictions

1. **No Building Construction:** No buildings, structures, or other permanent improvements shall be constructed on or over sensitive lands within the SL Zone.
2. **Permitted Development:** Any development activities, including but not limited to grading, filling, or construction, shall require strict review and approval from the following:

a. **Army Corps of Engineers:** Compliance with all regulations and permits required by the Army Corps of Engineers.

b. **Federal and State Agencies:** Any other federal or state agencies with jurisdiction over environmental protection and land use.

c. **City Review:** Additional review and approval from Moroni City's Planning Commission and City Council as required.

10-7-4: Setback Requirements

1. **Engineered Plans:** Setback requirements from sensitive lands must be established in accordance with engineered plans that consider environmental impacts.
2. **Approval:** All setbacks and development plans must be reviewed and approved by the Army Corps of Engineers, relevant federal and state agencies, and Moroni City's Planning Commission.

10-7-5: Review and Approval Process

1. **Application:** Applicants proposing any activity or development within the SL Zone must submit a detailed application including environmental impact assessments, engineering plans, and permits.
2. **Public Notice:** Public notice and opportunity for public comment must be provided before any approvals are granted.
3. **Compliance:** Ongoing compliance with all applicable environmental regulations and permits is required for any permitted activities.

Chapter 10-8: Supplementary Development Standards

Section

- Purpose 10-8-1
- Establishment of Uses Not Specified 10-8-2
- Clarification of Ambiguity 10-8-3
- Public Utilities; Exception 10-8-4
- Use and Storage of Travel Trailers, Boats and Boat Trailers 10-8-5
- Abandoned, Wrecked or Junked Vehicles 10-8-6
- Height Limitation; Exceptions 10-8-7
- Clear Vision Area; Corner Lots 10-8-8
- Minimum Yard Area to be Preserved 10-8-9
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- Front Yard Modifications; Developed Areas 10-8-11
- Minimum Lot Area to be Preserved 10-8-12
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- Double Frontage Lots; Two Front Yards 10-8-15
- Parking Requirements 10-8-16
- Effect of Street Plan 10-8-17
- Swimming Pools 10-8-18
- Adult Entertainment Businesses Prohibited 10-8-19

- Accessory Dwelling Units 10-8-20

10-8-1: Purpose:

The purpose of this Chapter is to provide for the several miscellaneous land development standards which are applicable throughout the City. The requirements of this Chapter shall be in addition to the property development standards contained within the provisions of each respective zone. The provisions of this Chapter shall prevail over conflicting provisions of any other chapters herein. (Ord.2000-4-12, 4-1 2-2000)

10-8-2: Establishment of Uses Not Specified:

1. **Findings By Planning Commission**: When use is not specifically contained in the list of permitted and/or conditional uses in any zone, but is of the same character and intensity as other uses listed, the Planning Commission makes the following findings:

    a. That the establishment of the use will be in accordance with the purposes of the zone in which that use is proposed.

    b. That the use will be an appropriate addition to the zone because it has the same basic characteristics as the other uses permitted in the zone.

    c. That the use will not be detrimental to the public health, safety or welfare.

    d. That the use shall not adversely affect the character of that zone in which it is proposed to be established.

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

    f. That the use will not create any greater hazard of fire or explosion that the hazard normally created by any of the uses listed as uses in that zone.

2. **Public Hearing**: The Planning Commission shall, at the same regular meeting in which they have allowed the establishment of a use in accordance with the above provisions, set a public hearing in accordance with this Title at which the Planning Commission shall determine whether the use should be recommended to the City Council as an amendment to this Title for addition to the list of permitted uses in the respective zone in which said use has been established. (Ord. 2000-4-12, 4-1 2-2000)

10-8-3: Clarification of Ambiguity

If ambiguity arises concerning, the appropriate classification of a particular use within the meaning and intent of the Title, or with respect to matters to height, yard requirement, area requirements or zone boundaries, as set forth herein and as they may pertain to unforeseen circumstances, including technological changes and processing of materials, it shall be the duty of the Planning Commission to ascertain all pertinent facts and set forth its findings and its interpretations, and thereafter such findings and interpretations shall govern. (Ord. 2000-4-1 2, 4-12-2000)

10-8-4: Public Utilities; Exceptions

The provisions of this Title shall not apply to structures or facilities used or usable by any utility company solely for the purpose of distributing electricity or communication services, and shall not be construed to limit or interfere with the installation, maintenance and operation of public irrigation ditches, pipelines and electric or telephone distribution and transmission lines, or railroads, when located in accordance with the applicable rules and regulations of local and State agencies; except that all transmission lines, electric substations, storage yards and public utility buildings shall be subject to site plan approval if required by the provisions of the applicable zone. (Ord. 2000-4-12, 4-12-2000)

10-8-5: Location of Boats, Boat Trailers and Travel Trailers

1. Boats, boat trailers or travel trailers may not be placed, kept or maintained within the front yard area of the Residential Zones (R1 and R2). Boats or trailers may be located anywhere on the lot, except in a clear vision zone of a corner lot, for a temporary period not to exceed twenty-four (24) hours for loading and unloading purposes, or for temporary storage not to exceed seven (7) days, if such facility is owned by a bona fide guest of the occupants of the premises.
2. 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:
    (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.
    (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.

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

10-8-6: Abandoned, Wrecked or Junked Vehicles

1. **Prohibited**: It shall be unlawful to park, store or leave or to permit the parking, storing or leaving of any licensed or unlicensed motor vehicle of any kind, or part thereof, which is in a wrecked, junked, partially dismantled, inoperative or abandoned condition, whether attended or not, upon any private property within the City limits for a period of time in excess of seventy two (72) hours, except that such vehicles or parts thereof may be stored, if within a building, or placed behind an opaque screening fence; and except that said vehicles and parts may be within a junkyard or automobile wrecking yard lawfully established pursuant to the provisions of this Title.

2. **Nuisance Declared**: The accumulation and storage of more than two (2) such vehicles or part thereof, as defined above, on private property, shall constitute a nuisance detrimental to the health, safety and welfare of the inhabitants of the City. It shall be the duty of the owner of such vehicle, or part thereof, or lessee or other person in possession of private property upon which such vehicle or part thereof is located, to remove the same from such property. (Ord. 2000-4-12, 4-12-2000)

10-8-7: Height Limitation; Exceptions:

1. **Measurement from Finished Grade**: Where doubt exists as to height of fences, hedges, buildings, structures, etc., provided for in this Title, height limitations shall be measured from the average finished grade of the front yard for buildings, or from the average finished grade of the yard in which fences, hedges or other such structures are located.

2. **Exceptions**: All buildings and structures must conform to the height limit of the zoning district in which they are located. No space above the height limit shall be allowed for the purpose of providing additional floor space. However, the following exceptions to height limits are permitted in any zoning district:
    a. **Building Equipment and Structures:**
        i. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building.
        ii. Properly screened mechanical appurtenances usually carried above the roof level of a building.
    b. **Architectural and Decorative Features:**
        i. Church spires, belfries, cupolas, domes not used for human occupancy, and cornices without windows.
        ii. Skylights, steeples, flagpoles, chimneys, smokestacks, fire or parapet walls.
    c. **Utility and Communication Structures:**
        i. Antennas, radio towers, wireless and television masts, provided they are issued a conditional use permit by the City Council.

ii. Towers, water tanks, and silos, subject to City Council approval through a conditional use permit.

d. **Public and Quasi-Public Buildings:**

i. Medical, emergency service, religious, public, and quasi-public utility buildings.

10-8-8: Clear Vision Area; Corner Lots

In all zones which require a front yard, no obstruction to view more than three feet (3') in height shall be placed on any corner within a triangular area formed by the property lines connecting them at points twenty-five (25') from the intersection of property lines. Chain-link or similar fences that do not block vision may not exceed four feet (4') in height. Street trees are permitted which are pruned at least seven feet (7') above the established grades of the curb so as not to obstruct clear view by motor vehicle drivers. Those properties which adjoin a driveway of the adjacent property must preserve a ten-foot sight triangle to allow visibility to pedestrians for those backing out of the adjoining driveway.

10-8-9: Minimum Yard Areas to be Preserved

1. Except as provided in this Title, every required front, side and rear yard shall be open and unobstructed from the ground to the sky.

2. No lot or parcel of land shall be divided or reduced in area or dimension so as to cause any required yard or open space to be reduced below that existing at the time of the adoption of the Ordinance codified herein. No required yard or open space provided around any building for the purpose of complying with provisions of this Title shall be used or considered as a yard or open space for any other building. (Ord, 2000-4-12, 4-12-2000)

10-8-10: Side Yard Modification; Combined Lots

When the common boundary separating two (2) or more contiguous lots is currently covered by a building or a permitted group of buildings, those lots shall constitute a single building site. The side yard requirements of this Title shall not apply to such common boundary lines. The side yard requirements shall apply only to the exterior boundaries of the contiguous lots so joined.

1. **Prohibition of Future Construction Over Boundary Lines:**
   a. Moving forward, no new buildings or structures shall be constructed over the boundary line between two (2) or more contiguous lots. All new development must comply with the current code requirements, which required setbacks and prohibit construction across property lines.
2. **Compliance for Existing Buildings:**
   e. For properties where an existing building currently crosses a boundary line, any further development, modification, or redevelopment of the property shall require the property owner to bring the property into compliance with the current code.

This means the boundary line must be amended, such as through a lot line adjustment, so that the building is no longer built over the boundary line.

10-8-11: Front Yard Modifications; Developed Areas

In blocks with more than fifty percent (50%) of the buildable lots already developed, the minimum front yard requirement for new construction shall be equal to the average front yards existing on said developed lots; provided, however, this regulation shall not be interpreted to require a front yard of more than thirty feet (30') in depth. (Ord. 2000-4-1 2, 4-1 2-2000)

10-8-12: Minimum Lot Area to be Preserved

1. No portion of a minimum lot area prescribed in this Title shall be used or considered as part of another lot or parcel of land for purposes of establishing or determining applicable property development standards.

2. No lot or parcel of land shall be reduced in size by conveyance or otherwise so that the area thereon is less than the prescribed minimum. (Ord. 2000-4-12, 4-1 2-2000)

10-8-13: Minimum Lot Area; Portion for Public Use

If a portion of a lot or parcel of land which meets the minimum lot area requirements of a respective zone is acquired for public use in any manner, including dedication, condemnation or purchase, and such acquisition reduces the area below such minimum requirements, the remainder of such lot or parcel shall nevertheless be considered as having the required minimum lot area if all of the following conditions are met:

1. Such lot or parcel contains a rectangular space of at least thirty feet by forty feet (30' x 40'), exclusive of applicable front and side yard requirements, and exclusive of one-half (1/2) of the applicable rear yard requirements, and such rectangular space is usable for a principal use or structure.

2. The remainder of such lot or parcel of land has an area of at least one-half (1/2) of the required lot area of the zone in which the lot or parcel is located.

3. The remainder of such lot or parcel of land has access to a public street with a width of not less than twenty feet (20'). (Ord. 2000-4-12, 4-1 2-2000)

10-8-14: Lot Area Reduction; Public Use

A reduction in the minimum required area for a lot or parcel of land which is owned by the City, County, State or other public entity or public utility may be granted by a variance issued by the Board of Adjustment, provided such lot or parcel is used exclusively for public purposes and provided that no living quarters are located upon such lot or parcel. (Ord. 2000-4-12, 4-12-2000)

10-8-15: Double Frontage Lots; Two Front Yards

A double frontage or through lot shall have a front yard as required by the respective zone on each street on which it abuts, (Ord.2000-4-12, 4-1 2-2000)

10-8-16: Parking Requirements

1. Parking Desing Standards:
    a. **Parking Space:** A minimum of 9 ft by 20 ft space for parking or storage for one automobile.
    b. **Garage, Carport Size:** A garage or carport must have inside dimensions of not less than ten feet by twenty feet (10' x 20').
    c. **Backing Space:** Backing space must be provided for parking areas which are composed of four (4) or more spaces so that cars need not back into a public street or alley. Public sidewalks shall not be permitted to be used as part of the required backing area.
    d. **Angle Parking:** Acute angle parking, one degree to eighty-nine degrees (1° to 89°) shall be designed for one-way traffic only.
    e. **Exits:** Separate exits shall be provided for acute angle and one-way parallel parking of four (4) or more spaces so that cars need not exit by backing into a street or alley.
    f. **Tandem Parking:** Tandem parking (front to rear) shall not be permitted, except for single-family and duplex dwellings when the front and back spaces are both designated to serve the same dwelling unit. (Ord. 2000-4-12, 4-12-2000)
    g. **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.

        i. **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.

        ii. **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.

        iii. **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.

2. Permanent Parking to be Provided
    a. Every building structure, improvement or use hereafter constructed, reconstructed or enlarged, shall be provided with permanent maintained parking spaces as

specified in this Chapter for the area of said construction, reconstruction or enlargement. (Ord. 2000-4-12, 4-1 2-2000)

3. Continuing Obligation
    a. The required off-street parking facilities shall be a continuing obligation of the property owner so long as the use requiring vehicle parking or vehicle loading facilities continues. It shall be unlawful for any owner of any building or use to discontinue or dispense with the required vehicle parking facilities without providing some other vehicle parking area which meets the requirements of the Chapter (Ord. 2000-4-1 2, 4-12-2000)
4. Non-Conforming Facilities
    a. Any use of property which on the effective date hereof, or of any subsequent amendment thereto, is nonconforming only as to the regulations relating to off-street parking facilities may continue in the same manner as if the parking facilities were conforming. Such existing parking facilities shall not be further reduced, however. (Ord. 2000-4-1 2, 4-12-2000)
5. Parking, Loading, Driveways and Access
    a. Each lot or parcel in the Residential Zones shall have on the same lot or parcel off-street parking sufficient to comply with Chapter 10-19-2 Table B of this Title.
    b. Except for one and two-family dwellings, access to each parking space shall be from a private driveway and not from a public street.
    c. Driveways for residential lots shall not be more than thirty-six feet wide.
        i. A driveway in a front yard is permitted, provided it leads either to covered parking or to a parking area in the side or rear yard.
    d. Driveways for commercial uses shall be at least twenty feet wide, unless approved otherwise by the city engineer, except uses in the C2 zone may be treated as residential uses.
    e. Driveways shall be spaced at least twelve feet apart.
    f. Limit on number of driveways:
        i. Residential uses shall be limited to two driveways per lot.
        ii. Commercial uses shall be limited to two driveways per 100 feet of road frontage.
    g. In no case shall the total amount of driveway width exceed 50% of the frontage.
    h. Driveways shall not be more than thirty-six feet wide.
    i. Driveways shall not be closer than fifty feet to an intersection.
    j. Driveways may be shared by adjoining properties.
    k. Standards for width and access in this section do not supersede requirements of the fire code.
6. Parking Spaces Required
    a. See Chapter 10-19-2 Table B for parking spaces required based on use.
    b. When a building or lot will contain more than one use, the parking requirements shall be calculated separately for each use and totaled. In the event a use is not

listed in Chapter 10-19-2 Table B, the City Council may determine the requirement based on the nearest comparable use standard in the table.

7. General Provisions
    a. The following general provisions shall apply to off-street parking requirements in this Chapter:
        i. Location: Off-street parking facilities shall be located as hereinafter specified. Where distance is specified, such distance shall be walking distance measure from the nearest point of the building that such facility is required to serve:

            1. Parking shall be allowed on any permitted driveway.

            2. For any type of dwelling, including hospitals, sanitariums, rest homes, asylums, orphanages and club rooms, parking facilities shall be located on the same lot or building site as the buildings which they are required to serve.

            3. For uses other that those specified above, parking spaces shall not be over two hundred feet (200') from the building they are required to serve. All parking areas are to be located in the same block they are to serve with a direct access way that does not cross a public street.

        ii. Illumination: Any lights provided to illuminate any parking area permitted by this Chapter shall be arranged so as to reflect the light away from adjacent premises. Lighting shall be positioned in accordance with Chapter 10-13.
        iii. No commercial trucks, motor vehicles or trailers which exceed the rated capacity of two (2) tons shall be stored or parked on any lot or parcel within residential zones, nor shall any contracting and/or earth moving equipment be stored or parked on any lot or parcel in the residential zones. (Ord. 2000-4-1 2, 4-12-2000)
    b. Exception for Parking in Public Right-of-Way:
        iv. Commercial vehicles exceeding the rated capacity of two (2) tons, as well as visitors' vehicles, may be parked within the public right-of-way (the space between the road and the property line) under the following conditions:
            1. Off-Street Parking Unavailable: The property owner demonstrates that there is insufficient space to park the vehicle on their private property behind the house.

2. Safety and Visibility: Vehicles must be parked in a manner that does not obstruct visibility for traffic or pedestrians and does not pose a safety hazard.
3. Road Maintenance and Condition: Vehicles must not cause damage to the road or interfere with road maintenance. The City reserves the right to prohibit parking in certain areas if it is determined that the presence of commercial vehicles is causing significant road wear or maintenance issues.
4. Limited Duration: Parking of commercial vehicles and visitors' vehicles is allowed only during non-operational hours (e.g., evenings, weekends) and should not become a long-term storage solution. Visitors' vehicles may be parked temporarily for a reasonable duration, not to exceed 14 days.

c. City's Discretion:
   v. The City reserves the right to review and address any parking situations that result in safety concerns, road damage, or other public nuisances. If specific areas are found to be problematic, the City may designate no-parking zones or impose additional restrictions as needed to protect public safety and road integrity.

10-8-17: Effect of Street Plan

Whenever a front or side yard is required for buildings abutting on a proposed street which has not been dedicated or constructed, but which has been designated by the Planning Commission as a future street on the Official Map, the depth of such front or side yards shall be measured from the nearest line of the planned street. (Ord. 2000-4-12, 4-12-2000)

10-8-18: Swimming Pools

Swimming pools of permanent construction which are not enclosed within a building shall be set back at least five feet (5') from all property lines and shall be completely surrounded by a fence or wall having a height of at least six feet (6'). There shall be no openings larger than thirty-six (36) square inches except for gates which shall be equipped with self-closing and self-latching devices. (Ord. 2000-4-12, 4-12-2000)

10-8-19: Adult Entertainment Businesses Prohibited

No shop, retail business store, drugstore or other premises licensed or permitted to do business within any district may be located within a five (5) block radius of any school, church, park or playground if said business establishment, or any portions thereof, caters exclusively to adult persons to the advertised exclusion of minors under the age of eighteen (18) years. (Ord. 2000-4-12, 4-1 2-2000)

See also Section 3-7-13 of this Code for location restrictions.

10-8-20: Accessory Dwelling Units

The purpose of Accessory Dwelling Unit standards and requirements is to:

1. Create new housing units while respecting the appearance and scale of single-family residential development
2. Provide more housing choices in residential zones
3. Allow more efficient use of existing housing stock, public infrastructure, and the embodied energy contained within existing structures
4. Provide housing options for family caregivers, adult children, aging parents, and families seeking smaller households
5. Offer a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship, and services
6. Broaden the range of affordable housing throughout Moroni City
7. Support sustainability objectives by increasing housing close to jobs, schools, and services, thereby reducing greenhouse gas emissions and fossil fuel consumption
8. Offer a long-term rental of 30 consecutive days or longer

Standards and Requirements:

1. A permit is required for an Accessory Dwelling Unit. The City may permit one (1) Accessory Dwelling Unit for each lot that contains a single-family dwelling. A building permit is also required from the Sanpete County Building Inspectors office.
2. Property owner requesting a permit for an Accessory Dwelling Unit agrees that the lot upon which the primary residence and Accessory Dwelling Unit are to be located cannot be split, and that this agreement or covenant will run with the property and will bind and apply to any heirs, assigns and successors of the property owner. The property owner consents to the recording of this agreement as a notice imparting this covenant to the public.
3. An Accessory Dwelling Unit shall be a permanent structure with a foundation; portable units such as trailers, mobile homes, converted shipping containers and similar items are prohibited. An Accessory Dwelling Unit may be created through, but not limited to, the following methods:
    a. Converting existing living area within a single-family dwelling as an addition to an existing single-family dwelling, or within the footprint of a single-family dwelling created as new construction; or
    b. Converting an existing detached accessory building as an addition to an existing accessory building; or as a newly constructed Accessory Dwelling Unit.
4. The City shall only permit an Accessory Dwelling Unit when an owner occupant lives on the property within either the principal residence or Accessory Dwelling Unit.
5. An Accessory Dwelling Unit shall require two on-site parking spaces for vehicles associated with the Accessory Dwelling Unit and shall have adequate on-site parking for all vehicles associated with the primary residence.
6. Accessory Dwelling Units shall comply with the building height, yard requirements, setbacks and building zone requirements.

7. A Detached Accessory Dwelling Unit shall not cover more than twenty-five (25) percent of the rear yard. Existing detached or newly constructed dwelling units shall not exceed nine hundred (900) square feet of living space.
8. All Accessory Dwelling Units located in an accessory building or new construction shall be subject to the following setback requirements:
    a. Shall be located a minimum of ten (10) feet from the single-family dwelling located on the same parcel.
    b. Side and rear yard setbacks:
        i. New Accessory Buildings: Shall be located minimum of ten (10) feet from any side or rear lot line.
        ii. Additions to existing accessory buildings: The addition shall be located a minimum of ten (10) feet from any side or rear lot line. If any existing accessory building includes an addition, all of or portions of the existing structure may be used as an Accessory Dwelling Unit provided the existing setbacks are not further reduced and the structure complies or can be altered to comply with the applicable sections of the adopted Fire Code of the City, and it does not exceed nine hundred (900) square feet of living space, and an existing detached Accessory Dwelling Unit shall not substantially alter the structure or appearance of the existing structure, and shall be architecturally compatible with the primary structure.
9. An Accessory Dwelling Unit may be permitted in a side yard provided that it meets all the required side and front yard setbacks for the zone and is at least ten (10) feet from the main dwelling.
10. Utility services to an Accessory Dwelling Unit shall be as follows:
    a. For an internal Accessory Dwelling Unit, all utility services (water, power, electricity, gas, etc.) shall be connected to the primary residence and may not be separated.
    b. A detached Accessory Dwelling Unit may have separate utility services from the primary residence if the detached accessory building or new construction deems it necessary.

Chapter 10-9: Landscape Requirements

Section

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- General Requirements 10-9-2
- Public Landscaping Requirements 10-9-3
- Private Landscaping Requirements 10-9-4
- Outdoor Landscaping and Water Conservation Standards 10-9-5
- Environmental Impact and Quality 10-9-6
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- Implementation and Compliance 10-9-8

10-9-1: Purpose and Intent

The purpose of this ordinance is to promote a sustainable and aesthetically pleasing cityscape through effective water conservation and environmentally sensitive landscaping practices. This ordinance establishes guidelines for public and private landscaping that support Moroni City's commitment to preserving natural resources, enhancing property values, and fostering a cooler, cleaner environment.

10-9-2: General Requirements

1. **Compliance with State Code**
    a. All landscaping practices must comply with Utah State Codes, including Title 19, Environmental Quality Code, and Title 10, Chapter 32 (Water Efficiency Standards).
2. **Water Conservation**
    a. Landscaping designs should prioritize drought-tolerant plant species and incorporate water-efficient irrigation systems. Proven water-saving technologies should be used to minimize water use. Xeriscaping principles are encouraged, and the use of native plants that require minimal irrigation is recommended.
3. **Property Maintenance**
    a. All properties, whether vacant, undeveloped, or developed, must be properly maintained to prevent the growth of weeds, grasses, brush, or any uncontrolled vegetation exceeding one foot in height. This is necessary for safety, fire prevention, and preserving the visual appeal of the community. Property owners are responsible for regular upkeep to ensure compliance with these standards.

10-9-3: Public Landscaping Requirements

1. **Street Landscaping**
    a. Public right-of-way areas must be landscaped with drought-tolerant vegetation that conserves water and reduces maintenance needs.
    b. Hardscaping, such as rock gardens, should be balanced with plantings to address potential issues like increased temperatures and reduced biodiversity. The use of permeable materials is encouraged to promote water infiltration.
2. **Public Property Maintenance**
    a. Regular maintenance is required to ensure that public landscapes remain functional and visually appealing.
    b. New public landscaping projects must include water management plans consistent with state guidelines and the city's sustainability goals.

10-9-4: Private Landscaping Requirements

1. **Single-Family Dwellings (RA, R1)**
    a. Landscaping must be provided in the following areas:
        i. **Front Yards**: Including all areas visible from the street.
        ii. **Interior Side Yards**: Landscaping must be provided from the front property line to the back line of the dwelling. This requirement excludes areas that are explicitly designated and dedicated for parking or vehicle access.
        iii. **Corner Lot Side Yards**: Between the public sidewalk and the side lot line, extending from the front lot line to a line extending from the back line of the dwelling. For lots not bordered by a sidewalk, landscaping must be provided from the side lot line to the edge of the roadway along the side yard from the front lot line to a line extending from the back line of the dwelling.
        iv. **Rear Yards**: Adjacent to a public right-of-way, unless a privacy fence is installed prior to occupancy.
        v. **Park Strips**: Adjacent to the lot where the dwelling is located.
2. **Multifamily Residential (R2), (C2)**
    a. Landscaping must include at least fifteen percent (15%) of the site.
    b. All areas not occupied by buildings or dedicated to parking must adhere to the landscaping standards specified for the RA and R1 zones. This includes compliance with all applicable landscaping requirements and guidelines as outlined in the RA and R1 zoning codes.
3. **Commercial (C1, C2)**
    a. Landscaping Requirements:
        i. A minimum of fifteen percent (15%) of the site must be landscaped.
        ii. Front and side yard areas facing a street must be landscaped for at least twenty feet (20') behind the lot lines.
        iii. In the C1 Zone, the Planning Commission may reduce the required landscaped area to fifteen feet (15') if:
            1. At least fifty percent (50%) of the landscaped area is planted with shrubs, flowers, and trees.
            2. A berm of at least two feet (2') high is included.
4. **Sensitive Lands (SL) Zone**

a. Landscaping Requirements:
    i. At least twenty percent (20%) of the site must be landscaped to ensure protection of natural landscapes and habitats.
    ii. Perimeter landscaping of at least ten feet (10') wide is required along any lot line adjacent to sensitive areas.
    iii. Landscaping should integrate native plants and address potential erosion issues.

5. **Manufacturing/Light Industrial Zone (M)**
    a. Landscaping Requirements:
        i. A minimum of ten percent (10%) of the site must be landscaped.
        ii. Landscaping should include a combination of trees, shrubs, and ground cover to reduce visual impact and manage stormwater runoff.
        iii. Parking lots must include at least five percent (5%) landscaping.
6. **Additional Requirements for All Zones**
    a. In all zones, landscaping must include water-efficient irrigation systems and drought-tolerant plant species.
    b. Hardscaping elements should be designed to reduce urban heat islands and support local biodiversity.

10-9-5: Outdoor Landscaping and Water Conservation Standards

1. **Applicability**
    a. These standards apply to all new and rehabilitated landscaping for public agency projects, private development projects, developer-installed landscaping in multi-family and single-family residential projects within the front and side yards, and homeowner-provided landscape improvements within front and side yards.
2. **Irrigation Efficiency**
    a. Irrigation systems must be appropriate for the designated plant material to achieve the highest water efficiency.
3. **Smart Irrigation Controllers**
    a. Landscaped areas must use proven water-saving technologies, including smart irrigation controllers that automatically adjust the frequency and/or duration of irrigation events in response to changing weather conditions.
4. **Mulching**
    a. At least 3-4 inches of mulch, permeable to air and water, must be used in planting beds to control weeds and improve the appearance of the landscaping.
5. **Plant Coverage**
    a. At maturity, landscapes are recommended to have enough plant material to create 50% living plant cover at the ground plane, not including tree canopies.
6. **Lawn Restrictions**
    a. Lawn shall not be installed in park strips, paths, or on slopes greater than 25% or 4:1 grade, and must be at least eight feet wide at its narrowest point.
7. **Localscapes Requirements for Residential Landscapes**
    a. Residential landscapes are encouraged to adhere to Localscapes requirements, which include utilizing region-appropriate plants and minimizing lawn areas except where desired for gathering or recreation to conserve water.
8. **Lawn Limitations in Non-Residential Areas**

a. In commercial, industrial, institutional, and multi-family development common area landscapes, lawn areas must not exceed 20% of the total landscaped area, excluding areas designated for active recreation.

10-9-6: Environmental Impact and Quality

1. **Natural Environment Protection**
   a. Landscaping practices must respect the natural topography and major landforms to prevent erosion and protect local habitat.
   b. Development should be compatible with adjacent properties and environmental settings.
2. **Flood Risk Reduction**
   a. Landscaping designs should incorporate features to manage stormwater runoff and reduce flood risks, such as permeable surfaces and appropriate grading.

10-9-7: Maintenance Responsibilities

1. **Property Owner Responsibilities**
   a. **Frontage Maintenance**: Property owners are responsible for maintaining the landscaping on both private property and the adjacent public areas along their frontage, up to the roadway edge. This includes park strips or similar areas.
   b. **Soft Landscaping Maintenance**: Owners must ensure that lawns are mowed, shrubs are trimmed, and other plantings such as flowers or trees are well-kept. This prevents overgrowth, which could become unsightly or interfere with road visibility.
   c. **Weed and Debris Control**: Property owners must keep their frontage free from weeds, refuse, and debris to maintain a clean and neat appearance.
   d. **Prohibition of Permanent Structures**: Permanent structures, including fences, walls, or non-permeable surfaces, are not permitted in these public areas without city authorization. Temporary or minor installations must not impede public use or access.
   e. **City Right-of-Way**: The city retains easement rights and may perform necessary work within these areas. While property owners are responsible for maintaining the aesthetic and functional quality of the landscaping, the city will not be liable for damages to any improvements resulting from municipal work.

10-9-8: Implementation and Compliance

1. **Inspection and Enforcement**
   a. The city will conduct periodic inspections to ensure compliance with this ordinance. Property owners are required to address any issues identified during inspections within 30 days of notification.
2. **Fines and Penalties**
   a. **Initial Violation**: A written notice will be issued for any violation, providing a 30-day period for corrective action. Failure to correct the violation within this timeframe will result in a fine of $100.
   b. **Subsequent Violations**: If the violation persists beyond the initial 30-day period, additional fines will be imposed at a rate of $50 per day until compliance is achieved.

c. **Administrative Costs**: The property owner will be responsible for covering any administrative costs associated with enforcement actions, including inspection and documentation fees.
d. **Municipal Maintenance**: If the city is required to undertake maintenance due to non-compliance, the cost of such work will be billed to the property owner. Unpaid costs may result in a lien being placed on the property.

Chapter 10-10: Conditional Use Permits

Section

- Purpose 10-10-1
- Definition 10-10-2
- Policies, Procedures and Considerations Generally Described 10-10-3
- Permit Required 10-10-4
- Application 10-10-5
- Procedure 10-10-6
- Appeals 10-10-8
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- Expiration 10-10-9
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10-10-1: Purpose

To allow the proper integration of suitable and desirable land use within a certain location which is related to the permitted uses in the zone. (Ord. 2000-4-1 2, 4-12-2000)

10-10-2: Definition

Certain uses which are harmonious under conditions as specified but improper under general conditions are classed as conditional uses and require special review and consideration. (Ord. 2000-4-12, 4-1 2-2000)

10-10-3: Policies, Procedures and Consideration Generally Described

1. **Conform to General Plan**: The proposed use shall conform to the goals, policies, governing principles and land use of the General Plan.

2. **Use Not Detrimental**: The proposed use shall not lead to the deterioration of the environment or ecology of the general area, and the proposed use shall not produce conditions or emit pollutants of such quantity so as to detrimentally effect, to any

appreciable degree, public or private property, including the operation of existing uses thereon, in the immediate vicinity or the zone, or community as a whole.

3. **Recommendation by Planning Commission**: The Planning Commission shall recommend approval of the proposed use by the City Council if evidence is presented establishing that the proposed use will provide a service or facility which will contribute to the general well-being of the zoning district and community.

4. **Policies Set by City Council**: The City Council shall promote and establish policies as set forth in this Title in regard to: landscaping, fencing, lighting, ingress/egress, parking, building size and location, and signs, when considering the following zones:

    a. Residential Zone:

        i. Will the proposed use generate detrimental traffic?
        ii. Will the proposed use overload street capacity?
        iii. Will internal traffic adversely affect adjacent residences?
        iv. Will parking facilities be screened from adjacent residences?
        v. Will parking facilities be effectively screened?
        vi. Will landscaping and watering system be sufficiently enhancing?

    b. Commercial Zone:

        i. Will ingress/egress adversely affect general traffic patterns?
        ii. Will parking area adversely affect internal or access flow to public street circulation?
        iii. Will building location create blind approaches to sidewalks for pedestrians?
        iv. Will building design be compatible/complimentary to already established structures?
        v. Will building location, lighting, parking or traffic adversely affect any adjacent residential use or zone?
        vi. Will signage be complimentary to overall aesthetic nature of the immediate area?
        vii. Will project have any adverse effect on water or sewer system?
        viii. Will parking be adequate for numbers of employees, clients, loading, unloading and other business functions?
        ix. Will landscaping, watering system and parking area be aesthetically satisfactory as stated in site plan?
        x. Are there provisions for storage?

xi. Will there be hazardous material or chemicals of concern used? (The City reserves the right to deny the permit after studying the potential impact which may result from any diverse findings.)

c. Manufacturing Zone:

i. Will heavy vehicle traffic adversely affect adjacent residential or commercial properties?
ii. Will prevailing winds or breezes direct intolerable pollution of any type toward residential or commercial properties in the immediate area?
iii. Will landscaping add aesthetic acceptance to the proposed development?
iv. Will proposed signs be inoffensive or unimposing, not creating adverse effects on adjacent residential or commercial properties?

5. **Revocation**: A conditional use permit may be revoked by the City Council after review and recommendation by the Planning Commission, upon failure to comply with the conditions imposed with the original approval of the permit. (Ord. 2000-4-1 2, 4-12-2000)

10-10-4: Permit Required

An approved conditional use permit shall be required for each conditional use listed in this Title All uses in any particular zone will comply with regulations and conditions specified in this Title. No building permit, other permits or license shall be issued for a use requiring conditional use approval until a conditional use permit has been approved for all parties. (Ord. 2000-4-1 2, 4-12-2000)

10-10-5: Application

Application made to the Planning Commission shall contain the following:

1. **Site Plan**: A site plan and elevations (as may be necessary) which are drawn to scale, showing how all existing and proposed buildings will occupy the site.

2. **Reason, Justification**: The reason and justification for such conditional use and how adjacent properties will be affected by the conditional use.

3. **List of Property Owners**: A list of all property owners within a radius of three hundred feet (300') of the requested conditional use. 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.

4. **Fee**: A nonrefundable filing fee set by resolution as listed in the City fee schedule. (Ord. 2000-4-12, 4-12-2000)

10-10-6: Procedure

1. **Submit Application**: The applicant shall submit the application for a conditional use permit (which is available at City Hall) for a zone change to the Planning Commission.

2. **Consideration**: The application together with all pertinent information shall be considered by the Planning Commission at its next regularly scheduled meeting.

3. **Public Hearing**: The Planning Commission may call a specific public hearing on any application after adequate notice if it is deemed in the public interest.

4. **Action by Planning Commission**: The Planning Commission shall take action on the application by the second regularly meeting of the Planning Commission after the filing date.

5. **Recommendation to City Council**: The Planning Commission shall submit recommendation along with application to the City Council for its consideration within thirty (30) days after the public hearing (if one is held), 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.

6. **City Council Decision**: The City Council, after fifteen (15) days' notice for a public hearing which has been posted and published according to Utah Code Annotated section 10-3-711, may approve or deny a conditional use permit. The City Council may overrule the Planning Commission's recommendation by a majority vote of its members. (Ord. 2000-4-12, 4-1 2-2000)

10-10-8: Appeals

The decision of the Planning Commission may be appealed, by the applicant, to the City Council by filing such appeal within fifteen (15) days after the date of the notice of decision. The City Council may uphold or reverse the decision of the Planning Commission and impose any additional conditions that it may deem, necessary in granting an appeal. The decision of the City Council shall be final. (Ord. 2000-4-12, 4-1 2-2000)

10-10-9: Issuance of Building Permit

Upon receipt of a conditional use permit, the developer/applicant shall take such permit to the Zoning Officer who will review the permit and conditions attached. Based on this review and compliance with any other items that might develop in the pursuance of duty, the Zoning Officer may approve an application for a zoning permit and shall send the applicant to the County Building Inspector for a building permit. Both the Zoning Officer and Building Official shall

ensure that building and/or development is undertaken and completed in compliance with said permits and conditions pertaining thereto. (Ord. 2000-4-12, 4-12-2000)

10-10-9: Expiration

All permits under a conditional use permit shall be good for six (6) months after approval by the City Council. At the end of six (6) months, it shall become null and void unless a request is made for extension by the applicant. In recommending an extension, the Zoning Officer may give a six (6) month extension, if he shall find that substantial work shall have been accomplished toward its completion or that through no fault of the applicant, it has been impossible to diligently pursue the completion of the project. A second extension may be given by the City Council. No more than two (2) extensions may be given (total of 18 months). Once construction has been completed, the permit shall require no further renewal unless stipulated by the Planning Commission and City Council at the time the conditional use permit was granted. (Ord. 2000-4-1 2, 4-12-2000)

10-10-10: Modification or Revocation of Permit

The Planning Commission on its own motion, or upon the direction of the City Council, shall after adequate notice hold a public hearing upon the question of modification or revocation of a conditional use permit granted under or pursuant to the provisions of this Title. A conditional use permit may be modified or revoked if any of the following are found:

1. That the conditional use is detrimental to the public health, safety or welfare or is a nuisance.

2. That the conditional use permit was obtained by fraud.

3. That the conditional use for which the permit was granted is not being exercised.

4. That the conditional use for which the permit was granted has ceased or has been suspended for six (6) months or more.

5. That the conditions imposed by the Planning Commission upon said conditional use permit have not been complied with. (Ord.2000-4-12, 4-1 2-2000)

Chapter 10-11: Temporary Uses

Section

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- Uses Allowed 10-11-2
- Permit, Prior Approval Required 10-11-3
- Action of Planning Commission 10-11-4

10-11-1: Purpose

The following regulations are provided to accommodate those uses of land or within existing buildings which are temporary in nature and are not, therefore, listed as regular permitted or conditional uses, and any improper conditions imposed on adjacent properties which negatively affect the general health, safety and welfare of the citizens of the City. (Ord. 2000-4-12, 4-12-2000; amd. 2000 Code)

10-11-2: Uses Allowed

Uses allowed on a temporary basis in accordance with the provisions of this Chapter may include, but will not be limited to, the following:

Carnivals, circuses, fireworks stands, Christmas tree lots, flower stands, rummage sales, promotional displays, tents for religious services, revivals, retreats, trailers or vehicles for temporary sales and political rallies, or campaign headquarters. (Ord. 2000-4-12, 4-1 2-2000)

10-11-3: Permit, Prior Approval Required

Prior to the establishment of any of the above uses, or temporary uses similar thereto, a temporary use permit must be obtained from the Planning Commission. In granting said permit, the Planning Commission shall make the following findings:

1. That the conduct of the requested use will not have any detrimental effects on adjacent properties and will be in general harmony with surrounding uses.

2. That the requested use will not create excessive traffic hazards on adjacent streets and that traffic control, if necessary, shall be provided at the expense of the applicant.

3. That the applicant shall have sufficient liability insurance for the requested use or event.

4. That the applicant shall provide, at this own expense, for the restoration of the site of said use to its original condition, including such cleanup, washing and replacement of facilities as may be necessary.

5. That said use shall occupy the site for a period not to exceed ten (10) days, except for Christmas tree lots which shall not exceed a period of thirty (30) days, and campaign headquarters which may be established for a maximum period to be determined by the Planning Commission. (Ord. 2000-4-12, 4-12-2000)

10-11-4: Action of Planning Commission

The Planning Commission may approve a use which they deem to have satisfactorily met the above requirements, may deny a use which does not meet said requirements, or may approve the establishment of a use with such additional conditions as the Planning Commission may deem appropriate to assure the use will be compatible and will not pose any detriment to persons or property. Said conditions may include a limitation upon hours of operation and/or a time limitation which is less than the maximum established by this Chapter. (Ord. 2000-4-1 2, 4-12-2000)

Chapter 10-12: Non-Conforming Uses

Section

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10-12-1: Non-Conforming Use Defined

As used in this Title, a "non-conforming use" is the use of any building, structure or land which is prohibited by any zoning, building or other regulatory ordinances, but which lawfully existed prior to the effective date of such ordinance. Residential uses and residential structures occupied for residential purposes or vacant at the time of adoption of these provisions shall be exempted from the provisions of this Chapter. This shall not be construed to allow new residential construction except as provided by the provisions of the respective zone. (Ord. 2000-4-12, 4-1 2-2000)

10-12-2: Use of Open Land

A non-conforming use of land lawfully existing on the effective date of such ordinance may be continued, provided such nonconforming use shall not be expanded or extended into any other portion of a conforming building or open land, and no structures, additions, alterations or enlargements thereto shall be made thereon, except those required by law. If said non-conforming use is discontinued for a continuous period of more than six (6) months, any future use of such land shall conform to the provisions of the zone in which it is located. (Ord. 2000-4-1 2, 4-12-2000)

10-12-3: Non-Conforming Buildings

A non-conforming building in any zone may be continued for the period described in this Chapter, provided no additions or enlargements are made thereto and no structural alterations are made therein, except those prescribed by law. If any such nonconforming building is removed, every future use of the land on which the building was located shall conform to the provisions of this Title. (Ord. 2000-4-12, 4-1 2-2000)

10-12-4: Non-Conforming Use of Conforming Buildings

The non-conforming use of any conforming building lawfully existing on the effective date of this Title may be continued, provided such nonconforming use shall not be expanded or extended into any other portion of the conforming building, nor shall any structural alterations except those required by law be made, and if such nonconforming use is discontinued for a continuous period of more than six (6) months, any future use of such building shall conform to the provisions of the zone in which it is located. (Ord. 2000-4-12, 4-12-2000)

10-12-5: Non-Conforming Use of Non-Conforming Buildings

The non-conforming use of a non-conforming building lawfully existing on the effective date of this Title may be continued for the period prescribed in this Title. If such non-conforming use is discontinued for a continuous period of more than six (6) months, any future use of the said building shall conform to the provisions of the zone in which it is located. (Ord. 2000-4-12, 4-12-2000)

10-12-6: Change in Status of Non-Conforming Use

If a non-conforming use is vacated, it may be succeeded by an equally restrictive or more restrictive use, provided such change is affected within six (6) months. After a change to a more restrictive use is in effect, that change shall be evidence that the less restrictive non-conforming use had been abandoned and thereupon loses any vested right as such, and the degree of non-conformity may not subsequently be increased by changing back to a less restrictive use. (Ord. 2000-4-12, 4-12-2000)

10-12-7: Reconstruction of Non-Conforming Building Partially Destroyed

A non-conforming building destroyed to the extent of not more than fifty percent (50%) of its reasonable replacement value at the time of its destruction by fire, explosion or other casualty or act of God, or public enemy, may be restored and the occupancy or use of such building or part thereof which existed at the time of such partial destruction may be continued, subject to all of the provisions of this Chapter. (Ord. 2000-4-12, 4-12-2000)

10-11-8: Non-Conforming Limited to Zone Groups

Notwithstanding any other provisions of this Title, no uses permitted in the residential zones and lawfully existing in the residential zones at the time of the effective date of this Chapter shall be

considered nonconforming in the residential zones; no uses permitted in the commercial zones and lawfully existing in the commercial zones at the time of the effective date of this Chapter shall be considered nonconforming in the commercial zones; no uses permitted in the Manufacturing (M) Zone and lawfully existing in the Manufacturing (M) Zone at the time of the effective date of this Chapter shall be considered nonconforming in the Manufacturing (M) Zone. This Section shall be applicable only to nonconforming uses. (Ord. 2000-4-12, 4-12-2000)

10-12-9: Non-Conforming Detrimental to Health and Safety not included

No provisions of this Chapter shall be construed to allow the continuance of any nonconforming use when, in the opinion of the Planning Commission after consultation with the City Attorney and other authorized officials relating to a specific nonconforming use, it is deemed to be detrimental to the health, safety and welfare of the general public. (Ord. 2000-4-12, 4-12-2000)

Chapter 10-13: Dark Sky (Lighting) Regulations

Section

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- Right Of Way Lighting 10-13-6
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Dark Sky Lighting Ordinance

10-13-1: Purpose

1. The purpose of these regulations is to preserve the night sky and reduce the impact of lighting from multi-family, commercial, manufacturing, and other non-residential developments on surrounding residential areas.

10-13-2: Definitions

1. **Direct Light**: Light emitted directly from a fixture without interruption, making the lighting element visible from areas being illuminated.
2. **Full Cut-Off**: A fixture design where the lighting element is recessed, preventing light from emitting above a 90-degree angle from the fixture, ensuring no upward light trespass.
3. **Holiday Lighting**: Temporary lighting used in celebration of national, state, local, cultural, or religious holidays.
4. **Lighting Element**: The component of a fixture emitting light, such as LED panels or bulbs.
5. **Net Acres**: The portion of a parcel excluding public rights-of-way and undeveloped areas.
6. **Reflected Light**: Light reflected off surfaces in the urban environment, creating ambient illumination.
7. **Shoebox Fixtures**: Square or rectangular box-shaped lighting fixtures mounted on poles.

10-13-3: Non-Conforming Lighting

1. All lighting installed before the adoption of this ordinance is considered non-conforming but may remain in place. Non-conforming lighting must be updated to comply with these regulations upon redevelopment, site expansion, or a change in land use.

10-13-4: Lighting Standards

1. **Non-Residential and Multi-Family Residential Lighting**

    a. **Full Cut-Off Fixtures**: All exterior lighting must use full cut-off fixtures directed downward, ensuring that lighting elements are not visible from beyond the property line.

    b. **Height Limit**: Fixtures must be mounted no higher than 16 feet.

    c. **Light Containment**: Direct light shall not spill beyond the property line, and reflective light should be minimized.

    d. **LED Requirement**: All fixtures must use LED technology.

    e. **Prohibited Fixtures**: Shoebox-style fixtures are not allowed. Poles and fixtures must be of a decorative design.

    f. **Color Temperature**: Lighting fixtures must have a color temperature of 3000 Kelvin or lower.

    g. **Lumen Cap**: Total site lighting must not exceed 100,000 lumens per net acre.

    h. **Operating Hours**: Exterior lighting must be turned off during non-business hours, except for essential security lighting.

    i. **Dimming**: Lights essential for security or non-standard operating hours may be dimmed to at least 50% of full output, as approved by the Planning Commission. Motion sensor lights may operate after business hours.

    j. **24-Hour Businesses**: Businesses adjacent to residential properties must dim exterior lighting to reduce the impact on nearby residences while ensuring site security.

2. **Single Family Residential Standards**
    a. The following provisions shall be applicable to all residential developmetns and building approved after the date of adoption of this ordinance.
        i. All lighting shall be full cut-off and directed downward. The lighting element shall not be visible from the property line.
        ii. Height – All fixtures shall be mounted no higher than 16 feet.
        iii. LED Required – All fixtures shall be LED.
        iv. All lighting fixtures shall be 3000 K or less in color.

v. Home Owners Associations (HOA's) in new residential subdivisions shall include dark sky compliant regulations in their Covenants Conditions and Regulations (CC&R's).

3. **Exemptions**

   a. **Flag Lighting**: Up-lighting for national, state, or local government flags is exempt but should be minimized by lowering flags at night.

   b. **Holiday Lighting**: Holiday lighting is exempt from these regulations.

10-13-5: Lighting Plan Required

1. A lighting plan is required for all non-residential and multi-family residential developments and must be submitted as part of the site plan approval process. The plan must include:

   a. **Fixture Details**: Including type, dimensions, color, lighting element type, wattage, color temperature (in Kelvin), and lumens output.

   b. **Photometric Plan**: A plan showing light levels across the site.

   c. **Fixture Locations**: Indicating the location of exterior building, site, and right-of-way lighting.

   d. **Ongoing Compliance**: Property owners are responsible for ensuring that both existing and new lighting meet the city's lighting standards.

10-13-6: Right-of-Way Lighting

1. All lighting within public rights-of-way must conform to current engineering standards and specifications.

10-13-7: Conflicting Provisions

1. In cases where these regulations conflict with other sections of the city code, the stricter provision shall apply.

Chapter 10-14: Sign Regulations

Section

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- Residential Zones (RA, R1, R2) 10-14-2
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10-14-1: Purpose

1. The purpose of this Chapter is to standardize the size and limits placed on signs in Moroni City to ensure public safety, maintain the aesthetic appeal, and protect the character of the city. No sign in the city may display anything that is illegal, obscene, or morally degrading. Safety and aesthetics are of major importance, and all signs must be approved by the Planning Commission before a zoning application and building application are submitted.

10-14-2: Residential Zones (RA, R1, R2)

1. Signs in residential zones are limited to the following types and must adhere to the conditions outlined below:

2. **Nameplate Signs**:

    a. Signs or nameplates not exceeding two (2) square feet in area and displaying only the name and address of the occupant.

3. **Temporary Signs**:

    a. Two (2) temporary signs with a maximum area of six (6) square feet each.

    b. Temporary signs may be erected no more than thirty (30) days prior to the event they pertain to and must be removed within thirty (30) days after the event.

4. **Identification Signs**:

    a. Signs or monuments identifying points of interest or sites of historic significance.

b. The size of these signs or monuments shall be specifically approved by the Planning Commission.

5. **Government and Public Facility Signs**:

   a. Signs necessary for the identification, operation, or protection of public facilities are permitted without a sign permit.

10-14-3: Commercial and Manufacturing Zones (C1, C2, M)

In the C1, C2, and M zones, signs are allowed under the following conditions:

1. **Commercial and Manufacturing Signs**:

   a. Maximum sign area of 200 square feet per lot.

   b. Signs must be on the property they represent (no off-site signs).

   c. Signs attached to a building may not extend higher than the highest point of the building.

   d. Freestanding signs must maintain an open vision.

2. **Animation and Lighting**:

   a. No animation or sounds.

   b. Exterior lighting must be Dark Sky friendly in accordance with chapter 10-13 and shall minimize light pollution and must be directed to avoid glare onto adjacent properties and streets.

3. **Projection and Placement**:

   a. Signs shall not project into or over any public property.

   b. Freestanding signs must not obstruct pedestrian or vehicular traffic and must comply with sight distance requirements.

10-14-4: General Provisions

1. **Permit Requirement**:

   a. No sign shall be erected, displayed, or maintained without a sign permit issued by the City and Sanpete County Building Department.

2. **Safety and Maintenance**:

   a. All signs must be maintained in a safe, presentable, and sound structural condition at all times.

b. The Planning Commission reserves the right to inspect signs for compliance.

3. **Prohibited Signs**:

   a. Signs that flash, blink, or have moving lights are prohibited, except as allowed for electronic message centers or time/temperature signs.

   b. Signs attached to vehicles that are parked conspicuously to display advertising.

10-14-5: Temporary Signs

1. **General Guidelines**:

   a. Temporary signs are allowed for grand openings, special promotions, property availability, and holiday decorations.

   b. Temporary signs must be secured and shall not create safety hazards.

2. **Residential Zones**:

   a. Limited to two (2) temporary signs, each not exceeding six (6) square feet.

3. **Commercial and Manufacturing Zones**:

   a. Limited to two (2) temporary signs, each not exceeding sixteen (16) square feet.

4. **Duration**:

   a. Temporary signs may be displayed for a maximum of thirty (30) days before and after the event they pertain to.

10-14-6: Nonconforming Signs

1. **Intent**:

   a. To regulate and eventually phase out nonconforming signs.

2. **Maintenance and Alteration**:

   a. Nonconforming signs may not be altered, moved, or expanded unless brought into full compliance with this ordinance.

10-14-7: Enforcement

1. **Notice of Violation**:

   a. The Planning Commission may issue a notice of violation for any sign erected or maintained in violation of this ordinance.

2. **Unsafe Signs**:

a. Signs posing an immediate safety hazard may be removed by the City without notice.

3. **Appeals**:

   a. Appeals against decisions or orders by the Planning Commission may be made to the Appeal Authority.

Chapter 10-15: Business in the Home

Section

- Permit Required 10-15-1
- Procedure 10-15-2
- Conditions 10-15-3
- Duration and Renewal 10-15-4
- Fees 10-15-5
- Non-Compliance 10-15-6
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10-15-1: Permit Required

1. To assure compliance with provisions of this Title and to protect the character of residential neighborhoods in the City, a home business permit shall be obtained from the Planning Commission before a dwelling unit in a residential zone may be used for business purposes. (Ord. 2000-4-12, 4-12-2000)

10-15-2: Procedure

1. The Planning Commission may, upon application, issue a home occupation permit which shall state the home occupation permitted, the conditions attached thereto, and any time limitations imposed thereon. The permit shall not be issued unless the Planning Commission is satisfied that the application will meet all of the conditions listed in Section 10-17-3 of this Chapter and that the applicant has agreed in writing to comply with all of said conditions. (Ord. 2000-4-1 2, 4-1 2-2000)

10-15-3: Conditions

Each and every one of the following conditions must be observed at all times by the holder of a home business permit:

1. **Area Allowed**: The home occupation shall be conducted wholly within the structure on the premises and shall not exceed twenty five percent (25%) of the total floor area of said

structure. The home business shall not occupy any area within said structures which is required for off-street parking by the provisions of this Title.

2. **Inventory, Supplies**: Inventory and supplies for the home business shall not occupy more than fifty percent (50%) of the permitted area.

3. **Goods, Wares, Merchandise Display**: There shall be no display, customer services or sales of goods, wares or merchandise made upon said premises.

4. **Signs, Advertising**: No sign or advertising shall be displayed on the premises, except as may be expressly permitted by this Title.

5. **Display**: No display of any kind shall be visible from the exterior of the premises.

6. **Mechanical or Electrical Apparatus**: No mechanical or electrical apparatus, equipment or tools shall be permitted except those items which are commonly associated with a residential use or as are customary to home crafts.

7. **Vehicles and Equipment**: All maintenance or service vehicles and equipment, or any other similar vehicle, shall be garaged or stored entirely within a building or structure.

8. **Excessive Traffic**: The home business shall not generate pedestrian or vehicular traffic in excess of that customarily associated with the zone in which the use is located.

9. **Code Regulations**: There shall be complete conformity with fire, building, plumbing, electrical and health codes and to all State and City laws and ordinances.

10. **Demand for Municipal Services**: The home business shall not cause a demand for Municipal or utility services or community facilities in excess of those usually and customarily provided for residential uses.

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

Special Conditions Met: Any special condition established by the Planning Commission and made of record in the home business permit, as the Commission deems necessary to carry out the intent of this Chapter, shall be met. (Ord. 2000-4-1 2, 4-12-2000)

10-15-4: Non-Compliance

1. Any home business permit shall be revoked by the Planning Commission upon violation of any requirements of this Chapter, or upon failure to comply with any of the conditions or limitations of the permit, unless such violation is corrected within three (3) days of receipt of written notice thereof. A permit may be revoked for repeated violations of the requirements of this Chapter, notwithstanding compliance to the violation notice. (Ord. 2000-4-12, 4-1 2-2000)

10-15-5: Appeal

1. In the event of denial of any permit, or of the revocation thereof, or of objection to the limitations placed thereon, appeal may be made to the Board of Adjustment. (Ord. 2000-4-12, 4-1 2-2000)

10-15-6: Business License Required

1. A home occupation permit is not a business license, and the granting of said permit shall not relieve the applicant of any other license requirement of the City or any other public agency. (Ord. 2000-4-12, 4-12-2000)

Chapter 10-16: Flood Damage Prevention

Section

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- Definitions 10-16-2
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- Administration 10-16-4
- Provisions for Flood Hazard Reduction 10-16-5
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10-16-1: Statutory Authorization, Findings of Fact, Purpose and Methods

1. **Statutory Authorization:** The Legislature of the State of Utah has in Utah Code Unannotated 10-3-701 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of Moroni City Corporation does or has delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses.

2. **Findings of Fact:**

    a. The flood hazard areas of Moroni City Corporation are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

    b. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood proofed or otherwise protected from flood damage.

3. **Statement of Purpose:** It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

    a. Protect human life and health;

b. Minimize expenditure of public money for costly flood control projects;

c. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

d. Minimize prolonged business interruptions;

e. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains

f. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

g. Insure that potential buyers are notified that property is in a flood area.

4. **Methods of Reducing Flood Losses:**

a. In order to accomplish its purposes, this ordinance uses the following methods:

i. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

ii. Require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;

iii. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

iv. Control filling, grading, dredging and other development, which may increase flood damage;

v. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters, or which may increase flood hazards to other lands.

10-16-2: Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.

- **Alluvial Fan Flooding:** Flooding occurring on the surface of an alluvial fan or similar landform, which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

- **Apex:** A point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

- **Area of Shallow Flooding:** A designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

- **Area of Special Flood Hazard:** The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

- **Base Flood:** The flood having a one percent chance of being equaled or exceeded in any given year.

- **Base Flood Elevation (BFE):** Is the water surface elevation of the one (1) percent annual chance flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas. It is also the elevation shown on the FIRM and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1-percent chance of equaling or exceeding that level in any given year.

- **Basement:** Any area of the building having its floor sub-grade (below ground level) on all sides.

- **Critical Feature:** An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

- **Development:** Any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

- **Elevated Building:** A non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the

building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

- **Existing Construction:** For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

- **Existing Manufactured Home Park or Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

- **Expansion to an Existing Manufactured Home Park or Subdivision:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

- **Flood or Flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas from:

    - The overflow of inland or tidal waters.

    - The unusual and rapid accumulation or runoff of surface waters from any source

- **Flood Insurance Rate Map (FIRM):** An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

- **Flood Insurance Study:** The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map

- **Floodplain or Flood Prone Area:** Any land area susceptible to being inundated by water from any source (see definition of flooding).

- **Floodplain Management:** The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

- **Floodplain Management Regulations:** Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

- **Flood Protection System:** Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

- **Flood Proofing:** Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

- **Floodway (Regulatory Floodway):** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

- **Functionally Dependent Use:** A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

- **Highest Adjacent Grade:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

- **Historic Structure:** Any structure that is:

    - Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

    - Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district

    - Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

- Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either: by an approved state program as determined by the Secretary of the Interior or; directly by the Secretary of the Interior in states without approved programs

- **Levee:** A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or diverts the flow of water so as to provide protection from temporary flooding.

- **Levee System:** A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

- **Lowest Floor:** The lowest floor of the lowest enclosed area (including basement).An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; **provided** that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood insurance Program regulations.

- **Manufactured Home:** A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

- **Manufactured Home Park or Subdivision:** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

- **Mean Sea Level:** For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

- **New Construction:** For the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

- **New Manufactured Home Park or Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

- **Recreational Vehicle:** A vehicle which is:

- Built on a single chassis;
- 400 square feet or less when measured at the largest horizontal projections;
- Designed to be self-propelled or permanently towable by a light duty truck; and
- Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use

- **Start of Construction:** (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- **Structure:** A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

- **Substantial Damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

- **Substantial Improvement:** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:
  - Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications, which have been identified by the local code enforcement official and which are the minimum necessary conditions or
  - Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

- **Variance:** A grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

- **Violation:** The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

- **Water Surface Elevation:** The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or reverie areas.

10-16-3: General Provisions

1. **Lands to which this Ordinance Applies:** The ordinance shall apply to all areas of special flood hazard within the jurisdiction of Moroni City.

2. **Basis for Establishing the Areas of Special Flood Hazard:** The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Moroni City, dated May 29, 2009 with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

3. **Establishment of Development Permit:** A Development Permit shall be required to ensure conformance with the provisions of this ordinance.

4. **Compliance:** No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

5. **Abrogation and Greater Restrictions:** This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

6. **Interpretation:** In the interpretation and application of this ordinance, all provisions shall be:

    a. Considered as minimum requirements;

    b. Liberally construed in favor of the governing body; and

c. Deemed neither to limit nor repeal any other powers granted under State statutes

7. **Warning and Disclaimer or Liability:** The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.
8. **Severability:** If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.

10-16-4: Administration

1. **Designation of the Floodplain Administrator:** The Councilmember Luke R. Freeman is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

2. **Duties and Responsibilities of the Floodplain Administrator:** Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

    a. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.

    b. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding

    c. Review, approve or deny all applications for development permits required by adoption of this ordinance.

    d. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required

    e. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

    f. Notify, in riverine situations, adjacent communities and the State Coordinating Agency, which is Utah NFIP Coordinator, prior to any alteration or relocation of a

watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

g. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

h. When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article 5.

3. **Permit Procedures:** Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
   a. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

   b. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

   c. A certificate from a registered professional engineer or architect that the nonresidential flood proofed structure shall meet the flood proofing criteria of Article 5, Section B (2);

   d. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development

   e. Maintain a record of all such information in accordance with Article 4, Section (B)(1).

Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

f. The danger to life and property due to flooding or erosion damage;

g. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

h. The danger that materials may be swept onto other lands to the injury of others

i. The compatibility of the proposed use with existing and anticipated development;

j. The safety of access to the property in times of flood for ordinary and emergency vehicles;

k. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

l. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

m. The necessity to the facility of a waterfront location, where applicable;

n. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

o. The relationship of the proposed use to the comprehensive plan for that area.

4. **Variance Procedures:**

a. The appeal Board as established by the community shall hear and render judgment on requests for variances from the requirements of this ordinance.
b. The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance

c. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.

d. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

e. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.

f. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C(2) of this Article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

g. Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Article 1, Section C).

h. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

i. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

j. Prerequisites for granting variances:

i. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

ii. Variances shall only be issued upon:

1. Showing a good and sufficient cause;

2. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

iii. Any application as to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

k. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

i. The criteria outlined in Article 4, Section D(1)-(9) are met, and

ii. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

5. **Automatic Adoption (Optional):** Effective FEMA Flood Insurance Rate Maps and effective FEMA Flood Insurance Studies are automatically adopted.

10-16-5: Provisions for Flood Hazard Reduction

1. **General Standards:** In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

a. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

b. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

c. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

d. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

e. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

f. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into floodwaters; and,

g. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

2. **Specific Standards:** In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Article 3, Section B, (ii) Article 4, Section B(8), or (iii) Article 5, Section C(3), the following provisions are required:

a. Residential Construction: New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C(1)a., is satisfied.

b. Non Residential Construction: New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor(including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which

includes the specific elevation (in relation to mean sea level) to which such structures are flood proofed shall be maintained by the Floodplain Administrator.

c. Manufactured Homes: Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

3. **Standards for Subdivision Proposals:**

a. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of this ordinance.

b. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of this ordinance.

c. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section B (8) of this ordinance.

d. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

e. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

10-16-6: Certification

It is hereby found and declared by Moroni City that severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program; and in order to effectively remedy the situation described herein, it is necessary that this ordinance become effective immediately.

Therefore, an emergency is hereby declared to exist, and this ordinance, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

Chapter 10-17: Bee Keeping

Section

- Definitions 10-17-1
- Certain Conduct Unlawful 10-17-2
- Hives on Residential Lots 10-17-3
- Beekeeper Registration 10-17-4
- Hives 10-17-5
- Flyways 10-17-6
- Water 10-17-7
- Beekeeping Equipment 10-17-8
- Conflict with County or Health Department Regulations 10-17-9
- Violations 10-17-10

10-17-1: Definitions:

1. **Apiary:** Any place where one (1) or more colonies of bees are located.
2. **Beekeeper:** A person who owns or has charge of one (1) or more colonies of bees.
3. **Beekeeping Equipment:** Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards, and extractors.
4. **Colony:** Bees in any hive including queens, workers, or drones.
5. **Hive:** A frame hive, box hive, box, barrel, log, gum skep, or other artificial or natural receptacle which may be used to house bees.
6. **Honeybee:** The common honeybee, Apis mellifera species, at any stage of development, but not including the African honeybee, Apis mellifera scutellata species, or any hybrid thereof.

10-17-2: Certain Conduct Unlawful:

Notwithstanding compliance with the various requirements of this ordinance, it shall be unlawful for any person to maintain an apiary or to keep any colony on any property in a manner that threatens public health or safety or creates a nuisance.

10-17-3: Hives on Residential Lots:

1. As provided in this ordinance, an apiary, consisting of not more than five (5) hives or an equivalent capacity may be maintained in a side yard or the rear yard of any residential lot. On a residential lot which is larger one-half (0.5) acre or larger, the number of hives located on the lot may be increased to ten (10) hives. The placement of any more hives than indicated here will be considered a use beyond basic residential and requires a review by the city council and a Conditional Use Permit.

2. A person shall not locate or allow a hive on property owned or occupied by another person without first obtaining written permission from the owner or occupant.

3. Hive placement must be at least fifteen (15) from any road or sidewalk.

4. Hives may not be placed within fifty (50) yards of any school.

5. Proposed hive placement will be made to the City Planning and Zoning commission, showing the proposed location in accordance with item two (2) above. Upon commission review, if the hives meet the requirements of the items above, the commission will grant the application and the applicant may place the hives.

10-17-4: Beekeeper Registration:

Each beekeeper shall be registered with the Utah Department of Agriculture and Food as provided in the Utah Bee Inspection Act set forth in Title 4, Chapter 11 of the Utah Code, as amended.

10-17-5: Hives:

1. Honeybee colonies shall be kept in hives with removable frames which shall be kept in sound and usable condition.

2. Hives shall be placed at least five (5) feet from any property line (in addition to the requirements of section 10-17-3, above) and six (6) inches above the ground, as measured from the ground to the lowest portion of the hive; provided, however, that this requirement may be waived in writing by the adjoining property owner.

3. Hives shall be operated and maintained as provided in the Utah Bee Inspection Act.

4. Each hive shall be conspicuously marked with the owner's name, address, telephone number, and state registration number.

5. No open feeding is permitted.

10-17-6: Flyways:

A hive shall be placed on property so the general flight pattern of bees is in a direction that will deter bee contact with humans and domesticated animals. If any portion of a hive is located within fifteen (15) feet from an area which provides public access or from a property line on the lot where an apiary is located, as measured from the nearest point on the hive to the property line, a flyway barrier at least six (6) feet in height shall be established and maintained around the hive except as needed to allow access.

Such flyway, if located along the property line or within five (5) feet of the property line, shall consist of a solid wall, fence, dense vegetation, or a combination thereof, which extends at least ten (10) feet beyond the hive in each direction so that bees are forced to fly to an elevation of at least six (6) feet above ground level over property lines near the apiary.

10-17-7: Water:

Each beekeeper shall ensure that a convenient source of water is available to the colony continuously between March 1 and October 31 of each year. The water shall be in a location that minimizes any nuisance created by bees seeking water on neighboring property.

10-17-8: Beekeeping Equipment:

Each beekeeper shall ensure that no bee comb or other beekeeping equipment is left upon the grounds of an apiary site. Upon removal from a hive, all such equipment shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.

10-17-9: Conflict with County or Health Department Regulations:

In the event of a conflict between any regulation set forth in this ordinance and honeybee management regulations adopted by the county or health department, the most restrictive regulations shall apply.

10-17-10: Violations:

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.

Chapter 10-18: Storage Containers

Section

- Definition 10-18-1
- Use 10-18-2
- Violation of Ordinance 10-18-3

10-18-1: Definition

a large receptacle or enclosure for holding materials either temporarily or for long term storage, i.e. shipping containers.

10-18-2: Use

1. **General:** Storage containers must conform to the standards of the zone in which they reside, including, but not limited to, placement, fire rating and maintenance. Storage containers are to be used for their defined purpose only (storage) and not for other uses (i.e. dwellings, etc.). Storage containers shall not be used as commercial storage units for public storage.

2. **Quantity:** The number of containers permitted to each lot will be in accordance with the zone in which they reside and the size of the lot. In general, one (1) up to forty (40) foot storage container is allowed per ¼ acre lot.

   Containers are not allowed to be stacked one (1) on top of another.

3. **Location:** Storage containers are to be placed on side or back areas of lots.

4. **Condition:** The area around storage containers must be kept in a suitable manner (i.e. free of weeds, garbage, etc. in accordance with Moroni City Code, Title 4 – Public Health and Safety), in accordance to the zone in which they reside.

10-18-3: 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.

Chapter 10-19: Tables & Diagrams

Section

10-19-1: Table A – Setbacks

10-19-2: Off-Street Parking Requirements

10-19-1: Table A - Setbacks

This table provides setback and other development standards governing lots in the city in an easy-to-read format. It is not the complete set of regulations governing property development and should not be used except in conjunction with the rest of this ordinance.

Table A: Setbacks and Density

Zone	Min. Lot Size	Max Density	Min Lot Frontage	Front Yard	Side Yard	Rear Yard	Corner Lot Side Yard	Max Height
RA	½ acre	1 unit per lot	100'	25'	10' *	30'	20' **	35'
R1	10,000 sq. ft.	1 unit per lot	100'	25'	10' *	30'	20' **	35'
R2	10,000 sq. ft.	5 units per acre	100'	25'	10' *	30'	20' **	35'
C1	None	Commercial use only	35'	5'	10'	None	5'	35'
C2	None	5 units per acre	35'	5'	10'	None	5'	35'
M	10,000 sq. ft.	Manufacturing use only	35'	10'	None	None	10'	50'

* The combined sum of the two (2) side yards shall not be less than twenty-four feet (24').

** Side yard shall not be used for vehicle parking except such portion as is devoted to driveway use for access to a garage or carport.

10-19-2 Table B: Off-Street Parking Requirements

This table lists the off-street parking requirements for different uses.

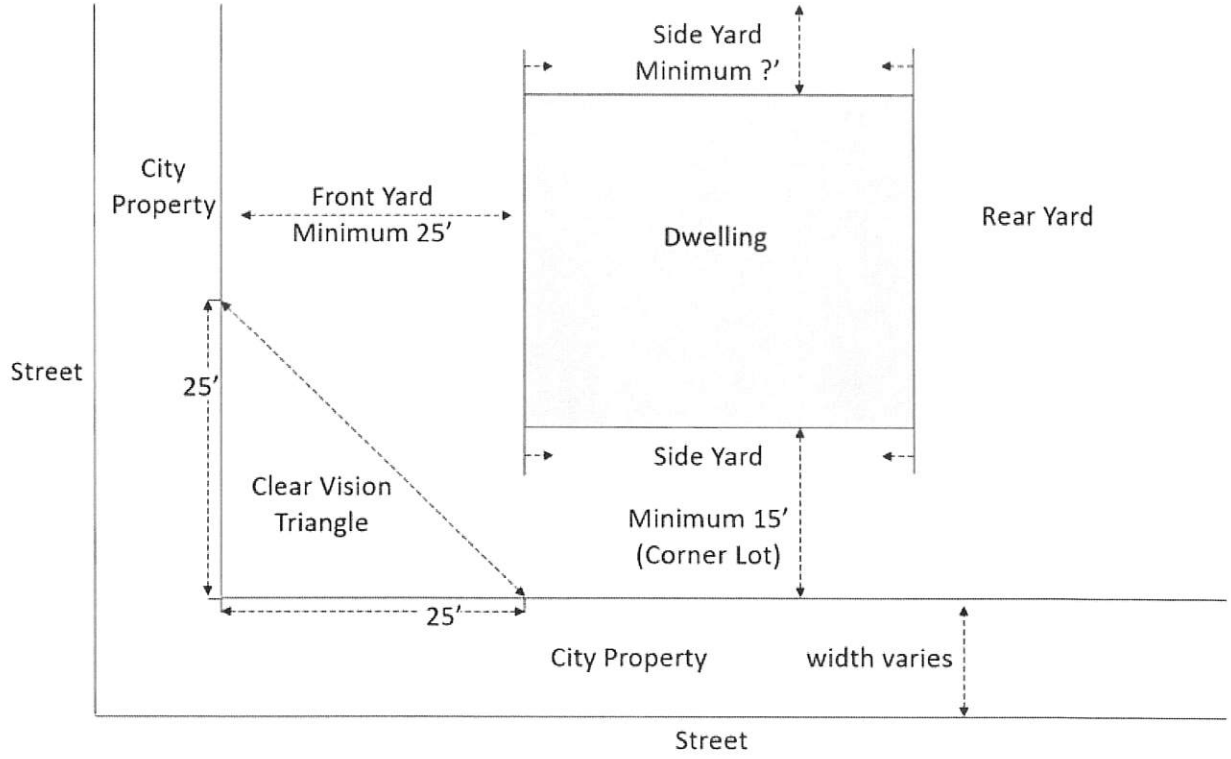
Table D: Parking Requirements

Use	Minimum # of spaces
One and two family dwellings	2/unit

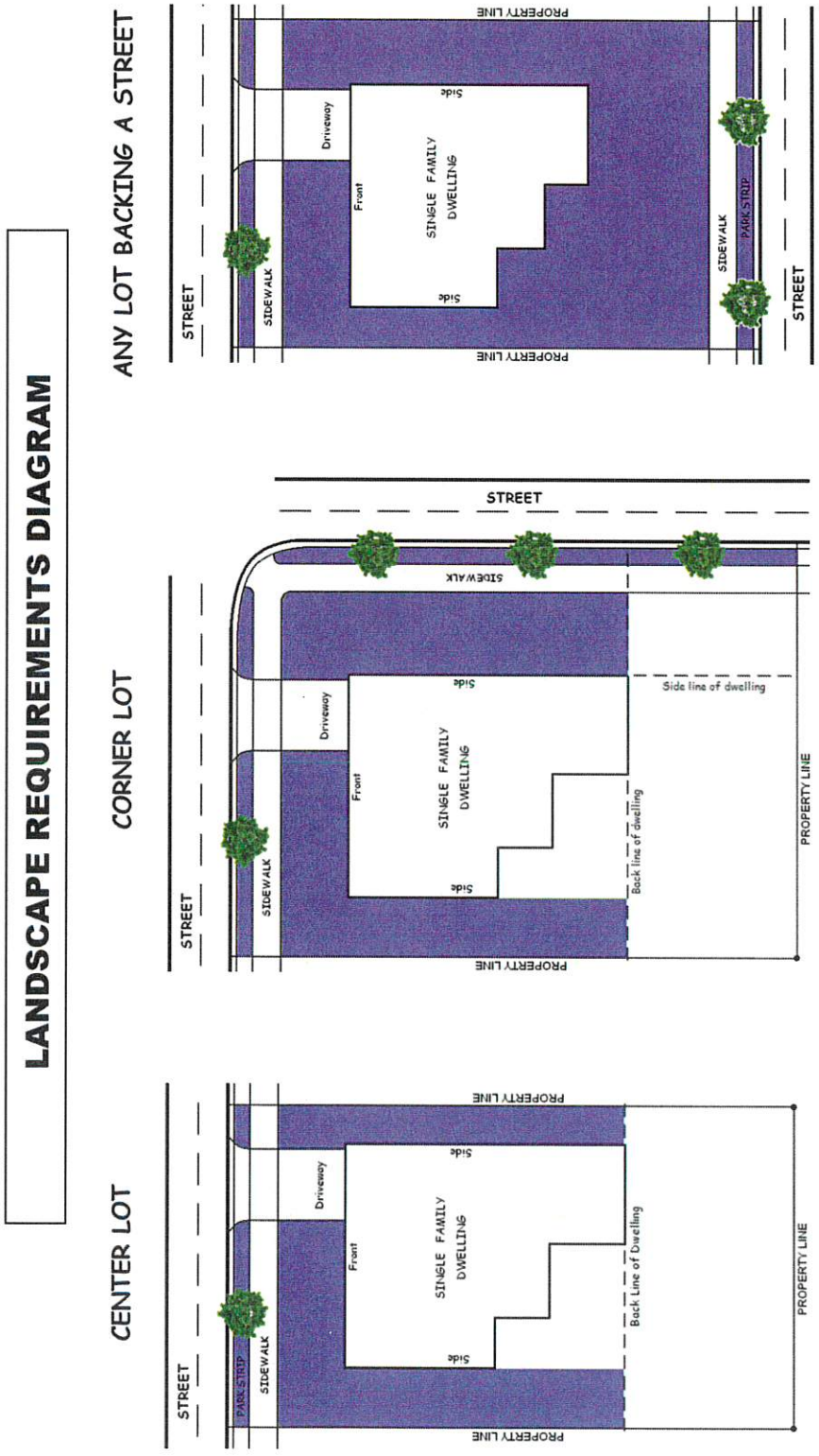
Condominiums (New construction and conversions)	2/unit
All other dwellings	2/unit
Automobile Courts	1 space for each sleeping unit or dwelling unit.
Banks, business or professional office	1 space per 500 sq. ft. of gross floor area.
Offices not providing customer services or sales on the premises	1 space per 500 sq. ft. of gross floor area.
Professional offices for attorneys, CPA's, Architects, Engineers, etc	1 space per 500 sq. ft. of gross floor area.
Bowling alleys	4 spaces for each alley.
Mixed Use Commercial and Residential	Total of office and residential. May be reduced by up to 25% if commercial use will be significantly reduced after normal business hours.
Church	1/4 permanent seats + 1/40 sq. ft. without permanent seats in the largest seating area.
Museums and similar non assembly cultural facilities	1 space per 400 sq. ft of gross floor area.
Stadium, arena, rodeo, etc.	1/4 seats + 1/75 sq. ft. seating area without permanent seats.
Stores, supermarkets, etc.	1/250 sq. ft. sales area.
Medical and Dental clinics/offices	1 space per 500 sq. ft. of gross floor area.
Hospital	1 space per 300 sq. ft. of gross floor area.
Sanitariums, children homes, homes for the aged, asylums, nursing homes, etc.	2 parking spaces plus 1 space for every 2 beds
Hotel, motel, inn, etc.	1/unit + 2 additional spaces
Mortuary, funeral home	1/250 sq. ft. + 1/3 seats
Auto repair	4 spaces plus 1 additional parking space for each bay
Libraries	3/1000 sq. ft. public area

Restaurant, tavern, eatery, food establishment for the sale and consumption of food and beverage on premises	1 space per 100 sq. ft. of gross floor area.
Retail Stores, except as otherwise specified herein	1 parking space for each 200 sq. ft. of gross floor area on the ground floor
Childcare	1 space per 600 sq ft of gross floor area plus a drop-off and pick-up area of no less than four (4) spaces
Recreational facility	1 space per 5 persons at maximum occupancy
Tennis, pickleball, racquetball, etc.	2 spaces per court
Health club, spa, gym, etc.	1 space per 400 sq. ft.: 10 spaces minimum
Non-Residential Schools, Private, Vocational, Etc.	1 parking space for each employee and 1 space for each 3 students of driving age
Elementary school	2 spaces per classroom plus 1 space per 400 sq feet of administrative office areas
Junior and senior high schools	8 spaces per classroom plus 1 space per 400 sq feet of administrative office areas
Veterinary hospitals	1 space per 300 sq. ft.
Manufacturing plant, uses, research and testing laboratories, creameries, bottling establishment, bakeries, canneries, printing and engraving shops, etc.	1 space per 600 sq. ft. of gross floor area
Warehouse and wholesale storage guiding (dead storage or high-volume distribution)	1 space per 1,000 sq. ft. of gross floor area
Service commercial (cabinet shop, printing shop, furniture and appliance store, hardware store, household equipment, service shop, clothing or show repair, or similar personal shops, etc.)	1 space per 600 sq. ft. of gross floor area.
Outdoor sales lots	1 space per 2500 sq. ft.

10-19-3 Exhibit A: Site Triangle Diagram



10-19-4 Exhibit B: Landscape Requirement Diagram



** * * Any area behind a 6' privacy fence is not required to be landscaped * * **

Ensure clear view requirements are followed when planning trees and fences.