



ROOSEVELT CITY | UT

November 06, 2024

Notice is hereby given that the Roosevelt City Planning and Zoning Commission will hold their regularly scheduled meeting on Tuesday November 06, 2024, at the Roosevelt Municipal Building, 255 South State Street, Roosevelt, Utah. The meeting shall begin promptly at 05:00 PM.

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF PREVIOUS MINUTES

3.A. OCTOBER 2, 2024, MEETING MINUTES, SUNSHINE BELLON

Attachments

1. [10.02.24 Planning and Zoning Minutes- DRAFT.pdf](#)

4. PUBLIC HEARINGS

**As Needed*

5. ACTION ITEMS

5.A. MASTER SITE PLAN APPROVAL- KNIGHT INDUSTRIAL SUBDIVISION, BRAD KNIGHT/ DREW ESCHLER

This application has been reviewed by the Planning and Zoning Division Manager and has been found to be in compliance with Roosevelt City standards for M-2 zones.

Attachments

1. [KNIGHT SUBDIVISION LOTS 11 & 12 MASTER SITE PLAN 2024-10-29.pdf](#)

5.B. ROOSEVELT CITY TITLE 17, ZONING , DREW ESCHLER

Review proposed updates to Title 17, "Zoning" and make a recommendation to City Council regarding its adoption.

Attachments

1. [Roosevelt 17 - Zoning Updated 10.31.24.pdf](#)

6. PLANNING AND ZONING DIVISION MANAGER REPORT

7. ITEMS FOR FUTURE DISCUSSION

8. ADJOURN

Further information can be obtained by contacting Sunshine Bellon at (435) 823-0519. In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during these hearings should notify Sunshine Bellon at 255 South State Street, Roosevelt, Utah, 84066, at least three days prior to the hearing to be attended.



ROOSEVELT CITY | UT

October 02, 2024

ROOSEVELT CITY PLANNING AND ZONING COMMISSION MINUTES

CALL TO ORDER

Planning and Zoning Commission Chair, Dale Tribe, called the meeting to order at 5:00 p.m.

ROLL CALL

Members Present:

John Hullinger, Keith Goodspeed, Ren Bagley, Dale Tribe

Members Absent:

Kyle Smoot, Lynn Snow

APPROVAL OF PREVIOUS MINUTES

PLANNING AND ZONING MINUTES- AUGUST 7, 2024 , SUNSHINE BELLON

Agenda Attachments

1. [RC_PLanning and Zoning_ Minutes Draft_ 08.07.24.pdf](#)

A Motion to approve the previous minutes was submitted by Keith Goodspeed. Seconded by Ren Bagley

Ayes: John Hullinger, Keith Goodspeed, Ren Bagley, Dale Tribe

Nos: none

PUBLIC HEARINGS

**As Needed*

No public hearing was held during this meeting.

ACTION ITEMS

TINY HOME OVERLAYMENT DRAFT APPROVAL, DREW ESCHLER

Staff are requesting direction from the commission regarding the proposed draft of the Tiny Home Overlay zone.

[Link to Google Docs copy of proposed draft](#)

The commission reviewed a Tiny Home Overlay zone draft ordinance and discussed what they liked and didn't like about its requirements. Commissioner Tribe voiced concerns about project bonds and stated that it would be important to ensure that tiny home properties are landscaped, not just a dirt lot. It was suggested that bonds, as well as occupancy letters would be held until landscaping was completed. Property setbacks were also discussed. The draft code listed property setbacks for tiny homes at 5 feet, and there was some concern that this may not be enough space for emergency responders, so increasing the minimum setback distance was suggested.

REVIEW PROPOSED CONDITIONAL USE REVISIONS TO TITLE 17- ALLOWED ANIMALS, DREW ESCHLER

The attached amendment to Title 17, if adopted, would allow for the keeping of animals as allowed in R-1-6 Zones, on parcels in the R-M zones that are 6000 feet and above in lot size.

Agenda Attachments

1. [R17-18 Animal Amendments.pdf](#)

The commission reviewed proposed changes to animal regulations in certain residential zones within the city that would allow for the keeping of certain livestock, provided the residence had adequate property. The commission didn't see any issues with the code presented, however additional changes to Title 17 are still being made, so no vote was taken.

PLANNING AND ZONING DIVISION MANAGER REPORT

No additional updates were provided .

ITEMS FOR FUTURE DISCUSSION

No items for future discussion were noted.

ADJOURN

A motion to adjourn was submitted by John Hullinger. Seconded by Ren Bagley

Ayes: John Hullinger, Keith Goodspeed, Ren Bagley, Dale Tribe

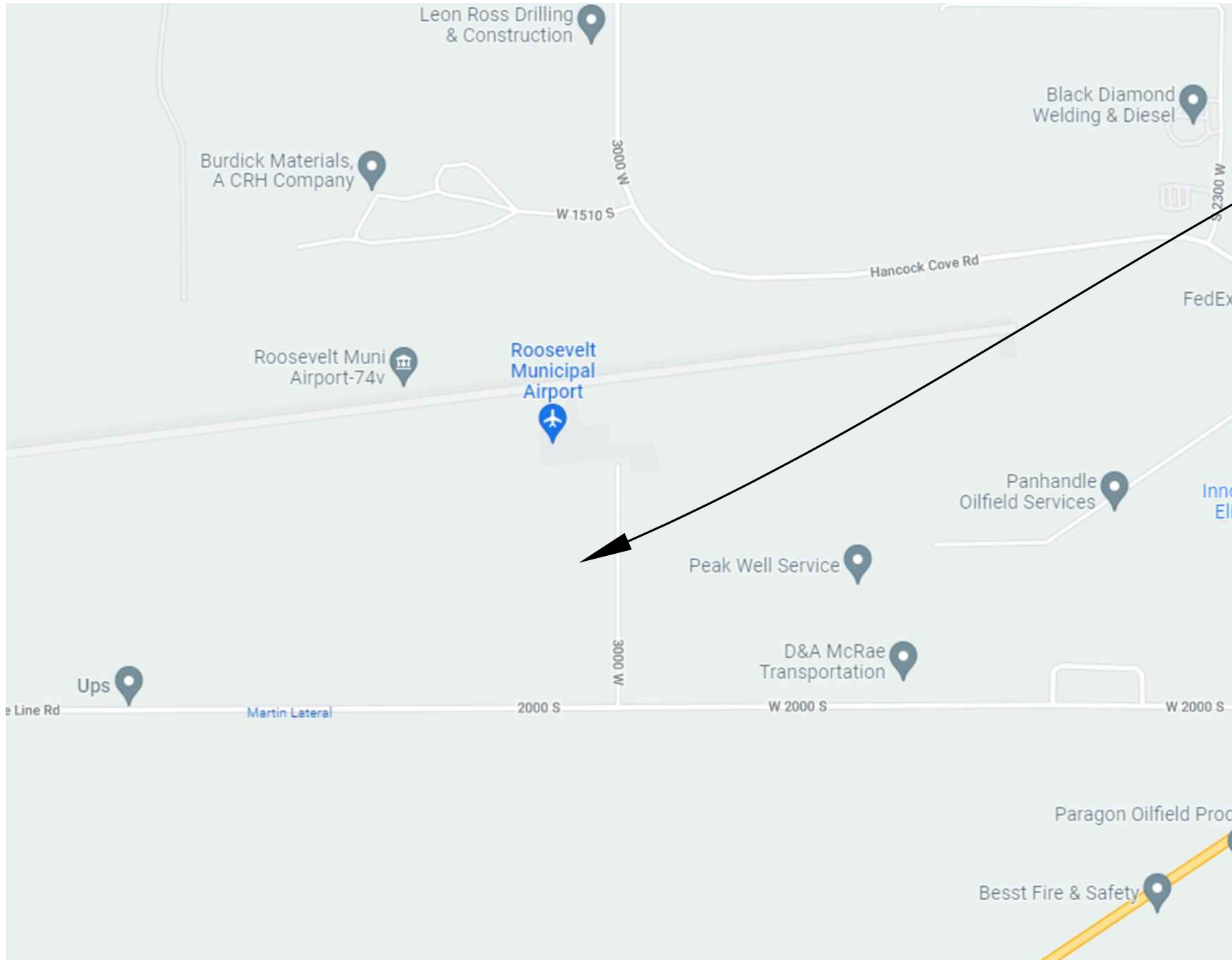
Nos: none

KNIGHT INDUSTRIAL PARK

LOTS 11 & 12
NOVEMBER 2024



SHEET INDEX	
PAGE NUMBER	PAGE DESCRIPTION
C101	SITE DIMENSION PLAN
C102	SITE GRADING PLAN
C103	SITE GRADING AREAS
C104	SITE UTILITY PLAN



PROJECT LOCATION

OWNER INFORMATION

KNIGHT INDUSTRIAL PARK
3000 WEST 2000 SOUTH
ROOSEVELT, UT 84066

CONTACT: BRAD KNIGHT
PHONE: 435-724-1071

ENGINEER

TIMBERLINE ENGINEERING
AND LAND SURVEYING
209 NORTH 300 WEST
VERNAL, UT 84078

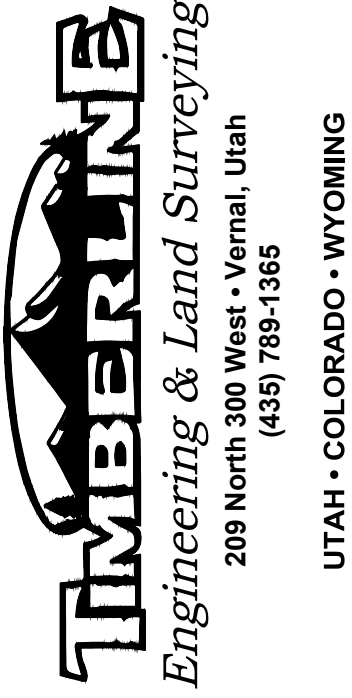
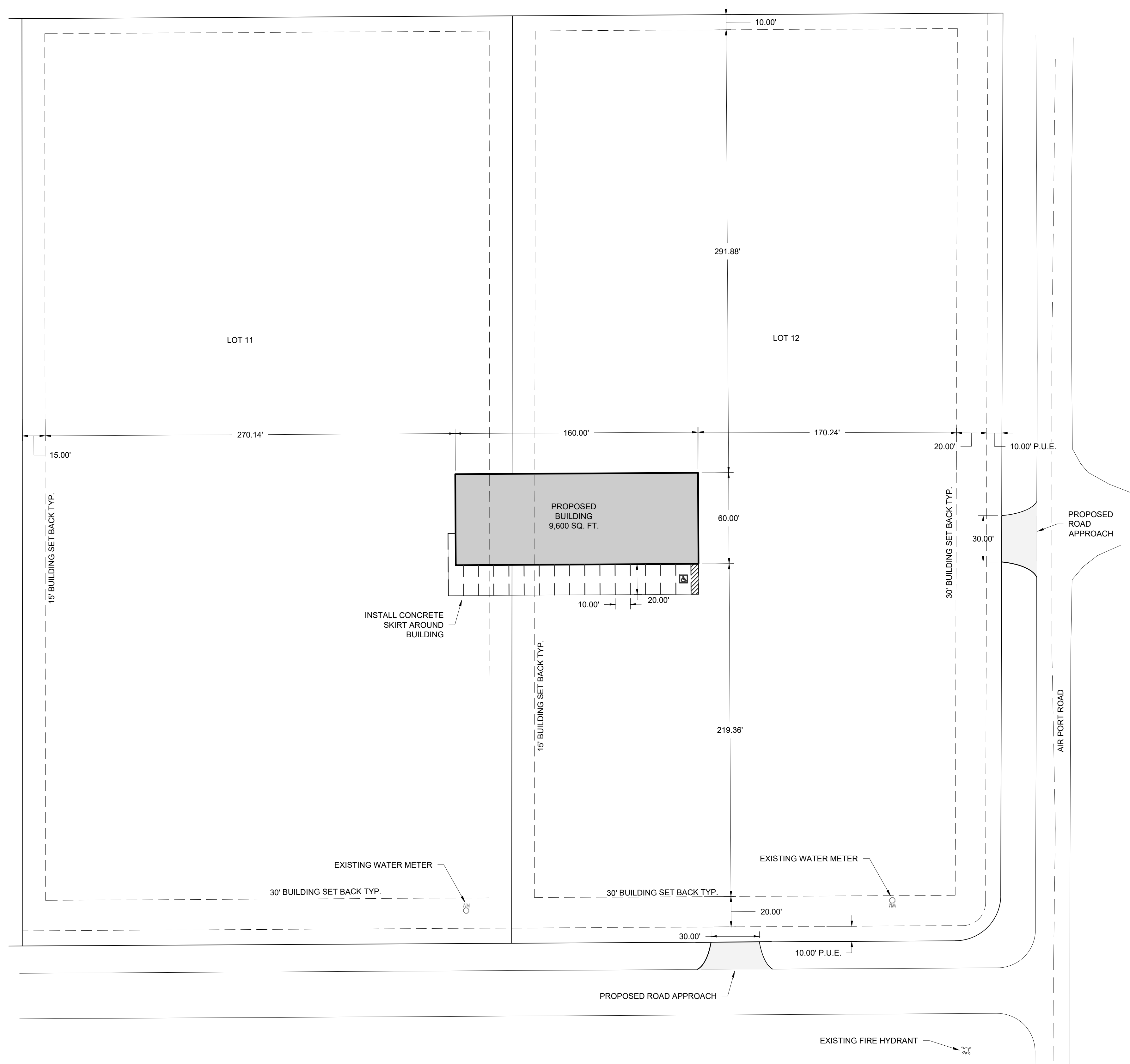
CONTACT: CABLE MURRAY
PHONE: 435-789-1365



Engineering & Land Surveying
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(435) 789-1365
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KNIGHT INDUSTRIAL PARK

LOT 11 & 12 BUILDING



BRAD KNIGHT
PHONE: 435-724-1071
DRAWN BY:
JGC
PROJECT MANAGER:
CMM
CHECKED BY:
CMM

**KNIGHT INDUSTRIAL PARK
LOTS 11 & 12
3000 WEST 2000 SOUTH (POLELINE RD.)
ROOSEVELT, UT 84066**

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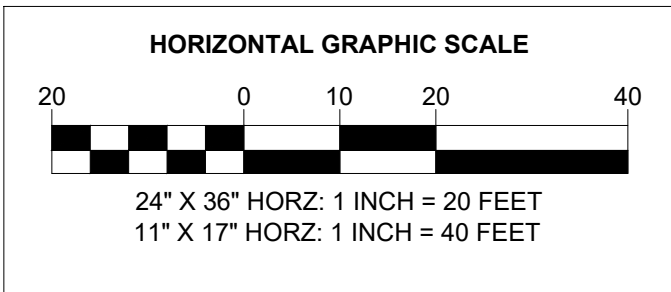
SITE DIMENSION PLAN

C101

Tuesday, October 28, 2024 4:35:02 PM S:\ENGINEERING\PROJECTS\24-ZZZ\KNIGHT SUBDIVISION\LOT 12.DWG\KNIGHT SUB LOT 12 2024-10-21.DWG



KNOW WHAT'S BELOW CALL BEFORE YOU DIG.
ANY EXISTING UTILITIES SHOWN ARE FOR
REFERENCE ONLY. CONTRACTORS SHALL
CALL BLUE STAKES BEFORE DIGGING.



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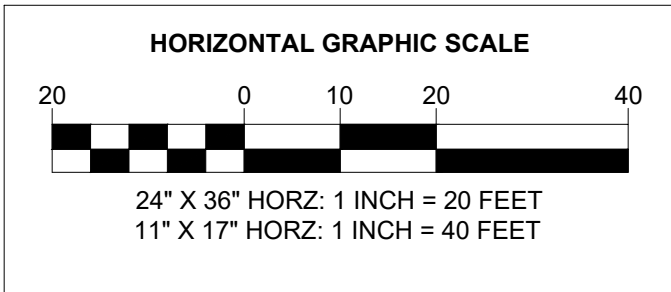
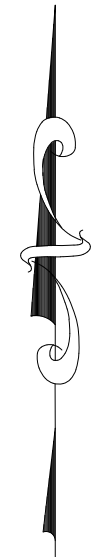
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**SITE
GRADING
PLAN**

C102

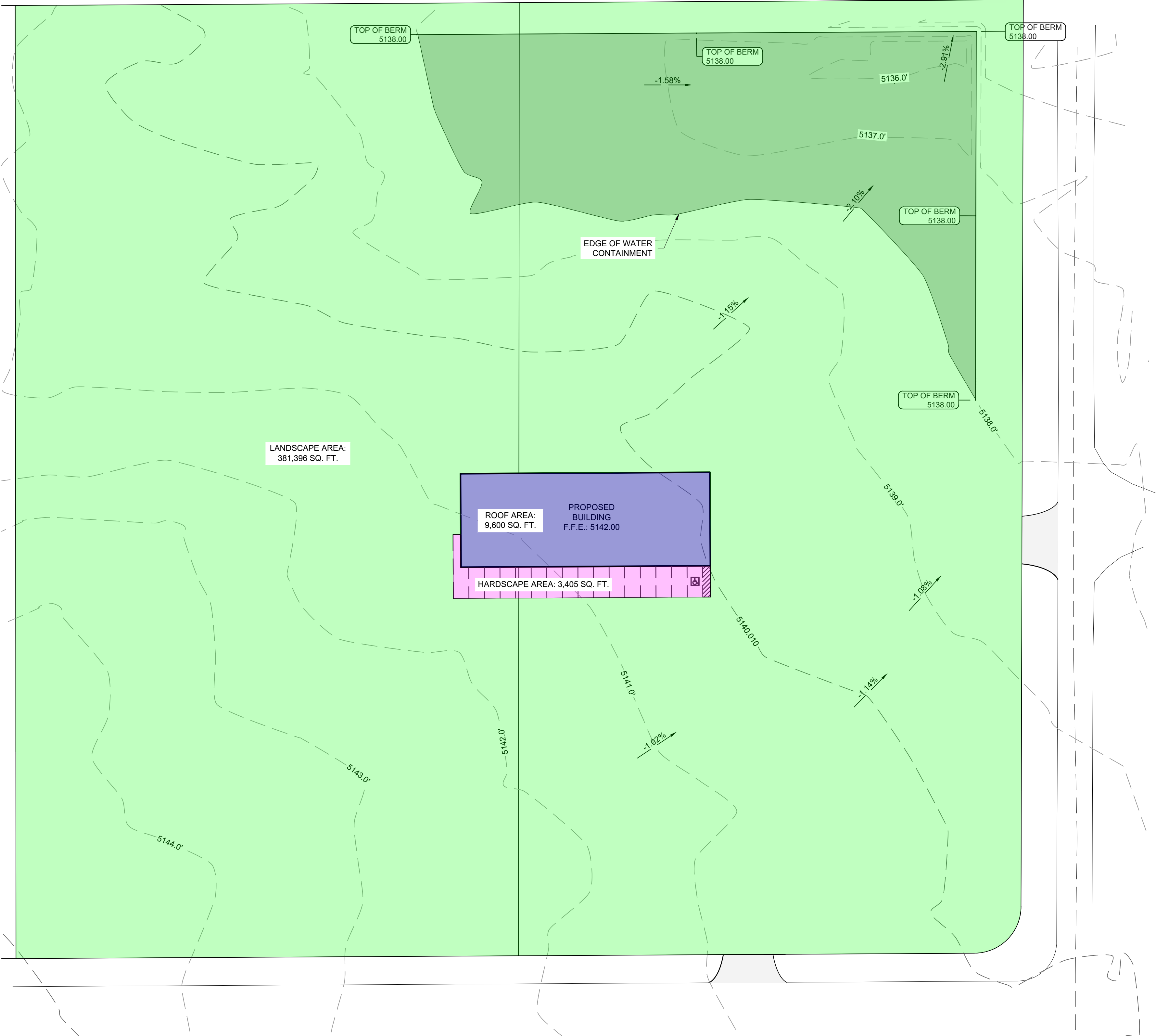


KNOW WHAT'S BELOW CALL BEFORE YOU DIG.
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Storm Water Retention Calculations									
Project: Knight Subdivision					Project Number: 				
Client: Brad Knight					Date: October 29, 2024				
Location: Roosevelt					By: C. Murray				
Project Area Classifications									
Area Calculations				Area Runoff Coefficients					
	Area (ft ²)	(Acres)							Area (%)
Hardscape Area:	3,405	0.08		Cp :	0.90				1%
Roof Area:	9,600	0.22		Ci :	0.85				2%
Landscape Area:	381,396	8.76		Ci :	0.30				97%
TOTAL AREA:	394,401	9.05		WEIGHTED Ci:	0.32				
Runoff Calculations - LOT #11 & #12									
100 Year 24 Hour Storm Event									
				Allowable Runoff		0 cfs/sec			
				Total allowable runoff		0.334 cfs			
Time (min)	C/A	Precep. Intensity (in/hr)	Time (sec)	Cumulative Runoff (ft ³)	Allowed Runoff (ft ³)	Storage (ft ³)			
5	2.88	5.4	300	4,673	100	4,572			
10	2.88	4.11	600	7,113	201	6,912			
15	2.88	3.4	900	8,826	301	8,525			
30	2.88	2.29	1,800	11,889	602	11,287			
60	2.88	1.42	3,600	15,745	1,204	13,541			
120	2.88	0.78	7,200	16,189	2,408	13,780			
180	2.88	0.53	10,800	16,510	3,613	12,898			
360	2.88	0.29	21,600	18,068	7,225	10,843			
720	2.88	0.16	43,200	19,937	14,450	5,487			
1,440	2.88	0.1	86,400	24,921	28,900	-3,979			
					STORAGE REQUIRED:		13,780		
					STORAGE PROVIDED:		14,450		
1 - Percolation rate assumed of				0.334 CFS/AC					
2 - Storage				Required 13,780 Cu. Ft.					
				Surface Pond 14,450 Cu. Ft.					
				Gravel Sump 0 Cu. Ft.					
				Manhole 0 Cu. Ft.					
				Pipe (Horizontal) 0 Cu. Ft.					
Excess Volume Provided:				660 Cu. Ft.					

STAGE STORAGE TABLE						
ELEV	AREA (sq. ft.)	DEPT H (ft)	AVG END INC. VOL. (cu. ft.)	AVG END TOTAL VOL. (cu. ft.)	CONIC INC. VOL. (cu. ft.)	CONIC TOTAL VOL. (cu. ft.)
5,135.510	0.41	N/A	N/A	0.00	N/A	0.00
5,136.010	1,192.56	0.500	345.11	345.11	308.96	308.96
5,136.510	921.44	0.500	314.14	659.25	302.04	611.00
5,137.010	11,466.32	0.500	3125.56	3784.80	2658.11	3269.12
5,137.510	25,691.01	0.500	7080.05	10864.85	6089.81	9358.93
5,138.010	18,391.05	0.500	5924.36	16789.21	5596.03	14954.96



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PROJECT MANAGER:
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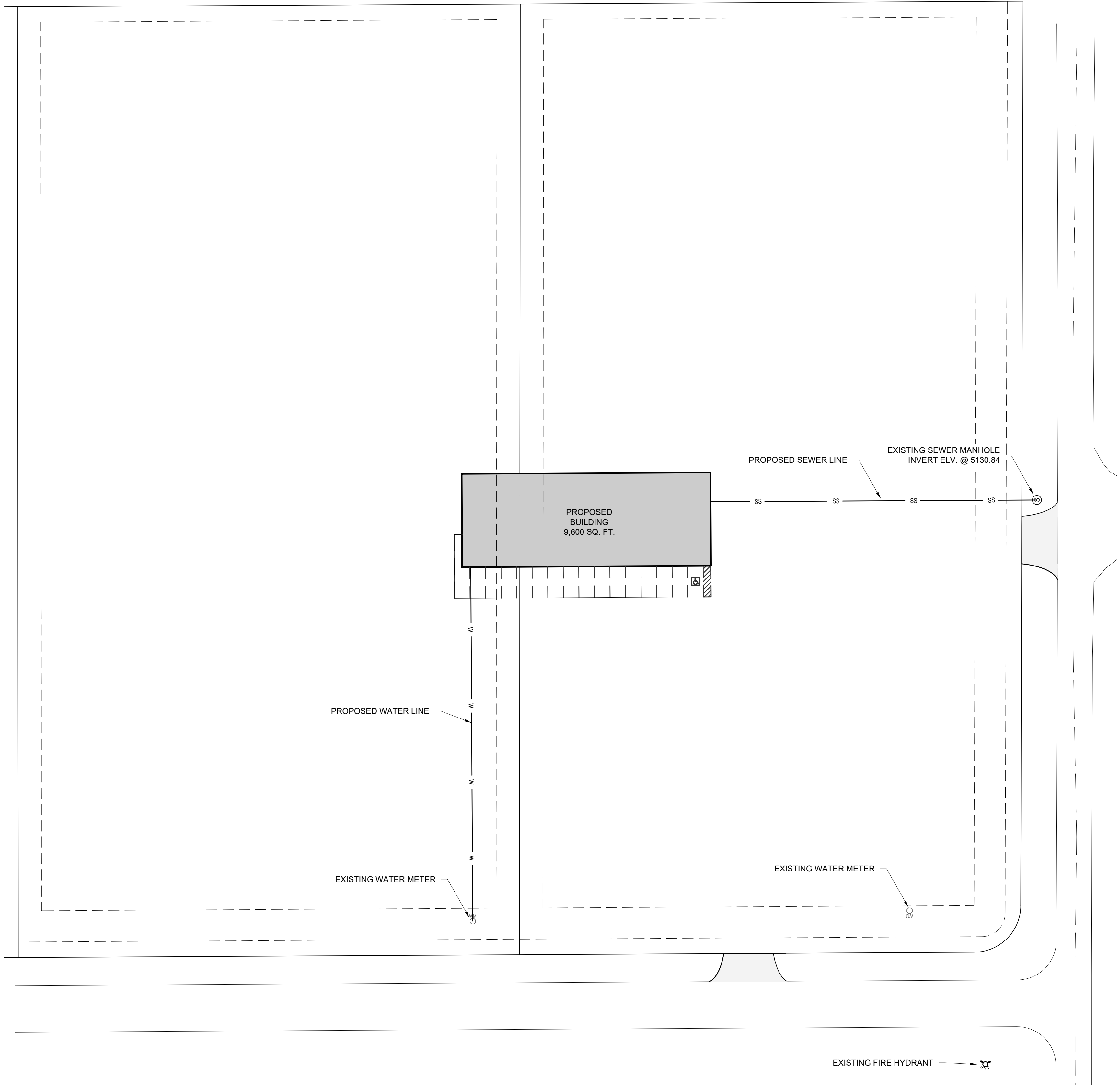
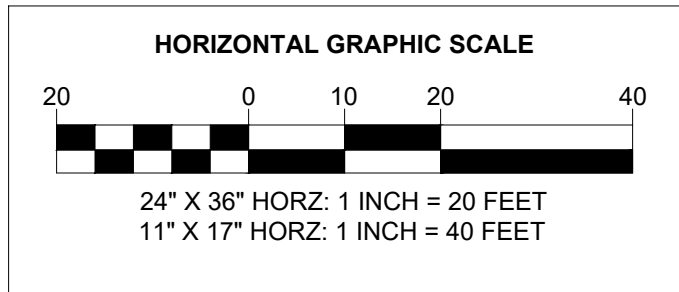
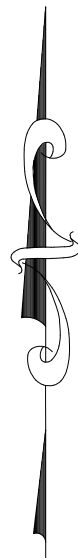
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SITE
GRADING
AREAS

C103



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**SITE
UTILITY
PLAN**

C104

NOTE: The City would like to renumber the code from “1...” to “R1...”

Title R17 ZONING

Chapters:

- R17.01 General Provisions**
- R17.02 Approval Processes Generally**
- R17.03 Variance and Appeal Authorities**
- R17.04 Supplementary Regulations**
- R17.05 Nonconforming Uses and Noncomplying Structures**
- R17.06 Off-Street Parking**
- R17.07 Home Occupations**
- R17.08 Conditional Uses**
- R17.10 Manufactured Homes**
- R17.13 Design Review**
- R17.14 Soils and Natural Hazards**
- R17.15 Zoning Districts**
- R17.16 Rural Residential (R-R-1) Zone**
- R17.17 Single-Family Residential (R-1) Zone**
- R17.18 Multiple-Residential (R-M) Zone**
- R17.19 Professional Office—Residential (PO-R) Zone**
- R17.20 Commercial (C) Zone**
- R17.21 Industrial (M) Zone**
- R17.25 Airport Overlay (AO) Zone District**
- R17.26 Tiny Home Overlay (TH-O) Zone**

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

Chapter R17.01 - GENERAL PROVISIONS

Sections:

- R17.01.010 Short title.
- R17.01.015 Authority.
- R17.01.020 Purpose.
- R17.01.030 Interpretation.
- R17.01.040 Conflict.
- R17.01.050 Permits and licenses to conform to this ordinance.
- R17.01.060 Omissions not a waiver.
- R17.01.070 Site plans required.

- R17.01.090 Enforcement.

- R17.01.140 Hearings, publication and notification.
- R17.01.150 Licensing.
- R17.01.160 Fees.
- R17.01.170 Definitions.

R17.01.010 Short title.

This ordinance shall be known as the “Uniform Zoning Ordinance of Roosevelt City Corporation” or the “Zoning Ordinance” and may be cited and pleaded.

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

R17.01.015 Authority.

The City Council adopts this zoning ordinance pursuant to the Municipal Land Use Development and Management Act as provided in §10-9a of Utah State Code (as amended), and other authorities and provisions of Utah and Federal statutory and common law, as applicable.

R17.01.020 Purpose.

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

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

R17.01.030 Interpretation.

In interpreting and applying the provisions of this Title, the requirements contained herein are declared to be the minimum requirements for the purposes set forth. Any use not expressly allowed by this ordinance is prohibited.

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

R17.01.040 Conflict.

This ordinance shall not nullify the more restrictive provisions of covenants, agreements, or other **adopted** ordinances or laws of the City, but shall prevail notwithstanding such provisions which are less restrictive.

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

R17.01.050 Permits and licenses to conform to this ordinance.

All land use authorities of the City with the authority to issue the approvals, permits, or licenses required by this ordinance shall require that such approvals, permits, or licenses comply with the standards and requirements of this ordinance and shall not issue any approvals, permits, or licenses for uses, buildings, or structures for any purpose in conflict with the standards and requirements of this ordinance. Any approval, permit, or license issued in violation of this ordinance shall be void and invalid.

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

R17.01.060 Omissions not a waiver.

An omission to specify or enumerate in this ordinance those provisions of general law applicable to all Utah cities shall not be construed to be a waiver of the benefits of any such provisions.

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

R17.01.070 Site plans required.

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

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

R17.01.090 Enforcement; Penalties; Notice.

- A. The City shall appoint a Zoning Administrator or other designee to be the enforcing officer for this Title. The Zoning Administrator shall enforce all provisions, entering actions in court if necessary, and failure to do so shall not legalize any violations of such provisions.
- B. The City Council may, by resolution or ordinance, from time to time entrust administration of this Title, in whole or in part, to another officer or **employee** of the City, without amendment to this Title.
- C. A violation of any of the provisions of this title, or any of the City's other land use ordinances shall be punishable as a Class C misdemeanor upon conviction either:
 - a. As a Class C misdemeanor; or
 - b. By imposing the appropriate civil penalty adopted under the authority of §10-9a of Utah State Code (as amended).
- D. As required by §10-9a-803 of Utah State Code (as amended), prior to imposing upon an owner of record a civil penalty the City shall provide:
 - a. Written notice, by mail or hand delivery, of each ordinance violation to the address of the:
 - i. Owner of record on file in the Office of the County Recorder; or
 - ii. Person designated, in writing, by the owner of record as the owner's agent for the purpose of receiving notice of an ordinance violation;
 - b. The owner of record a reasonable opportunity to cure a noticed violation; and
 - c. A schedule of the civil penalties that may be imposed upon the expiration of a time certain.

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

R17.01.140 Hearings, meetings, publication and notification.

Notice of required public hearings and meetings shall be made pursuant to §10-9a of Utah State Code (1953) as amended.

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

R17.01.150 Licensing.

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

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

R17.01.160 Fees.

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

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

R17.01.170 Definitions.

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

Words used in the present tense include the future.

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

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

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

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

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

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

“Abandon/Abandoned” means a use that has been discontinued for a minimum period of one (1) year or a building, structure, sign, or other object that remains vacant or unused for a minimum period of one (1) year.

“Abandonment” means any act that results in abandonment.

“Abutting Property” means property lying immediately adjacent to and sharing a common property line with other property.

“Access” means the provisions of vehicular and/or pedestrian ingress and egress to a lot, parcel, building, or structure.

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

“Accessory building, unoccupied” means a building on the same lot as the principal building and that is:

1. Clearly incidental to, and customarily found in connection with such principal building
2. Operated and maintained for the benefit of the principal use; and
3. Not a dwelling unit.

“Accessory dwelling unit” means a habitable living unit added to, created within, or detached from a primary single-family dwelling and contained on one (1) lot.

“Active (or Valid) building permit” means a building permit that has not expired.

“Adversely affected party” means a person other than a land use applicant who owns real property adjoining the property that is the subject of a land use application or land use decision, or will suffer damage different in kind than, or an injury distinct from, that of the general community as a result of the land use decision.

“Adjacent property/Adjacent landowners” means a lot or parcel of property, or the owner of record of such, according to the records of the Duchesne County Recorder that has a common boundary line with a lot or parcel of property that is the subject of action before the city.

“Adult-oriented business” means any or all of the following or any portions of the following: adult bookstore, adult video store, adult novelty store, adult motion picture theater, adult theater, and tattoo parlors.

“Affected entity” means a county, municipality, an independent special district under Utah Title 17A, Chapter 2, Independent Special District, a local district under Utah Title 17B, Chapter 2, Local District, school district, interlocal cooperation entity, specified public utility or the Utah Department of Transportation, if:

1. The entity’s services or facilities are likely to require expansion or significant modification because of an intended use of land.
2. The entity has filed with the municipality a copy of the entity’s general or long-plan; or
3. The entity has filed with the municipality a request for notification during the same calendar year and before the municipality provides notice to an affected entity in compliance with a requirement imposed under the Act.

“Affordable Housing” means a dwelling unit for which a household spends not more than thirty (30) percent of its gross income for housing costs. Rental housing costs include contract rent and utilities. Owner occupied housing costs include mortgage principal and interest, property taxes, insurance, and, where applicable, homeowner’s association fees.

“Agent” refers to the person with proof of authorization to represent a property owner.

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

“Agricultural packing and warehousing” means a facility used for storing, sorting, cleaning, sacking, or transshipment of agricultural products. Does not include processing functions. Storing and cleaning mean handling to the generally minimum level of marketability.

“Agricultural processing” refers to cooking, dehydrating, refining, bottling, canning, or other treatment of agricultural products which changes the naturally grown product for consumer use.

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

“Alteration, building” means any change in the structure which will increase the number of dwelling units, the floor area, or the height of the structure.

“Alterations, structural” means any change in the supporting members of a building such as bearing walls, beams, or girders.

“Alternative power” means another source or means of supplying energy such as solar, wind, etc., that can be considered an equivalent substitute for conventional commercial power.

“Animal hospital or veterinary offices” means an establishment where animals are medically treated, lodged, or trained by a licensed veterinarian.

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

“Apartment house” means a building that contains four or more dwelling units primarily for rent or lease or a building that contains an apartment or apartments and also contains other approved uses such as an office or retail space.

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

“Applicant” refers to the owner, or owner’s agent, of the property that is the subject of the application

“Application” means a written request for development approval including, but not limited to an alteration or revision to an approved Master Planned Development, Conditional Use Permit, zoning or rezoning, Subdivision, or Annexation. The term “application” shall not include any building permits associated with construction with an approved subdivision or on an existing platted lot unless otherwise specified.

“Area” means the aggregate space within given boundaries.

“Architectural projection” means any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building (i.e. awnings, canopies), but does not include signs.

“Artificial Light Source” means an exterior source of lighting emanating from a man-made device, including but not limited to, incandescent, mercury vapor, metal halide or sodium lamps, spotlights, flood lights, landscaping lights, street lights, vehicular lights, construction or security lights.

“Assisted living center” means residences that provide for semi-independent living. Such facilities may be 1 equipped with studio or one bedroom apartments with limited kitchen facilities, generally designed for single occupancy; (2) contain central dining facilities where prepared meals are served to the residents; (3) employ full time nursing or medical assistance and supervision; and (4) may provide other additional services to residents.

“Automobile repair, major” refers to general repair, building or reconditioning of engines, motor vehicles or trailers, and collision service including body or frame repairs.

“Automobile repair, minor” refers to upholstering, replacement of parts and motor service to passenger cars or trucks not exceeding one and one-half (1 ½) tons capacity, but not including operations named under “automobile repairs, major”.

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

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

“Automotive paint shop” refers to a facility for painting of automobiles, trucks, trailers, boats or other travel or recreation vehicles or units.

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

“Balcony” means a platform that projects from the wall of a building and is enclosed by a railing, parapet, or balustrade.

“Banking or financial services” refers to a bank, credit union, savings and loan association, or other establishments with a primary purpose of receiving, lending, exchanging, or safeguarding money, or providing financial advisory service. This definition shall include outside drive-up facilities for service to customers in automobiles.

“Base flood” means having a one (1) percent chance of being equaled or exceeded in any given year.

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

“Bed and breakfast” means a single-family dwelling, occupied by a residing family and containing one or more sleeping rooms intended for the occupancy by persons unrelated to the residing family on a short-term basis (overnight and up to two (2) weeks).

“Beginning of construction” means the excavation or re-contouring of the site.

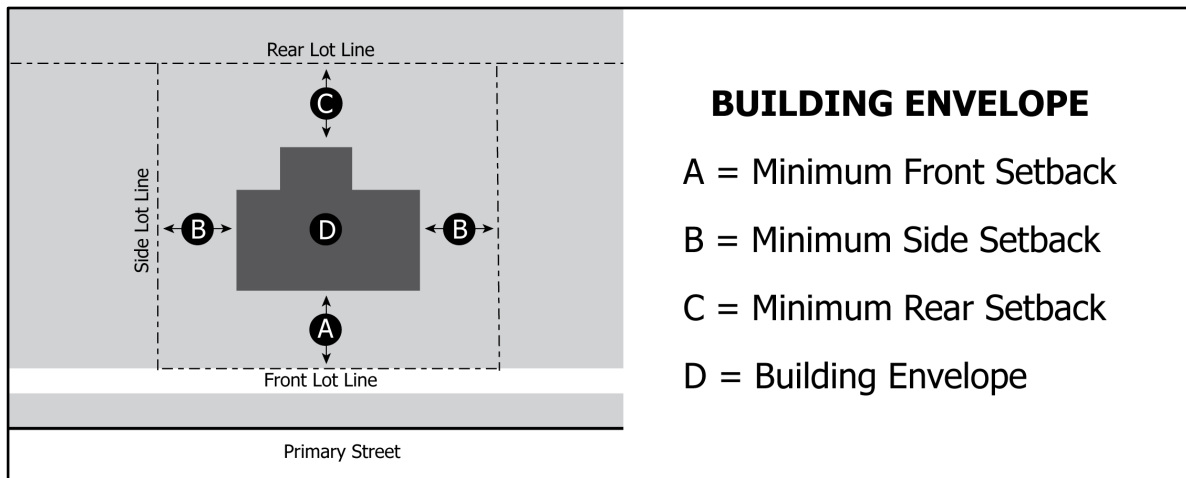
“Block” means the land surrounded by streets or other rights-of-way, other than an alley, and land which is designed as a block on any recorded subdivision plat.

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

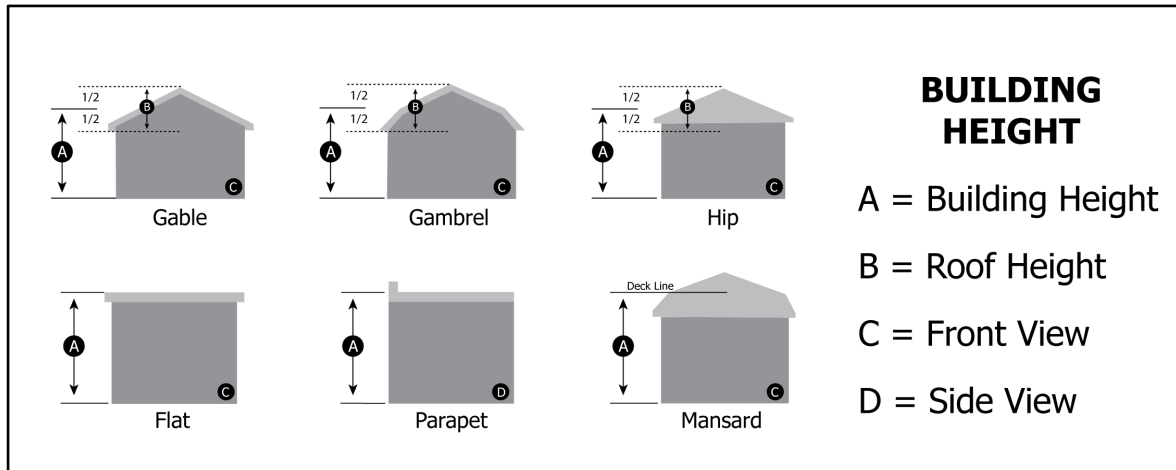
“Buffer” means an area of land including landscaping, berms, walls, fences and building setbacks which is located between land used of different character and is intended to mitigate negative impacts of the more intense use of one land use on another.

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

“Building envelope” means the space remaining on a site for structures after all building setbacks, height limit, and bulk requirements have been met.



“Building height” means the vertical distance in feet to the peak of the roof from average grade. Where a building is located on sloping terrain, the height is measured from the average ground level.



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

“Building, main” means a building in which is conducted the principal use of the building site on which it is situated. In any residential district, any dwelling shall be deemed to be a main building on the building site on which it is situated.

“Building permit” refers to an official document or certificate issued by a governmental authority having jurisdiction, authorizing the construction of any building. Building permit includes a tie-down permit for a structure or building that does not require a building permit, such as a mobile home, in order to be occupied.

“Business” refers to any activity carried on for the purpose of gain or economic profit. The acts of employees rendering service to employers are not included in the term business unless otherwise specifically prescribed. Business includes but is not limited to, the sale or rental of tangible personal or real property, the manufacturing of goods or property and the rendering of personal services for others for consideration by persons engaged in any profession, trade, craft, occupation, non-profit organization or other calling.

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

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

“Canopy” refers to a roof or awning constructed of fabric or other material and extending outward from a building to provide a protective shield for doors, windows or other openings with supports extended to the ground directly under the canopy or cantilevered from the building.

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

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

“Cemetery (or Columbarium, Crematory, Mausoleum)” refers to land or buildings used for the cremation, burial, or internment of the human dead but not including facilities for embalming.

“Child nursery” refers to an establishment for the care and/or instruction of five (5) or more children other than members of the family residing on the premises.

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

“City Council” The City Council of Roosevelt City, Utah. A six-member body elected by the citizens comprised five council members and the mayor. Unless otherwise stated in this Title, the Roosevelt City Council is designated as the City’s land use authority. Three (3) voting members of the City Council constitute a quorum.

“City engineer” refers to the City Engineer of the City or its authorized representative.

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

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

“Commercial” refers to a land use classification that permits facilities for the buy and selling of commodities and services.

“Commercial dog kennel” means a place where five (5) or more dogs over six (6) months of age and or five (5) or more cats over six (6) months of age, irrespective of duration, are boarded, bred, brought, sold, exhibited or trained for compensation, but not including a pet shop, animal shelter veterinary clinic/hospital where boarding is incidental to treatment.

“Commercial feedlot” means any tract on which the principal use is the raising of, or the concentrated feeding of livestock, fowl, or any other edible animals for the sale of such animals or the sale of products derived from such animals. Does not include dairies. Swine and mink operations are also not included or allowed for commercial feedlots.

“Common open space” means the land area in planned unit development (PUD) reserved and set aside for agricultural or recreational use, landscaping, open green areas, parking, and driveway areas for the common use and enjoyment of the residents of the PUD.

“Complete application” refers to a submission, which includes all information requested on the appropriate form, and full payment of all applicable fees.

“Composting facility” refers to a facility that is designed and used for transforming, through biological decomposition, food, yard wastes and other organic material into soil or fertilizer. This use does not include backyard composting bins serving individual families.

“Concept plan” refers to a sketch or rough drawing that may be submitted prior to the preliminary plat for subdivisions to enable a subdivider to reach general agreement with the Planning Commission and City Staff as to the form of the plat and the objectives of these regulations and to receive guidance as to the requirements for subdivisions within Roosevelt City.

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

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

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

“Construction” means the placement, assembly, erection, substantial repair, alteration or demolition of a building or structure on land, the placement of concrete, asphalt, similar materials on land, or grading or earthwork of land.

“Construction drawings” refers to plans prepared by a registered engineer, with professional seal affixed thereto showing all required improvements, including any proposed utilities.

“Contiguous” refers to lands separated only by streets, easements, pipelines, power lines, conduits, rights-of-way under the ownership of the landowner of one (1) of the subject parcels, a property owners association or a governmental agency, or a public utility. For density purposes only, contiguous means lots that share a common border. (Lots that touch point-to-point, and lots which are separated by waterways, streets or major easements are not considered contiguous for density calculations).

“Convenience goods sales and services” means stores or shops intended for retail sales of convenience goods or performance of convenience services. Goods and services regarded as convenience are those generally needed for daily home consumption and for which locations near residential neighborhoods are considered desirable. This category includes grocery store, drug store, variety store, personal service, hardware store, dry cleaning and uses considered similar and compatible.

“Conventional subdivision” means the division of land in a standard and more traditional configuration of lots.

“Corral” means a pen or enclosure for confining animals.

“Council” refers to members of Roosevelt City Council.

“County” refers to unincorporated areas of Duchesne.

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

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

“Cul-de-sac” means a minor street having an open end and being terminated at the other end by a vehicle turnaround.

“Culinary water authority” refers to the department, agency, or public entity with the responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

“Curb Cut” means a ramp opening in a curb where vehicles or wheelchairs may enter or leave the roadway.

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

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

“Density” means the ratio of the number of dwelling units per acre of land.

“Developer” refers to any person, firms, partnership, corporation, or association who causes improvements to be constructed and uses to be changed, or land to be subdivided for themselves or others. This includes an applicant for subdivision approval.

“Development agreement” means the agreement between the City and the Owner/Developer that outlines the duties, responsibilities, obligations, commitments and promises of the City and the Owner/Developer.

“Development (Land)” means the conversion or alteration of use or physical characteristics of land; placing improvements on the land; or putting land to intensive use such as a subdivision, planned unit development, mobile home park, recreation vehicle park, shopping center, industrial park, excavation, etc.

“Development review committee” means a committee established and created by the City Council to assure that the proposed use, activity, building or structure is consistent with the General Plan and complies with the requirements of the Land Use and Subdivision Ordinances. Committee members may include representatives from city departments and other persons as may be designated by the City Council, responsible for reviewing and coordinating applications for any Land Use Application approval, permit, or license.

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

“District (also Zone or Zoning District)” means a portion of the territory of Roosevelt City established as a zoning district by this code, within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this code.

“Domestic livestock” refers to those fowls, cattle, dairy animals, swine, sheep, goats, and other animals such as horses that are kept or raised for use or for pleasure as part of the overall agricultural operation and which are not part of a commercial feedlot.

“Drainage basin” refers to a sub-area of a watershed that contributes stormwater runoff to a watercourse tributary to the main receiving water.

“Drainage System” refers to one or more artificial ditches, tile drains, or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

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

“Dry Cleaner” means an establishment which has as its sole purpose the cleaning of fabrics with substantially non-aqueous organic solvents. Laundry establishments with self-service, coin-operated dry-cleaning machines shall not be classified as a dry cleaner.

“Duplex Conversion” shall mean converting a duplex to a twin home. Includes separating all utilities, bringing duplex up to existing code, meeting twin home lot size and meeting all city requirements specified for a twin home.

“Dust control plan” means a narrative plan that may include map exhibits prepared by the developer that establishes management practices to be employed and temporary facilities to be installed by the developer to control fugitive dust that is released into the air or onto public street during construction within the subdivision.

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

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

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

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

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

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

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

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

“Educational institution” refers to a public elementary or secondary school or a private educational institution having a curriculum like that ordinarily given in public schools.

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

“Eminent domain” refers to the right of a public entity to acquire private property for public use upon the payment of just compensation.

“Encroachment” means any obstruction or protrusion into a right of way or adjacent property, whether on the land or above it.

“Erosion and sediment control plan” means a plan submitted with the preliminary plan and with the construction drawings including narrative and/or drawings prepared by the developer that establish management practices to be employed and temporary and permanent facilities to be installed to control soil erosion and prevent sedimentation impacts to adjacent properties and public facilities during and after the construction of the subdivision.

“Essential services” means services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include surface, underground, or overhead gas, electrical, steam, water, sanitary sewage, stormwater drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewer pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.

“Exactions” refers to the act of demanding and obtaining something.

“Excavation” refers to either the removal of earth from its natural position or the cavity resulting from the removal of earth.

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

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

“Fee schedule” refers to the schedule or any appendix of fees adopted periodically by Resolution of the City Council setting forth various fees charged by the City.

“Fence” means a physical barrier to delineate, contain or designate an area designed for a specific use, such as an enclosure for a dwelling unit, an area of storage, etc.

Fence, wildlife “wildlife fence” refers to open fencing allowed at a height of 6 ft or higher when a need is shown to protect from entering or leaving an area.

“Fill” means Earth materials used either as a manmade deposit or to raise the existing grade, or shall mean the depth or the volume of such materials.

“Final action” means the latter of the final vote or the approved, written decision on a matter.

“Final plat” refers to a map of a subdivision, required of all major subdivisions, which is prepared for final approval and recordation, which has been accurately surveyed, so that streets, lots and other divisions can be identified.

“Flag lot” means a building lot with street access, but without street frontage. The flag lot consists of an access portion and a banner portion.

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

“Frontage” refers to the length of the property line of the lot fronting on a street. A corner lot shall have two frontages.

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

Garage, Public. “Public garage” means a structure or portion thereof other than a private garage, used for the storage, sale, care, repair, or refinishing of self-propelled vehicles, trailers, or boats.

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

“General merchandise sales and related services” means the stores, department stores or shops intended for the sale of goods or merchandise, but not including convenience goods, liquor, motor vehicles, campers, trailers, or lumber.

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

“Geotechnical report” refers to a report submitted with the preliminary plan, prepared by and stamped by a licensed engineer, practicing in the field of geotechnical engineering, that evaluates the existing soil conditions of the project site prior to new development. The geotechnical report should include descriptions of generalized site conditions, surface and subsurface conditions and recommendations for site preparation, excavation, grading, structural fill, foundation design, seismic considerations, concrete design, concrete and metal corrosion protection, pavement design, and soil moisture control. The report would also include exhibits and appendices showing a vicinity map, site plan, boring locations, boring logs, test results and any other information used by the geotechnical firm in determining his or her design recommendations.

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

“Grade” means:

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

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

“Gravel pit” means All sites where gravel or minerals will be extracted by an open pit method; to all sites where such extracted earth products are stockpiled; and to sites where overburden and leftover earth materials are placed in waste dumps.

“Greenhouse/Nursery” means an enclosed structure used for the cultivation or protection of tender plants.

“Greenways” refers to linear open spaces that link parks and neighborhoods within the community, such as paths or trails.

“Gross land area” refers to the total area, including all public and private areas within the legal boundaries of a particular parcel of land or project.

“Ground Floor” means a level of a building, the floor of which is located not more than two (2) feet below nor more than six (6) feet above the finished grade.

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

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

“Health Department” refers to the Utah State Division of Environmental Health or local health agency having jurisdiction.

Height, Building. “Building Height” means the vertical distance from the existing grade to the highest point of a cornice of a flat roof or to the deck line of a mansard roof or to the midpoint of the highest gable of a pitch or hip roof. Maximum height allowed is two stories or 30’.

“Historic Preservation” refers to the preservation of historically significant structures and neighborhoods to facilitate the restoration and rehabilitation of the building(s) to a former condition.

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

“Home office” means a business office of a firm that conducts management and business functions from a home. Office-like setup in the home of a self-employed person. A conditional use permit will be required if any of the following apply: manufacturing, storing products, walk-in customers, storage, parking or storing vehicles or equipment, and employees other than those who reside in the home.

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

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

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

“Housing unit” means a house, an apartment, a mobile home or trailer, a group of rooms, or a single room that is occupied as separate living quarters, or, if vacant, is intended for occupancy as a separate living quarters.

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

“Hydrology Report” means a report prepared by a professional engineer, for the removal of excess water from the subdivision site. The report shall evaluate probable storm events that will generate excess water and compares the water discharges onto and from the site for pre-development conditions. The report shall identify improvements and management practices to safely convey drainage and mitigate any impacts due to the proposed subdivision development, all prepared in accordance with the City's Construction Standards. A preliminary hydrology report shall be submitted with the preliminary plan. A final hydrology report shall be submitted with the construction drawings, which shall include a stormwater pollution prevention plan (SWPPP).

“Immediate family” is defined as a group consisting of spouse, parent, children, grandparent or grandchildren and the spouse’s parent, children, grandparent, or grandchildren.

“Indoor recreation” refers to a building or structure which contains sports or recreation facilities, including but not limited to indoor swimming pools, ice arenas, curling rinks, courts for racquet sports, exercise centers, martial arts studios, gymnastics facilities, climbing walls, roller rinks, bowling alleys, miniature golf, batting cages, billiard halls and minor retail sales and services customarily associated with and accessory to such facilities.

“Infrastructure” means construction such as but not limited to streets, curbs, gutters, sidewalks, fire hydrants, storm drainage facilities, and water, sewer and gas systems or parts thereof.

“Ingress” refers to an entrance subdivision street accessing an existing city street.

“Intermittent use” means a temporary business of selling and delivering goods, wares, and merchandise.

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

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

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

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

“Laboratory” means a building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not including facilities for the manufacture of products for sale.

“Landmark” means (1) a building, site, object, structure, or significant tree having historical, architectural, social, or cultural significance and marked for preservation by the local, state, or federal government. (2) A visually prominent or outstanding structure or natural feature that functions as a point of orientation or identification.

“Landscaping” means any combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) or nonliving landscape material (such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials) that beautify a residence or building of any sort. Landscaping may include the preservation and incorporation of existing trees, vegetation, or ecosystems into site development or xeriscape.

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

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

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

“Laundromat” means an establishment in which patrons wash, dry or dry-clean clothing and other fabrics in coin-operated, self-service machines.

“Leapfrog Development” means a new development separated from existing development by substantial vacant land.

The “Legislative body” is the Roosevelt City Council.

“Level of Service (LOS).” means an indicator of the extent or degree of service provided by, or proposed to be provided by a public facility or service based on and related to the operational characteristics of the public facility or service.

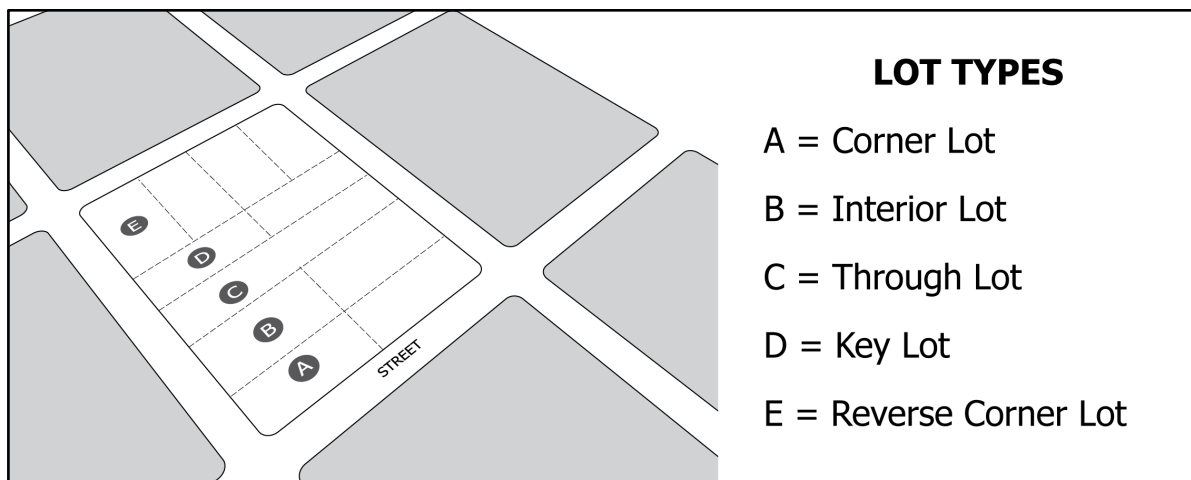
“Liquor store” means a retail store authorized by the Utah State Liquor Commission to sell packaged alcoholic beverages for off-premises consumption.

“Livestock” means large animals which may include horses, cattle, goats, sheep, llamas, ostriches, or other animals judged by the planning commission to be compatible with this category of a large animal. For the purposes of this definition, hogs or pigs may not be considered livestock.

“Local jurisdiction” means Roosevelt City, Utah.

“Lodging House” refers to a building where lodging only is provided for compensation to three (3) or more persons, but not including motels or hotels.

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



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

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

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

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

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

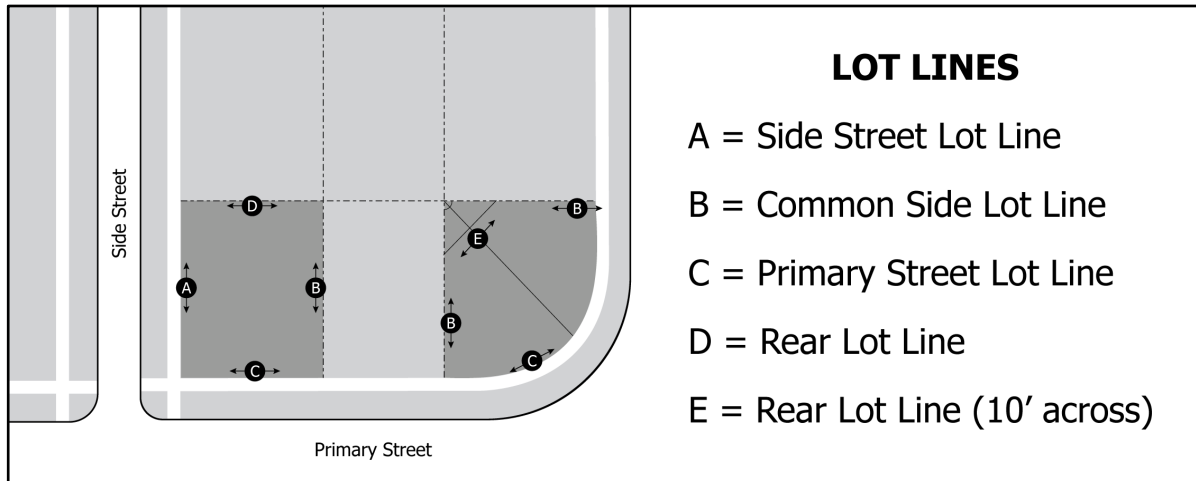
Lot Line, Front. “Front lot line” means, for an interior lot, the lot line adjoining the street; for a corner lot or through lot, the lot line adjoining either street, as elected by the lot owner.

Lot Line, Rear. “Rear lot line” means, ordinarily, that line of a lot that is opposite and most distant from the front line of the lot. In the case of a triangular or gore-shaped lot, a line ten (10) feet in length within the parcel

parallel to and at a maximum distance from the front lot line. In cases where these definitions are not applicable, the building inspector shall designate the rear lot line.

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

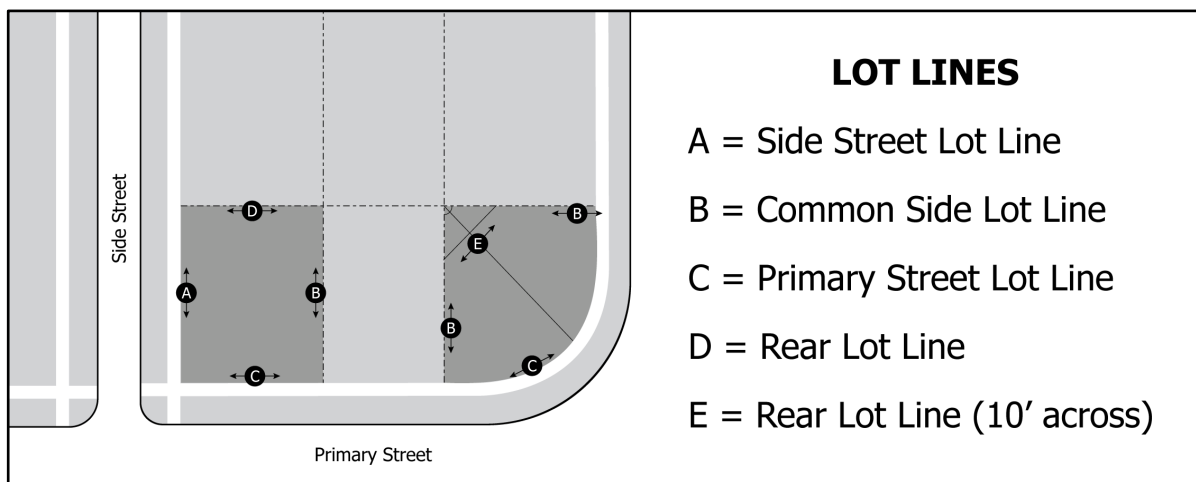
“Lot lines” means the property lines bounding the lot.



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

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

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



“Lumber Sales and Storages” means the sale and display of lumber and building supplies, including the outside storage of lumber and related merchandise.

“Manufactured home” means a transportable factory built housing unit constructed on or after June 15, 1976, according to the National Manufactured Housing Construction and Safety Standards Act, 24 U.S.C. Sec. 541 et seq. (HUD Code), in one (1) or more sections, that: ~~means a multi-sectional mobile home not exceeding two stories in height that is designed to be installed on a permanent foundation system and was manufactured after June 15, 1976.~~

1. In the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is four hundred (400) or more square feet; and
2. Is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

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

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

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

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

“Mezzanine” means a low-ceilinged story between two (2) main stories of a building. A mezzanine shall be counted as one (1) story if it covers more than one-third (1/3) of the area of the floor next below.

“Mining, Drilling, Digging, Quarrying, etc.” means all or part of the process involved in the extraction and processing of mineral materials. Such activities shall normally be divided into four distinct phases: 1) Exploration - Onsite, geologic examination from the surface of an area by seismic core, rotary, percussion or other drilling or testing for the purpose of searching for mineral deposits. Exploration includes associated activities such as clearing and preparing sites or constructing roads for drilling; 2) Prospecting - Examination of an area for the purposes of determining the quality and quantity of minerals other than by exploration, but including the obtaining of samples by physical means; 3) Operation - Mineral extraction and/or processing for commercial purposes, including such operations or aggregate or ready mix plants, mixing of asphalt, mining or drilling services, processing topsoil, washing, refining or processing of metallic, nonmetallic, or mineral fuel materials; 4) Reclamation - Process by which an area physically or environmentally affected by mineral extraction activities is rehabilitated to either its original state or to a pre-agreed state of long-term environmental stability.

“Minor subdivision” means contiguous property which is partitioned into four (4) or fewer lots usually qualifies as a minor land division.

“Mixed use” means a group of different uses of land within a building for which applications for development permits are sought.

“Mobile home” means a transportable factory built housing unit built before June 15, 1976, in accordance with a state mobile home code which existed prior to the National Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. Sec. 5401 et seq. (HUD Code). ~~a transportable, factory built home, designed to be used as a year round residential dwelling and built prior to enactment of the HUD code.~~

“Mobile home park” means any approved plot of ground which meets the requirements of the mobile home park. This is intended to provide mobile homes a permanent dwelling purpose, located in a rental space. Spaces tract of land on which two (2) or more mobile home spaces are leased, or offered for lease or rent, to accommodate mobile homes for residential purposes.

“Mobile home space” means a specific area of land within a mobile home park designed to accommodate one (1) mobile home.

“Mobile home subdivision” means a subdivision designed and intended for residential use where the lots are to be occupied by mobile homes exclusively and are owned individually.

“Model home” means a residential structure that meets all residency occupancy requirements, used for sale purposes only. A subdivision may have up to a maximum of five (5) model homes in any subdivision. It is suggested that each should have a substantially different floor plan.

“Modular unit” means a structure built from sections that are manufactured in accordance with the construction standards adopted pursuant to uniform building codes and transported to a building site, the purpose of which is for human habitation, occupancy or use.

“Monument” means a permanent survey marker established by a licensed surveyor and shown on a final plat with state plane coordinates, and/or a survey marker set in accordance with engineering specifications.

“Mortuary (or Funeral Homes)” means an establishment in which the human dead are prepared for burial or cremation. The facility may include a chapel for the conduct of funeral services, spaces for informal gatherings, and related accessory uses.

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

“Motor hotel, motel, hotel” means a building or a group of buildings for the accommodation of transient guests, comprising individual sleeping or living units.

“Municipal facilities” refers to those improved properties owned by the municipality, or the public.

“Municipal services” means services traditionally provided by local agencies including water and sewer, roads, parks, schools, and police and fire protection.

“New development” means any new construction activity.

“Non-commencement” means the failure to begin, or the discontinuation of, construction activity that would make a material change in a structure as evidenced by the cancellation, lapsing, or revocation of a building permit; or the failure to begin, or the discontinuation of, any other land use activity that would make a material change in the use of land.

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

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

“Notice” means a “Class A” or “Class B” public notice as defined by 63G-28-101 and -102.

“Notice (of Hearing)” means a legal document announcing the opportunity for the public to present their views to an official representative or board of a public agency concerning an official action pending before the agency

“Nursery” means a business that grows, cultivates, and/or distributes and sells plants and other landscaping or horticulture-related items.

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

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

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

“Official streets master plan” means as adopted by the City Council, the designation of each existing and planned streets and the right-of-way, and those located on approved and filed plats, for the purpose of providing for the development of the streets, highways, roads, and rights-of-way and for their future improvement, construction, realignment, and necessary widening, including provision for curbs and sidewalks. The classification of each street and right-of-way is based upon its location in the respective zoning district of the city, its present and estimated future traffic volume and its relative importance and function.

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

“Operator” means and includes the owner, permit holder, custodian, manager, operator, or person in charge of any permitted or licensed premises.

“Outbuilding” means a detached accessory building constructed on a residential lot housing a garage, accessory apartment or handicapped or elderly apartment.

“Outdoor recreation: Parks or Playground (Public or Private): An area free of buildings except for restrooms, dressing rooms, equipment storage and maintenance buildings, and open-air pavilions and used primarily for recreation activities not involving motor vehicles or overnight use.

“Outdoor recreation, uses” means recreational activities involving off highway vehicles and similar motorized vehicles for recreational use and horse arenas, equestrian parks and equine activity, including but not limited to equine shows fairs, competitions, performances, racing or sales that involve any breed of equines and any equine disciplines; boarding or training equines and teaching persons equestrian skills. The planning commission may also determine other outdoor recreation activities that are consistent with the section.

“Overlay” means a land use designation on the General Plan’s Land Use Map, or a zoning designation on a zoning map, that modifies the basic underlying designation in some specific manner.

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



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

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

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

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

“Pawnshop” means a business dealing in or collecting used or secondhand merchandise or personal property, which has been legitimately obtained.

“Permitted premises or licensed premises” means any premise that requires a license and/or permit and that is classified as a sexually oriented business.

“Permitted use” means an authorized use within a zoning district.

“Permittee (or Licensee)” means a person in whose name a permit and/or license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.

“Person” means an individual, corporation, partnership, or incorporated association of individuals such as a club or legal entity.

“Personal Services” means establishment primarily involved in providing personal grooming and related services. This definition shall include barbershops, beauty parlors, tailors, and massage services, but not laundries or dry cleaners.

“Phased subdivision” means conventional subdivisions that are proposed to be completed in designated phases.

“Phased subdivision master plan” means a document prepared for future and/or phased development. The Development Master Plan encompasses the design and general development parameters for the entire Phased Development project.

“Planned unit development (PUD)” means a development authorized under and meeting all the requirements provided by the municipality. An integrated design for the development of residential, commercial or industrial uses, or limited combinations of such uses, in which the density and location regulations of the district in which the development is situated may be varied or waived to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed requirements. Planned unit development regulations may govern the subdivision of land if it is proposed by the development to sell individual lots in the planned unit development. Thus, planned unit development regulations can be subdivision regulations, which may be chosen by the developer as an alternative to specifically designated subdivision regulations of this code, to become effective only through the planned unit development approval process.

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

“Plat” means a map or other graphical representation of lands being laid out and prepared in accordance with Utah Code Section 10-9a-604.5

“Preliminary plat” means that drawings that have been prepared to indicate the proposed layout of a subdivision for the purpose of resolving most technical details in compliance with all regulations.

“Preschool” means an education or teaching facility designed for pre-kindergarten age children including kindergarten preparation, music lessons, etc.

“Primary dwelling” means a single-family dwelling that is detached; and is occupied as the primary residence of the owner of record. (Note that the garage is considered to be a "primary dwelling" if the garage is a habitable space; and connected to the primary dwelling by a common wall).

“Primary use” means a land use listed in the Land Use Matrix that occupies the greater portion of a lot or parcel or is the more intense use of two uses on a lot or parcel.

“Private drive” means a non-dedicated thoroughfare or road used exclusively for private access to and from private land or developments.

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

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

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

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

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

“Property line” refers to the boundary line of a parcel or lot.

“Property line, front” means part of the parcel or lot which abuts the street.

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

“Public building” means any building owned, leased, or held by the United States, the state, the county, the city, any special district, school district, or any other agency or political subdivision of the state or the United States, which building is used for governmental purposes.

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

“Public improvement” means any building, water system drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking lot, space or structure, lot improvement, or other facility for which the City may ultimately assume responsibility, or which may affect a city improvement.

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

“Public park” means a public land which has been designated for park or recreational activities, including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian or bicycle paths, or open space, wilderness areas, or similar public land within the City which is under the control, operation or management of the city.

“Public right-of-way” means an area of land that is legally described in a registered deed for the provision of public access.

“Public street” means a street, including the entire right-of-way, which has been dedicated to and accepted by the City of Roosevelt or other governmental agency or which has been devoted to public use by legal mapping, use, or other means.

“Public use” means a use operated exclusively by public body, such use having the purpose of serving the public health, safety, or general welfare, and including such uses as public schools, parks, playgrounds, and other recreational facilities; administrative, service facilities, and public utilities.

“Public utility” means a structure or other facility used by a public agency to store, distribute, generate or chemically treat water, power, gas, sewage, equipment, or other service elements.

“Quasi-public use” means a use operated by a private non-profit, educational, religious, recreational, charitable or philanthropic institution, such use having the purpose primarily of serving the general public, such as churches, playgrounds, private schools, and similar uses.

“Reasonable notice” means the requirements of the reasonable notice are met if notice of hearing or meeting is posited in at least three public places within the jurisdiction, posted on the Roosevelt City website, posted on the Utah Public Notice Website, and meets the requirements under Utah State Code 10-9a-604.5.

“Record of survey map” means a graphic illustration of a survey of land prepared in accordance with state laws.

“Recreation, commercial” means recreation facilities operated as a business on private or public property and open to the public for a fee, such as a golf course, ski lift, tennis court, etc., and support facilities

“Recreation, dwelling” means cabins and other permanent structures built for recreational use only and not to be used as a primary dwelling unit. Does not include travel trailers, trailer, recreational vehicles, mobile homes, unless permitted and connected to an approved septic system.

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

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

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

“Recycle center” means any facility which is maintained and operated for the purpose of receiving, collecting and processing source-separated recyclable materials for resale or transfer. For the purpose of this definition, “processing” shall mean the modification of materials by baling, crushing, grinding, chipping or other means to prepare the materials for markets.

“Regional camps and resorts” means a temporary establishment of living facilities such as tents, cabins or trailers in which someone lives or stays for a period of time not to exceed thirty consecutive days.

“Religious, educational institute” means a 28 U.S.C. 501(c)(3) non-profit organization engaged in teaching, community programs, or spiritual endeavors, which qualifies as a tax-exempt religious institution under Title 28 of the U.S. Code.

“Religious institution” means any church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities

“Repair services, small appliances or equipment” means an establishment for the repair of household or other small appliances or equipment and at which not such appliances or their parts are stored out-of-doors.

“Residential” means land designated in the city or county General Plan and zoning ordinance for buildings consisting primarily of dwelling units. May be improved, vacant, or unimproved land.

“Residential district or residential use” means except with regard to caretaker residences in a commercial or manufacturing zone, a single-family, duplex, townhouse, multiple-family or mobile home park, development or subdivision and campgrounds, and single-family, duplex, townhouse, multiple-family, or mobile home uses, all as defined under city ordinances.

“Residential facility for elder persons” means a facility meeting the requirements of Utah Code Annotated Section 10-9-605 et seq. and conforming with the applicable standards of the Utah Department of Human Services, including licensure and inspection.

“Restaurant, care” means an establishment where food is prepared and served to customers for consumption on the premises.

“Restaurant, fast food, drive-in” means an establishment distinguished from a traditional sit-down restaurant in that service is provided from a counter or window for consumption either off or on the premises.

“Retail” means the sale of consumer goods directly to the user of the product; may include storage of goods sold in sufficient quantities to meet daily needs. May include sale in large size packages used as pricing incentives.

“Rezoning” means an amendment to the map and/or text of a zoning ordinance to effect a change in the nature, density, or intensity of uses allowed in a zoning district and/or on a designated parcel or land area.

“Right-of-way” means a portion of land dedicated to public use for street and/or utility purposes or maintained in private use for similar purposes.

“Road, right-of-way width” means the distance between property lines measured at right angles to the centerline of the street.

“Roof” means the building element, which covers the top of the structure as the walls enclose the sides.

“Sanitary landfills” means locations where trash, garbage, organic materials are buried and maintained in accordance with local, state, and federal regulations.

“Sanitary sewer authority” means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.

“School” means any public or private educational facility, including, but not limited to, child daycare facilities, nursery schools, preschools, kindergartens, elementary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges and universities. School includes the school grounds but does not include the facilities used primarily for another purpose and only incidental as a school.

“School, private or quasi-public” means a school operated by a private or quasi-public organization or individual, which has a program similar to that provided in any public school in the State of Utah, except that such curriculum may include religious instruction. A private school may be a profit-making or nonprofit organization. This definition shall not include commercial schools.

“School, public” means an educational facility operated by a school district or other public agency of the State of Utah.

“Screening” means landscaping, berms, fences, walls or any combination thereof used to block or significantly obscure, in a continuous manner, the view from one area to another.

“Security agreement” means an agreement to install improvements secured by cash bond, cash escrow, an irrevocable letter of credit, or any combination of the preceding as approved by the City Council.

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

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

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

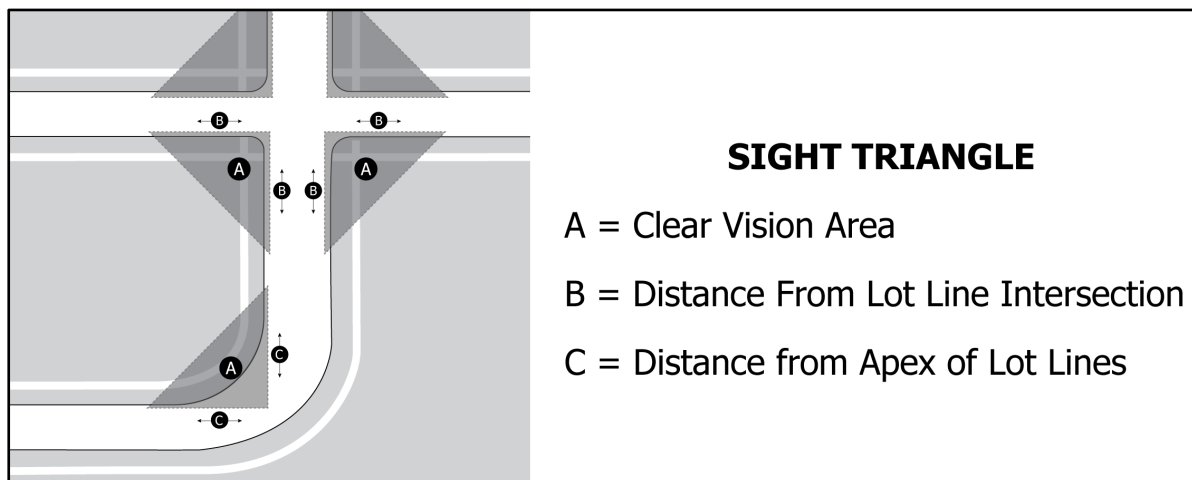
“Sexually oriented businesses” means any or all of the adult or sexually oriented businesses as listed or defined in Chapter 5.50.

“Shopping center” means a multi-entity commercial complex under single ownership or control which leases space to various commercial establishments.

“Short-term rental” means a residential structure located on a legal lot and offering transient lodging accommodations in separate guest rooms and where meals may be provided. It is the rental of any way house or part of a house for less than 29 days. Applicants must meet all applicable requirements of the building code and Land Use Ordinances, as adopted by the City.

“Sight distance” means the extent of unobstructed vision in a horizontal and vertical plane.

“Sight distance triangle” means an area formed by the curb lines or edges of the roadway and a straight line from the driver’s eye on one street to an object on the other street. (Distance for different roadway types are calculated by AASHTO standards).



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

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

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

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

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

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

“Site development standards” means regulations unique to each zone concerning standards for development including, but not limited to lot areas, setbacks and building height.

“Site plan” means a plan required by, and providing the information required by, [Chapter 17.13](#).

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

“Square footage” means the gross constructed area of all buildings and structures covered by a solid or screened roof and totally or partially enclosed by walls or other material. Nonresidential outdoor areas covered or uncovered that functionally extend the primary use, such as open seating and open retail are included, except that uses which generally completely occur outdoors, such as vehicle or monument sales, nurseries, gasoline sales, salvage yards, and outdoor storage, are not included. Nonresidential canopies and screened enclosures that functionally extend the primary use are included. Decorative canopies or canopies designed to protect from the weather are not included.

“Stable” means a building in which domestic animals, such as horses, ponies, and cattle are sheltered and fed, having stalls or compartments.

“Standard specifications for design and construction (or Standard Specification)” means the standards, specifications and construction requirements for improvements including streets, water, sewer (wastewater), storm drainage, etc.

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

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

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

“Street access” means a street that serves a small number of dwellings and usually does not allow through traffic.

“Structural alterations” means any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.

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

“Structure, subgrade” means any structure which:

- A. Is located primarily below natural grade;
- B. Does not extend more than two and one-half feet, at any point, above natural grade;

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

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

“Subdivider” means a person who

- A. having an interest in land, and causes it, directly or indirectly, to be divided into a subdivision.
- B. directly or indirectly, sells, leases, or develops, or offers to sell, lease or develop, or advertises for sale, lease or development, any interest, lot, parcel, site, unit, or plat in a subdivision.
- C. engages directly, or through an agent, in the business of selling, leasing, developing or offering for sale, lease or development a subdivision; or
- D. is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

“Subdivision” means:

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

B. “Subdivision” includes:

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

C. “Subdivision” does not include:

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

3. A recorded document, executed by the owner of record, revising the legal description of more than one contiguous parcel of property into one legal description encompassing all such parcels of property.

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

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

“Subdivision, major” means all subdivision of three (3) or more lots, or any size subdivision requiring any new street or extension of municipal facilities, or the creation of any public improvements, and not in conflict with any provision or portion of the General Plan, official zoning map and streets master plan, or these regulations.

“Subdivision, minor” means any subdivision containing less than three (3) lots that may require the recordation of a plat and all or part of the development requirement of a major subdivision, and not in conflict with any provision or portion of the general plan, official zoning map, streets master plan or these regulations.

“Subdivision plat” means the final map or drawing, on which the applicant’s plan of a subdivision is presented to the City Council for approval and which, if approved, may be submitted to the County Recorder for filing.

“Subdivision, single lot split” means any division of property into two separate lots fronting on an existing street, not involving any new street, or the extension of municipal facilities, or the creation of any public improvements and adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision of the General Plan, official land use map, streets master plan or these regulations. Subdivisions qualifying as a single lot split are exempt from the plat requirement but will require a recordable survey.

“Subgrade” means either the soil prepared and compacted to support a structure or a pavement system, or the elevation of the bottom of the trench in which utilities are laid.

“Substandard housing” means residential dwellings that, because of their physical condition, do not provide safe and sanitary housing.

“Substantial change in land use” means either:

- A. a change in land use or site design that increases the intensity of land use,
- B. a change in land use or site design that creates or increases incompatibility of adjacent land uses, or
- C. an increase in the total floor area of multiple-family dwellings or nonresidential buildings which results in increased traffic.

“Substantial enlargement of a sexually oriented business” means an increase in the floor area or wall area occupied by the business by more than fifteen percent (15%), as the floor area and wall area exist on the effective date hereof.

“Substantial improvement” means any combination of repairs, reconstruction or improvement of a structure, where the improvement creates additional enclosed space that contains equipment or utilities relative to the primary structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include

either any development for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Place.

“Temporary” means a single period or an accumulation of periods not exceeding ninety (90) consecutive days in any 365-day period unless further restricted

“Tiny House” A residential structure under 400 square feet.

“Topographic (TOPO) Map” A graphic representation of natural and man-made features of a place or region in such a way to show their relative positions and elevations.

“Townhouse or Rowhouse” means a dwelling unit located on an individual lot and attached by at least one (1) but not more than two (2) party wall(s) along fifty percent (50%) of the maximum depth of the unit, to one (1) or more other dwelling units; has a continuous foundation; each on its own lot, with said party wall(s) being centered on the common property line(s) between adjacent lots.

“Transfer of ownership or control of a sexually oriented business” means and includes any of the following:

- A. The sale, lease, or sublease of the business.
- B. The transfer of securities that constitute a controlling interest in the business, whether by sale, exchange or similar means.
- C. The establishment of a trust, gift or other similar legal device which transfers ownership or control of the business, except for the transfer by bequest or other operation of law up to the death of a person possessing the ownership or control.

“Travel trailer or recreation vehicle” means a vehicular portable structure designed as a temporary dwelling for travel, recreational and vacation uses, which is not more than eight (8) feet wide and is less than (30) feet long.

“Travel trailer and recreation vehicle park” means any area where one or more trailer lots are rented for a relatively short-term occupancy to users of travel trailers or camp cars.

“Twin Home” shall mean a two-unit dwelling where two units are attached by a common wall centered over a property line. Twin homes definition includes duplex conversion. In a twin home each dwelling unit can have separate owners.

“Undevelopable” means specific areas where topographic, geologic, and/or soil conditions indicate a significant danger to future occupants and a liability to the city or county are designated as “undevelopable” by the County or City.

“Unnecessary Hardship” means the circumstances where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of considering the purposes of this ordinance.

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

“Utilities” mean and include natural gas, electric power, cable television, telephone, storm system, sewer (future), culinary water and other services deemed to be of a public-utility nature by the City.

“Utility board” means review board, consisting of city officials and citizens volunteers, which meets at least monthly to assess utility needs and availability, review utility policies and contracts and conduct other recommendations to the city council for utility department business.

“Utility easement” means the area designated for access to construct or maintain utilities on privately or publicly owned land.

“Valid” means a development order or other authorization which was legally issued, and that has not expired, lapsed, or been abandoned, revoked, or canceled; or is not subject to such by the passage of time or the conduct of the owner or developer, and which or for which all conditions of approval are satisfied that must be satisfied by the terms or conditions of approval.

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

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

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

“Vested” means having an unquestionable right to the possession of property or privilege.

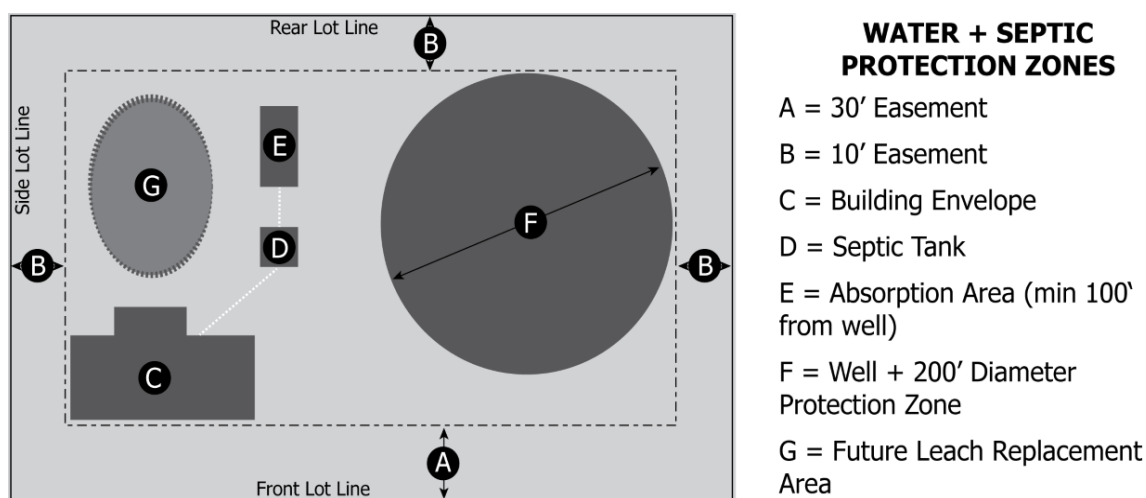
“Veterinary clinic” means a location for treatment of small or large animals. Animals may be kept overnight or for short periods of time for treatment.

“Vicinity map” means a map showing project locations relative to Roosevelt City boundaries, major roads and minor roads that serve the property.

“Viewshed” means the area within view from a defined observation point.

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

“Water source protection zone” means the minimum distance required by Central Utah Public Health Department. (see figure below)



“Water supply system (Water supply facility, Water system, or Water facility)” means any or all works and auxiliaries for collection, treatment, storage and distribution of water from the source or sources of supply to the consumer or processing plants.

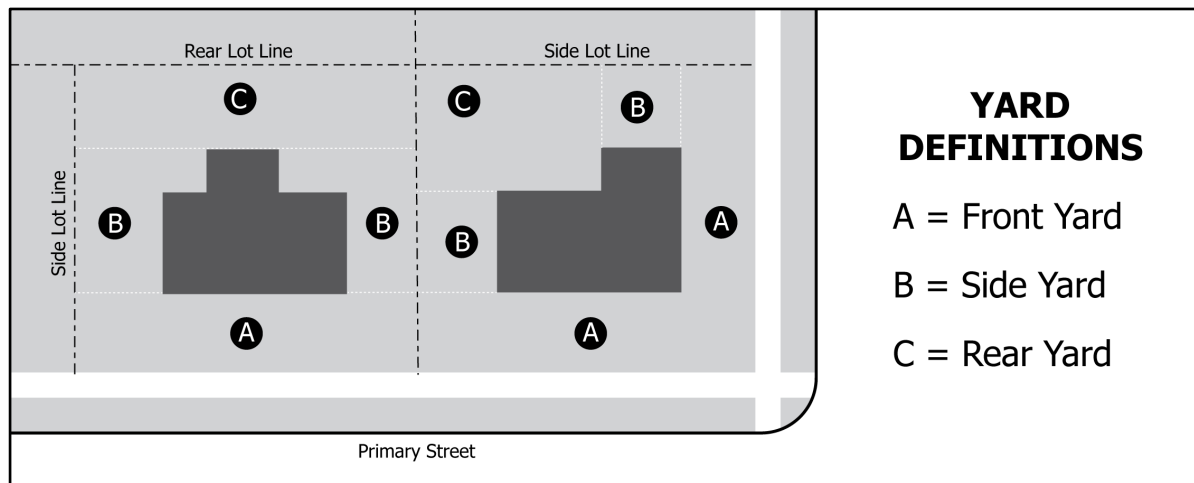
“Warehouse” means a building or premises in which goods, merchandise or equipment are stored for eventual distribution.

“Wholesale” means the sale of goods to a person or company who may sell products to the ultimate consumer. Includes sale of products in bulk for further repackaging.

“Work” means all required construction as shown on approved construction plans and specifications for all facilities and features of any kind which are required, related to the process of subdivision of land.

“Xeriscaping” means landscaping with slow-growing, drought tolerant plants to conserve water and reduce yard trimmings.

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



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

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

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

“Zero Lot Line Home” means the use of a lot for one (1) detached dwelling unit with at least one (1) wall, but not more than two (2) walls or a portion thereof, located directly adjacent to a side lot line, excluding a mobile home but including a manufactured building.

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

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

“Zoning map” means a map, also known as a land use map, adopted as a part of the land use ordinance that depicts land use zones, overlays, or districts.

“Zoning ordinance” means the land use ordinance of the local jurisdiction.

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

~~17.01.180 — Short-term residential property lease.~~

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

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

Chapter R17.02 APPROVAL PROCESSES GENERALLY

Sections:

- R17.02.005 Designation of land use authority.
- R17.02.010 General application requirements.
- R17.02.020 General plan amendments.
- R17.02.030 Zoning map changes and zoning text amendments.
- R17.02.040 Conditional use permits.
- R17.02.050 Site plan review.
- R17.02.060 Temporary land use regulations.
- R17.02.070 Notice challenge.
- R17.02.080 Applicant notice; waiver of requirements.

R17.02.005 Designation of land use authority.

The following chart designates the Land Use Authority for zoning approvals within Roosevelt City.

Type Of Land Use Application	Reviewing Body	Recommending Body	Land Use Authority	Appeal Authority
General Plan Amendment	City Staff	Planning Commission	City Council	District Court
Temporary Regulations	N/A	N/A	City Council	District Court
Zoning Text Amendment	City Staff	Planning Commission	City Council	District Court
Zoning Map Change (Rezone)	City Staff	Planning Commission	City Council	District Court
Zoning Map Interpretations	N/A	N/A	Zoning Administrator	City Council
Temporary Uses	City Staff	City Staff	Zoning Administrator	City Council
Permitted Uses	City Staff	City Staff	Zoning Administrator	City Council
Conditional Use Permits	City Staff	Zoning Administrator	Zoning Administrator/Planning Commission/City Council	City Council/District Court

			Note: See R17.15.050 Master Land Use Tables For Specific Land Use Authority.	
Site Plan Review	City Staff	DRC	Zoning Administrator	City Council
Development Agreements	City Staff	Planning Commission	City Council	District Court
Nonconforming Uses / Noncomplying Structures	N/A	N/A	Zoning Administrator	City Council
Variance	N/A	N/A	Variance Committee	District Court
Appeals	N/A	N/A	City Council	District Court
Constitutional Takings	N/A	N/A	Takings Appeal Board	District Court

Note:

Pursuant to §17-27a-308 of Utah State Code (as amended) the Land Use Authority shall apply the plain language of land use regulations. If a land use regulation does not plainly restrict a land use application, the Land Use Authority shall interpret and apply the land use regulation to favor the land use application. A decision of a Land Use Authority shall be considered an administrative act, even if the Land Use Authority is the Board of County Commissioners.

R17.02.010 General application requirements.

The City shall review and approve submitted applications for land use and development as provided in this title. The following general requirements shall apply to an application required by this title:

- A. **Application Forms.** Submitted applications shall be on forms provided by the City's Planning Department, and with the required documentation outlined on such application in quantities as reasonably required by the Zoning Administrator for each particular type of land use application. Applicants shall submit all applications to the Zoning Administrator for review to ensure compliance with the requirements as outlined in this title.
- B. **City Initiated Applications.** The Zoning Administrator, Planning Commission or City Council may initiate any action under this title without an application. Notice, hearing, and other procedural requirements of this title shall apply to an application initiated by the City.
- C. **Accurate Information.** All applications, accompanying documents, plans, reports, studies and information provided to the City by an application in accordance with the requirements of this title shall be accurate and complete.

- D. **Determination Of Complete Application.** After receipt of an application, the Zoning Administrator shall determine whether the application is complete. If the application is not complete, the Zoning Administrator shall notify the applicant in writing and identify the deficiencies by specifying the required information, and shall advise the applicant that the City will take no further action on the request until the submission of a complete application.
- E. **Fees.** The applicant shall pay the City fees as outlined in the City's fee schedule as adopted and amended from time to time by the City Council upon the filing of an application. Application fees shall be in amounts reasonably determined to defray actual costs incurred by the City to review applications and their accompanying documents including plans and specifications, act upon applications, and conduct subsequent inspections to ensure compliance with City regulations. The Zoning Administrator shall return any application as incomplete if the application has not been submitted with the required fee. Fees shall be non-refundable, except as provided in subsection (f) of this section. Applications initiated by the City shall not require fees.
- F. **Remedy Of Deficiencies.** If an applicant fails to correct specified deficiencies within thirty (30) days after notification thereof, the City may deem an application withdrawn and shall return it to the applicant upon request. The City shall refund application fees to the applicant, less any fee established to cover the cost of determining completeness of the application.
- G. **Substantial Action Required.** If any applicant has not taken substantial action to obtain approval within six (6) months after filing an application, the application shall expire and any vested rights accrued thereunder shall terminate.
- H. **Validity.** The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.
- I. **Extensions Of Time.** Unless otherwise prohibited or outlined in this title, upon written request and for good cause shown, any decision-making body or official having authority to grant approval of an application may without any notice or hearing, grant extensions of any time limit imposed by this title on such application, its approval, or the applicant, provided the Zoning Administrator receives such a request or initiates an extension prior to the date of expiration. The total period of time granted by any such extension or extensions shall not exceed half the length of time of the original time period.

R17.02.020 General plan amendments.

- A. **Purpose.** The City has previously adopted a General Plan. For purposes of this section, general plan amendments shall include the addition of new elements to the General Plan as well as any comprehensive revisions to or adoption of the same.
- B. **Authority.** The City may from time to time amend the General Plan as provided in this section. Such amendments may include any matter within the scope of the General Plan or as required in §10-9a-4 of Utah State Code (as amended).
- C. **Initiation.** Anyone may propose amendments to the General Plan as provided in this section.
- D. **Procedure.** The City shall process and consider General Plan amendments as provided in this section.
 - a. **Application.** Anyone proposing an amendment to the General Plan shall do the survey and analysis work necessary to justify the proposed amendment. An application shall be submitted to the Zoning Administrator along with the fee as outlined in the City's fee schedule. The application shall include:
 - i. For map amendments:
 - 1. One (1) 8 1/2 " x 11" map showing the area of the proposed amendment;
 - 2. Current copy of the County Assessor's parcel map showing the area of the proposed amendment;
 - 3. Mapped inventory of existing land uses within the area of the proposed amendment and extending one-half (½) mile beyond such area;

4. Correct property addresses of parcels included within the area of the proposed amendment;
 5. Written statement specifying the potential use of property(ies) within the area of the proposed amendment;
 6. Written statement explaining why the existing General Plan designation for the area is no longer appropriate, desirable, or feasible; and
 7. Analysis of potential impacts of the proposed amendments on existing infrastructure and public services such as traffic, streets, intersections, water and sewer, storm drains, electrical power, fire protection, garbage collection, and such other matters as the City may require.
 - ii. For text amendments:
 1. Written statement showing the desired language change and explaining why the existing General Plan language is no longer appropriate, desirable, or feasible;
 2. Analysis of potential impacts of the proposed amendment; and
 3. Map showing affected geographic areas based on the proposed text changes.
- b. **Determination Of Complete Application.** After the Zoning Administrator or designee determines the completeness of an application, or prior to a City initiated General Plan amendment, the City shall provide a Class A notice of the intent to prepare a general plan or comprehensive general plan amendment in accordance with the provisions as outlined in §10-9a-203 and 10-9a-204 of Utah State Code (as amended). After providing the required notice, the Zoning Administrator shall transmit the application to the Planning Commission for review.
- c. **Planning Commission Hearing.** The Planning Commission shall hold a public hearing on the proposed amendment in accordance with §10-9a-404 of Utah State Code (as amended) and shall recommend approval, approval with modifications, or denial of the proposed amendment to the City Council.
- d. **City Council Adoption.** The City Council shall review the proposed general plan amendment, and the recommendation of the Planning Commission. The City Council may either approve, approve with modifications, or reject the proposed amendment. The City Council may also table the matter for further information or future consideration or action.
- e. **Appeals.** Any person adversely affected by the final decision of the City Council to amend the General Plan may appeal that decision to the District Court as provided in §10-9a-801 of Utah State Code (as amended).
- f. **Effect Of Approval.** No person shall deem approval of an application to amend the General Plan as an approval of any zone, conditional use, site plan, or other permit. Obtaining approval of a particular zone or permit shall be in accordance with the applicable provisions of this title.
- g. **Effect Of Disapproval.** The City Council's denial of an application to amend the General Plan shall preclude another person from filing another application covering substantially the same subject or property, or any portion there, for six (6) months from the date of the disapproval. This section shall not limit the City Council, Planning Commission, Zoning Administrator or other authorized City Staff from initiating a General Plan amendment at any time.

R17.02.030 Zoning map changes and zoning text amendments.

- A. **Purpose.** This section sets forth the procedures for amending the provisions of this title and the City's Official Zoning Map.

- B. **Authority.** The City Council may, from time to time, amend the text of this title and the City's Official Zoning Map as provided by this section. Amendments may include changes in the number, shape, boundaries, or area of any zoning district, zoning district regulations, or any other provisions of this title. The provisions set forth in this section shall not apply to temporary zoning regulations that the City Council may enact without a public hearing in accordance with §10-9a-504 of Utah State Code (as amended).
- C. **Initiation.** Anyone may propose amendments to the text of this title and the City's Official Zoning Map as provided in this section.
- D. **Procedure.** The City shall process and consider amendments to the text of this title and the City's Official Zoning Map as provided in this section.
- a. **Application.** An application shall be submitted to the Zoning Administrator along with the fee as outlined in the City's fee schedule. The application shall include:
 - i. For amendments to the text of this title:
 - 1. Name and address of every person or company the applicant represents;
 - 2. Explanation of the proposed amendment and reasons supporting the request; and
 - 3. Title, chapter, and section references of the affected sections, including a draft of the proposed text.
 - ii. For amendments to the City's Official Zoning Map:
 - 1. An accurate map depicting present and proposed zoning classifications;
 - 2. All abutting properties and their present zoning designations; and
 - 3. An accurate legal description and an approximate common address of the area proposed for rezoning in one does not presently exist.
 - b. **Determination Of Complete Application.** After the Zoning Administrator or designee determines the completeness of an application, the Zoning Administrator or designee shall transmit the application to the Planning Commission for its review.
 - c. **Planning Commission Hearing.** Class B notice shall be provided pursuant to §10-9a-205 of Utah State Code (as amended). The Planning Commission shall hold a public hearing on the proposed amendment in accordance with §10-9a-502 of Utah State Code (as amended) and shall recommend approval, approval with modifications, or denial of the proposed amendment to the City Council.
 - d. **City Council Adoption.** The City Council shall review the proposed amendment, and the recommendation of the Planning Commission. The City Council may either approve, approve with modifications, or reject the proposed amendment. The City Council may also table the matter for further information or future consideration or action.
 - e. **Approval Standards.** A decision to amend the text of this title or the City's Official Zoning Map shall be consistent with the current General Plan including the future land use map. In making an amendment the Land Use Authority shall also consider:
 - i. Whether the proposed amendment would be harmonious with the overall character of existing development in the vicinity of the subject property, or in cases of text amendments, in areas governed by the amended text;
 - ii. Whether the proposed amendment would be consistent with the standards of any applicable overlay zone(s) and, in cases of text amendments, harmonious with areas governed by the amended text;
 - iii. The extent to which the proposed amendment may adversely affect adjacent property; and
 - iv. The adequacy of facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

- f. **Appeals.** Any person adversely affected by the final decision of the City Council may appeal that decision to the District Court as provided in §10-9a-801 of Utah State Code (as amended).
 - g. **Effect Of Approval.** No person shall deem approval of an application to amend the provisions of this title or the City's Official Zoning Map as an approval of any conditional use, site plan, or other permit. Obtaining approval of such permits shall be in accordance with the applicable provisions of this title.
 - E. **Effect Of Disapproval.** The City Council's denial of an application to amend the text of this title or the City's Official Zoning Map shall preclude another person from filing another application covering substantially the same subject or property, or any portion there, for one (1) year from the date of the disapproval unless the Zoning Administrator determines a substantial change in circumstances occurred to merit consideration of the application or the application is for a change to a different zone. This section shall not limit the City Council, Planning Commission, Zoning Administrator or other authorized City Staff from initiating an amendment to the text of this title or to the City's Official Zoning Map any time.

R17.02.040 Conditional use permits.

- (a) **Purpose.** This section set forth the procedures for considering and approving conditional use permits
- (b) **Authority.** The Land Use Authority for conditional use permits is outlined in R17.15.050 Master Land Use Table and/or the subsequent land use tables found within each zone district in this title.
- (c) **Initiation.** A property owner or their designated agent may request a conditional use permit as provided in this section.
- (d) **Procedure.** The City shall process and consider an application for a conditional use permit as provided in this section.
 - (i) **Application.** An application shall be submitted to the Zoning Administrator along with the fee as outlined in the City's fee schedule. The application shall include:
 - (1) Address and lot/parcel identification of the subject property;
 - (2) Current zoning designation, zone district boundary, and present use of the subject property;
 - (3) Complete description of the proposed conditional use;
 - (4) A site plan depicting the following:
 - a) Applicant's name;
 - b) Subject property's address;
 - c) Subject property's boundaries and dimensions;
 - d) Subject property's layout of existing and proposed buildings and structures, parking, landscaping, utilities and easements;
 - e) Adjoining property lines and uses within one hundred feet (100') of the subject property; and
 - f) Any other information determined to be necessary by the Land Use Authority.
 - (5) Traffic study or other impact analysis reports, including but not limited to: utilities, school, soil and water, existing conditions, line-of-site and building massing, etc., if required by the Land Use Authority upon recommendation of the Zoning Administrator;
 - (6) A statement by the applicant demonstrating how the proposed use meets or would meet the approval standards of this section; and
 - (7) A statement indicating whether the applicant will require any variances in connection with the proposed conditional use. Note: If the conditional use

- would require a variance, the applicant shall also submit a variance application concurrently with the proposed conditional use application.
- (ii) **Determination Of Complete Application.** After the Zoning Administrator determines the completeness of an application the Zoning Administrator or designee shall transmit the application to the Land Use Authority for its review.
 - (iii) The Land Use Authority shall hold a public meeting or public hearing as provided in R17.08.050 on the proposed application and shall review and approve, approve with modifications, or deny the proposed application for a conditional use permit. The Land Use Authority shall limit any conditions of approval to those needed to reasonably ensure the conditional use substantially complies with approval standards.
 - (iv) After the Land Use Authority has rendered a decision, the Zoning Administrator shall give the applicant written notice of the decision.
 - (v) Following the issuance of a conditional use permit, the Zoning Administrator shall inspect such conditional use to ensure the use is undertaken and completed in compliance with the conditional use permit. The Zoning Administrator shall maintain a record of all conditional use permits.
 - (vi) **Approval Standards.** The following standards shall apply to the issuance of conditional use permits.
 - (1) The Land Use Authority may:
 - a) Issue a conditional use permit for a use located within a zone that would allow, through regulations, the particular conditional use.
 - b) Impose conditions as necessary to prevent or minimize the adverse effects upon other property(ies) or improvements in the vicinity of the proposed conditional use, the City as a whole, or public facilities and services. These conditions may include but shall not be limited to conditions concerning use, construction, character, location, landscaping, screening, parking, hours of operation, and other matters relating to the purposes and objectives of this title. The Land Use Authority shall expressly set forth such conditions in the motion authorizing the conditional use permit.
 - c) Approval, approve with conditions, or deny a conditional use permit. But shall approve whenever the Land Use Authority can impose reasonable conditions to mitigate the reasonably anticipated detrimental impacts or effects of the proposed use in accordance with applicable standards. Only when insufficient reasonable conditions exist that the Land Use Authority could impose may the Land Use Authority deny the request.
 - d) Request additional information as needed to determine the potential for compliance with the requirements of this section.
 - (2) The Land Use Authority shall review and consider the following factors in determining whether to approve, approve with conditions, or deny a conditional use permit application:
 - a) Compliance of the proposed use meets the intent of the City's General Plan and the regulations and conditions outlined in this title;
 - b) The proposed use at the proposed location is necessary or desirable to provide a service or facility that will contribute positively the the general well-being of the neighborhood and the community;
 - c) Any reports and/or studies relating to impacts such as utilities, traffic, school, soil and water, existing conditions, line of sight and building

- massing, including any other additional information in order to render a proper decision;
 - d) Safeguards proposed to ensure adequate utilities, transportation access, drainage, parking, loading spaces, lighting, screening, landscaping, open space, fire protection, pedestrian and vehicular circulation, and the prevention of noxious or offensive omissions such as noise, glare, dust, pollutants, and order for the proposed use;
 - e) Appropriate buffering of adjacent uses and buildings, including proper parking and traffic circulation and use of building materials and landscaping to ensure the proposed use is in harmony and compatible with adjoining uses; and
 - f) Impacts to the health, safety, or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.
- (3) When an applicant proposes a use that requires a conditional use permit on property where a substantially similar nonconforming use legally exists, the Land Use Authority may approve the conditional use permit subject to the following requirements:
- a) A determination that the proposed conditional use is substantially similar to the previously permitted nonconforming use. In making such determination, the Land Use Authority shall consider the nature, characteristics and impacts of the existing and proposed uses, and compatibility and compliance of the proposed use with the factors previously outlined in this section;
 - b) The allowance of nonconformance with respect to building setbacks, building height, landscaping, and parking space requirements; and
 - c) The ability to meet all current building, construction, engineering, fire, health and safety standards as a condition of approval.
- (e) **Appeals.** Any person adversely affected by the final decision of the Land Use Authority may appeal that decision to the City Council by filing a written notice of appeal stating the grounds therefore within fourteen (14) days from the date of such final determination.
- (f) **Effect Of Approval.** A conditional use permit shall not relieve an applicant from obtaining any other authorizations or permits required under this title or any other title of the City's code. Unless otherwise specified by the Land Use Authority and subject to the provisions relating to amendment, revocation, or expiration of a conditional use permit, a conditional use permit shall be of indefinite duration and shall run with the land.
- (g) **Amendments.** The procedure for amending any conditional use permit shall be the same as the original procedure set forth in this section.
- (h) **Revocation Or Suspension.** On behalf of the Land Use Authority the Zoning Administrator may revoke or suspend a conditional use permit.
- (i) Any of the following shall be grounds for revocation or suspension:
 - (1) The use for which the City granted the permit has ceased for one (1) year or more;
 - (2) The holder or user of the conditional use permit failed to comply with the conditions of approval, or is in violation of any other City, State, or Federal law governing the conduct of the use;
 - (3) The holder or user of the conditional use permit failed to construct or maintain the site as shown on the approve site plan or map; or

- (4) The Land Use Authority determined that operation of the use or character of the site was a nuisance or a court of competent jurisdiction in any civil or criminal proceeding found it to be a public nuisance.
- (ii) The Land Use Authority shall not revoke a conditional use permit without first holding a public hearing. The Zoning Administrator or designee shall notify the permittee in writing, which shall be served by registered mail or personal service, at least ten (10) days prior to the date of such hearing and the grounds for its covering. At any such hearing, the permittee shall be given an opportunity to testify, call witnesses, and present evidence. Upon conclusion of the hearing, the Land Use Authority shall decide whether to revoke or suspend the permit. In the event the determination is to revoke or suspend the permit, the permittee may appeal the decision to the City Council within fourteen (14) days from the date of such final determination. Revocation or suspension of a conditional use permit shall not limit the City's ability to complete other legal proceedings against the holder or user of the conditional use permit.
- (i) **Expiration.**
 - (i) Conditional use permit approval issued by the City for temporary uses may be issued for a maximum period of six (6) months, with renewals at the discretion of the Land Use Authority for not more than three (3) successive periods.
 - (ii) Conditional use permit approval issued by the City shall expire if any of the following occur:
 - (1) The applicant does not take substantial action or implement the granted permit within one (1) year of the issued approval date.
 - (2) The conditional use of land or structure ceases for any reason for a period of more than one (1) year.
 - (iii) The holder of a conditional use permit may submit a written request to the Zoning Administrator, prior to the expiration date of said permit for an extension of up to six (6) months, subject to approval of the Land Use Authority.
- (j) **Effect Of Disapproval.** The Land Use Authority's denial of an conditional use permit application shall preclude another person from filing another application covering substantially the same subject or property, or any portion there, for one (1) year from the date of the disapproval unless the Zoning Administrator determines a substantial change in circumstances occurred to merit consideration of the application or the application is for a change to a different conditional use. This section shall not limit the City Council, Planning Commission, Zoning Administrator or other authorized City Staff from initiating a conditional use permit request any time.

R17.02.050 Site plan review.

- (a) **Purpose.** This section set forth the procedures for all site plan applications and required submittals. These standards and procedures are established to encourage adequate advanced site planning and review in order to assure the highest quality of development for the City. Such standards and procedures are intended to provide for orderly, harmonious, safe and functionally efficient development consistent with priorities, values, and guidelines stated in the various elements of the City's General Plan and this title. This section is not intended to so rigidly control design so as to stifle creativity or individual expression, or to cause substantial, unnecessary expense, rather, any control exercised is intended to be the minimum necessary to efficiently achieve the objectives stated herein.
- (b) **Authority.** The Land Use Authority for site plan reviews is the Planning Commission.
- (c) **Initiation.** A property owner or their designated agent may request approval of a site plan as provided in this section.

- (i) A site plan shall be required for any of the following uses, unless expressly exempted from such requirement by another provision of this title:
 - (1) Any multifamily residential use;
 - (2) Any commercial use;
 - (3) Any professional use;
 - (4) Any manufacturing use; and
 - (5) Any institutional use.
 - (ii) In situations requiring site plan approval, no building permit for the construction of any building, structure, or other improvement to the site shall be issued prior to approval of the site plan by the Land Use Authority. Furthermore, no clearing, grubbing, grading, drainage work, parking lot construction, or other site improvements shall be allowed prior to site plan approval.
- (d) **Procedure.** The City shall process and consider an application for site plan review as provided in this section.
- (i) **Application.** An application shall be submitted to the Zoning Administrator along with the fee as outlined in the City's fee schedule. The application shall include:
 - (1) One (1) plan set, size 22"x34" drawings; one (1) plan set, size 11"x17" drawings; and one (1) PDF copy. The application and plan sets shall include at a minimum the following documents and information:
 - a) A plan set cover sheet showing the entire site plan including a title block showing the name, address, and phone number of the applicant, designer, engineer, and any other professionals that contributed to the production of the plans and drawings. The cover sheet shall also include the name (if applicable) and address of the proposed project, and date of preparation of the plans and drawings. A general vicinity map shall be inset on this sheet.
 - b) A detailed boundary survey sheet showing the following information:
 - i) The location and width of existing and proposed abutting streets;
 - ii) All property and parcel/lot lines;
 - iii) Existing and proposed easements and dedications, adjacent property owners and holding strips;
 - iv) The location of all existing and proposed structures on the site, including the building height and any provisions to screen roof-based mechanical equipment, and the location of existing structures on adjoining properties;
 - v) The location of existing fencing and significant existing trees and shrubbery;
 - vi) The location of off-street parking, driveways, loading facilities, and hard-surfaced areas;
 - vii) The location of existing and proposed curb, gutter, sidewalk, and curb cuts. If the property abuts a State owned highway, the applicant must obtain approval from the Utah Department of Transportation (UDOT) for the location of curb, gutter, and sidewalk. UDOT shall also approve the location and number of curb entrances;
 - viii) The location of refuse container(s); and
 - ix) The location of vehicular and pedestrian access and circulation including all existing and proposed traffic, pedestrian, and road safety signs.

- c) A detailed utilities plan showing the location and size of all existing or proposed utilities that will provide service to the project (including location of nearest fire hydrants) consistent with the design standards approved by the City.
 - d) A detailed landscaping plan that shows the following information:
 - i) The proposed landscaping including identification of plant species and fencing in sufficient detail for review of screening and aesthetic qualities;
 - ii) Irrigation sprinkler designs indicating the locating and service size of secondary water connections;
 - iii) Location and design of all exterior lighting;
 - iv) Data table showing parcel, building, landscaping, parking areas and percentages, and the number of parking stalls required and provided;
 - e) Floor plans and elevations including exterior building finishes and colors.
 - f) Required engineered drawings for on and off site improvements.
 - g) Traffic study and geotechnical study unless waived by the Land Use Authority, Zoning Administrator or City's Engineer.
 - h) Each sheet shall be signed and stamped by the relevant design professional registered in the State of Utah (i.e. engineer, professional landscape architect, etc.) as applicable.
- (e) **Determination Of Complete Application.** After the Zoning Administrator determines the completeness of a site plan application, the Zoning Administrator shall transmit the application to the Planning Commission for its review.
- (f) **Review By Planning Commission In Public Meeting.** The Planning Commission shall review the proposed site plan application in a public meeting and shall either approve, approve with modifications, or reject the proposed site plan application. The Planning Commission may also table the matter for further information or future consideration or action.
- (g) **Approval Standards.** City Staff may provide advisory comments to the applicant prior to the scheduling of the site plan application before the Planning Commission. Staff comments or feedback shall not guarantee or imply approval of any portion of the site plan. The following standards shall apply to the approval of a site plan:
 - (i) The entire site shall be developed at one time, unless a phased development plan is approved by the Planning Commission.
 - (ii) A site plan shall conform to all applicable standards as set forth in the title. In addition, consideration shall also be given to the following:
 - (1) Considerations relating to buildings and general site layout.
 - a) The general silhouette and mass, including the location on the site and elevations in relationship to the character of the neighborhood and the applicable provisions of the City's General Plan; and
 - b) Exterior design in relation to adjoining structures in height, bulk, and area openings, breaks in facade fronting onto rights-of-way, line and pitch of roofs, the arrangement of structures on the parcel or lot, and the appropriate use of materials and colors to promote the objectives of the General Plan relating to the character of the area or neighborhood.
 - (2) Considerations relating to traffic safety and traffic congestion.
 - a) Effect of the proposed site plan of traffic conditions on abutting streets and neighboring land uses, both existing and as planned;

- b) Layout of the site with respect to location and dimensions of vehicular and pedestrian entrances, exits, driveways, and walkways;
 - c) Arrangement and adequacy of off-street parking facilities to prevent traffic congestion and compliance with the provision of City ordinances regarding the same;
 - d) Locating, arrangement, and dimensions of truck loading and unloading spaces;
 - e) Vehicular and pedestrian circulation patterns within the boundaries of the development;
 - f) Surfacing and lighting of off-street parking facilities; and
 - g) Provision for transportation modes other than personal motor vehicles, including such alternative modes such as pedestrian, bicycle, and mass transit.
 - (3) Considerations relating to landscaping.
 - a) Location, height, and materials of walls, fences, hedges, and screen plantings to provide for harmony with adjacent development, or to conceal storage areas, utility installations, or other unsightly development;
 - b) Planning of ground cover or other surfaces to prevent dust and erosion; and
 - c) Unnecessary destruction of existing healthy trees.
 - (4) Considerations relating to drainage and irrigation.
 - a) The effect of the site development on the adequacy of the storm and surface water drainage; and
 - b) The need for piping of irrigation ditches bordering or within the site.
 - (5) Other considerations including, but not limited to:
 - a) Buffering;
 - b) Lighting;
 - c) Placement of trash containers and disposal facilities;
 - d) Location of surface, wall and roof-mounted equipment.
- (h) **Bonding.** The applicant shall provide a guarantee of installation and construction of all on-site and off-site improvements required by this title, or as required by the Planning Commission, prior to issuance of any building permits or the commencement of any work. The guarantee shall be in a form acceptable to the City and in an amount equal to one hundred ten percent (110%) of the estimated cost of all improvements. The guarantee shall assure the installation of improvements within one (1) year of the date of site plan approval, and shall provide a one (1) year warranty pertaining to the installed improvements. It shall be the responsibility of the developer to notify the City when the improvements are complete and ready for inspection.
- (i) **Appeal Of Decision.** Any person adversely affected by a decision of the Planning Commission regarding approval or denial of a site plan application may appeal first to the Appeal Authority outlined in chapter R17.03 then to District Court in accordance with the provisions of §10-9a-801 of Utah State Code (as amended).
- (j) **Effect Of Approval.** Every site for which a site plan has been approved shall conform to such plan.
 - (i) A building permit shall not be issued for any building or structure, external alterations thereto, or any sign or advertising structure until the provisions of this section have been met. Any building permit issued shall expressly require that development be undertaken and completed in conformity with the approved site plan. No structures or improvements may be added to a site that are not included on the approved site plan.

- (ii) All improvements shown on the approved site plan or amended site plan shall be maintained in a neat and attractive manner.
- (iii) Approval of a site plan shall not be deemed an approval of any conditional use permit or other permit. Approval of such permits shall be obtained in accordance with applicable provisions of this title.
- (k) **Amendments.** Except as may be provided for elsewhere in this title, no element of an approved site plan shall be changed or modified without first obtaining approval of an amended site plan from the Planning commission.
- (l) **Revocation.** A site plan approval may be revoked as outlined in R17.02.040.
- (m) **Expiration.** Failure to obtain a building permit within one (1) year of approval of any site plan shall terminate and cancel the prior site plan approval given, whereupon the Zoning Administrator may require that a new site plan application be submitted and approval obtained pursuant to this section. A written request may be submitted to the Zoning Administrator prior to the expiration of the site plan for an extension of up to six (6) months. The Planning Commission may grant such an extension where good cause can be shown.

R17.02.060 Temporary land use regulations.

The City Council may, without prior consideration of or recommendation from the Planning Commission, enact an ordinance establishing a temporary land use regulation for any part or all of the area within the City if the City Council makes a finding of compelling, countervailing public interest; or the area is unregulated.

- A. A temporary land use regulation under this section shall be in conformance with §10-9a-504 of Utah State Code (as amended) and may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval.
- B. A temporary land use regulation may not impose an impact fee or other financial requirement on building or development.
- C. Unless otherwise provided by §10-9a-504 of Utah State Code (as amended) a temporary land use regulation shall not exceed a period of one-hundred eighty (180) days.

R17.02.070 Notice challenge.

If notice given under authority of this title is not challenged under §10-9a-801 of Utah State Code (as amended) within thirty (30) days after the meeting or action for which notice is given, the notice is considered adequate and proper.

R17.02.080 Applicant notice; waiver of requirements.

For each land use application, the City shall:

- 1. Notify the applicant of the date, time, and place of each public hearing and public meeting to consider the application.
- 2. Provide to each applicant a copy of each staff report regarding the applicant or the pending application at least three (3) business days before the public hearing or public meeting.
- 3. Notify the applicant of any final action on a pending land use application.

If the City fails to comply with the requirements of this section, an applicant may waive the failure so that the land use application may stay on the public hearing or public meeting agenda and be considered as if the requirements had been met.

Chapter R17.03 VARIANCE AND APPEAL AUTHORITIES

Sections:

- R17.03.010 Variance Authority.
- R17.03.040 Variance committee.
- R17.03.050 Variances.
- R17.03.070 Appeal authority.
- R17.03.080 Standing to appeal.
- R17.03.090 Form of appeals.
- R17.03.100 Code interpretation and administration.
- R17.03.110 Action to be taken.
- R17.03.120 Vote necessary for reversal.
- R17.03.130 Decision on appeal.
- R17.03.140 City council call up.
- R17.03.150 Notice.
- R17.03.160 Stay of approval pending review.
- R17.03.170 Appeal from the city council.
- R17.03.180 Finality of action.
- R17.03.190 Judicial review of decision.
- R17.03.200 Rules.
- R17.03.210 Constitutional takings.

R17.03.010 Variance authority.

A variance committee, as established by the Roosevelt City Council, shall administer and render determinations regarding variances of this title in accordance with §10-9a-7 of Utah State Code (as amended).

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

R17.03.040 Variance committee.

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

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

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

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

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

R17.03.050 Variances.

Any person or entity desiring a waiver or modification of the requirements of the zoning ordinance as applied to a parcel of property that they own, leases, or in which they hold some other beneficial interest, may apply to the applicable appeal authority for a variance from the terms of the zoning ordinance.

A. An appeal authority may grant a variance **only** if:

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

B. In determining whether **or not** enforcement of the zoning ordinance would cause unreasonable hardship under this section, the appeal authority may **not** find an unreasonable hardship if the alleged hardship:

1. Is located on or associated with the property for which the variance is sought; and
2. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood; and
3. In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.

C. In determining whether or not there are special circumstances attached to the property under this section, the appeal authority may find that special circumstances exist **only** if the special circumstances:

1. Relate to the hardship complained of; and
2. Deprive the property of privileges granted to other properties **in the same zone**.

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

E. Variances **granted by the appeal authority shall run with the land**.

F. The appeal authority may not grant a variance for **land uses**.

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

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

R17.03.070 Appeal authority.

Unless stated elsewhere in this title, the City Council shall be the appeal authority and shall hear and decide appeals from land use decisions applying the zoning ordinances and appeals from a fee charged in accordance with §10-9a-510 of Utah State Code (as amended).

- A. The appeal authority shall act in a quasi-judicial manner and serve as the final arbiter of issues involving the interpretation or application of zoning ordinances.
- B. The appeal authority shall not entertain an appeal of a matter in which the appeal authority, or any participant member, had first acted as the land use authority.
- C. An applicant who has requested to appeal a decision of the land use authority regarding the administration or interpretation of a geologic hazard ordinance or requirement may request the City assemble a panel of

qualified experts to serve as the appeal authority for purposes of determining the technical aspects of the appeal. The process for assembling the panel and payment of associated fees shall follow the process outlined in §10-9a-703 of Utah State Code (as amended).

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

R17.03.080 Standing to appeal.

As outlined in §10-9a-7 of Utah State Code (as amended), an applicant, board or officer of the City, or an adversely affected party may appeal a decision made by a land use authority to an appeal authority by alleging that there is error in any order, requirement, decision, or determination made by the land use authority in the administration or interpretation of the zoning ordinance.

The following persons shall have the standing to appeal the final action of a land use authority:

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

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

R17.03.090 Form of appeals.

Appeals must be filed with the City Recorder and must be by letter or petition, with the name, address, and telephone number of the petitioner; evidence that the petitioner has standing; and a comprehensive statement of the reasons for the appeal, including the specific provisions of law that are alleged to be violated by the action taken. The appellant shall have the burden of proof that the land use authority erred in its decision.

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

R17.03.100 Code interpretation and administration.

All decisions which interpret or administer the zoning ordinance may be appealed to a the appeal authority within fourteen (14) days of final action by the land use authority, by filing a notice of appeal with the City Recorder as outlined in 17.03.090.

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

R17.03.110 Action to be taken.

The City shall comply with the following standards for all appeals made to the appeal authority:

- A. The City, in consultation with the appellant, shall set a date for the hearing of the appeal before the appeal authority;
- B. The City shall notify the appellant and other relevant parties of the appeal date, time, and location;
- C. The appeal authority shall consider the written appeal, final action of the land use authority and all other pertinent information submitted by the appellant or the Zoning Administrator or other relevant representative of the City;
- D. The appeal authority may affirm, reverse, or affirm in part and reverse in part any properly appealed decision, or may remand the matter with directions for specific areas of review or clarification. The decision should be based on the correctness of the land use authority's interpretation and application of the plain meaning of the zoning regulations and; interpretation and application of a zoning ordinance regulation to favor a land use application unless the zoning ordinance regulation plainly restricts the land use application. Appellate review is limited to consideration of only those matters raised in the written appeal and the City staff's responses thereto;

E. The appeal authority shall prepare detailed written findings of fact which explain the body's decision within thirty (30) business days of the appellate decision.

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

R17.03.120 Vote necessary for reversal.

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

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

R17.03.130 Decision on appeal.

In exercising the above-mentioned powers such appeal authority shall have all the powers of the land use authority from whom the appeal is taken and shall enter their decision accordingly.

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

R17.03.140 City council call up.

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

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

R17.03.150 Notice.

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

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

R17.03.160 Stay of approval pending review.

Upon call up or appeal, any approval granted by the Planning Commission as a land use authority will be suspended until the appeal authority has taken final action and rendered its determination.

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

R17.03.170 Appeal of the appeal authority's determination.

The applicant or any person aggrieved by the appeal authority's final action may appeal to a court of competent jurisdiction as outlined in §10-9a-8 of Utah State Code (as amended). The decision of the appeal authority shall stand, and those affected by the decision may act in reliance on it unless and until a court enters an interlocutory or final order modifying or suspending the decision.

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

R17.03.180 Finality of action.

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

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

~~17.03.190~~ — Judicial review of decision.

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

R17.03.200 Rules.

The appeal authority shall adopt rules for the regulation of its procedures and the conduct of its duties not inconsistent with the provisions of this title or of the state law.

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

R17.03.210 Constitutional takings.

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

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

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

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

D. Takings Appeal Board. There is hereby created a takings appeal board. The mayor shall appoint three (3) members of the City Council to serve on the takings appeal board. If, at any time, three (3) members of the appeal authority cannot meet to satisfy the time requirements stated in subsection C of this section, the mayor shall appoint a member or sufficient members to fill the vacancies.

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

Chapter R17.04 SUPPLEMENTARY REGULATIONS

Sections:

- R17.04.010 Effect of chapter.
- R17.04.030 Lot standards.
- R17.04.040 Every dwelling on a lot—Exceptions.
- R17.04.050 Yard space for one building only.
- R17.04.060 Private garage side yard.
- R17.04.070 Sale or lease of required space.
- R17.04.080 Sale of lots below minimum space.
- R17.04.090 Yard projections.
- R17.04.110 Additional height allowed.
- R17.04.120 Exceptions to height limitations.
- R17.04.130 Minimum height of main buildings.
- R17.04.150 Clear view of intersecting streets.
- R17.04.160 Height of fences, walls and hedges.
- R17.04.170 Street improvements.
- R17.04.180 Effect of official map.
- R17.04.190 Lots and dwellings on dedicated streets.
- R17.04.200 Annexations.
- R17.04.210 Structures permitted only on platted land.
- R17.04.220 Adult entertainment.
- R17.04.230 Internal accessory dwelling units (IADUs).
- R17.04.235 Detached accessory dwelling units (DADUs).
- R17.04.240 Short-term rentals.
- R17.04.250 Telecommunications facilities.

R17.04.010 Effect of chapter.

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

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

R17.04.030 Lot standards.

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

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

R17.04.040 Every dwelling on a lot—Exceptions.

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

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

R17.04.050 Yard space for one building only.

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

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

R17.04.060 Private garage side yard.

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

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

R17.04.070 Sale or lease of required space.

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

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

R17.04.080 Sale of lots below minimum space.

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

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

R17.04.090 Yard projections.

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

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

B. Minimum Projections. Except for certain allowable features (i.e., landings, walkout porches, and window wells) as defined and outlined in §10-9a-538 of Utah State Code (as amended), which shall be exempted from these provisions, the structures listed below may project into a minimum yard setback area not more than two and one-half (2 ½) feet:

1. Cornices, eaves, belt courses, sills, buttresses, or other similar architectural features.
2. Fireplace structures and bays; provided, that they are not wider than eight feet (8'), measured generally parallel to the wall of which they are a part.
3. Balconies, fire escapes, awnings, planter boxes, masonry planters or other architectural features not exceeding three feet (3') in height.

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

R17.04.110 Additional height allowed.

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

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

R17.04.120 Exceptions to height limitations.

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

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

R17.04.130 Minimum height of main buildings.

No dwelling shall be erected to a height less than one (1) story above grade.

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

R17.04.150 Clear view of intersecting streets.

In all zones which require a front yard, no obstruction to view in excess of three (3) feet in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points forty (40) feet from the intersection of the street lines, unless the results of a study from a professional traffic engineering firm support a smaller clear view area, excepting trees and other landscaping if they are pruned and trimmed between a height of three (3) feet to seven (7) feet, so as to permit unobstructed vision to automobile drivers; and pedestal-type identification signs and pumps at gasoline service stations.

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

R17.04.160 Height of fences, walls and hedges.

A. Fences, walls and hedges may be erected or allowed to six (6) feet high when located within the buildable area. Fences over six (6) feet in height, up to a maximum of ten (10) feet, may be approved through a conditional use permit and shall require a separate building permit.

B. Sight-obscuring fences, walls and hedges may not exceed three (3) feet in height within any required front yard.

C. For purposes of this section, single shrub planting shall not constitute a hedge if the closest distance between the foliage of any two plants is and remains at least five (5) feet.

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

E. Where a retaining wall protects a cut below or a fill above the natural grade and is located on the line separating lots or properties, such retaining wall may be topped by a fence, wall or hedge of the same height

that would otherwise be permitted at the location if no retaining wall existed. In such cases, the builder of the retaining wall must obtain a building permit.

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

R17.04.170 Street improvements.

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

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

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

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

R17.04.180 Effect of official map.

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

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

R17.04.190 Lots and dwellings on dedicated streets.

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

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

R17.04.200 Annexations.

In every case where territory becomes a part of the City by annexation, the same shall be classified as to which zone it shall be by the City Council upon recommendation by the Planning Commission at the time of the annexation. The criteria used in zoning said newly annexed property shall be as follows: its current use at the time of annexation, its proposed future use as designated in the City's General Plan on the future land use map, or by such other criteria which are commonly used by the City to properly zone property.

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

R17.04.210 Structures permitted only on platted land.

No structure of any kind shall be permitted within the City's limits until and unless the tract or parcel of land upon which the structure shall be situated has been platted and the plat has been accepted by the City through those procedures specified for subdivisions in Title 16 of the City's code.

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

R17.04.220 Adult entertainment.

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

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

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

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

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

R17.04.230 Internal accessory dwelling units (IADUs)

A. **Purpose.** The purpose of this section is to:

- a. Allow the use of internal accessory dwelling units (IADUs) as a permitted use within the City as required by §10-9a-530 of Utah State code (as amended).

B. **Development Standards.**

- a. **Internal Accessory Dwelling Units (IADUs).** For the purposes of this section an internal accessory dwelling unit (IADU) shall mean an accessory dwelling unit created within a primary dwelling; within the footprint of the primary dwelling at the time the IADU is created; and for the purpose of offering a long-term rental of thirty (30) consecutive days or longer.
- b. A IADU shall be a permitted use in any area zoned primarily for residential use within the City as required by §10-9a-530 of Utah State code (as amended) except for properties which are less than six thousand square feet (6,000 sq. ft.) in size.
- c. Approval for an IADU shall not be granted by the land use authority outlined in this title if an DADU already exists on the subject property. A property which is eligible for either an IADU or a DADU shall be limited to only one (1) accessory dwelling unit.
- d. The property owner shall occupy either the primary dwelling or the IADU as their permanent residence for at least six (6) months of the calendar year if the IADU is to be rented.
- e. An IADU shall not shall not be used or operated as a short term rental.
- f. A business license is required for all IADUs that will be rented.
- g. An IADU shall require a building permit and shall conform to all applicable standards (i.e., building, plumbing, electrical, mechanical, fire, health, and any other applicable federal, state, or local codes). An IADU shall not be permitted if the primary dwelling is served by a failing septic tank.
- h. A primary dwelling containing an IADU shall be sited to meet all setbacks, lot coverage, building height requirements, etc., as required by the zone district in which it is located.
- i. An IADU may only be located in the following locations:
 - i. Inside the footprint of the primary dwelling.

- ii. Over an attached garage, where the primary dwelling has an internal connection to the garage.
 - i. Attached to the primary by way of an addition to the primary dwelling so long as it does not alter the original character of the primary dwelling.
 - j. A mobile home, two family, or multi-family dwelling shall not be eligible for an IADU.
 - k. Only one (1) front door shall be visible from the front yard. Any new entrance(s) shall be located on the side or rear of the primary dwelling.
 - l. Unless otherwise restricted by §10-9a-530 of Utah State Code (as amended), one (1) additional off-street parking space shall be provided in addition to those required by the primary dwelling to serve the IADU. The City reserves the right to require additional parking to replace any parking spaces previously contained within a garage or carport when those portions of the primary dwelling are converted into an IADU.
- B. **Violations.** Violations of any of the regulations stated in this section shall be processed in accordance with the requirements of §10-9a-530 of Utah State Code (as amended).

R17.04.235 Detached accessory dwelling units (DADUs).

A. **Purpose.** The purpose of this section is to:

- a. Allow opportunities for property owners/homeowners to provide social or personal support for family members where independent living is desirable and offset rising housing costs;
- b. Provide for affordable housing opportunities, making housing units available to moderate income households who might otherwise have difficulty finding homes within the City; and
- c. Develop additional housing units in areas of the City which are appropriate by establishing and providing regulations that govern the construction and use of accessory dwelling units (ADUs) within the City.

B. **Development Standards.**

- a. **Detached Accessory Dwelling Units (DADUs).** For the purposes of this section shall be defined as an accessory dwelling unit that is not located within or attached to the footprint of the primary dwelling.
 - i. A DADU shall be considered as a conditional use in the R-1-10, R-1-20, and RR-1 zone districts only.
 - ii. Conditional approval for a DADU shall not be granted by the land use authority outlined in this title if an IADU exists on the subject property. A property which is eligible for either an IADU or a DADU shall be limited to only one (1) accessory dwelling unit.
 - iii. The property owner shall occupy either the primary dwelling or the DADU as their permanent residence for at least six (6) months of the calendar year if the DADU is to be rented.
 - iv. The DADU shall not be used or operated as a short-term rental.
 - v. A business license is required for all DADUs that will be rented.
 - vi. A DADU shall not be located in a front yard and shall be sited to meet the same setbacks as required for the primary dwelling in the zone district in which it is located.
 - vii. Construction of a DADU shall not exceed the allowable lot coverage standards or building height requirements of the zone district in which it is located.
 - viii. A DADU shall not exceed one thousand two hundred square feet (1,200 sq. ft.) in size, and may not contain more than two (2) bedrooms.
 - ix. A DADU shall require a building permit and shall conform to all applicable standards (i.e., building, plumbing, electrical, mechanical, fire, health, and any other applicable federal, state, or local codes). A DADU shall not be permitted if it will be served by a failing septic tank.
 - x. Mobile homes, recreational vehicles including park model recreational vehicles, or other portable structures shall not be considered or approved for use as a DADU.
 - xi. A DADU's design shall be compatible with the exterior color and materials of the primary dwelling.

- xii. In addition to the parking required for the primary dwelling, a minimum of one (1) additional off-street parking space per bedroom shall be provided. Any additional occupant vehicles shall be parked on-site.
- b. **Violations.** Violations of any of the regulations stated in this section may be cause for revocation of the conditional use permit required by this section.

R17.04.240 Short-term rentals.

- A. Short-term residential rental properties are prohibited in all residential zones, mobile home zones and agricultural zones.
- B. This section shall apply to short-term residential rental property which is used by any person or entity for hostel, hotel, inn, lodging, motel, resort or other transient lodging uses where the term of occupancy, possession or tenancy of the property by the person is for thirty (30) consecutive calendar days or less, for direct or indirect remuneration. "Remuneration" means compensation, money, rent, or other consideration given in return for occupancy, possession or use of real property.

ALTERNATE R17.04.240 Short-term rentals.

- A. **Purpose.** The purpose of this section is to regulate short-term rentals within the City to ensure compatibility within residential neighborhoods and to ensure short-term rentals won't unreasonably reduce housing opportunities within the City.
- B. **General Requirements.** These regulations shall not apply to hotels, motels, or bed and breakfast establishments.
 - a.  **Business License Required.** No person, firm or corporation shall operate or otherwise make available a short-term rental without first obtaining a business license. A business license being sought for a short-term rental shall require annual inspection by the Building Official or their designee to ensure the general health, safety, and welfare of occupants/guests.
 - b. **Conditional Use Permit Required.** All short-term rentals shall obtain a conditional use permit prior to securing a business license. The conditional use permit process outlined in R17.02.040 shall be followed.
 - c. **Short-term Rental Density.** The total number of short-term rentals in all residential zones or zones where residential uses are allowed as either a permitted (P) or conditional (C) use shall be proportionate to the total population of the City, and shall be limited to two (2) short-term rentals per one thousand (1,000) of the City's total population.
 - d. **Separation Required.** In all residential zones or zones where residential uses are allowed as either a permitted (P) or conditional (C) use, a proposed short-term rental shall be located at least one thousand feet (1,000 ft.) from another short term rental as measured from property line to property line, except the following:
 - i. **Owner-occupied.** A short-term that is continuously owner-occupied is exempt from meeting the minimum separation distance requirement listed above, provided all of the following are met:
 - 1. The residence shall be the property owner's primary place of residence for a minimum of at least six (6) months of the calendar year;
 - 2. If the short-term rental is approved and permitted as an owner-occupied short-term rental, any change to the owner's primary place of residence shall void the conditional use permit and subsequent business license;
 - 3. The property owner shall submit an affidavit of ownership with the business license application;
 - 4. The owner shall maintain a current business license for the short-term rental. Failure to maintain a current license will result in revocation of the conditional use permit and business license; and
 - 5. A conditional use permit and business license issued for an owner-occupied short-term rental shall be non-transferable. Change of ownership shall require a

new conditional use permit application and business license application to be submitted to the City for processing.

e. Standards.

- i. A short-term rental shall comply with all adopted construction codes including building, electrical, fire, health, mechanical, and plumbing requirements.
- ii. In the instance of two-family or multi-family dwellings, there shall be no more than one (1) short-term rental allowed per residential structure.
- iii. The use of a residential dwelling as a short-term rental shall not alter in any manner the residential appearance or character of the dwelling or property.
- iv. **Occupancy.** The maximum occupancy of a short-term rental shall be calculated at a rate of two (2) occupants per bedroom plus two (2) additional occupants unless the building's occupancy is otherwise determined by the Building Official pursuant to provisions established in the adopted construction code for health, safety, and welfare reasons.
- v. **Parking Requirements.**
 1. All parking required for a short-term rental shall be located on the same lot as the unit licensed as a short-term rental. No on-street parking shall be permitted.
 2. Off-street parking shall be provided at a rate of one (1) space per two (2) bedrooms. Off-street parking stalls shall be a minimum of nine feet by twenty feet (9' x 20').
 3. Parking of recreational vehicles, trailers, boats, or similar vehicles associated with the guest use of a short-term rental shall be provided for on-site.
- vi. **Signs.** Signs shall be limited to a single sign, no larger than two square feet (2 sq. ft.) in size, and shall only be mounted on the building. Signs shall not be illuminated. Banners, window signs, posters, flags, exterior lighting or other attention getting devices are prohibited.
- vii. Short-term rentals shall be subject to all of the City's adopted ordinances including nuisances, noise, garbage, parking, occupancy, etc. A short-term rental which receives more than three (3) violations for violating City ordinances within any calendar year shall result in the immediate revocation of the conditional use permit and business license.

(Ord. 2018-421 (part); Ord. 2011-374 §§ 1,2)

R17.04.250 Telecommunications facilities.

- A. Structures. Telecommunications facilities including signs, antennas, and towers shall only be permitted if they are related to the health and safety of the general public. All proposed telecommunications facilities and structures shall be submitted by the filing of a complete telecommunications facility application for review by the Planning Commission.
- B. Removal. The Zoning Administrator is empowered to require an unmaintained or abandoned low-power radio services structure to be removed from a building or premises when that antenna has either not been repaired or put into use by the owner, the person having control, or the person receiving the benefit of the structure within thirty (30) calendar days after the notice is given to the owner, the person having control, or the person receiving the benefit of the structure. If removal has not been completed within thirty (30) calendar days, the Zoning Administrator may have the structure removed at the property owner's expense and, after removal, may place a lien on the subject property for all direct and indirect costs incurred in dismantling and disposing of the structure, including court costs and reasonable attorney fees.
- C. Abandonment. The applicant, the applicant's successor(s) and/or assign(s) and/or the property owner shall be responsible for the removal of unused telecommunications structures within twelve (12) months of abandonment of use. If such structure is not removed by the applicant, the applicant's successor(s) and/or assign(s), or the property owner, then the City may employ all legal measures necessary to remove the tower. After removal, a lien may be placed on the subject property for all direct and indirect costs incurred in dismantling and disposing of the structure, including court costs and reasonable attorney fees.

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

Chapter R17.05 NONCONFORMING USES AND NONCOMPLYING STRUCTURES

Sections:

- R17.05.010 Purpose.
- R17.05.020 Determination of nonconforming status.
- R17.05.030 Authority to continue.
- R17.05.040 Abandonment, loss of nonconforming use.
- R17.05.050 Moving, enlarging or altering nonconforming uses.
- R17.05.070 Normal repair and maintenance, safety.
- R17.05.080 Appeals.

Prior legislation: Ord. 79-101 § 4.

R17.05.010 Purpose.

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

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

R17.05.020 Determination of nonconforming status.

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

B. The Zoning Administrator shall determine the nonconforming or noncomplying status of properties, uses, and structures. Any decision of the Zoning Administrator may be appealed within ten (10) calendar days to the appeal authority as outlined in chapter 17.03.

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

R17.05.030 Authority to continue.

A. A lawful nonconforming use or noncomplying structure may continue by the present or a future property owner subject to the standards and limitations of this chapter.

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

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

R17.05.040 Abandonment, loss of nonconforming use.

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

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

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

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

R17.05.050 Moving, enlarging or altering nonconforming uses.

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

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

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

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

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

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

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

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

4. The Zoning Administrator shall approve an application to change a nonconforming use to another nonconforming use if the applicant proves the following criteria:

- a. All reasonable measures will be undertaken to alleviate or reduce the incompatibility or adverse effects of the nonconforming use or building upon abutting properties or in the neighborhood; and
- b. All changes, additions, or expansions comply with all current laws except as to use; and
- c. The new use, if applicable, will provide for enclosed storage of necessary equipment, materials, and refuse, rather than create a need for additional outside storage; and
- d. The new use does not increase the parking requirement; or if there is an increase, the site plan meets the parking requirement and the Zoning Administrator finds that adjoining properties and the neighborhood will not be adversely impacted by the increased parking demand.

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

R17.05.070 Normal repair and maintenance, safety.

The owner may complete normal maintenance and incidental repair on a noncomplying structure or a complying structure that contains a nonconforming use. This chapter shall not be construed to authorize any violations of law nor to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of the Building Official who declares such structure to be unsafe and orders its restoration to a safe condition.

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

R17.05.080 Appeals.

Appeal from a decision made by the Zoning Administrator made pursuant to this chapter shall be made to the appeal authority. Any person filing an appeal for review of any decision made under the terms of this chapter shall file such appeal within fourteen (14) days after the date of the Zoning Administrator's final decision pursuant to the process outlined in chapter 17.03.

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



Chapter R17.06 OFF-STREET PARKING

Sections:

- R17.06.010 Number of parking spaces.
- R17.06.015 Minimum size of required off-street parking and loading spaces.
- R17.06.020 Parking lots.
- R17.06.030 Accessible parking spaces.
- R17.06.040 Off-street loading requirements.

R17.06.010 Number of parking spaces.

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

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

		jurisdictions, accepted construction/planning industry standards, or the requirements set forth in this section for uses or buildings which, in the opinion of the land use authority, are similar to the use or building under construction.
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- A. In calculating the total number of required off-street parking spaces, fractional amounts shall be rounded to the nearest whole number.
- B. When applicable, the land use authority may utilize a building's occupant load as established by Building Official or their designee pursuant to the adopted International Building Code (IBC) to determine the total number of required off-street parking spaces.
- C. At the discretion of the land use authority, an applicant may be required to provide a site-specific traffic study which demonstrates the actual parking needs for a specific site when and where it is determined that the minimum requirements outlined in this chapter may not be sufficient for the proposed combination of multiple uses or multiple buildings with multiple uses proposed for the site.
- D. Requests to reduce off-street parking requirements or reduce parking space sizes may be granted by the land use authority if the applicant shows: a unique nature of the specific existing or proposed land use exists, or due to an unusually large number of pedestrian or transit trips below normal parking demands will be generated; or a reduced number of off-street parking spaces will meet the demands of the proposed use without increasing traffic or on-street parking problems in adjacent areas and neighborhoods.

E. Retail Joint Use.

1. In the event two (2) or more retail store types are located within a single structure or business, parking spaces shall be provided in accordance with the square footage occupied by each particular type as specified above;

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

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

G. Within commercially zoned areas, wherever existing on-street parking is immediately adjacent to a business or other entity as listed above, one-half (½) the designated on-street parking spaces may be included in satisfying the number of required parking spaces set forth .

(Ord. 2018-421 (part): Ord. 2011-366 § 1 (part): Ord. 85-194 § 1: Ord. 79-101 § 5-1. Formerly 17.20.010)

R17.06.015 Minimum size of required off-street parking and loading spaces.

- A. The minimum dimension of all off-street parking spaces, other than parallel parking spaces, shall consist of a rectangular area not less than nine (9) feet wide by twenty (20) feet long.
- B. Parallel parking spaces shall consist of a rectangular area not less than nine (9) feet wide by twenty five (25) feet long.
- C. All required off-street loading spaces shall have a minimum dimension of ten (10) feet by twenty five (25) feet with a minimum height of fourteen (14) feet or as required and approved by the land use authority.

R17.06.020 Parking lots.

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

- A. Each off-street parking lot shall be surfaced according to adopted City standards. The parking area shall be so graded as to dispose of all surface water. If such water is to be carried to adjacent streets, it shall be piped under sidewalks. Surfaces shall be maintained.
- B. Lighting. Lighting used to illuminate any parking lot shall be dark-sky compliant and shall be arranged to reflect the light away from adjoining premises in any residential zone, and from street traffic.
- C. Landscaping. All off-street parking areas shall be landscaped and permanently maintained as required by this title.

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

R17.06.030 Accessible parking spaces.

Accessible parking spaces shall be striped, painted on the ground with an international accessibility symbol and posted by a sign in accordance with the Americans with Disabilities Act, and located as close as practical to an accessible entrance to the building. The sign shall be placed so that a vehicle parked in the space does not obscure it.

R17.06.040 Off-street loading requirements.

- A. In addition to the minimum off-street parking requirements, every building or use receiving or distributing materials or merchandise by truck, shall provide and maintain on the same lot as the building or use, adequate off-street loading space(s) meeting the minimum requirements of this section.

Total Gross Floor Area Of Building	Number Of Loading Spaces Required
Less than 30,000 square feet	1
30,000 to 80,000 square feet	2

- B. No loading space(s) shall be considered as meeting any requirements for off-street parking.
- C. No required off-street loading spaces shall be permitted in any front yard.
- D. All loading spaces shall be screened from view from any road or street.
- E. The location of all loading areas shall not interfere with parking lot circulation patterns.

Chapter R17.07 HOME OCCUPATIONS

Sections:

- R17.07.010 Purpose.
- R17.07.020 Permitted uses.
- R17.07.030 Home occupation permit—When required.
- R17.07.040 Application procedure.
- R17.07.050 Conditions.
- R17.07.060 Permits.
- R17.07.070 Noncompliance.
- R17.07.080 Nonconforming permits not renewable.
- R17.07.090 Business license required.

R17.07.010 Purpose.

The purpose of this chapter is:

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

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

R17.07.020 Permitted uses.

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

B. All occupations expressly permitted remain subject to any City requirements and all other State permitting and/or license requirements.

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

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

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

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

R17.07.030 Home occupation permit—When required.

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

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

R17.07.040 Application procedure.

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

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

R17.07.050 Conditions.

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

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

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

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

G. No advertising shall be displayed on the premises with the exception of a sign for identification purposes only. Such a sign must be attached to the residence and shall be no larger than two (2) square feet in area.

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

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

J. Any special conditions established by the Planning Commission and made a record in the minutes of said commission, as deemed necessary to carry out the purpose of this chapter and to protect the health, safety, and general welfare of the residents of the City shall be met.

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

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

M. Promotional meetings for the purpose of selling merchandise, taking orders or training shall not be held more than one (1) time per month.

N. No display of any kind shall be visible from the exterior of the premises except as specifically exempt.

O. Only one (1) vehicle may be used in association with the home occupation and shall be garaged or stored entirely within a building or structure. The vehicle used for the home occupation shall be limited to a maximum size of one-ton gross vehicle weight. No business shall be permitted that requires receipt or delivery of merchandise, goods or equipment by other than a passenger motor vehicle or by parcel or letter carrier mail service using vehicles typically employed in residential deliveries. No deliveries by semi-tractor/trailer truck are permitted.

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

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

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

R17.07.060 Permits.

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

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

R17.07.070 Noncompliance.

Any home occupation permit may be revoked by the City Council after review and recommendation of the Planning Commission, upon failure to comply with the conditions imposed with the original approval of the

permit. Any use expressly permitted pursuant to Section R17.07.020 that does not at all times conform with all applicable provisions of Section R17.07.050 shall immediately be required to obtain a home occupation permit and/or conditional use permit.

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

R17.07.080 Nonconforming permits not renewable.

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

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

R17.07.090 Business license required.

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

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

Chapter R17.08 - CONDITIONAL USES

Sections:

R17.08.010 Purpose of conditional use provisions.

R17.08.020 Application; Permit required.

R17.08.030 Public hearing.

R17.08.040 Determination.

R17.08.050 Conditions relating to specific types of uses.

R17.08.080 Inspection.

R17.08.010 Purpose of conditional use provisions.

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

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

R17.08.020 Application; Permit required.

An application for conditional use permit shall comply with R17.02.040.

A conditional use permit shall be required for all uses listed as conditional uses in R17.15.050, and the zone district regulations found elsewhere in this title. A conditional use permit may be revoked pursuant to R17.15.050 upon failure to comply with conditions precedent to the original approval of the certificate.

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

R17.08.030 Public hearing.

While no public hearing typically needs to be held, a public hearing may be required to be held by the City to consider a conditional use permit application if the Land Use Authority outlined in R17.02.005 deems a public hearing to be necessary based on the initial finding of a compelling, countervailing public interest. In the instance of such initial findings the Land Use Authority shall table and reschedule the item to a date which will provide for proper noticing as required by §63G-30-102 of Utah State Code (as amended) for public hearings.

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

R17.08.040 Determination.

A. The Land Use Authority outlined in R17.02.005 may permit a conditional use to be located within any zone in which the particular conditional use is permitted by the use regulations of this title. In authorizing any conditional use, the Land Use Authority shall impose such requirements and conditions as are necessary to mitigate the potential detrimental impacts of the proposed use for the protection of adjacent property and the public's general welfare.

B. Standards of review. Decisions of the Land Use Authority outlined in R17.02.005 to approve, approve with conditions, or deny a conditional use permit application shall be based on the general criteria listed in R17.02.040 and the following more specific criteria outlined in this chapter including:

1. The safety of people and property including:
 - a. Size and location of the use;
 - b. Prevention or minimization of flood water damage where necessary;
 - c. Relocation, covering, or fencing of irrigation ditches, and drainage channels;
 - d. Location and dimensions of truck loading and unloading facilities; and
 - e. Hazardous conditions to the public health or safety.
2. Traffic considerations including:
 - a. Capacity of existing streets;
 - b. Proposed location and off street parking provided;
 - c. Proposed accesses including those for emergency vehicles; and 
 - d. Internal traffic circulation of the site including parking areas.
3. Environmental concerns including:
 - a. Utility capacity;
 - b. Usable and permanent open space considerations;
 - c. Signage and lighting;
 - d. Noise, vibration, pollution, odors, stream, or other factors that might affect people and property; and
 - e. Potential discharge into the air, ground water, surface and subsurface water, or soil.
4. General Plan and Permitted Zoning concerns including:
 - a. Fencing, screening, and landscaping to separate proposed use from adjoining uses;
 - b. Design, architectural detail, building mass, bulk, orientation, to conform to the surrounding area; and
 - c. Removal of structures, debris, or plant materials incompatible with characteristics of the underlying zone.

R17.08.050 Conditions relating to specific types of uses. (Reserved)

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

R17.08.080 Inspection.

Following the issuance of a conditional use permit by the Land Use Authority, the Zoning Administrator and/or Building Official may approve an application for a building permit; provided, that development is undertaken and completed in compliance with said conditional use and other applicable requirements.

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

Chapter R17.10

MOBILE, MANUFACTURED HOMES

Sections:

- R17.10.010 Purpose.
- R17.10.015 Mobile homes; Mobile home parks prohibited.
- R17.10.020 Manufactured home; Location and use.
- R17.10.030 Manufactured home parks; Existing park standards and requirements.
- R17.10.040 Manufactured home park; Guarantees.

Prior legislation: Ord. 86-204.

R17.10.010 Purpose.

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

R17.10.015 Mobile homes; Mobile home parks prohibited.

Mobile homes built before June 15, 1976, and mobile home parks shall be a prohibited use in all zones or areas within the City.

R17.10.020 Manufactured home; Location and use.

A. Pursuant to §10-9a-514 of Utah State Code (as amended), a manufactured home shall be a permitted use in all zones or areas within the City in which a single-family dwelling would be permitted, provided the manufactured home complies with the requirements of the City's land use ordinances, building codes, and any restrictive covenants applicable to a single family dwelling within that zone or area .

B. A manufactured home constructed on or after June 15, 1976, shall be identifiable by the manufacturers data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD (National Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. Sec. 5401 et seq.) standards.

C. A manufactured home shall require a permit issued by the Building Official or their designee, and shall be attached to a permanent foundation in accordance with approved plans providing for vertical loads, uplift, and lateral forces and frost protection in compliance with the adopted building codes. All appendages, including carports, garages, storage buildings, additions, or alterations shall be constructed in compliance with the adopted building codes.

D. The minimum size for a manufactured home shall be one thousand (1,000) square feet.



E. A manufactured home shall be taxed as real property..

F. The City may not adopt or enforce an ordinance or regulation that treats a proposed development that includes manufactured homes differently than one that does not include manufactured homes, or, reject a proposed development plan based on the fact the proposed development is expected to contain manufactured homes.

(Ord. 2018-421 (part); Ord. 2011-366 § 1 (part); Ord. 85-192 § 2; Ord. 82-141 § 2(9-2). Formerly 17.36.020)

R17.10.030 Manufactured home parks; Existing park standards and requirements.

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

- A. The area shall be in one (1) ownership, or if in several ownerships the application for the approval of the manufactured home park shall be filed jointly by all owners of the property included in the plan.
- B. The density in a manufactured home park shall not exceed seven (7) units per acre (four thousand (4,000) square feet per lot). The remaining land not contained in individual lots, roads or parking shall be set aside and developed as parks, playgrounds and service areas for the common use and enjoyment of the occupants of the development and visitors thereto.
- C. Not less than fifteen percent (15%) of the gross area of the manufactured home park shall be set aside as playground or recreation area for the joint use of occupants. The land covered by vehicular roadways, sidewalks and off-street parking shall not be construed as part of the area required for parks and playgrounds.
- D. No manufactured homes or add-ons shall be located closer than fifteen feet (15') from the nearest portion of any other manufactured homes or add-ons. All manufactured homes and add-ons shall be planted in lawns, trees and shrubs or otherwise landscaped.
- E. All areas not covered by manufactured homes, hard-surfacing, buildings, off-street parking, space or driveways shall be planted in lawns, trees and shrubs or otherwise landscaped.
- F. All off-street parking spaces and driveways shall be hard-surfaced before the adjacent manufactured home spaces may be occupied.
- G. A strip of land at least fifteen feet (15') wide on the sides and twenty feet (20') in the front and rear of the manufactured home park shall be left unoccupied by manufactured homes and shall be planted and maintained in lawns, shrubs and trees designed to afford privacy to the development.
- H. All storage and solid waste receptacles outside of the confines of the manufactured homes must be housed in a closed structure compatible in design and construction to the manufactured homes and to any service buildings within the manufactured home park. All patios, garages, carports, and other add-ons must be compatible in design and construction with the manufactured homes and with the buildings.
- I. Roadways shall be hard-surfaced and of adequate width to accommodate anticipated traffic as set out in subsections J and K of this section.
- J. All streets shall be thirty feet (30') in width to provide for two-way traffic.
- K. For entrance streets: minimum of thirty-six feet (36') in width. All entrance streets shall be bordered by curb. There shall be no more than two entrances from the court into any one street. Entrances shall be no closer than twenty-five feet (25') from each other nor closer than fifteen feet (15') to the corner of the intersections.
- L. Access shall be provided to each manufactured home stand by means of an access way reserved for maneuvering manufactured homes into position and shall be kept free from trees and other immovable obstructions. Paving the access way shall not be required. Use of planks, steel mats, or other means during the

placement of a manufactured home shall be allowed so long as the same are removed immediately after placement of the manufactured home.

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

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

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

1. Each manufactured home space shall be provided with a four-inch (4") sewer connection which shall be capped, so as to prevent any escape of odors or possible damage to the sewer system. The manufactured home sanitary drain shall be watertight and self-draining and shall be constructed of smooth plastic pipe or other material approved by state and adopted building codes. All sewer mains will contain devices allowing access and cleaning of said lines at locations separated by not more than one hundred feet (100').

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

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

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

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

6. Refuse Handling and Receptacles. The storage, collection and disposal of refuse in the manufactured home park shall be managed so as to create no health hazards, rodent harborage, insect breeding or accident hazards. All refuse shall be stored in watertight, rodent-proof containers, and shall be provided in sufficient number and capacity to prevent any refuse from overflowing or blowing away. Satisfactory container racks or dumpsters shall be provided at permanent locations convenient to manufactured home spaces, in areas screened from general view. Methods of storage and collection shall be in compliance with local laws and regulations.

(Ord. 2018-421 (part): Ord. 2011-366 § 1 (part): Ord. 85-192 § 4(II): Ord. 79-101 § 9-4(II). Formerly 17.36.050)

R17.10.040 Manufactured home park; Guarantees.

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

B. In any case, when a manufactured home park is owned by more than one (1) individual person, the owner shall establish and appoint an agent for the purpose of service of process, which agent shall be authorized to receive process and represent fully the interests of the owners in respect to continuing management and maintenance of the manufactured home park.

C. Prerequisite to the operations of any manufactured home park in the City shall be the obtaining of an annual license. It shall be unlawful to operate a manufactured home park without first obtaining a license, and said license shall be refused or revoked upon failure of the owner and/or operator to maintain the park in accordance with the standards and requirements as herein set forth.

(Ord. 2018-421 (part): Ord. 2011-366 § 1 (part): Ord. 85-192 § 4(III): Ord. 79-101 § 9-4(III). Formerly 17.36.060)

Chapter R17.13 - DESIGN REVIEW

Sections:

- R17.13.010 Purpose.
- R17.13.020 Application and site plans review.
- R17.13.030 Exceptions.
- R17.13.050 Considerations in review of applications.
- R17.13.060 Transfer of approval upon change in use.
- R17.13.080 Modification.

R17.13.010 Purpose.

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

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

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

R17.13.020 Application and site plans review.

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

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

architectural and site development plans shall have been reviewed and approved prior to the issuing of a building permit by the Building Official.



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

R17.13.030 Exceptions.

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

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

R17.13.050 Considerations in review of applications.

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

A. Considerations Relating to Traffic Safety and Traffic Congestion.

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

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

C. Considerations Relating to Landscaping.

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

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

R17.13.060 Transfer of approval upon change in use.

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

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

R17.13.080 Modification.

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

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

Chapter R17.14 - SOILS AND NATURAL HAZARDS

Sections:

R17.14.010 Requirements.

R17.14.010 Requirements.

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

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

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

Chapter R17.15 - ZONING DISTRICTS

Sections:

- R17.15.005 Zoning by districts.
- R17.15.010 Establishment of zones.
- R17.15.020 Filing of ordinance.
- R17.15.030 Rules for locating boundaries.
- R17.15.040 Master development standards tables.
- R17.15.050 Master land use tables.

R17.15.005 Zoning by districts.

- A. As provided by §10-9a of Utah State Code (as amended), the City Council may divide the lands located within the City into zoning districts of a number, shape, and area that it considers necessary and appropriate to carry out the purposes of the act and the City's General Plan.
- B. Within those zoning districts, the City Council may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings and structures, and the use of land.
- C. As provided by §10-9a of Utah State Code (as amended), the Roosevelt City Zoning District Map, now incorporated herein by reference, is provided to divide the lands located within the City into zoning districts that govern the use, intensity and other requirements for the use of such lands.
- D. All uses, activities, and all approvals, permits, and licenses shall be found to conform to the standards and requirements of the zoning district as applicable.

R17.15.010 Establishment of zones.

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



Zoning District Name	Abbreviation
Rural Residential	R-R-1
Single-Family Residential	R-1-20
Single-Family Residential	R-1-10
Single-Family Residential	R-1-6
Two-Family Residential	R-2
Multiple Residential	R-M-13
Multiple Residential	R-M-18
Professional Office Residential	PO-R
Commercial	C
Light Manufacturing	M-1
Heavy Manufacturing	M-2
Airport Overlay	AO

Tiny Home Overlay	TH-O
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(Ord. 2018-421 (part); Ord. 2011-366 § 1 (part); amended during 1996 codification; Ord. 79-101 § 14-1. Formerly 17.56.010)

R17.15.020 Filing of ordinance.

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

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

R17.15.030 Rules for locating boundaries.

Where uncertainty exists as to the boundary of any zone, the Zoning Administrator shall interpret the map. An appeal of the Zoning Administrator's interpretation of the boundary of a zone may be appealed to the appeal authority outlined in chapter 17.03.

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

R17.15.040 Master development standards tables.

The following master development standards tables have been compiled from the specific standards found within each zoning district. In the event of a discrepancy between these master tables and a specific standard contained within an individual zoning district, the specific standard contained within the individual zoning district shall apply.

TABLE 1: Residential Zoning District Standards

	Single-Family Residential			Two-Family Residential	Multiple Residential		Rural Residential
	R-1-6	R-1-10	R-1-20	R-2	R-M-13	R-M-18	R-R-1
Minimum Lot Area: (Main Use)	6,000 Square Feet Duplex: Plus 2,000 Square Feet	10,000 Square Feet Duplex: Plus 2,000 Square Feet	20,000 Square Feet Duplex: Plus 2,000 Square Feet	Single-Family: 6,000 Square Feet Duplex: 10,000 Square Feet Twin Home: 6,000 Square Feet	Any Dwelling/Structure: 7,000 Square Feet Additional Lot Area For Each Additional Dwelling Unit In Dwelling/Structure: 2,000 Square Feet Group Dwellings: 5,000 Square Feet Main Uses/Buildings Other Than Dwellings: 10,000 Square Feet Twin Home: 4,500 Square Feet	Any Dwelling/Structure: 7,000 Square Feet Additional Lot Area For Each Additional Dwelling Unit In Dwelling/Structure: 1,000 Square Feet Group Dwellings: 5,000 Square Feet Main Uses/Buildings Other Than Dwellings: 10,000 Square Feet Twin Home: 4,000 Square Feet	1 Acre
(Cluster Subdivisions)	6,000 Square Feet	7,000 Square Feet	15,000 Square Feet	Single-Family: 4,500 Square Feet Two-Family: 6,000 Square Feet	6,000 Square Feet	6,000 Square Feet	
Minimum Lot Width:	60 Feet Duplex: 80 Feet	80 Feet Duplex: 80 Feet	100 Feet Duplex: 100 Feet	Single-Family: 60 Feet Duplex: 80 Feet Twin Home: 40 Feet NOTE: Unless otherwise modified by approval of planned unit development or cluster subdivision.	70 Feet Twin Home: 40 Feet NOTE: Unless otherwise modified by approval of a planned unit development or cluster subdivision.	70 Feet Twin Home: 40 Feet NOTE: Unless otherwise modified by approval of a planned unit development or cluster subdivision.	100 Feet
Minimum Lot Frontage:	45 Feet	45 Feet	50 Feet	Single-Family: 45 Feet Duplex: 45 Feet Twin Home: 20 Feet	45 Feet Twin Home: 20 Feet	45 Feet Twin Home: 20 Feet	

Maximum Building Height: (Residential Dwelling)	35 Feet	35 Feet	35 Feet	35 Feet	Single/Two-Family Residential Dwellings: 35 Feet	Single/Two-Family Residential Dwellings: 35 Feet	35 Feet OR 2 ¼ Stories
	R-1-6	R-1-10	R-1-20	R-2	R-M-13	R-M-18	R-R-1
(Main Building)	As Determined By Conditional Use Permit	As Determined By Conditional Use Permit	As Determined By Conditional Use Permit	As Determined By Conditional Use Permit	Multiple-Family Main Buildings/Structures: As Determined By Conditional Use Permit	Multiple-Family Main Buildings/Structures: As Determined By Conditional Use Permit	
(Accessory Structure)	Shall Not Exceed The Height Of Residential Dwelling	Shall Not Exceed The Height Of Residential Dwelling	Shall Not Exceed The Height Of Residential Dwelling	25 Feet; OR Shall Not Exceed The Height Of Residential Dwelling; Whichever Is More Restrictive	Shall Not Exceed The Height Of Residential Dwelling	Shall Not Exceed The Height Of Residential Dwelling	
Maximum Lot Coverage: (Includes Accessory Uses/Structures)	50%	35%	20%	50%	50%	50%	
Setbacks:							
Front: (Main Building)	30 Feet NOTE: May Be Reduced To 25 Feet If 50% Or More Existing Buildings On The Block Are Less Than The Minimum Requirement	30 Feet NOTE: May Be Reduced To 25 Feet If 50% Or More Existing Buildings On The Block Are Less Than The Minimum Requirement	30 Feet NOTE: May Be Reduced To 25 Feet If 50% Or More Existing Buildings On The Block Are Less Than The Minimum Requirement	30 Feet NOTE: May Be Reduced To 25 Feet If 50% Or More Existing Buildings On The Block Are Less Than The Minimum Requirement	25 Feet NOTE: May Be Reduced To 25 Feet If 50% Or More Existing Buildings On The Block Are Less Than The Minimum Requirement	25 Feet NOTE: May Be Reduced To 25 Feet If 50% Or More Existing Buildings On The Block Are Less Than The Minimum Requirement	30 Feet
(Accessory Structure)	30 Feet If Minimum Side Yard For Main Building Is Met; OR 6 Feet In The Rear Of The Main Buildings	30 Feet If Minimum Side Yard For Main Building Is Met; OR 6 Feet In The Rear Of The Main Buildings NOTE: All carports/garages	30 Feet If Minimum Side Yard For Main Building Is Met; OR 6 Feet In The Rear Of The Main Buildings NOTE: All carports/garages	30 Feet If Minimum Side Yard For Main Building Is Met; OR 6 Feet In The Rear Of The Main Buildings NOTE: All carports/garages	25 Feet If Minimum Side Yard For Main Building Is Met; OR 6 Feet In The Rear Of The Main Buildings NOTE: All carports/garages	25 Feet If Minimum Side Yard For Main Building Is Met; OR 6 Feet In The Rear Of The Main Buildings NOTE: All carports/garages	30 Feet If Minimum Side Yard For Main Building Is Met; OR 6 Feet In The Rear Of The Main Buildings Minimum

	NOTE: All carports/garages opening onto a street shall be setback 25 feet. Minimum separation required between structures for fire protection unless otherwise provided herein or adequate fire protection is provided according to the adopted construction codes: 16 Feet	es opening onto a street shall be setback 25 feet. Minimum separation required between structures for fire protection unless otherwise provided herein or adequate fire protection is provided according to the adopted construction codes: 16 Feet	s opening onto a street shall be setback 25 feet. Minimum separation required between structures for fire protection unless otherwise provided herein or adequate fire protection is provided according to the adopted construction codes: 16 Feet	es opening onto a street shall be setback 25 feet.	opening onto a street shall be setback 25 feet. Minimum separation required between structures for fire protection unless otherwise provided herein or adequate fire protection is provided according to the adopted construction codes: 16 Feet	opening onto a street shall be setback 25 feet. Minimum separation required between structures for fire protection unless otherwise provided herein or adequate fire protection is provided according to the adopted construction codes: 16 Feet	separation required between structures for fire protection unless otherwise provided herein or adequate fire protection is provided according to the adopted construction codes: 16 Feet
Rear: (Main Building)	30 Feet	30 Feet	30 Feet	30 Feet	20 Feet	20 Feet	30 Feet
	R-1-6	R-1-10	R-1-20	R-2	R-M-13	R-M-18	R-R-1
(Accessory Structure)	3 Feet For Accessory Buildings; 20 Feet For Attached Covered Patios/Porches/Decks NOTE: On corner lots which rear on a side yard of another lot, accessory buildings shall be located not closer than 10 feet to such side yard.	3 Feet For Accessory Buildings; 20 Feet For Attached Covered Patios/Porches/Decks NOTE: On corner lots which rear on a side yard of another lot, accessory buildings shall be located not closer than 10 feet to such side yard.	3 Feet For Accessory Buildings; 20 Feet For Attached Covered Patios/Porches/Decks NOTE: On corner lots which rear on a side yard of another lot, accessory buildings shall be located not closer than 10 feet to such side yard.	3 Feet For Accessory Buildings NOTE: On corner lots which rear on a side yard of another lot, accessory buildings shall be located not closer than 10 feet to such side yard.	3 Feet For Accessory Buildings NOTE: On corner lots which rear on a side yard of another lot, accessory buildings shall be located not closer than 10 feet to such side yard.	3 Feet For Accessory Buildings NOTE: On corner lots which rear on a side yard of another lot, accessory buildings shall be located not closer than 10 feet to such side yard.	10 Feet
Side: (Main Building)	6 Feet / 16 Feet Total Twin Homes: 0 Feet / 16 Feet Total	8 Feet / 20 Feet Total Twin Homes: 0 Feet / 20 Feet Total NOTE: The	10 Feet / 24 Feet Total Twin Homes: 0 Feet / 24 Feet Total NOTE: The total	Single Family: 6 Feet / 16 Feet Total Duplex: 6 Feet / 16 Feet Total Twin Home: 0 Feet / 10 Feet Total	Residential Dwellings: 6 Feet / 18 Feet Total Twin Homes: 0 Feet / 18 Feet Total	Residential Dwellings: 6 Feet / 18 Feet Total Twin Homes: 0 Feet / 18 Feet Total	8 Feet / 20 Feet Total

	NOTE: The total width of the two side yards shall not be less than the height of the building.	total width of the two side yards shall not be less than the height of the building.	width of the two side yards shall not be less than the height of the building.	NOTE: The total width of the two side yards shall not be less than the height of the building.	NOTE: The total width of the two side yards shall not be less than the height of the building.	NOTE: The total width of the two side yards shall not be less than the height of the building.	
(Main Buildings Other Than Dwellings)	15 Feet / 30 Feet Total NOTE: The total width of the two side yards shall not be less than the height of the building.	15 Feet / 30 Feet Total NOTE: The total width of the two side yards shall not be less than the height of the building.	20 Feet / 40 Feet Total NOTE: The total width of the two side yards shall not be less than the height of the building.	Single-Family: 15 Feet / 30 Feet Total Duplex: 15 Feet / 30 Feet Total Twin-Home: 15 Feet / 30 Feet Total NOTE: The total width of the two side yards shall not be less than the height of the building.	20 Feet / 40 Feet Total NOTE: The total width of the two side yards shall not be less than the height of the building.	20 Feet / 40 Feet Total NOTE: The total width of the two side yards shall not be less than the height of the building.	
	R-1-6	R-1-10	R-1-20	R-2	R-M-13	R-M-18	R-R-1
(Accessory Structure)	6 Feet; OR 3 Feet When Located At Least 6 Feet In The Rear Of The Main Building NOTE: No accessory building shall be located to a dwelling on an adjacent lot closer than 10 feet. All carports/garages opening onto a street shall be setback 25 feet.	8 Feet; OR 3 Feet When Located At Least 6 Feet In The Rear Of The Main Building NOTE: No accessory building shall be located to a dwelling on an adjacent lot closer than 10 feet. All carports/garages opening onto a street shall be setback 25 feet.	10 Feet; OR 3 Feet When Located At Least 6 Feet In The Rear Of The Main Building NOTE: No accessory building shall be located to a dwelling on an adjacent lot closer than 10 feet. All carports/garages opening onto a street shall be setback 25 feet.	6 Feet; OR 3 Feet When Located At Least 6 Feet In The Rear Of The Main Building NOTE: No accessory building shall be located to a dwelling on an adjacent lot closer than 10 feet. All carports/garages opening onto a street shall be setback 25 feet.	6 Feet; OR 3 Feet When Located At Least 6 Feet In The Rear Of The Main Building NOTE: No accessory building shall be located to a dwelling on an adjacent lot closer than 10 feet. All carports/garages opening onto a street shall be setback 25 feet.	6 Feet; OR 3 Feet When Located At Least 6 Feet In The Rear Of The Main Building NOTE: No accessory building shall be located to a dwelling on an adjacent lot closer than 10 feet. All carports/garages opening onto a street shall be setback 25 feet.	
(Corner Lots,	20 Feet	20 Feet	20 Feet	15 Feet	25 Feet	25 Feet	30 Feet

Main/Accessory Buildings That Face A Street)							
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TABLE 2: Commercial/Industrial Zoning District Standards

	Professional Office Residential	Commercial	Light Manufacturing	Heavy Manufacturing
	PO-R	C	M-1	M-2
Minimum Lot Area: (Main Use)	Any Dwelling/Structure: 7,000 Square Feet Additional Lot Area For Each Additional Dwelling Unit In Dwelling/Structure: 2,000 Square Feet Group Dwellings: 5,000 Square Feet Main Uses/Buildings Other Than Dwellings: 10,000 Square Feet	None	None	None
(Cluster Subdivisions)	6,000 Square Feet			
Minimum Lot Width:	70 Feet NOTE: Unless otherwise modified by approval of a planned unit development or cluster subdivision.			
Minimum Lot Frontage:	45 Feet	None	None	None
Maximum Building Height: (Residential Dwelling)	SingleTwo-Family Residential Dwellings: 35 Feet	55 Feet OR 4 Stories	55 Feet OR 4 Stories	55 Feet OR 4 Stories
(Main Building)	As Determined By Conditional Use Permit			
	PO-R	C	M-1	M-2
(Accessory Structure)	25 Feet; OR Shall Not Exceed The Height Of Residential Dwelling, Whichever Is More Restrictive			
Maximum Lot Coverage: (Includes Accessory Uses/Structures)	50%			
Setbacks:				
Front: (Main Building)	25 Feet NOTE: May Be Reduced To 20 Feet If 50% Or More Existing Buildings On The Block Are Less Than The Minimum Requirement	Determined By Site Plan	10 Feet	10 Feet
(Accessory Structure)	25 Feet If Minimum Side Yard For Main Building Is Met; OR 6 Feet In The Rear Of The Main Buildings NOTE: All carports/garages opening onto a street shall be setback 25 feet.			
Rear: (Main Building)	20 Feet	None	None	None
(Accessory Structure)	3 Feet For Accessory Buildings NOTE: On corner lots which rear on a side yard of another lot, accessory buildings shall be located not			

	closer than 10 feet to such side yard.			
Side: (Main Building)	Residential Dwellings: 6 Feet / 18 Feet Total NOTE: The total width of the two side yards shall not be less than the height of the building.	15 Feet When Adjoining A Residential Zone, School, Or Park	15 Feet When Adjoining A Residential Zone, School, Or Park	15 Feet When Adjoining A Residential Zone, School, Or Park
(Main Buildings Other Than Dwellings)	20 Feet / 40 Feet Total NOTE: The total width of the two side yards shall not be less than the height of the building.			
(Accessory Structure)	6 Feet; OR 3 Feet When Located At Least 6 Feet In The Rear Of The Main Building NOTE: No accessory building shall be located to a dwelling on an adjacent lot closer than 10 feet. All carports/garages opening onto a street shall be setback 25 feet.			
(Corner Lots, Main/Accessory Buildings That Face A Street)	20 Feet			

R17.15.050 Master land use tables.

The following master land use tables have been compiled from the specific standards found within each zoning district. In the event of a discrepancy between these master tables and a specific standard contained within an individual zoning district, the specific standard contained within the individual zoning district shall apply. Uses designated in the following land use tables depict the permitted (P), prohibited (X), or conditional (C) uses allowed within the zone districts.

- A. If a use is permitted (P) no approval is needed from the City to carry out the listed use, excluding potential building inspections, health department, or similar approvals.
- B. Uses not specifically shown in the following land use tables as permitted (P) or conditional (C) may be determined by the Land Use Authority to be similar to uses outlined in the following tables, and may be approved in the same manner/zones as the similar use. If the Land Use Authority determines no such similar use exists, the uses shall be determined a prohibited (P) use.
- C. To encourage an appropriate level of review, conditional (C) uses (R17.02.040/17.08) contain the following abbreviations which indicate the designated land use authority for the proposed use: Zoning Administrator (ZA), Planning Commission (PC), and City Council (CC).

TABLE 1: Residential Land Use Table

	Single-Family Residential			Two-Family Residential	Multiple Residential		Rural Residential	Professional Office Residential
	R-1-6	R-1-10	R-1-20	R-2	R-M-13	R-M-18	R-R-1	PO-R
A. Accessory Uses:								
1. Accessory buildings and uses customarily incidental to the	P	P	P	P	P	P	P	P

permitted or conditional use.								
2. Household pets.	P	P	P	P	P	P	P	P
B. Agriculture:								
1. Animals and fowl for recreation or for family food production for the primary use of persons residing on the premises.	X	X	X	X	X	X	P	X
2. Aviary.	X	X	X	X	X	X	P	X
3. Raising of up to two (2) sheep or goats to a maximum age of nine (9) months, keeping of up to six (6) female chickens, keeping of up to six (6) rabbits on condition that the subject parcel is occupied by not more than one (1) single family residence, the parcel is comprised of a total area of not less than six thousand square feet (6,000 sq. ft.). A conditional use permit granted by the City shall not be construed to grant any right or privilege to a tenant which is not expressly granted by the owner of any parcel.	X	X	X	X	C - CC	C - CC	X	X
4. Tilling soil, raising crops, horticulture, gardening.	P	P	P	P	P	P	P	C - ZA
5. Tilling soil, raising crops, horticulture, gardening, raising of up to two sheep or goats to a maximum age of nine months, keeping of up to six female chickens, keeping of up to six rabbits.	P	P	P	X	X	X	P	X
	R-1-6	R-1-10	R-1-20	R-2	R-M-13	R-M-18	R-R-1	PO-R

C. Dwellings And Other Living Quarters:								
1. Cluster subdivision.	C - PC	C - PC	C - PC	C - PC	C - PC	C - PC	C - PC	C - PC
2. Duplex conversion.	C - PC	C - PC	C - PC	C - PC	P	P	X	P
3. Group dwellings when approved as a planned unit development.	X	X	X	X	C - PC	C - PC	X	C - PC
4. Group home for the therapeutic care of the physically and/or mentally disabled under licensed care, not to exceed eight (8) guests and the home family.	X	X	X	C - CC	C - CC	C - CC	X	C - CC
5. Multiple-family dwelling.	X	X	X	X	P	P	X	C - PC
6. Nursing homes, rest homes, and assisted living facilities.	X	X	X	C - CC	C - CC	C - CC	X	C - PC
7. Single-family dwelling.	P	P	P	P	P	P	P	P
8. Short-term Rental	C - PC	C - PC	C - PC	C - PC	C - PC	C - PC	C - PC	C - PC
9. Three- and four-family dwellings.	X	X	X	X	P	P	X	C - PC
10. Twin homes.	X	X	X	P	P	P	X	X
11. Two-family dwellings.	C - PC	C - PC	C - PC	P	P	P	X	P
D. Public And Quasi-Public:								
1. Cemetery.	C - CC	C - CC	C - CC	C - CC	X	X	C - CC	X
2. Churches.	P	P	P	P	P	P	C - PC	C - PC
3. Public agency parks and playgrounds.	P	P	P	P	P	P	C - PC	P
4. Private or public schools.	P	P	P	P	P	P	C - PC	C - CC
5. Public utilities, water and drainage facilities.	X	X	X	X	X	X	C - CC	X

6. Substations or transmission lines of fifty (50) KV or greater capacity.	C - CC	C - CC	C - CC	C - CC	C - CC	C - CC	C - CC	C - CC
	R-1-6	R-1-10	R-1-20	R-2	R-M-13	R-M-18	R-R-1	PO-R
7. Water, sewer and utility transmission lines and facilities required as an incidental part of a conventional subdivision, flexible design subdivision or other approved development project in the zone, except those listed as conditional use.	P	P	P	P	P	P	P	P
E. Recreation:								
1. Golf course.	C - CC	C - CC	C - CC	C - CC	C - CC	C - CC	C - CC	C - CC
2. Private recreational grounds and facilities, not open to the general public and to which no admission charge is made.	C - CC	C - CC	C - CC	C - CC	C - CC	C - CC	C - CC	C - CC
F. Sales And Related Services:								
1. Nursery or greenhouse, wholesale or retail.	X	X	X	X	X	X	C - PC	X
2. Home occupations.	C - ZA	C - ZA	C - ZA	C - ZA	C - ZA	C - ZA	C - ZA	C - ZA
G. Service Activities:								
1. Child daycare or nursery.	C - ZA	C - ZA	C - ZA	C - ZA	C - ZA	C - ZA	C - ZA	C - ZA
2. Hospital; medical or dental clinic accessory to a hospital and located on the same premises.	X	X	X	X	C - CC	C - CC	X	C - CC
3. Kennel; No more than three dogs may be kept as an accessory use to a use allowed in the district.	X	X	X	X	X	X	C - PC	X

4. Lab; provided that the lab is an accessory use to the permitted professional business as defined in the land use ordinance.	X	X	X	X	X	X	X	C - CC
	R-1-6	R-1-10	R-1-20	R-2	R-M-13	R-M-18	R-R-1	PO-R
5. Professional services.	X	X	X	X	X	X	X	P
H. Temporary Buildings:								
1. Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work.	C -ZA	C -ZA	C -ZA	C -ZA	C -ZA	C -ZA	C -ZA	C -ZA



TABLE 2: Commercial/Industrial Zoning District Standards

	Commercial	Light Manufacturing	Heavy Manufacturing
	C	M-1	M-2
A. Accessory Uses:			
1. Accessory buildings and uses customarily incidental to the permitted or conditional use.	P	P	P
2. Parking lot incidental to a use conducted on the premises.	P	P	P
3. Parking lot not incidental to a use conducted on the premises.	P	P	P
B. Agriculture:			
1. Agricultural industries.	X	X	C- PC
2. Tilling soil, raising crops, horticulture and gardening.	X	P	P
C. Automobile Sales And Service:			
1. Automobile or recreational vehicle sales, service, lease, rental and repair, new or used, conducted entirely within an enclosed building.	P	P	P
2. Automobile and recreation vehicle sales, lease, rental or repair, new or used, conducted outdoors.	P	P	P
3. Auto parts sales, indoor.	P	X	X
4. Automatic car wash.	P	P	P
5. Automobile service station.	P	P	P
6. Body and fender shop; tire recapping; motor vehicle, bicycle and recreation vehicle assembling, painting, upholstering and rebuilding.	X	P	P
D. Dwellings And Other Living Quarters:			
1. Hotel and motel.	P	X	X

2. Recreational vehicle park.	C - CC	X	X
E. Processing And Manufacturing:			
1. Bag cleaning.	X	P	P
2. Baking, ice cream making and/or candy making.	P	P	P
3. Blacksmith shop.	X	X	P
	C	M-1	M-2
4. Boiler works.	X	P	P
5. Bottling works.	X	P	P
6. Bookbinding.	C - CC	P	P
7. Cement, mortar, plaster or paving materials central mixing plat, related to construction industry.	X	X	C - CC
8. Construction of buildings to be sold and moved off the premises.	X	P	P
9. Dairy.	X	X	P
10. Egg candling, sales or processing.	C - CC	X	P
11. Fertilizer and soil conditioning manufacture, processing and/or sales, providing only non animal products and byproducts are used.	X	X	C - CC
12. Forage plant.	X	P	P
13. Foundry, casting lightweight, nonferrous metal.	X	P	P
14. Hatchery.	X	X	P
15. Incinerator, non accessory.	X	X	C -CC
16. Knitting mill.	X	P	P
17. Laboratories.	X	P	P
18. Machine shop.	X	P	P
19. Mobile lunch agency.	X	P	P
20. Monument works.	X	P	P

21. Motion picture studio.	X	P	P
22. Planing mill.	X	X	P
23. Printing; convenience for drop-in customers.	P	P	P
24. Publishing and contract printing.	P	P	P
25. Rock crusher.	X	X	C - CC
26. Sandblasting.	X	P	P
27. Sawmill.	X	X	C - CC
28. Tire retreading, or vulcanizing.	X	X	P
	C	M-1	M-2
29. Upholstering; including mattress manufacture, rebuilding or renovating.	X	P	P
30. Weaving.	X	P	P
31. Manufacture, curing, compounding, processing, packaging and treatment of the following:			
a. Baked goods.	X	P	P
b. Batteries.	X	X	C - CC
c. Candy.	X	P	P
d. Cereal.	X	P	P
e. Cosmetics.	X	P	P
f. Dairy products.	X	X	P
g. Food products; excluding fish, sauerkraut, pickles, vinegar, yeast, and rendering of fat.	X	P	P
h. Lubricating grease.	X	X	C - CC
i. Meat products.	X	X	C - CC
j. Oil.	X	X	C - CC
k. Pharmaceuticals.	X	P	P

l. Toiletries.	X	P	P
32. Manufacture, curing, compounding, processing, packaging, and treatment of fish, sauerkraut, pickles, vinegar yeast, and the rendering of fat.	X	X	C - CC
33. Manufacturing, compounding, assembling and treatment of articles or merchandise from the following previously prepared materials:			
a. Bone.	X	P	P
b. Cellophane, canvas, cloth, and cork.	X	P	P
c. Feathers.	X	P	P
d. Hair.	X	P	P
e. Horn.	X	P	P
f. Leather.	X	P	P
g. Paper.	X	P	P
h. Paint.	X	P	P
	C	M-1	M-2
i. Plastics.	X	P	P
j. Precious or semi-precious stones or metals.	X	P	P
k. Rubber.	X	P	P
l. Shell.	X	P	P
m. Straw.	X	P	P
n. Textiles.	X	P	P
o. Tobacco.	X	P	P
p. Wood.	X	P	P
q. Wool.	X	P	P
r. Yarn.	X	C - CC	C - CC
34. Manufacture of the following:			
a. Boats.	X	P	P

b. Business machines.	X	P	P
c. Cameras, photo equipment.	X	P	P
d. Electric or neon signs, billboards, and/or commercial advertising structures.	X	P	P
e. Light sheet metal products including heating and ventilation ducts and equipment, cornices and eaves, venetian blinds, window shades, awnings.	X	P	P
f. Musical instruments.	X	P	P
g. Novelties.	X	P	P
h. Rubber and metal stamps.	X	P	P
i. Toys.	X	P	P
35. Manufacture, fabrication, assembly, canning, compounding, packaging, processing, treatment and storage of the following:			
a. Airplane and parts.	X	X	P
b. Automobiles and parts.	X	P	P
c. Alcohol.	X	P	P
d. Brass.	X	P	P
e. Candles.	X	P	P
f. Cans.	X	P	P
	C	M-1	M-2
g. Cameras, photo equipment, including film.	X	P	P
h. Cast stone products.	X	P	P
i. Celluloid.	X	P	P
j. Cement and cinder products.	X	X	C - CC
k. Copper.	X	P	P
l. Ceramics.	X	P	P

m. Dyestuffs.	X	P	P
n. Emery cloth.	X	P	P
o. Excelsior.	X	P	P
p. Glass.	X	P	P
q. Glucose.	X	P	P
r. Gypsum.	X	X	C - CC
s. Hair.	X	P	P
t. Hardware.	X	P	P
u. Ink.	X	P	P
v. Iron.	X	P	P
w. Lampblack.	X	P	P
x. Linoleum.	X	P	P
y. Lime.	X	X	P
z. Machinery.	X	P	P
aa. Malt.	X	P	P
bb. Matches.	X	X	C - CC
cc. Novelties.	X	P	P
dd. Oilcloth.	X	X	C - CC
ee. Oiled rubber goods.	X	X	C - CC
ff. Oxygen.	X	P	P
gg. Paper.	X	P	P
hh. Paint.	X	X	C - CC
ii. Pulp.	X	P	P
	C	M-1	M-2
jj. Pickles.	X	P	P
kk. Pottery.	X	P	P
ll. Incidental plaster.	X	P	P

mm. Plaster of paris.	X	P	P
nn. Plastics.	X	P	P
oo. Salt.	X	P	P
pp. Sheet metal.	X	P	P
qq. Shellac.	X	X	C - CC
rr. Shoddy.	X	P	P
ss. Shoe polish.	X	X	C - CC
tt. Soap, detergents.	X	X	C - CC
uu. Soda.	X	P	P
vv. Starch.	X	X	C - CC
ww. Steel.	X	P	P
xx. Terracotta, tile.	X	X	P
yy. Toys.	X	P	P
zz. Turpentine.	X	X	C - CC
aaa. Varnish.	X	X	C - CC
bbb. Vinegar.	X	P	P
ccc. Yeast.	X	C - CC	P
36. Manufacture of brick, clay, ceramic, cinder, concrete , synthetic, cast stone, plastics, and pumice stone products, including, in addition, manufacture or fabrication of building blocks, tile or pipe from raw materials for use in building construction or for sewer or drainage purposes , and excluding rock or gravel crushing of raw materials except that which is incidental to the manufacture or fabrication of the above-described products and; provided, that such crushing facilities be located not closer than two hundred (200) feet to any property line.	X	X	C - CC
	C	M-1	M-2
37. Uses which follow, provided they are			

located at least three hundred (300) feet from any district boundary:			
a. Animal byproducts, plants, offal or dead animal reduction or dumping.	X	X	C - CC
b. Blast furnace.	X	X	C - CC
c. Fat rendering, fertilizer and soil conditioner, foundry.	X	X	C - CC
d. Garbage or refuse maintenance or disposal site, gravel pits and quarries.	X	X	C - CC
e. Manufacturing, processing, refining, treatment, distilling, storage, or compounding of the following: acid, ammonia, asphalt, acetylene gas, bleaching powder and chlorine, bones, chemicals of an objectionable or dangerous nature, coal, creosote, disinfectant, explosives, fireworks, furs, gas, gelatin or size, glue, grease or lard, hides, insecticides, metals crushing, ore, petroleum, plastic potash, pyroxylin, roofing or waterproofing material, rubber or gutta-percha, tallow, tar and wood.	X	X	C - CC
F. Public And Quasi-Public:			
1. Cemetery.	C - CC	C - CC	C - CC
2. Parks, golf courses, swimming pools and other recreation areas.	P	P	P
3. Private schools.	P	P	X
4. Public buildings.	P	C - CC	C - CC
5. Radio/television transmitting towers.	X	P	P
G. Recreation:			
1. Archery shop/range, if in enclosed building.	P	P	X
2. Athletic club, health club, athletic goods store.	P	P	X
3. Billiards or pool hall, commercial swimming pool, dancehall, commercial skating rink, gymnasium.	P	P	X
4. Bowling alley.	P	P	X
5. Boxing arena.	P	P	X

6. Campground.	X	C - CC	X
7. Drag strip racing.	X	C - CC	C - CC
	C	M-1	M-2
8. Go-cart racing.	X	C - CC	C - CC
9. Golf course, miniature golf course, commercial.	P	P	X
10. Nightclub/social club.	P	X	X
11. Private nonprofit locker club.	P	P	X
12. Outdoor recreation vehicles rental-lease, sales and service.	C - CC	C - CC	C - CC
13. Recreational center, commercial.	P	C - CC	X
14. Theater, indoor and outdoor.	P	P	P
15. Theater, outdoor, providing: a. A solid fence or masonry wall with the minimum height of six feet shall be constructed on all sides. b. Driveways and parking areas shall be provided with properly maintained dustless surfaces. c. Minimum area for single-screen theater shall be five acres. Minimum area for two-screen theater shall be eight acres.	P	P	P
H. Sales And Related Services:			
1. Air conditioning, ventilating equipment, awning sales/repair.	P	P	P
2. Art needlework shop, art shop and/or art supply, hobby and/or crafts shop.	P	X	X
3. Beer outlet, Class A and Class B, liquor and beer sales; places for the drinking of liquor or beer.	C - CC	X	X
4. Bicycle shop.	P	P	X
5. Bookstore, music store.	P	X	X
6. Building material sales enclosed.	P	P	P
7. Building material sales yard with sale of rock, sand, gravel and the like as incidental part of the main business, but excluding concrete mixing, except as such concrete mixing is necessary in preparation and manufacture of any products specified in this section.	X	P	P
8. Cafe, cafeteria, catering establishment.	P	C - CC	C - CC

9. Candy, confectionery, nut shop.	P	X	X
10. Carbonated water sales.	P	P	X
	C	M-1	M-2
11. China and/or silver shops.	P	X	X
12. Clothing store, department store.	P	X	X
13. Coal/fuel sales office to include sales yard.	X	P	P
14. Coal/fuel sales office; not to include sales yard.	C - CC	C - CC P	P
15. Drapery/curtain store.	p	X	X
16. Drive-ins, refreshment stand, eating or drinking place.	P	C - CC	C - CC
17. Drugstore.	P	X	X
18. Dry goods store.	P	X	X
19. Electrical, heating appliances and fixtures sales/repairs/service, floor covering sales.	P	P	P
20. Five-cent store, notions.	P	X	X
21. Florist shop.	P	X	X
22. Fountain equipment supply.	P	C - CC	C - CC
23. Fountain equipment supply, lawn service.	P	C - CC	C - CC
24. Fruit and/or vegetable store, fruit juice store.	P	X	X
25. Fruit and/or vegetable temporary stand.	P	X	X
26. Fur sales, storage, repair.	P	C - CC	C - CC
27. Gift shop, novelty shop.	P	X	X
28. Greenhouse, nursery; plant materials; soil lawn services.	X	C - CC	C - CC
29. Grocery, meal sales.	P	X	X
30. Gunsmith.	C - CC	C - CC	C - CC
31. Hardware store.	P	C - CC P	P
32. Hardware store, including sale of lumber.	P	P	P
33. Hardware store, not including sale of powered vehicles using motors greater than eight horsepower and not including sale of lumber.	P	P	P
34. Health food store.	P	X	X

35. Hospital supplies.	P	P	X
36. Ice cream shops.	P	X	X
	C	M-1	M-2
37. Ice manufacture, storage, and retail/wholesale sales.	X	P	X
38. Ice sales, rental, ice vendor units and/or reach-in ice merchandise units, electric ice-maker, ice storage not more than five tons capacity.	P	P	X
39. Insulation sales.	C - CC	P	X
40. Jewelry store, leather goods, luggage sales.	P	X	X
41. Laundry, automatic self-help, laundry agency.	P	P	X
42. Linen shop.	P	X	X
43. Lumber yard.	C - CC	P	P
44. Milk distributing station, sale of dairy products, excluding processing/bottling.	P	X	X
45. Military store.	P	P	X
46. Monument sales, retail.	C - CC	P	X
47. Motorboat sales.	P	X	X
48. News stand, magazine shop.	P	X	X
49. Oil burner shop.	P	X	X
50. Ornamental iron, sales only.	P	X	X
51. Painter/paint store.	P	X	X
52. Plumbing shop.	P	P	X
53. Radio and television sales and repair.	P	X	X
54. Radio and television station.	C - CC	P	P
55. Restaurant.	P	C - CC	X
56. Retail sales bakery, delicatessen.	P	C - CC	X
57. Roofing sales.	P	P	X
58. Package agency.	C - CC	X	X
59. Popcorn and/or nut shop.	P	C - CC	X
60. Secondhand shop, antiques, conducted within a building or enclosure.	P	P	X

61. Seed/feed store.	C - CC	C - CC	C - CC
62. Sewing machine shop.	P	X	X
	C	M-1	M-2
63. Shoe shop, shoe shine, shoe repair.	P	X	X
64. Sign painting shop.	C - CC	P	X
65. State store.	P	X	X
66. Stationary and greeting card sales.	P	X	X
67. Taxidermist.	C - CC	P	P
68. Tire shop, sale and mounting only.	P	P	X
69. Tobacco shop.	P	X	X
70. Towel and linen supply service.	C - CC	P	X
71. Upholstery shop.	C - CC	P	C - CC
72. Variety store.	P	X	X
73. Wallpaper store.	P	X	X
74. Weather-stripping shop.	C - CC	C - CC	X
75. Wholesale business.	C - CC	P	P
I. Service Activities:			
1. Addressograph shop.	P	X	X
2. Animal hospital.	P	P	X
3. Baby services, sitter agency.	P	X	X
4. Bank.	P	X	X
5. Barber shop, beauty shop.	P	X	X
6. Bath and massage.	P	X	X
7. Beauty shop for pets.	P	P	X
8. Blueprinting, photostating, duplicating.	P	P	X
9. Carpet and/or rug cleaning.	P	P	X
10. Clothes cleaning, dyeing, pressing.	P	P	X
11. Costume rental.	P	X	X
12. Dance, drama and music school.	P	P	X
13. Dressmaking.	P	P	X

14. Electric appliances and/or electronic instruments service.	P	P	X
15. Employment agency or employment office.	P	P	X
	C	M-1	M-2
16. Fix-it shop, repair shop, household items.	P	P	X
17. Flooring, floor repair shop.	P	P	X
18. Frozen food lockers.	C - CC	P	X
19. Frozen food locker incidental to a main grocery store or food business.	P	X	X
20. Household cleaning/repair, house equipment displays.	P	C - CC	X
21. Interior decorating store.	P	X	X
22. Janitorial service.	P	C - CC	X
23. Kennel; more than three dogs may be kept as an accessory use to a use allowed in the district.	C - CC	C - CC	C - CC
24. Key and lock service.	P	P	X
25. Lithographing, engraving, photoengraving.	P	P	X
26. Medical/dental clinic, laboratories.	P	X	X
27. Mortuary.	C - CC	X	X
28. Nurses' agency.	P	X	X
29. Office, business, or professional.	P	C - CC	C - CC
30. Office supply; office machines sales, repair.	P	C - CC	X
31. Optometrist and/or oculist.	P	X	X
32. Pest extermination business.	C - CC	P	P
33. Photographer or photography shop, sales and service.	P	X	X
34. Printing, including engraving, photo engraving, printing and small paper reproduction service.	P	P	X
35. Reception center and/or wedding chapel.	P	X	X
36. Tailor shop.	P	X	X
37. Travel bureau.	P	X	X
38. Veterinary; operations are completely enclosed within an air-conditioned and soundproof building.	P	P	X

J. Storage And Warehousing:			
1. Coal, fuel and wood yards.	X	P	P
	C	M-1	M-2
2. Contractors' equipment storage yard or plat, or rental of equipment used by contractors.	X	P	P
3. Garage, public.	P	P	P
4. Junk yard.	X	C - CC	C - CC
5. Warehouse.	X	P	P
K. Temporary Buildings:			
1. Temporary buildings for uses incidental to construction work including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work.	C - ZA	C - ZA	C - ZA
L. Transportation:			
1. Bus terminal, taxi stand, express office.	P	P	C - CC
2. Draying, freighting or tucking yard or terminal.	X	P	P
3. Drive-it-yourself agency.	P	P	P
4. Express office.	P	P	C - CC
5. Taxi stand.	P	P	C - CC
6. Terminal, parking and maintenance facilities.	P	P	P
7. Transfer company, provided trucks no larger than two tons capacity are used.	P	P	P
8. Truck stop and service facilities.	P	P	P



Chapter R17.16 - RURAL RESIDENTIAL (R-R-1)

ZONE

Sections:

- R17.16.010 Purpose.
- R17.16.020 Permitted and conditional uses.
- R17.16.030 Diagrams.**
- R17.16.040 Area regulations.
- R17.16.050 Width regulations.
- R17.16.060 Front yard regulations.
- R17.16.070 Rear yard regulations.
- R17.16.080 Side yard regulations.
- R17.16.090 Height regulations.
- R17.16.095 Signs.**
- R17.16.100 Special provisions.

R17.16.010 Purpose.

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

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

R17.16.020 Permitted and conditional uses.

Uses designated in the following land use tables depict the permitted (P), prohibited (X), or conditional (C) uses allowed within the zone districts.

- A. If a use is permitted (P) no approval is needed from the City to carry out the listed use, excluding potential building inspections, health department, or similar approvals.
- B. Uses not specifically shown in the following land use tables as permitted (P) or conditional (C) may be determined by the Land Use Authority to be similar to uses outlined in the following tables, and may be approved in the same manner/zones as the similar use. If the Land Use Authority determines no such similar use exists, the uses shall be determined a prohibited (P) use.
- C. To encourage an appropriate level of review, conditional (C) uses (R17.02.040/17.08) contain the following abbreviations which indicate the designated land use authority for the proposed use: Zoning Administrator (ZA), Planning Commission (PC), and City Council (CC).

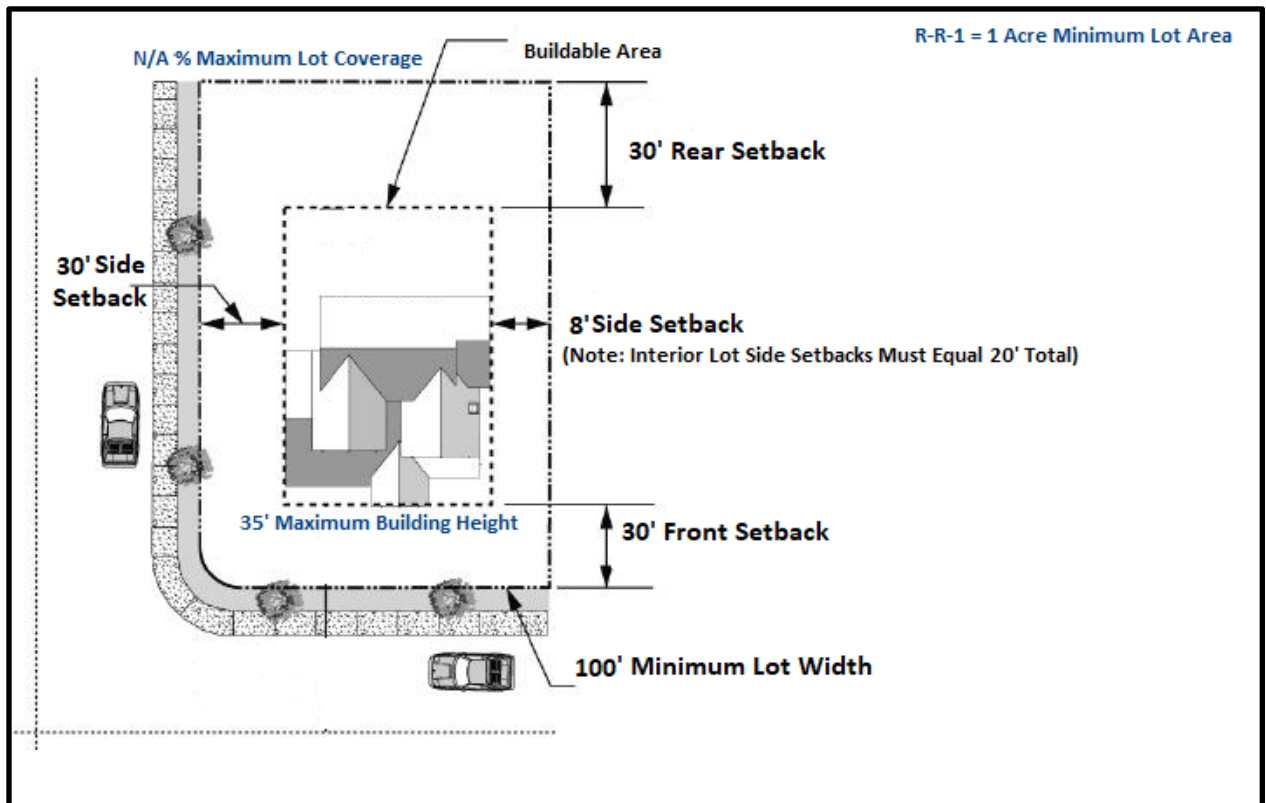
Rural Residential		R-R-1
Land Use Description		Designation
A. Accessory Uses:		
1. Accessory buildings and uses customarily incidental to the permitted or conditional use.		P
2. Household pets.		P
B. Agriculture:		
1. Animals and fowl for recreation or for family food production for the primary use of persons residing on the premises.		P
2. Aviary.		P
3. Raising of up to two (2) sheep or goats to a maximum age of nine (9) months, keeping of up to six (6) female chickens, keeping of up to six (6) rabbits on condition that the subject parcel is occupied by not more than one (1) single family residence, the parcel is comprised of a total area of not less than six thousand square feet (6,000 sq. ft.). A conditional use permit granted by the City shall not be construed to grant any right or privilege to a tenant which is not expressly granted by the owner of any parcel.		X
4. Tilling soil, raising crops, horticulture, gardening.		P
5. Tilling soil, raising crops, horticulture, gardening, raising of up to two sheep or goats to a maximum age of nine months, keeping of up to six female chickens, keeping of up to six rabbits.		P
C. Dwellings And Other Living Quarters:		
1. Cluster subdivision.		C - PC
2. Duplex conversion.		X
3. Group dwellings when approved as a planned unit development.		X

4. Group home for the therapeutic care of the physically and/or mentally disabled under licensed care, not to exceed eight (8) guests and the home family.	X
5. Multiple-family dwelling.	X
6. Nursing homes, rest homes, and assisted living facilities.	X
7. Single-family dwelling.	P
8. Three- and four-family dwellings.	X
Rural Residential	R-R-1
9. Twin homes.	X
10. Two-family dwellings.	X
D. Public And Quasi-Public:	
1. Cemetery.	C - CC
2. Churches.	C - PC
3. Public agency parks and playgrounds.	C - PC
4. Private or public schools.	C - PC
5. Public utilities, water and drainage facilities.	C - CC
6. Substations or transmission lines of fifty (50) KV or greater capacity.	C - CC
7. Water, sewer and utility transmission lines and facilities required as an incidental part of a conventional subdivision, flexible design subdivision or other approved development project in the zone, except those listed as conditional use.	P
E. Recreation:	
1. Golf course.	C - CC
2. Private recreational grounds and facilities, not open to the general public and to which no admission charge is made.	C - CC
F. Sales And Related Services:	
1. Nursery or greenhouse, wholesale or retail.	C - PC

2. Home occupations.	C - ZA
G. Service Activities:	
1. Child daycare or nursery.	C - ZA
2. Hospital; medical or dental clinic accessory to a hospital and located on the same premises.	X
3. Kennel; No more than three dogs may be kept as an accessory use to a use allowed in the district.	C - PC
Rural Residential	R-R-1
4. Lab; provided that the lab is an accessory use to the permitted professional business as defined in the land use ordinance.	X
5. Professional services.	X
H. Temporary Buildings:	
1. Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work.	C - ZA

R17.16.030 Diagrams.

FIGURE 1 - R-R-1 Residential Dwelling Diagram



R17.16.040 Area regulations.

The minimum lot area for any main use in this district shall be one (1) acre.

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

R17.16.050 Width regulations.

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

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

R17.16.060 Front yard regulations.

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

Accessory buildings may have the same minimum front yard depth as main buildings if they have the same side yard required for main buildings, otherwise they shall be set back at least six (6) feet in the rear of the main buildings.

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

R17.16.070 Rear yard regulations.

The minimum depth for the rear yard shall be:

- A. For main buildings: thirty (30) feet;
- B. For accessory buildings: ten (10) feet.

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

R17.16.080 Side yard regulations.

The minimum side yard for any dwelling, other main or accessory buildings shall be eight (8) feet, and a total width of the two required side yards of not less than twenty (20) feet.

The minimum separation required between structures for fire protection unless otherwise provided herein or adequate fire protection is provided according to the adopted construction codes shall be sixteen (16) feet.

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

R17.16.090 Height regulations.

The maximum height for all buildings and structures shall be thirty-five (35) feet, or two and one-half (2 ½) stories.

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

R17.16.095 Signs.

A. The following types of signs are permitted on lots within the Rural Residential (R-R-1) zones:

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

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

(Ord. 2011-366 § 1 (part))

R17.16.100 Special provisions.

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

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

Group Number	Type of Animal
1	Horses, donkeys, etc.
1	Cows
2	Pigs, hogs
5	Goats, sheep

25	Rabbits
50	Poultry, fowl

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

Chapter R17.17 SINGLE-FAMILY RESIDENTIAL (R-

1) ZONES

Sections:

- R17.17.010 Purpose.
- R17.17.020 Use regulations.
- R17.17.030 Permitted and conditional uses.
- R
- R17.17.040 Diagrams.
- R17.17.050 Minimum lot area.
- R17.17.060 Minimum lot width.
- R17.17.070 Minimum lot frontage.
- R17.17.080 Front yard regulations.
- R17.17.090 Rear yard regulations.
- R17.17.100 Side yard regulations.
- R17.17.110 Height regulations.
- R17.17.120 Lot coverage regulations.
- R17.17.130 Cluster subdivisions.
- R17.17.140 Signs.
- R17.17.150 Special provisions.

R17.17.010 Purpose.

A. Single-Family Residential (R-1-20) Zone. Of essentially rural or estate character.



B. Single-Family Residential (R-1-10) Zone. To provide areas for medium low-density single-family residential neighborhoods where medium costs of development may occur.

C. Single-Family Residential (R-1-6) Zone. To provide areas for low density, single-family and two-family residential neighborhoods where low and medium costs of development may occur.

(Ord. 2011-366 § 1 (part))

R17.17.020 Use regulations.

No building, structure or land shall be used and no building or structure shall be hereafter structurally altered, enlarged or maintained in the Single-family Residential (R-1) Zones, except as provided in this title.

(Ord. 2011-366 § 1 (part))

R17.17.030 Permitted and conditional uses.

Uses designated in the following land use tables depict the permitted (P), prohibited (X), or conditional (C) uses allowed within the zone districts.

- A. If a use is permitted (P) no approval is needed from the City to carry out the listed use, excluding potential building inspections, health department, or similar approvals.
- B. Uses not specifically shown in the following land use tables as permitted (P) or conditional (C) may be determined by the Land Use Authority to be similar to uses outlined in the following tables, and may be approved in the same manner/zones as the similar use. If the

Land Use Authority determines no such similar use exists, the uses shall be determined a prohibited (P) use.

- C. To encourage an appropriate level of review, conditional (C) uses (R17.02.040/17.08) contain the following abbreviations which indicate the designated land use authority for the proposed use: Zoning Administrator (ZA), Planning Commission (PC), and City Council (CC).



Single-Family Residential	R-1-6	R-1-10	R-1-20
Land Use Description	Designation		
A. Accessory Uses:			
1. Accessory buildings and uses customarily incidental to the permitted or conditional use.	P	P	P
2. Household pets.	P	P	P
B. Agriculture:			
1. Animals and fowl for recreation or for family food production for the primary use of persons residing on the premises.	X	X	X
2. Aviary.	X	X	X
3. Raising of up to two (2) sheep or goats to a maximum age of nine (9) months, keeping of up to six (6) female chickens, keeping of up to six (6) rabbits on condition that the subject parcel is occupied by not more than one (1) single family residence, the parcel is comprised of a total area of not less than six thousand square feet (6,000 sq. ft.). A conditional use permit granted by the City shall not be construed to grant any right or privilege to a tenant which is not expressly granted by the owner of any parcel.	X	X	X
4. Tilling soil, raising crops, horticulture, gardening.	P	P	P
5. Tilling soil, raising crops, horticulture, gardening, raising of up to two sheep or goats to a maximum age of nine months,	P	P	P

keeping of up to six female chickens, keeping of up to six rabbits.			
C. Dwellings And Other Living Quarters:			
1. Cluster subdivision.	C - PC	C - PC	C - PC
2. Duplex conversion.	C - PC	C - PC	C - PC
3. Group dwellings when approved as a planned unit development.	X	X	X
Single-Family Residential	R-1-6	R-1-10	R-1-20
4. Group home for the therapeutic care of the physically and/or mentally disabled under licensed care, not to exceed eight (8) guests and the home family.	X	X	X
5. Multiple-family dwelling.	X	X	X
6. Nursing homes, rest homes, and assisted living facilities.	X	X	X
7. Single-family dwelling.	P	P	P
8. Short-term rental.	C – PC	C – PC	C - PC
9. Three- and four-family dwellings.	X	X	X
10. Twin homes.	C - PC	C - PC	C-PC
11. Two-family dwellings.	C - PC	C - PC	C - PC
D. Public And Quasi-Public:			
1. Cemetery.	C - CC	C - CC	C - CC
2. Churches.	P	P	P

3. Public agency parks and playgrounds.	P	P	P
4. Private or public schools.	P	P	P
5. Public utilities, water and drainage facilities.	X	X	X
6. Substations or transmission lines of fifty (50) KV or greater capacity.	C - CC	C - CC	C - CC
7. Water, sewer and utility transmission lines and facilities required as an incidental part of a conventional subdivision, flexible design subdivision or other approved development project in the zone, except those listed as conditional use.	P	P	P
Single-Family Residential	R-1-6	R-1-10	R-1-20
E. Recreation:			
1. Golf course.	C - CC	C - CC	C - CC
2. Private recreational grounds and facilities, not open to the general public and to which no admission charge is made.	C - CC	C - CC	C - CC
F. Sales And Related Services:			
1. Nursery or greenhouse, wholesale or retail.	X	X	X
2. Home occupations.	C - ZA	C - ZA	C - ZA
G. Service Activities:			
1. Child daycare or nursery.	C - ZA	C - ZA	C - ZA
2. Hospital; medical or dental clinic accessory to a hospital and located	X	X	X

on the same premises.			
3. Kennel; No more than three dogs may be kept as an accessory use to a use allowed in the district.	X	X	X
4. Lab; provided that the lab is an accessory use to the permitted professional business as defined in the land use ordinance.	X	X	X
5. Professional services.	X	X	X
H. Temporary Buildings:			
1. Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work.	C - ZA	C - ZA	C - ZA

17.17.040 Diagrams.

FIGURE 1 - R-1-20 Residential Dwelling Diagram

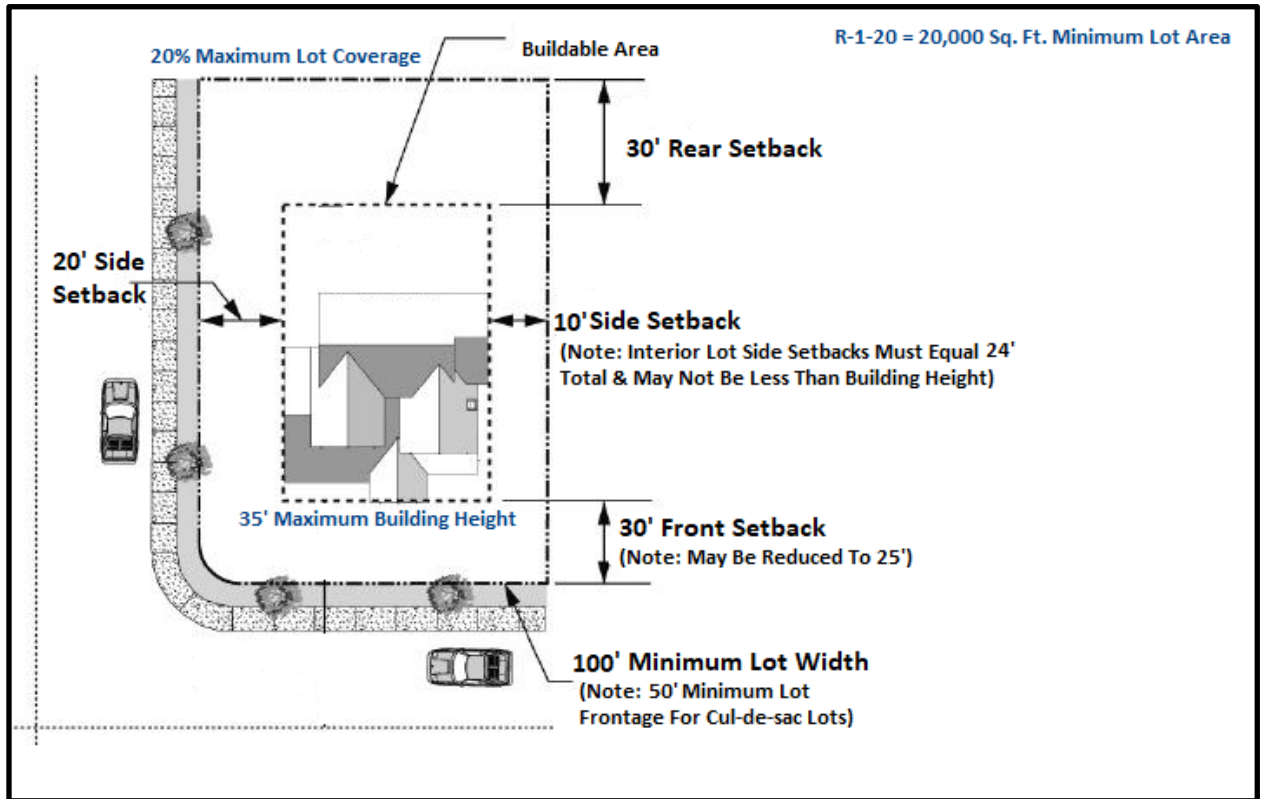


FIGURE 2 - R-1-10 Residential Dwelling Diagram

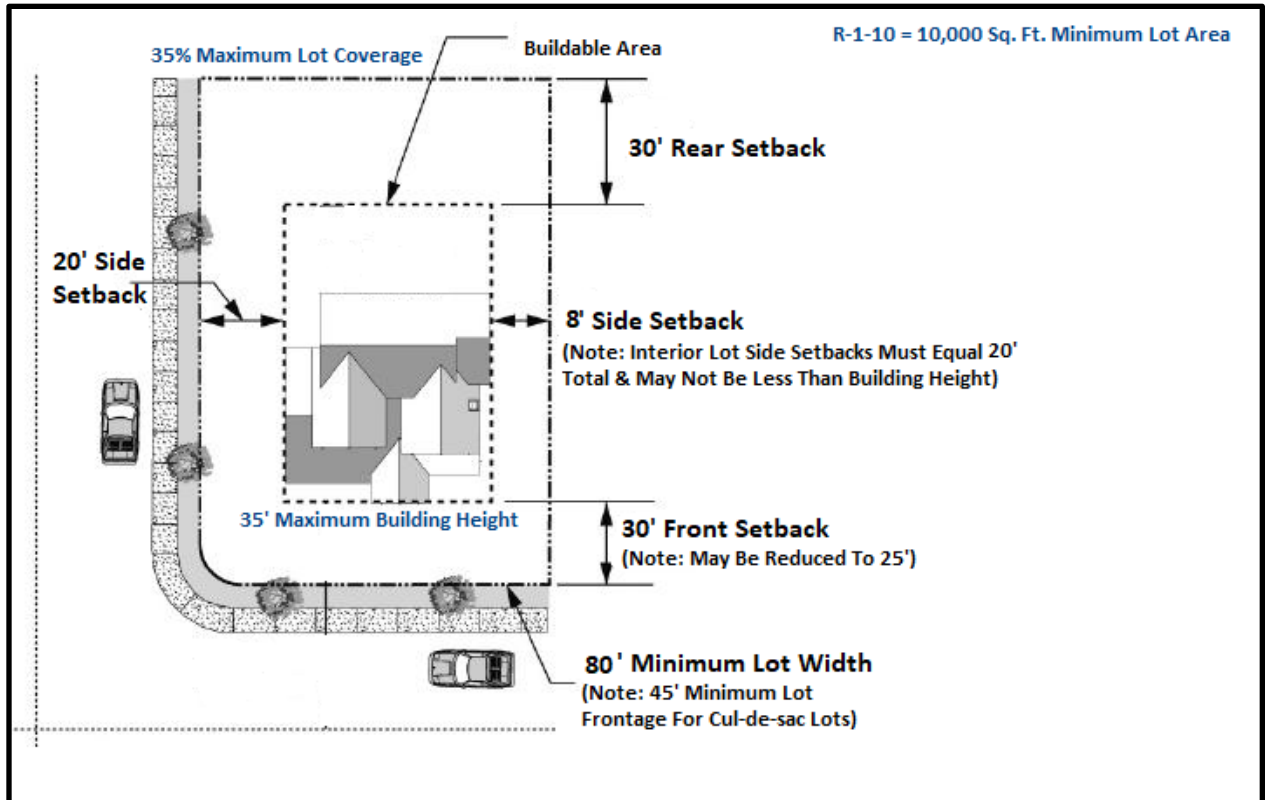
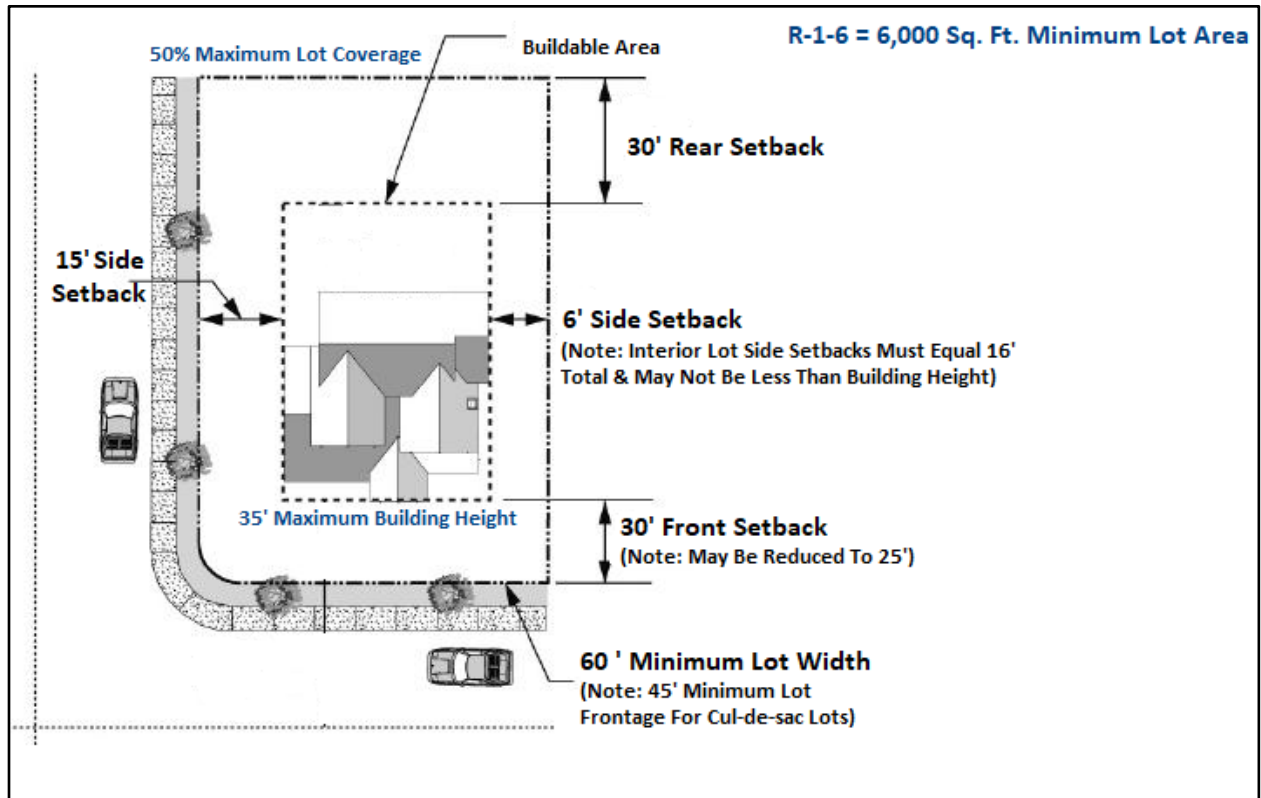


FIGURE 3 - R-1-6 Residential Dwelling Diagram



R17.17.050 Minimum lot area.

The following minimum lot area regulations apply to lots in the Single-family Residential (R-1) zones:

Single-Family Residential	R-1-20	R-1-10	R-1-6
A. Minimum lot square foot area for any dwelling or structure except as modified for duplex:	20,000 Square Feet	10,000 Square Feet	6,000 Square Feet
B. Duplex:	Minimum lot square foot area as required for the zone district listed above plus an additional two thousand square feet (2,000 sq. ft.)		

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

R17.17.060 Minimum lot width.

The following minimum lot width regulations apply to lots in the Single-family Residential (R-1) zones:

Single-Family Residential	R-1-20	R-1-10	R-1-6
A. Minimum lot width, except as modified for duplex or by the	100 Feet	80 Feet	60 Feet

approval of planned unit development or cluster subdivisions:			
B. Duplex	100 Feet	80 Feet	80 Feet

(Ord. 2011-366 § 1 (part))

R17.17.070 Minimum lot frontage.

The following minimum lot frontage regulations apply to lots in the Single-family Residential (R-1) zones:

Single-Family Residential	R-1-20	R-1-10	R-1-6
A. Minimum lot frontage:	50 Feet	45 Feet	45 Feet

(Ord. 2011-366 § 1 (part))

R17.17.080 Front yard regulations.

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

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

C. Accessory buildings may have the same minimum front yard depth as main buildings if they have the same side yard required for main buildings; otherwise they shall be set back at least six (6) feet in the rear of the main building, except that all carports or garages opening onto a street shall be set back at least twenty-five (25) feet.

(Ord. 2011-366 § 1 (part))

R17.17.090 Rear yard regulations.

A. The minimum depth for the rear yard in the Single-family Residential (R-1) zones shall be thirty (30) feet for main buildings, and three (3) feet for accessory buildings. The minimum depth for the rear yard shall be twenty (20) feet for attached covered patios, porches or decks.

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

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

R17.17.100 Side yard regulations.

The following minimum side yard regulations apply to buildings in the Single-family Residential (R-1) zones:

Single-Family Residential	R-1-20	R-1-10	R-1-6
A. Residential dwellings except as modified for twin homes:	10 Feet	8 Feet	6 Feet
1. Twin homes:	0 Feet	0 Feet	0 Feet
2. Total width of the two required side yards for dwellings including twin homes, except that the total width of the two side	24 Feet	20 Feet	16 Feet

yards shall not be less than the height of the building.			
3. Minimum separation required between structures for fire protection unless otherwise provided herein or adequate fire protection is provided according to the adopted construction codes.	16 Feet	16 Feet	16 Feet
B. Main buildings other than dwellings:	20 Feet	15 Feet	15 Feet
1. Total width of the two required side yards for main buildings other than dwellings	40 Feet	30 Feet	30 Feet
C. Private garages and accessory buildings:	10 Feet	8 Feet	6 Feet
1. Private garages and accessory buildings located at least six (6) feet in the rear of the main building; provided, that no private garage or other accessory buildings shall be located to a dwelling on an adjacent lot closer than ten (10) feet	3 Feet	3 Feet	3 Feet
D. On corner lots, main and accessory buildings that face a street:	20 Feet	20 Feet	15 Feet
E. Any garage or carport opening which faces a street, set back from the street:	25 Feet	25 Feet	25 Feet

(Ord. 2011-366 § 1 (part))

R17.17.110 Height regulations.

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

B. The maximum height for all main buildings and structures other than dwellings in the Single-family Residential (R-1) zones shall be regulated by conditional use permit.

C. Accessory structures in the Single-family Residential (R-1) zones shall not exceed the height of the dwelling.

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

R17.17.120 Lot coverage regulations.

The following lot coverage regulations apply to lots in the Single-family Residential (R-1) zones:

Single-Family Residential	R-1-20	R-1-10	R-1-6
A. The maximum percentage coverage for any lot:	20%	35%	50%

(Ord. 2011-366 § 1 (part))

R17.17.130 Cluster subdivisions.

A. Cluster subdivisions of single-family dwellings may be approved through a conditional use permit; provided, that the residential density is not increased to allow more than one (1) dwelling for each:

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

B. The total area of the cluster subdivision shall not be less than five (5) acres and at least one-third ($\frac{1}{3}$) of the total area of the subdivision shall be reserved or dedicated as permanent open space for common use of the residents, under planned unit development approval.

 *(Ord. 2011-366 § 1 (part))*

R17.17.140 Signs.

A. The following types of signs are permitted on lots within the Single-family Residential (R-1) zones:

1. One civil sign, not to exceed sixteen (16) square feet in sign area.
2. One development sign, not to exceed eight (8) square feet in area.
3. One real estate sign, not to exceed eight (8) square feet in area.
4. One residential sign, not to exceed two (2) square feet in area for the resident of a building.
5. One identification sign, sign for conditional use.

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

(Ord. 2011-366 § 1 (part))

R17.17.150 Special provisions.

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

B. All side and front fences must be set back six (6) feet from the back of the curb.

(Ord. 2011-366 § 1 (part))

~~Chapter R17.17A – TWO FAMILY RESIDENTIAL R-2 DISTRICT~~

Sections

~~R17.17A.010 – Purpose.
R17.17A.020 – Use regulations.
R17.17A.030 – Permitted and conditional uses.~~

~~R17.17A.050 – Minimum lot area.
R17.17A.060 – Minimum lot width.
R17.17A.070 – Minimum lot frontage.
R17.17A.080 – Front yard regulations.
R17.17A.090 – Rear yard regulations.
R17.17A.100 – Side yard regulations.
R17.17A.110 – Height regulations.
R17.17A.120 – Lot coverage regulations.
R17.17A.130 – Cluster subdivisions.
R17.17A.140 – Signs.
R17.17A.150 – Special provisions.~~

~~R17.17A.010 – Purpose.~~

~~A. To provide areas for low density, single family and two family residential neighborhoods where low and medium costs of development may occur.~~

~~(Ord. 2016-398 §1(E))~~

~~R17.17A.020 – Use regulations.~~

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

~~(Ord. 2016-398 §1(E))~~

~~R17.17A.030 – Permitted and conditional uses.~~

~~A. —~~

~~Uses designated in the following land use tables depict the permitted (P), prohibited (X), or conditional (C) uses allowed within the zone districts.~~

- ~~A. If a use is permitted (P) no approval is needed from the City to carry out the listed use, excluding potential building inspections, health department, or similar approvals.~~
- ~~B. Uses not specifically shown in the following land use tables as permitted (P) or conditional (C) may be determined by the Land Use Authority to be similar to uses outlined in the following tables, and may be approved in the same manner/zones as the similar use. If the Land Use Authority determines no such similar use exists, the uses shall be determined a prohibited (P) use.~~
- ~~C. To encourage an appropriate level of review, conditional (C) uses (R17.02.040/17.08) contain the following abbreviations which indicate the designated land use authority for the proposed use: Zoning Administrator (ZA), Planning Commission (PC), and City Council (CC).~~

Two-Family Residential	R-2
Land Use Description	Designation
A. Accessory Uses:	
1. Accessory buildings and uses customarily incidental to the permitted or conditional use.	P
2. Household pets.	P
B. Agriculture:	
1. Animals and fowl for recreation or for family food production for the primary use of persons residing on the premises.	X
2. Aviary.	X
3. Tilling soil, raising crops, horticulture, gardening.	P
4. Tilling soil, raising crops, horticulture, gardening, raising of up to two sheep or goats to a maximum age of nine months, keeping of up to six female chickens, keeping of up to six rabbits.	X
C. Dwellings And Other Living Quarters:	
1. Cluster subdivision.	C-PC
2. Duplex conversion.	P
3. Group dwellings when approved as a planned unit development.	X
Two-Family Residential	R-2
4. Group home for the therapeutic care of the physically and/or mentally disabled under licensed care, not to exceed eight (8) guests and the home family.	C-CC
5. Multiple family dwelling.	X
6. Nursing homes, rest homes, and assisted living facilities.	C-CC
7. Single family dwelling.	P
8. Short term rental.	C-PC

9. Three and four family dwellings.	X
10. Twin homes.	P
11. Two family dwellings.	P
D. Public And Quasi Public:	
1. Cemetery.	C-CC
2. Churches.	P
3. Public agency parks and playgrounds.	P
4. Private or public schools.	P
5. Public utilities, water and drainage facilities.	X
6. Substations or transmission lines of fifty (50) KV or greater capacity.	C-CC
7. Water, sewer and utility transmission lines and facilities required as an incidental part of a conventional subdivision, flexible design subdivision or other approved development project in the zone, except those listed as conditional use.	P
E. Recreation:	
1. Golf course.	C-CC
2. Private recreational grounds and facilities, not open to the general public and to which no admission charge is made.	C-CC
F. Sales And Related Services:	
1. Nursery or greenhouse, wholesale or retail.	X
Two-Family Residential	R-2
2. Home occupations.	C-ZA
G. Service Activities:	
1. Child daycare or nursery.	C-ZA
2. Hospital; medical or dental clinic accessory to a hospital and located on the same premises.	X
3. Kennel; No more than three dogs may be kept as an accessory	X

use to a use allowed in the district.	
4. Lab; provided that the lab is an accessory use to the permitted professional business as defined in the land use ordinance.	X
5. Professional services.	X
H. Temporary Buildings:	
1. Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work.	C- ZA

~~(Ord. 2016-398 §1(E))~~

~~R17.17A.050~~ Minimum lot area.

~~The following minimum lot area regulations apply to lots in the Two-Family Residential (R-2) zone:~~

Two-Family Residential	R-2		
	Single Family Home	Duplex	Twin Home
A. Minimum lot square foot area for any dwelling or structure:	6,000-Square Feet	10,000-Square Feet	6,000-Square Feet

~~(Ord. 2016-398 §1(E))~~

~~R17.17A.060~~ Minimum lot width.

~~The following minimum lot width regulations apply to lots in the Two-Family Residential (R-2) zone:~~

Two-Family Residential	R-2		
	Single Family Home	Duplex	Twin Home
A. Minimum lot width 30 ft from lot frontage, except as modified by the approval of planned-unit development or	60 feet	80 feet	60 feet

cluster subdivisions:			
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~~(Ord. 2016-398 §1(E))~~

~~R17.17A.070~~ ~~Minimum lot frontage.~~

~~The following minimum lot frontage regulations apply to lots in the Two Family Residential (R-2) zone:~~

Two-Family-Residential	R-2		
	Single Family Home	Duplex	Twin Home
Minimum lot frontage:	45 feet	45 feet	45 feet

~~(Ord. 2016-398 §1(E))~~

~~R17.17A.080~~ ~~Front yard regulations.~~

- ~~A. The minimum depth for the front yard for main buildings in the Two Family Residential (R-2) zone shall be thirty (30) feet.~~
- ~~B. Where the average front yard of fifty (50) percent or more existing buildings on the block is less than the minimum requirement, the minimum depth for the front yard may be reduced to twenty five (25) feet.~~
- ~~C. Accessory buildings may have the same minimum front yard depth as main buildings if they have the same side yard required for main buildings, otherwise they shall be set back at least six (6) feet in the rear of the main building, except that all carports or garages opening onto a street shall be set back at least twenty five (25) feet.~~

~~(Ord. 2016-398 §1(E))~~

~~R17.17A.090~~ ~~Rear yard regulations.~~

- ~~A. The minimum depth for the rear yard in the Two Family Residential (R-2) zone shall be thirty (30) feet for main buildings, and three (3) feet for accessory buildings. The minimum depth for the rear yard shall be twenty (20) feet for attached covered patios, porches or decks.~~
- ~~B. On corner lots which rear on a side yard of another lot, accessory buildings shall be located not closer than ten (10) feet to such side yard.~~

~~(Ord. 2016-398 §1(E))~~

~~R17.17A.100~~ ~~Side yard regulations.~~

~~The minimum side yard regulations apply to buildings in the Two Family Residential (R-2) zone:~~

Two-Family-Residential	R-2		
	Single Family Home	Duplex	Twin Home
A. Residential	6 feet	6 feet	0 feet

dwelling:			
1. Total width of the two required side yards for dwellings, except that the total width of the two side yards shall not be less than the height of the building.	16 feet	16 feet 	16 feet
B. Main buildings other than dwellings:	15 feet	15 feet	15 feet
1. Total width of the two required side yards for main buildings other than dwellings	30 feet	30 feet	30 feet
C. Private garages and accessory buildings:	6 feet	6 feet	6 feet
1. Private garages and accessory buildings located at least six (6) feet in the rear of the main building, provided that no private garage or other accessory buildings shall be located to a dwelling on an adjacent lot closer than ten (10) feet.	3 feet	3 feet	3 feet 
D. On corner lots, main and accessory buildings that face a street:	15 feet	15 feet	15 feet
E. Any garage or carport opening	25 feet	25 feet	25 feet

which faces a street, set back from the street:			
--	--	--	--

~~(Ord. 2016-398 §1(E))~~

~~R17.17A.110~~ — ~~Height regulations.~~

- ~~A. Residential dwellings in the Two Family Residential (R-2) zone shall have a maximum height of thirty five feet (35'). Chimneys, flagpoles, and similar structures not used for human occupancy are excluded in determining height.~~
- ~~B. The maximum height for all main buildings and structures other than dwellings in Two Family Residential (R-2) districts shall be regulated by conditional use permit.~~
- ~~C. Accessory structures in the Two Family Residential (R-2) zone shall not exceed the height of the dwelling or shall have a maximum height of twenty five feet (25'), whichever is more restrictive.~~

~~(Ord. 2016-398 §1(E))~~

~~R17.17A.120~~ — ~~Lot coverage regulations.~~

The following lot coverage regulations apply:

Two Family Residential	R-2		
	Single Family Home	Duplex	Twin Home
A. The maximum percentage coverage for any lot:	50%	50%	50%

~~(Ord. 2016-398 §1(E))~~

~~R17.17A.130~~ — ~~Cluster subdivisions.~~

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

~~(Ord. 2016-398 §1(E))~~

~~R17.17A.140~~ — ~~Signs.~~

- ~~A. The following types of signs are permitted on lots within the Two Family Residential (R-2) zone:~~
- ~~1. One civil sign, not to exceed sixteen (16) square feet in sign area.~~

- ~~2. One development sign, not to exceed eight (8) square feet in area.~~
 - ~~3. One real estate sign, not to exceed eight (8) square feet in area.~~
 - ~~4. One residential sign, not to exceed two (2) square feet in area for the resident of a building.~~
 - ~~5. One identification sign, sign for conditional use.~~
- ~~B. Civic advertising and residential signs may be illuminated, but the source of illumination shall not be visible. No flashing or intermittent illumination shall be employed, and the other signs shall not be illuminated. All such signs shall be located on the property to which they pertain.~~

~~(Ord. 2016-398 §1(E))~~

~~R17.17A.150~~ ~~Special provisions.~~

- ~~A. All permitted and conditional uses shall be subject to the off street parking requirements included in Chapter 17.06.~~
- ~~B. All side and front fences must be set back six (6) feet from the back of the curb.~~

~~(Ord. 2016-398 §1(E))~~

Chapter R17.18 - MULTIPLE-RESIDENTIAL (R-M)

ZONES

Sections:

- R17.18.010 Purpose.
- R17.18.020 Use regulations.
- R17.18.030 Permitted and conditional uses.

- R17.18.040 **Diagrams.**
- R17.18.050 Minimum lot area.
- R17.18.060 Minimum lot width.
- R17.18.070 Minimum lot frontage.
- R17.18.080 Front yard regulations.
- R17.18.090 Rear yard regulations.
- R17.18.100 Side yard regulations.
- R17.18.110 Height regulations.
- R17.18.120 Lot coverage regulations.
- R17.18.130 Cluster subdivisions.
- R17.18.140 Signs.
- R17.18.150 Landscaping.
- R17.18.160 Special provisions.

R17.18.010 Purpose.

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

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

(Ord. 2011-366 § 1 (part))

R17.18.020 Use regulations.

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

(Ord. 2011-366 § 1 (part))

R17.18.030 Permitted and conditional uses.

Uses designated in the following land use tables depict the permitted (P), prohibited (X), or conditional (C) uses allowed within the zone districts.

- A. If a use is permitted (P) no approval is needed from the City to carry out the listed use, excluding potential building inspections, health department, or similar approvals.
- B. Uses not specifically shown in the following land use tables as permitted (P) or conditional (C) may be determined by the Land Use Authority to be similar to uses outlined in the following tables, and may be approved in the same manner/zones as the similar use. If the

Land Use Authority determines no such similar use exists, the uses shall be determined a prohibited (P) use.

- C. To encourage an appropriate level of review, conditional (C) uses (R17.02.040/17.08) contain the following abbreviations which indicate the designated land use authority for the proposed use: Zoning Administrator (ZA), Planning Commission (PC), and City Council (CC).

Multiple Residential	R-M-13	R-M-18
Land Use Description	Designation	
A. Accessory Uses:		
1. Accessory buildings and uses customarily incidental to the permitted or conditional use.	P	P
2. Household pets.	P	P
B. Agriculture:		
1. Animals and fowl for recreation or for family food production for the primary use of persons residing on the premises.	X	X
2. Aviary.	X	X
3. Raising of up to two (2) sheep or goats to a maximum age of nine (9) months, keeping of up to six (6) female chickens, keeping of up to six (6) rabbits on condition that the subject parcel is occupied by not more than one (1) single family residence, the parcel is comprised of a total area of not less than six thousand square feet (6,000 sq. ft.). A conditional use permit granted by the City shall not be construed to grant any right or privilege to a tenant which is not expressly granted by the owner of any parcel.	C - CC	C - CC
4. Tilling soil, raising crops, horticulture, gardening.	P	P
5. Tilling soil, raising crops, horticulture, gardening, raising of up to two sheep or goats to a maximum age of nine months, keeping of up to six female chickens, keeping of up to six rabbits.	X	X
C. Dwellings And Other Living Quarters:		
1. Cluster subdivision.	C - PC	C - PC

2. Duplex conversion.	P	P
3. Group dwellings when approved as a planned unit development.	C - PC	C - PC
4. Group home for the therapeutic care of the physically and/or mentally disabled under licensed care, not to exceed eight (8) guests and the home family.	C - CC	C - CC
5. Multiple-family dwelling.	P	P
Multiple Residential	R-M-13	R-M-18
6. Nursing homes, rest homes, and assisted living facilities.	C - CC	C - CC
7. Single-family dwelling.	P	P
8. Short-term rental.	C - PC	C - PC
9. Three- and four-family dwellings.	P	P
10. Twin homes.	P 	P
11. Two-family dwellings.	P	P
D. Public And Quasi-Public:		
1. Cemetery.	X	X
2. Churches.	P	P
3. Public agency parks and playgrounds.	P	P
4. Private or public schools.	P	P
5. Public utilities, water and drainage facilities.	X	X
6. Substations or transmission lines of fifty (50) KV or greater capacity.	C - CC	C - CC
7. Water, sewer and utility transmission lines and facilities required as an incidental part of a conventional subdivision, flexible design subdivision or other approved development project in the zone, except those listed as conditional use.	P 	P
E. Recreation:		
1. Golf course.	C - CC	C - CC

2. Private recreational grounds and facilities, not open to the general public and to which no admission charge is made.	C - CC	C - CC
F. Sales And Related Services:		
1. Nursery or greenhouse, wholesale or retail.	X	X
2. Home occupations.	C - ZA	C - ZA
G. Service Activities:		
1. Child daycare or nursery.	C - ZA	C - ZA
Multiple Residential	R-M-13	R-M-18
2. Hospital; medical or dental clinic accessory to a hospital and located on the same premises.	C - CC	C - CC
3. Kennel; No more than three dogs may be kept as an accessory use to a use allowed in the district.	X	X
4. Lab; provided that the lab is an accessory use to the permitted professional business as defined in the land use ordinance.	X	X
5. Professional services.	X	X
H. Temporary Buildings:		
1. Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work.	C - ZA	C - ZA



R17.18.040 Diagrams.

FIGURE 1 - R-M-13 Residential Dwelling Diagram.

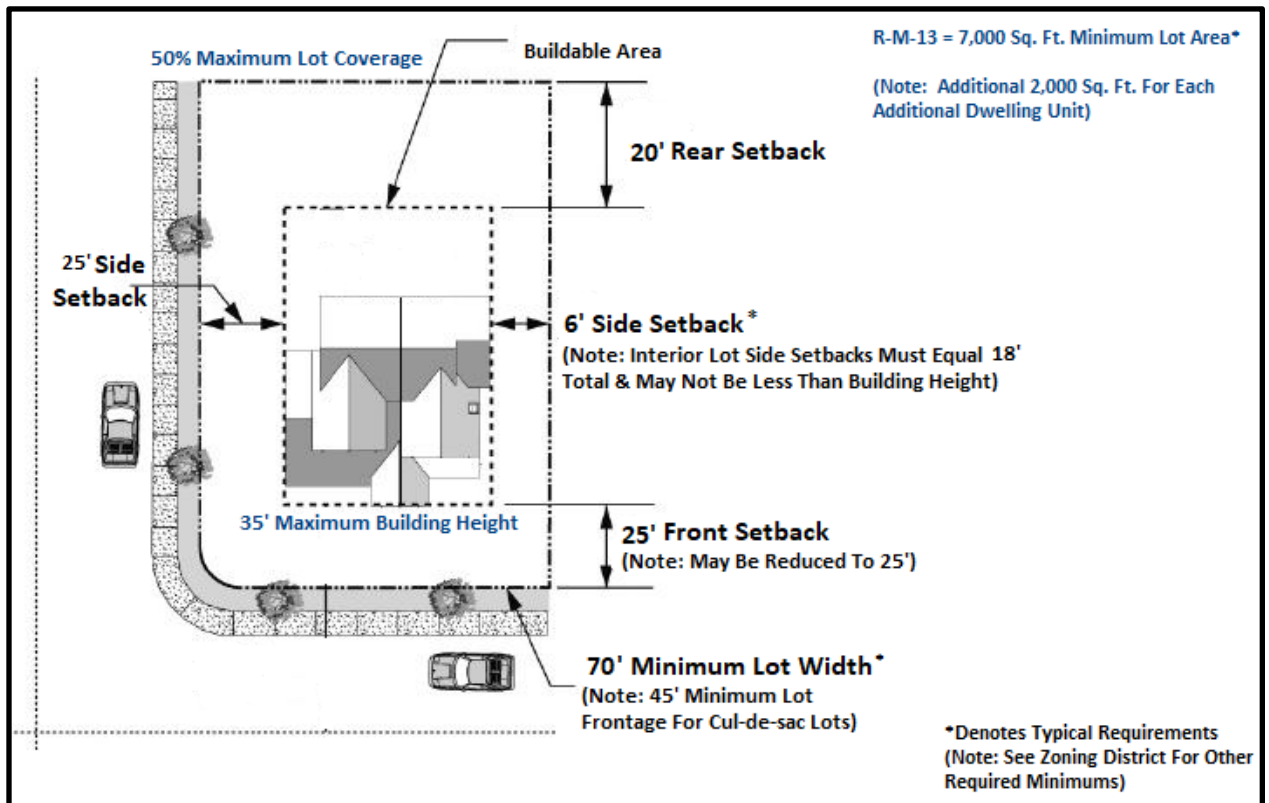
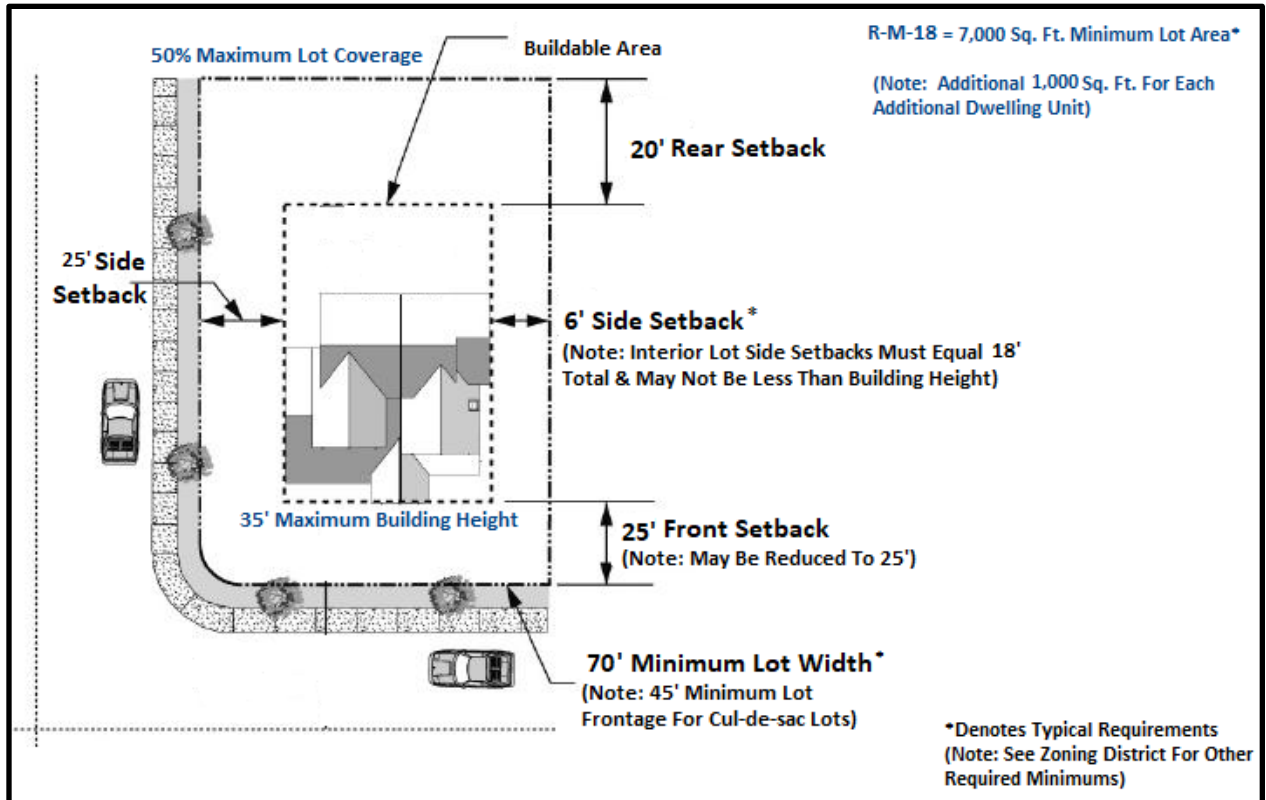


FIGURE 2 - R-M-18 Residential Dwelling Diagram.



R17.18.050 Minimum lot area.

The following minimum lot area regulations apply to lots in the Multiple-Residential (R-M) zones.

Multiple-Residential	R-M-13	R-M-18
A. Minimum lot square foot area for any dwelling or structure:	7,000 Square Feet	7,000 Square Feet
B. Additional lot square foot area for each additional dwelling unit in a dwelling structure:	2,000 Square Feet	1,000 Square Feet
C. Group dwellings minimum square foot area for each separate dwelling structure:	5,000 Square Feet	5,000 Square Feet
D. Additional lot area for each dwelling unit in square feet:	2,000 Square Feet	2,000 Square Feet
E. Minimum lot square foot area for all main uses and buildings other than dwellings:	10,000 Square Feet	10,000 Square Feet
F. Twin homes minimum lot square foot area:	4,500	4,500

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

R17.18.060 Minimum lot width.

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

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

R17.18.070 Minimum lot frontage.

The minimum lot frontage shall be forty-five (45) feet in all Multiple-Residential (R-M) zones. Twin home minimum lot frontage shall be twenty (20) feet.

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

R17.18.080 Front yard regulations.

A. The minimum depth for the front yard for main buildings in all Multiple-Residential (R-M) zones shall be twenty-five (25) feet.

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

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

(Ord. 2011-366 § 1 (part))

R17.18.090 Rear yard regulations.

A. The minimum depth for the rear yard in all Multiple-Residential (R-M) zones shall be twenty (20) feet for main buildings, and three feet (3') for accessory buildings.

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

(Ord. 2011-366 § 1 (part))

R17.18.100 Side yard regulations.

The following minimum side yard regulations apply to buildings in all Multiple-Residential (R-M) zones:

Multiple-Residential	R-M-13	R-M-18
A. Residential dwellings:	6 feet	6 feet
1. Total width of the two required side yards for dwellings, except that the total width of the two side yards shall not be less than the height of the building	18 feet	18 feet
2. Minimum separation required between structures for fire protection unless otherwise provided herein or adequate fire protection is provided according to the adopted construction codes.	16 Feet	16 Feet
B. Main buildings other than dwellings:	20 feet	20 feet
1. Total width of the two required side yards for main buildings other than dwellings	40 feet	40 feet
C. Private garages and accessory buildings:	6 feet	6 feet
1. Private garages and accessory buildings located at least six feet in the rear of the main building; provided, that no private garage or other accessory buildings shall be located to a dwelling on an adjacent lot closer than ten (10) feet	3 feet	3 feet
D. On corner lots, main and accessory buildings that face a street:	25 feet	25 feet
E. Any garage or carport opening which faces a street, set back from the street:	25 feet	25 feet
F. Twin homes:	0 feet	0 feet
1. Total width of the two required side yards for dwellings	10 feet	10 feet

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

R17.18.110 Height regulations.

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

B. The maximum height for all multiple-family main buildings and structures in all Multiple-Residential (R-M) zones shall be regulated by conditional use permit.

C. Accessory structures in the Multiple-Residential (R-M) zones shall not exceed the height of the dwelling.

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

R17.18.120 Lot coverage regulations.

The maximum coverage for any lot shall be fifty (50) percent in all Multiple-Residential (R-M) zones.

(Ord. 2011-366 § 1 (part))

R17.18.130 Cluster subdivisions.

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

B. The total area of the cluster subdivision shall not be less than five (5) acres and at least one-third ($\frac{1}{3}$) of the total area of the subdivision shall be reserved or dedicated as permanent open space for common use of the residents, under planned unit development approval.

(Ord. 2011-366 § 1 (part))

R17.18.140 Signs.

A. The following types of signs are permitted on lots within all Multiple-Residential (R-M) zones:

1. One civil sign, not to exceed sixteen (16) square feet in sign area.
2. One development sign, not to exceed eight (8) square feet in area.
3. One real estate sign, not to exceed eight (8) square feet in area.
4. One residential sign, not to exceed two (2) square feet in area for the resident of a building.
5. One identification sign, sign for conditional use.

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

(Ord. 2011-366 § 1 (part))

R17.18.150 Landscaping.

The following landscaping provisions shall apply to multiple-family residential, townhome or row house developments:

A. For multiple-family residential developments, a minimum thirty percent (30%) of the total site shall be landscaped, including usable open space areas. Townhome or row house developments shall have a minimum of fifteen percent (15%) of the total site landscaped, including usable open space areas.

B. The front yard areas and side yard areas adjacent to public street, except those portions devoted to driveways, shall be maintained with suitable landscaping of plants, shrubs, trees, grass and similar landscaping materials, including a minimum of fifteen (15) trees per acre a minimum of one-and- one-half-inch ($1\frac{1}{2}$ ") caliper in size, and with all shrubs having a minimum five (5) gallon size.

C. Landscaped areas shall generally not be less than five (5) feet wide. A reduction in landscaped area width may be granted by the planning and zoning commission if the applicant provides acceptable mitigation to vegetate the development area.

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

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

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

(Ord. 2011-366 § 1 (part))

R17.18.160 Special provisions.

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

B. All side and front fences must be set back six (6) feet from the back of the curb.

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

(Ord. 2011-366 § 1 (part))

Chapter R17.19 PROFESSIONAL OFFICE— RESIDENTIAL (PO-R) ZONE

Sections:

- R17.19.010 Purpose.
- R17.19.020 Use regulations.
- R17.19.030 Permitted and conditional uses.

- R17.19.050 Minimum lot area.
- R17.19.060 Minimum lot width.
- R17.19.070 Minimum lot frontage.
- R17.19.080 Front yard regulations.
- R17.19.090 Rear yard regulations.
- R17.19.100 Side yard regulations.
- R17.19.110 Height regulations.
- R17.19.120 Lot coverage regulations.
- R17.19.125 Landscaping.
- R17.19.130 Cluster subdivisions.
- R17.19.140 Signs on residential use lots.
- R17.19.150 Signs on professional office use lots.
- R17.19.160 Special provisions.

R17.19.010 Purpose.

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

(Ord. 2011-366 § 1 (part))

R17.19.020 Use regulations.

No building, structure or land shall be used and no building or structure shall be hereafter structurally altered, enlarged or maintained in the Professional Office-Residential (PO-R) zone, except as provided in this title.

(Ord. 2011-366 § 1 (part))

R17.19.030 Permitted and Conditional uses.

Uses designated in the following land use tables depict the permitted (P), prohibited (X), or conditional (C) uses allowed within the zone districts.

- A. If a use is permitted (P) no approval is needed from the City to carry out the listed use, excluding potential building inspections, health department, or similar approvals.
- B. Uses not specifically shown in the following land use tables as permitted (P) or conditional (C) may be determined by the Land Use Authority to be similar to uses outlined in the following tables, and may be approved in the same manner/zones as the similar use. If the Land Use Authority determines no such similar use exists, the uses shall be determined a prohibited (P) use.

- C. To encourage an appropriate level of review, conditional (C) uses (R17.02.040/17.08) contain the following abbreviations which indicate the designated land use authority for the proposed use: Zoning Administrator (ZA), Planning Commission (PC), and City Council (CC).

Professional Office Residential	PO-R
Land Use Description	Designation
A. Accessory Uses:	
1. Accessory buildings and uses customarily incidental to the permitted or conditional use.	P
2. Household pets.	P
B. Agriculture:	
1. Animals and fowl for recreation or for family food production for the primary use of persons residing on the premises.	X
2. Aviary.	X
3. Tilling soil, raising crops, horticulture, gardening.	C - ZA
4. Tilling soil, raising crops, horticulture, gardening, raising of up to two sheep or goats to a maximum age of nine months, keeping of up to six female chickens, keeping of up to six rabbits.	X
C. Dwellings And Other Living Quarters:	
1. Cluster subdivision.	C - PC
2. Duplex conversion.	P
3. Group dwellings when approved as a planned unit development.	C - PC
4. Group home for the therapeutic care of the physically and/or mentally disabled under licensed care, not to exceed eight (8) guests and the home family.	X
5. Multiple-family dwelling.	C - PC
6. Nursing homes, rest homes, and assisted living facilities.	C - PC
7. Single-family dwelling.	P

Professional Office Residential	PO-R
8. Three- and four-family dwellings.	C - PC
9. Twin homes.	X
10. Two-family dwellings.	P
D. Public And Quasi-Public:	
1. Cemetery.	X
2. Churches.	C - PC
3. Public agency parks and playgrounds.	P
4. Private or public schools.	C - CC
5. Public utilities, water and drainage facilities.	X
6. Substations or transmission lines of fifty (50) KV or greater capacity.	C - CC
7. Water, sewer and utility transmission lines and facilities required as an incidental part of a conventional subdivision, flexible design subdivision or other approved development project in the zone, except those listed as conditional use.	P
E. Recreation:	
1. Golf course.	C - CC
2. Private recreational grounds and facilities, not open to the general public and to which no admission charge is made.	C - CC
F. Sales And Related Services:	
1. Nursery or greenhouse, wholesale or retail.	X
2. Home occupations.	C - ZA
G. Service Activities:	
1. Child daycare or nursery.	C - ZA

2. Hospital; medical or dental clinic accessory to a hospital and located on the same premises.	C - CC
Professional Office Residential	PO-R
3. Kennel; No more than three dogs may be kept as an accessory use to a use allowed in the district.	X
4. Lab; provided that the lab is an accessory use to the permitted professional business as defined in the land use ordinance.	C - CC
5. Professional services.	P
H. Temporary Buildings:	
1. Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work.	C - ZA

R17.19.050 Minimum lot area.

The following minimum lot area regulations apply to lots in the Professional Office - Residential (PO-R) zones.

Professional Office - Residential	PO-R
A. Minimum lot square foot area for any dwelling or structure:	7,000 Square Feet
B. Additional lot square foot area for each additional dwelling unit in a dwelling structure:	2,000 Square Feet
C. Group dwellings minimum square foot area for each separate dwelling structure:	5,000 Square Feet
D. Additional lot area for each dwelling unit in square feet:	2,000 Square Feet
E. Minimum lot square foot area for all main uses and buildings other than dwellings:	10,000 Square Feet

(Ord. 2011-366 § 1 (part))

R17.19.060 Minimum lot width.

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

(Ord. 2011-366 § 1 (part))

R17.19.070 Minimum lot frontage.

The minimum lot frontage in the Professional Office - Residential (PO-R) zone shall be forty-five (45) feet.

(Ord. 2011-366 § 1 (part))

R17.19.080 Front yard regulations.

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

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

C. Accessory buildings may have the same minimum front yard depth as main buildings if they have the same side yard required for main buildings; otherwise they shall be set back at least six (6) feet in the rear of the main building, except that all carports or garages opening onto a street shall be set back at least twenty-five (25) feet.

(Ord. 2011-366 § 1 (part))

R17.19.090 Rear yard regulations.

A. The minimum depth for the rear yard in the Professional Office - Residential (PO-R) zone shall be twenty (20) feet for main buildings, and three (3) feet for accessory buildings.

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

(Ord. 2011-366 § 1 (part))

R17.19.100 Side yard regulations.

The following minimum side yard regulations apply to buildings in the Professional Office - Residential (PO-R) zone:

Professional Office - Residential	PO-R
A. Residential dwellings:	6 feet
1. Total width of the two required side yards for dwellings, except that the total width of the two side yards shall not be less than the height of the building	18 feet
2. Minimum separation required between structures for fire protection unless otherwise provided herein or adequate fire protection is provided according to the adopted construction codes.	16 Feet
B. Main buildings other than dwellings:	20 feet

1. Total width of the two required side yards for main buildings other than dwellings	40 feet
C. Private garages and accessory buildings:	6 feet
1. Private garages and accessory buildings located at least six feet in the rear of the main building; provided, that no private garage or other accessory buildings shall be located to a dwelling on an adjacent lot closer than ten (10) feet	3 feet
D. On corner lots, main and accessory buildings that face a street:	20 feet
E. Any garage or carport opening which faces a street, set back from the street:	25 feet

(Ord. 2011-366 § 1 (part))

R17.19.110 Height regulations.

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

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

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

(Ord. 2011-366 § 1 (part))

R17.19.120 Lot coverage regulations.

The maximum coverage for any lot shall be fifty (50) percent in in the Professional Office—Residential (PO-R) zone.

(Ord. 2011-366 § 1 (part))

R17.19.125 Landscaping.

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

B. Multiple-family residential, townhome or row house developments shall meet the landscaping requirements outlined in Section R17.18.150.

C. Commercial uses shall meet the landscaping requirements outlined in Section R17.20.090.

D. A minimum ten foot (10') landscape buffer, including a combination of trees, shrubs, and ground cover shall be provided whenever a non-residential use is directly adjacent to any residential use or zoning district boundary.

R17.19.130 Cluster subdivisions.

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

B. The total area of the cluster subdivision shall not be less than five acres and at least one-third ($\frac{1}{3}$) of the total area of the subdivision shall be reserved or dedicated as permanent open space for common use of the residents, under planned unit development approval.

(Ord. 2011-366 § 1 (part))

R17.19.140 Signs on residential use lots.

A. The following types of signs are permitted on residential use lots within the Professional Office - Residential (PO-R) zone:

1. One civil sign, not to exceed sixteen (16) square feet in sign area.
2. One development sign, not to exceed eight (8) square feet in area.
3. One real estate sign, not to exceed eight (8) square feet in area.
4. One residential sign, not to exceed two (2) square feet in area for the resident of a building.
5. One identification sign, sign for conditional use.

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

(Ord. 2011-366 § 1 (part))

R17.19.150 Signs on professional offices use lots.

A. Clearance. For freestanding and projecting signs attached to a building, there shall be a minimum of ten and one-half (10.5) feet between the ground or sidewalk and any part of the projecting sign. Public necessity signs and monument signs (signs which are permanently anchored, freestanding and no more than five (5) feet in height) **may** be exempt from this requirement.

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

C. Location of Signs.

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

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

E. Sign Area. The maximum allowed sign area for one (1) side of a sign is as follows:

1. For freestanding signs: a maximum of forty (40) square feet.
2. For flat signs that are either painted or attached to the building and do not project more than eighteen (18) inches from the building wall: a maximum of twenty-five (25) percent of a wall or fifty (50) percent of a window area may be used for a sign. Attached or painted signs using more than twenty-five (25) percent of a wall or fifty (50) percent of a window area shall be considered a conditional use, and as such, shall require the approval of the planning and zoning commission prior to installation of the sign.
3. Both freestanding and attached flat signs may be utilized by a business; provided, that each sign type conforms to the above limitations. In determining the sign area, the blocked area of the sign, including the area between letters, shall be counted as part of the sign area.

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

G. Quality of Signs.

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



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

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

(Ord. 2011-366 § 1 (part))

R17.19.160 Special provisions.

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

C. All side and front fences must be set back six (6) feet from the back of the curb.

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

(Ord. 2011-366 § 1 (part))

Chapter R17.20 - COMMERCIAL (C) ZONE

Sections:

- R17.20.010 Purpose.
- R17.20.020 Use or construction.
- R17.20.030 Permitted and conditional uses.

- R17.20.050 Height regulations.
- R17.20.060 Area regulations.
- R17.20.070 Frontage regulations.
- R17.20.080 Yard regulations.
- R17.20.090 Landscaping.
- R17.20.100 Signs.
- R17.20.110 Special provisions.

R17.20.010 Purpose.

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

(Ord. 2011-366 § 1 (part))

R17.20.020 Use or construction.

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

(Ord. 2011-366 § 1 (part))

R17.20.030 Permitted and Conditional uses.

Uses designated in the following land use tables depict the permitted (P), prohibited (X), or conditional (C) uses allowed within the zone districts.

- A. If a use is permitted (P) no approval is needed from the City to carry out the listed use, excluding potential building inspections, health department, or similar approvals.
- B. Uses not specifically shown in the following land use tables as permitted (P) or conditional (C) may be determined by the Land Use Authority to be similar to uses outlined in the following tables, and may be approved in the same manner/zones as the similar use. If the Land Use Authority determines no such similar use exists, the uses shall be determined a prohibited (P) use.
- C. To encourage an appropriate level of review, conditional (C) uses (R17.02.040/17.08) contain the following abbreviations which indicate the designated land use authority for the proposed use: Zoning Administrator (ZA), Planning Commission (PC), and City Council (CC).

Commercial	C
Land Use Description	Designation
A. Accessory Uses:	
1. Accessory buildings and uses customarily incidental to the permitted or conditional use.	P
2. Parking lot incidental to a use conducted on the premises.	P
3. Parking lot not incidental to a use conducted on the premises.	P
B. Agriculture:	
1. Agricultural industries.	X
2. Tilling soil, raising crops, horticulture and gardening.	X
C. Automobile Sales And Service:	
1. Automobile or recreational vehicle sales, service, lease, rental and repair, new or used, conducted entirely within an enclosed building.	P
2. Automobile and recreation vehicle sales, lease, rental or repair, new or used, conducted outdoors.	P
3. Auto parts sales, indoor.	P
4. Automatic car wash.	P
5. Automobile service station.	P
6. Body and fender shop; tire recapping; motor vehicle, bicycle and recreation vehicle assembling, painting, upholstering and rebuilding.	X

Commercial		C
D. Dwellings And Other Living Quarters:		
1. Hotel and motel.		P
2. Recreational vehicle park.		C - CC
E. Processing And Manufacturing:		
1. Bag cleaning.		X
2. Baking, ice cream making and/or candy making.		P
3. Blacksmith shop.		X
4. Boiler works.		X
5. Bottling works.		X
6. Bookbinding.		C - CC
7. Cement, mortar, plaster or paving materials central mixing plat, related to construction industry.		X
8. Construction of buildings to be sold and moved off the premises.		X
9. Dairy.		X
10. Egg candling, sales or processing.		C - CC
11. Fertilizer and soil conditioning manufacture, processing and/or sales, providing only non animal products and byproducts are used.		X
12. Forage plant.		X
13. Foundry, casting lightweight, nonferrous metal.		X
14. Hatchery.		X
15. Incinerator, non accessory.		X
16. Knitting mill.		X
17. Laboratories.		X

Commercial	C
18. Machine shop.	X
19. Mobile lunch agency.	X
20. Monument works.	X
21. Motion picture studio.	X
22. Planing mill.	X
23. Printing; convenience for drop-in customers.	X
24. Publishing and contract printing.	X
25. Rock crusher.	X
26. Sandblasting.	X
27. Sawmill.	X
28. Tire retreading, or vulcanizing.	X
29. Upholstering; including mattress manufacture, rebuilding or renovating.	X
30. Weaving.	X
31. Manufacture, curing, compounding, processing, packaging and treatment of the following:	
a. Baked goods.	X
b. Batteries.	X
c. Candy.	X
d. Cereal.	X
e. Cosmetics.	X
f. Dairy products.	X
g. Food products; excluding fish, sauerkraut, pickles, vinegar, yeast, and rendering of fat.	X
Commercial	C

h. Lubricating grease.	X
i. Meat products.	X
j. Oil.	X
k. Pharmaceuticals.	X
l. Toiletries.	X
32. Manufacture, curing, compounding, processing, packaging, and treatment of fish, sauerkraut, pickles, vinegar yeast, and the rendering of fat.	X
33. Manufacturing, compounding, assembling and treatment of articles or merchandise from the following previously prepared materials:	
a. Bone.	X
b. Cellophane, canvas, cloth, and cork.	X
c. Feathers.	X
d. Hair.	X
e. Horn.	X
f. Leather.	X
g. Paper.	X
h. Paint.	X
i. Plastics.	X
j. Precious or semi-precious stones or metals.	X
k. Rubber.	X
l. Shell.	X
m. Straw.	X
Commercial	C
n. Textiles.	X
o. Tobacco.	X

p. Wood.	X
q. Wool.	X
r. Yarn.	X
34. Manufacture of the following:	
a. Boats.	X
b. Business machines.	X
c. Cameras, photo equipment.	X
d. Electric or neon signs, billboards, and/or commercial advertising structures.	X
e. Light sheet metal products including heating and ventilation ducts and equipment, cornices and eaves, venetian blinds, window shades, awnings.	X
f. Musical instruments.	X
g. Novelties.	X
h. Rubber and metal stamps.	X
i. Toys.	X
35. Manufacture, fabrication, assembly, canning, compounding, packaging, processing, treatment and storage of the following:	
a. Airplane and parts.	X
b. Automobiles and parts.	X
c. Alcohol.	X
d. Brass.	X
Commercial	C
e. Candles.	X
f. Cans.	X
g. Cameras, photo equipment, including film.	X

h. Cast stone products.	X
i. Celluloid.	X
j. Cement and cinder products.	X
k. Copper.	X
l. Ceramics.	X
m. Dyestuffs.	X
n. Emery cloth.	X
o. Excelsior.	X
p. Glass.	X
q. Glucose.	X
r. Gypsum.	X
s. Hair.	X
t. Hardware.	X
u. Ink.	X
v. Iron.	X
w. Lampblack.	X
x. Linoleum.	X
y. Lime.	X
z. Machinery.	X
aa. Malt.	X
bb. Matches.	X
cc. Novelties.	X
Commercial	C
dd. Oilcloth.	X
ee. Oiled rubber goods.	X
ff. Oxygen.	X
gg. Paper.	X

hh. Paint.	X
ii. Pulp.	X
jj. Pickles.	X
kk. Pottery.	X
ll. Incidental plaster.	X
mm. Plaster of paris.	X
nn. Plastics.	X
oo. Salt.	X
pp. Sheet metal.	X
qq. Shellac.	X
rr. Shoddy.	X
ss. Shoe polish.	X
tt. Soap, detergents.	X
uu. Soda.	X
vv. Starch.	X
ww. Steel.	X
xx. Terracotta, tile.	X
yy. Toys.	X
zz. Turpentine.	X
aaa.Varnish.	X
bbb. Vinegar.	X
Commercial	C
ccc.Yeast.	X
36. Manufacture of brick, clay, ceramic, cinder, concrete, synthetic, cast stone, plastics, and pumice stone products, including, in addition, manufacture or fabrication of building blocks, tile or pipe from raw materials for use in building construction or for sewer or	X

 drainage purposes, and excluding rock or gravel crushing of raw materials except that which is incidental to the manufacture or fabrication of the above-described products and; provided, that such crushing facilities be located not closer than two hundred (200) feet to any property line.	
37. Uses which follow, provided they are located at least three hundred (300) feet from any district boundary:	
a. Animal byproducts, plants, offal or dead animal reduction or dumping.	X
b. Blast furnace.	X
c. Fat rendering, fertilizer and soil conditioner, foundry.	X
 d. Garbage or refuse maintenance or disposal site, gravel pits and quarries.	X
Commercial	C
e. Manufacturing, processing, refining, treatment, distilling, storage, or compounding of the following: acid, ammonia, asphalt, acetylene gas, bleaching powder and chlorine, bones, chemicals of an objectionable or dangerous nature, coal, creosote, disinfectant, explosives, fireworks, furs, gas, gelatin or size, glue, grease or lard, hides, insecticides, metals crushing, ore, petroleum, plastic potash, pyroxylin, roofing or waterproofing material, rubber or gutta-percha, tallow, tar and wood.	X

F. Public And Quasi-Public:	
1. Cemetery.	C - CC
2. Parks, golf courses, swimming pools and other recreation areas.	P
3. Private schools.	P
4. Public buildings.	P
5. Radio/television transmitting towers.	X
G. Recreation:	
1. Archery shop/range, if in enclosed building.	P
2. Athletic club, health club, athletic goods store.	P
3. Billiards or pool hall, commercial swimming pool, dancehall, commercial skating rink, gymnasium.	P
4. Bowling alley.	P
5. Boxing arena.	P
Commercial	C
6. Campground.	X
7. Drag strip racing.	X
8. Go-cart racing.	X
9. Golf course, miniature golf course, commercial.	P
10. Nightclub/social club.	P
11. Private nonprofit locker club.	P
12. Outdoor recreation vehicles rental-lease, sales and service.	C - CC
13. Recreational center, commercial.	P
14. Theater, indoor and outdoor.	P

15. Theater, outdoor, providing: a. A solid fence or masonry wall with the minimum height of six feet shall be constructed on all sides. b. Driveways and parking areas shall be provided with properly maintained dustless surfaces. c. Minimum area for single-screen theater shall be five acres. Minimum area for two-screen theater shall be eight acres.	P
H. Sales And Related Services:	
1. Air conditioning, ventilating equipment, awning sales/repair.	P
2. Art needlework shop, art shop and/or art supply, hobby and/or crafts shop.	P
3. Beer outlet, Class A and Class B, liquor and beer sales; places for the drinking of liquor or beer.	C - CC
Commercial	C
4. Bicycle shop.	P
5. Bookstore, music store.	P
6. Building material sales enclosed.	P
7. Building material sales yard with sale of rock, sand, gravel and the like as incidental part of the main business, but excluding concrete mixing, except as such concrete mixing is necessary in preparation and manufacture of any products specified in this section.	X
8. Cafe, cafeteria, catering establishment.	P
9. Candy, confectionery, nut shop.	P
10. Carbonated water sales.	P
11. China and/or silver shops.	P

12. Clothing store, department store.	P
13. Coal/fuel sales office to include sales yard.	X
14. Coal/fuel sales office; not to include sales yard.	C - CC
15. Drapery/curtain store.	P
16. Drive-ins, refreshment stand, eating or drinking place.	P
17. Drugstore.	P
18. Dry goods store.	P
19. Electrical, heating appliances and fixtures sales/repairs/service, floor covering sales.	P
20. Five-cent store, notions.	P
21. Florist shop.	P
Commercial	C
22. Fountain equipment supply.	P
23. Fountain equipment supply, lawn service.	P
24. Fruit and/or vegetable store, fruit juice store.	P
25. Fruit and/or vegetable temporary stand.	P
26. Fur sales, storage, repair.	P
27. Gift shop, novelty shop.	P
28. Greenhouse, nursery; plat materials; soil lawn services.	X
29. Grocery, meal sales.	P
30. Gunsmith.	C - CC
31. Hardware store.	P
32. Hardware store, including sale of lumber.	P

33. Hardware store, not including sale of powered vehicles using motors greater than eight horsepower and not including sale of lumber.	P
34. Health food store.	P
35. Hospital supplies.	P
36. Ice cream shops.	P
37. Ice manufacture, storage, and retail/wholesale sales.	X
38. Ice sales, rental, ice vendor units and/or reach-in ice merchandise units, electric ice-maker, ice storage not more than five tons capacity.	P
39. Insulation sales.	C - CC
Commercial	C
40. Jewelry store, leather goods, luggage sales.	P
41. Laundry, automatic self-help, laundry agency.	P
42. Linen shop.	P
43. Lumber yard.	C - CC
44. Milk distributing station, sale of dairy products, excluding processing/bottling.	P
45. Military store.	P
46. Monument sales, retail.	C - CC
47. Motorboat sales.	P
48. News stand, magazine shop.	P
49. Oil burner shop.	P
50. Ornamental iron, sales only.	P
51. Painter/paint store.	P
52. Plumbing shop.	P

53. Radio and television sales and repair.	P
54. Radio and television station.	C - CC
55. Restaurant.	P
56. Retail sales bakery, delicatessen.	P
57. Roofing sales.	P
58. Package agency.	C - CC
59. Popcorn and/or nut shop.	P
60. Secondhand shop, antiques, conducted within a building or enclosure.	P
Commercial	C
61. Seed/feed store.	C - CC
62. Sewing machine shop.	P
63. Shoe shop, shoe shine, shoe repair.	P
64. Sign painting shop.	C - CC
65. State store.	P
66. Stationary and greeting card sales.	P
67. Taxidermist.	C - CC
68. Tire shop, sale and mounting only.	P
69. Tobacco shop.	P
70. Towel and linen supply service.	C - CC
71. Upholstery shop.	C - CC
72. Variety store.	P
73. Wallpaper store.	P
74. Weather-stripping shop.	C - CC
75. Wholesale business.	C - CC
I. Service Activities:	
1. Addressograph shop.	P

2. Animal hospital.	P
3. Baby services, sitter agency.	P
4. Bank.	P
5. Barber shop, beauty shop.	P
6. Bath and massage.	P
7. Beauty shop for pets.	P
8. Blueprinting, photostating, duplicating.	P
Commercial	C
9. Carpet and/or rug cleaning.	P
10. Clothes cleaning, dyeing, pressing.	P
11. Costume rental.	P
12. Dance, drama and music school.	P
13. Dressmaking.	P
14. Electric appliances and/or electronic instruments service.	P
15. Employment agency or employment office.	P
16. Fix-it shop, repair shop, household items.	P
17. Flooring, floor repair shop.	P
18. Frozen food lockers.	C - CC
19. Frozen food locker incidental to a main grocery store or food business.	P
20. Household cleaning/repair, house equipment displays.	P
21. Interior decorating store.	P
22. Janitorial service.	P
23. Kennel; more than three dogs may be kept as an accessory use to a use allowed in the district.	C - CC

24. Key and lock service.	P
25. Lithographing, engraving, photoengraving.	P
26. Medical/dental clinic, laboratories.	P
27. Mortuary.	C - CC
Commercial	C
28. Nurses' agency.	P
29. Office, business, or professional.	P
30. Office supply; office machines sales, repair.	P
31. Optometrist and/or oculist.	P
32. Pest extermination business.	C - CC
33. Photographer or photography shop, sales and service.	P
34. Printing, including engraving, photo engraving, printing and small paper reproduction service.	P
35. Reception center and/or wedding chapel.	P
36. Tailor shop.	P
37. Travel bureau.	P
38. Veterinary; operations are completely enclosed within an air-conditioned and soundproof building.	P
J. Storage And Warehousing:	
1. Coal, fuel and wood yards.	X
2. Contractors' equipment storage yard or plat, or rental of equipment used by contractors.	X
3. Garage, public.	P
4. Junk yard.	X

5. Warehouse.	X
Commercial	C
K. Temporary Buildings:	
1. Temporary buildings for uses incidental to construction work including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work.	C - ZA
L. Transportation:	
1. Bus terminal, taxi stand, express office.	P
2. Draying, freighting or tucking yard or terminal.	X
3. Drive-it-yourself agency.	P
4. Express office.	P
5. Taxi stand.	P
6. Terminal, parking and maintenance facilities.	P
7. Transfer company, provided trucks no larger than two tons capacity are used.	P
8. Truck stop and service facilities.	P

37

46

R17.20.050 Height regulations.

The maximum height for all buildings and structures in the Commercial (C) zone shall be fifty-five (55) feet, or four (4) stories.

(Ord. 2011-366 § 1 (part))

R17.20.060 Area regulations.

No minimum lot area..

(Ord. 2011-366 § 1 (part))

R17.20.070 Frontage regulations.

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

(Ord. 2011-366 § 1 (part))

R17.20.080 Yard regulations.

A. Front yard setbacks may be required by the Planning Commission in the site plan review and approval process.

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

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

(Ord. 2011-366 § 1 (part))

R17.20.090 Landscaping.

The following landscaping provisions shall apply in the Commercial (C) zone:

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

B. The front yard areas and side yard areas adjacent to public street, except those portions devoted to driveways, shall be maintained with suitable landscaping of plants, shrubs, trees, grass and similar landscaping materials, including a minimum of fifteen (15) one-and-one-half-inch (1 ½") caliper trees per acre, and with all shrubs having a minimum five (5) gallon size.

C. Landscaped areas shall generally not be less than five (5) feet wide. A reduction in landscaped area width may be granted by the Planning Commission if the applicant provides acceptable mitigation to vegetate the development area.

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

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

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

G. A minimum ten foot (10') landscape buffer, including a combination of trees, shrubs, and ground cover shall be provided whenever a non-residential use is directly adjacent to any residential use or zoning district boundary.

(Ord. 2011-366 § 1 (part))

R17.20.100 Signs.

A. Clearance. For freestanding and projecting signs attached to a building, there shall be a minimum of ten and one-half (10.5) feet between the ground or sidewalk and any part of a projecting sign. Public necessity signs and monument signs (signs which are permanently anchored, freestanding and no more than five (5) feet in height) may be exempt from this requirement.

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

C. Location of Signs.

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

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

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

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

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

G. Quality of Signs.

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

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

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

chapter, all billboard signs designed to be read or comprehended from U.S. Highway 40 or 121 shall comply with the regulations for such signs established by the State of Utah. Any building permit herein required by said regulations shall be in addition to the building permit herein required and construction or placement of a sign shall not be commenced until all approvals have been obtained.

(Ord. 2011-366 § 1 (part))

R17.20.110 Special provisions.

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

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

C. Walls and Fences.

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

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

3. A decorative sight-screening wall or fence at least six feet in height shall be erected along all property lines which lie adjacent to a residential zone. Fences over six (6) feet in height, up to a maximum of ten (10) feet, may be approved through a conditional use permit and shall require a separate building permit.

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

1. Manufactured after 1976.

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

3. Taxed as real property.

4. Placed on a permanent foundation.

(Ord. 2011-366 § 1 (part))

Chapter R17.21 - INDUSTRIAL (M) ZONE

Sections:

- R17.21.010 Purpose.
- R17.21.020 Use or construction.
- R17.21.030 Permitted and conditional uses.
- R17.21.040 Height regulations.
- R17.21.050 Area regulations.
- R17.21.060 Frontage regulations.
- R17.21.070 Yard regulations.
- R17.21.080 Signs.
- R17.21.090 Special provisions.
- R17.21.100 Performance standards.

R17.21.010 Purpose.

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

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

(Ord. 2011-366 § 1 (part))

R17.21.020 Use or construction.

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

(Ord. 2011-366 § 1 (part))

R17.21.030 Permitted and conditional uses.

Uses designated in the following land use tables depict the permitted (P), prohibited (X), or conditional (C) uses allowed within the zone districts.

- D. If a use is permitted (P) no approval is needed from the City to carry out the listed use, excluding potential building inspections, health department, or similar approvals.
- E. Uses not specifically shown in the following land use tables as permitted (P) or conditional (C) may be determined by the Land Use Authority to be similar to uses outlined in the following tables, and may be approved in the same manner/zones as the similar use. If the Land Use Authority determines no such similar use exists, the uses shall be determined a prohibited (P) use.

To encourage an appropriate level of review, conditional (C) uses (R17.02.040/17.08) contain the following abbreviations which indicate the designated land use authority for the proposed use: Zoning Administrator (ZA), Planning Commission (PC), and City Council (CC).

Industrial	Light Manufacturing	Heavy Manufacturing
	M-1	M-2
Land Use Description	Designation	
A. Accessory Uses:		
1. Accessory buildings and uses customarily incidental to the permitted or conditional use.	P	P
2. Parking lot incidental to a use conducted on the premises.	P	P
3. Parking lot not incidental to a use conducted on the premises.	P	P
B. Agriculture:		
1. Agricultural industries.	X	C - PC
2. Tilling soil, raising crops, horticulture and gardening.	P	P
C. Automobile Sales And Service:		
1. Automobile or recreational vehicle sales, service, lease, rental and repair, new or used, conducted entirely within an enclosed building.	P	P
2. Automobile and recreation vehicle sales, lease, rental or repair, new or used, conducted outdoors.	P	P
3. Auto parts sales, indoor.	X	X
4. Automatic car wash.	P	P
5. Automobile service station.	P	P
6. Body and fender shop; tire recapping; motor vehicle, bicycle and recreation vehicle assembling, painting, upholstering and rebuilding.	P	P

Industrial	M-1	M-2
D. Dwellings And Other Living Quarters:		
1. Hotel and motel.	X	X
2. Recreational vehicle park.	X	X
E. Processing And Manufacturing:		
1. Bag cleaning.	P	P
2. Baking, ice cream making and/or candy making.	P	P
3. Blacksmith shop.	X	P
4. Boiler works.	P	P
5. Bottling works.	P	P
6. Bookbinding.	P	P
7. Cement, mortar, plaster or paving materials central mixing plant, related to construction industry.	X	C - CC
8. Construction of buildings to be sold and moved off the premises.	P	P
9. Dairy.	X	P
10. Egg candling, sales or processing.	X	P
11. Fertilizer and soil conditioning manufacture, processing and/or sales, providing only non animal products and byproducts are used.	X	C - CC
12. Forage plant.	P	P
13. Foundry, casting lightweight, nonferrous metal.	P	P
14. Hatchery.	X	P
15. Incinerator, non accessory.	X	C - CC
16. Knitting mill.	P	P
17. Laboratories.	P	P

Industrial	M-1	M-2
18. Machine shop.	P	P
19. Mobile lunch agency.	P	P
20. Monument works.	P	P
21. Motion picture studio.	P	P
22. Planing mill.	X	P
23. Printing; convenience for drop-in customers.	P	P
24. Publishing and contract printing.	P	P
25. Rock crusher.	X	C - CC
26. Sandblasting.	P	P
27. Sawmill.	X	C - CC
28. Tire retreading, or vulcanizing.	X	P
29. Upholstering; including mattress manufacture, rebuilding or renovating.	P	P
30. Weaving.	P	P
31. Manufacture, curing, compounding, processing, packaging and treatment of the following:		
a. Baked goods.	P	P
b. Batteries.	X	C - CC
c. Candy.	P	P
d. Cereal.	P	P
e. Cosmetics.	P	P
f. Dairy products.	X	P
g. Food products; excluding fish, sauerkraut, pickles, vinegar, yeast, and rendering of fat.	P	P
Industrial	M-1	M-2

h. Lubricating grease.	X	C - CC
i. Meat products.	X	C - CC
j. Oil.	X	C - CC
k. Pharmaceuticals.	P	P
l. Toiletries.	P	P
32. Manufacture, curing, compounding, processing, packaging, and treatment of fish, sauerkraut, pickles, vinegar yeast, and the rendering of fat.	X	C - CC
33. Manufacturing, compounding, assembling and treatment of articles or merchandise from the following previously prepared materials:		
a. Bone.	P	P
b. Cellophane, canvas, cloth, and cork.	P	P
c. Feathers.	P	P
d. Hair.	P	P
e. Horn.	P	P
f. Leather.	P	P
g. Paper.	P	P
h. Paint.	P	P
i. Plastics.	P	P
j. Precious or semi-precious stones or metals.	P	P
k. Rubber.	P	P
l. Shell.	P	P
m. Straw.	P	P
Industrial	M-1	M-2
n. Textiles.	P	P
o. Tobacco.	P	P

p. Wood.	P	P
q. Wool.	P	P
r. Yarn.	C - CC	C - CC
34. Manufacture of the following:		
a. Boats.	P	P
b. Business machines.	P	P
c. Cameras, photo equipment.	P	P
d. Electric or neon signs, billboards, and/or commercial advertising structures.	P	P
e. Light sheet metal products including heating and ventilation ducts and equipment, cornices and eaves, venetian blinds, window shades, awnings.	P	P
f. Musical instruments.	P	P
g. Novelties.	P	P
h. Rubber and metal stamps.	P	P
i. Toys.	P	P
35. Manufacture, fabrication, assembly, canning, compounding, packaging, processing, treatment and storage of the following:		
a. Airplane and parts.	X	P
b. Automobiles and parts.	P	P
c. Alcohol.	P	P
d. Brass.	P	P
Industrial	M-1	M-2
e. Candles.	P	P
f. Cans.	P	P
g. Cameras, photo equipment, including film.	P	P

h. Cast stone products.	P	P
i. Celluloid.	P	P
j. Cement and cinder products.	X	C - CC
k. Copper.	P	P
l. Ceramics.	P	P
m. Dyestuffs.	P	P
n. Emery cloth.	P	P
o. Excelsior.	P	P
p. Glass.	P	P
q. Glucose.	P	P
r. Gypsum.	X	C - CC
s. Hair.	P	P
t. Hardware.	P	P
u. Ink.	P	P
v. Iron.	P	P
w. Lampblack.	P	P
x. Linoleum.	P	P
y. Lime.	X	P
z. Machinery.	P	P
aa. Malt.	P	P
bb. Matches.	X	C - CC
cc. Novelties.	P	P
Industrial	M-1	M-2
dd. Oilcloth.	X	C - CC
ee. Oiled rubber goods.	X	C - CC
ff. Oxygen.	P	P
gg. Paper.	P	P

hh. Paint.	X	C - CC
ii. Pulp.	P	P
jj. Pickles.	P	P
kk. Pottery.	P	P
ll. Incidental plaster.	P	P
mm. Plaster of paris.	P	P
nn. Plastics.	P	P
oo. Salt.	P	P
pp. Sheet metal.	P	P
qq. Shellac.	X	C - CC
rr. Shoddy.	P	P
ss. Shoe polish.	X	C - CC
tt. Soap, detergents.	X	C - CC
uu. Soda.	P	P
vv. Starch.	X	C - CC
ww. Steel.	P	P
xx. Terracotta, tile.	X	P
yy. Toys.	P	P
zz. Turpentine.	X	C - CC
aaa. Varnish.	X	C - CC
bbb. Vinegar.	P	P
Industrial	M-1	M-2
ccc. Yeast.	C - CC	P
36. Manufacture of brick, clay, ceramic, cinder, concrete, synthetic, cast stone, plastics, and pumice stone products, including, in addition, manufacture or fabrication of building blocks, tile or pipe from raw materials for use in building construction or for sewer or	X	C - CC

drainage purposes, and excluding rock or gravel crushing of raw materials except that which is incidental to the manufacture or fabrication of the above-described products and; provided, that such crushing facilities be located not closer than two hundred (200) feet to any property line.		
37. Uses which follow, provided they are located at least three hundred (300) feet from any district boundary:		
a. Animal byproducts, plants, offal or dead animal reduction or dumping.	X	C - CC
b. Blast furnace.	X	C - CC
c. Fat rendering, fertilizer and soil conditioner, foundry.	X	C - CC
d. Garbage or refuse maintenance or disposal site, gravel pits and quarries.	X	C - CC
Industrial	M-1	M-2
e. Manufacturing, processing, refining, treatment, distilling, storage, or compounding of the following: acid, ammonia, asphalt, acetylene gas, bleaching powder and chlorine, bones, chemicals of an objectionable or dangerous nature, coal, creosote, disinfectant, explosives, fireworks, furs, gas, gelatin or size, glue, grease or lard, hides, insecticides, metals crushing, ore, petroleum, plastic potash, pyroxylin, roofing or waterproofing material, rubber or gutta-percha, tallow, tar and wood.	X	C - CC

F. Public And Quasi-Public:		
1. Cemetery.	C - CC	C - CC
2. Parks, golf courses, swimming pools and other recreation areas.	P	P
3. Private schools.	P	X
4. Public buildings.	C - CC	C - CC
5. Radio/television transmitting towers.	P	P
G. Recreation:		
1. Archery shop/range, if in enclosed building.	P	X
2. Athletic club, health club, athletic goods store.	P	X
3. Billiards or pool hall, commercial swimming pool, dancehall, commercial skating rink, gymnasium.	P	X
4. Bowling alley.	P	X
5. Boxing arena.	P	X
Industrial	M-1	M-2
6. Campground.	C - CC	X
7. Drag strip racing.	C - CC	C - CC
8. Go-cart racing.	C - CC	C - CC
9. Golf course, miniature golf course, commercial.	P	X
10. Nightclub/social club.	X	X
11. Private nonprofit locker club.	P	X
12. Outdoor recreation vehicles rental-lease, sales and service.	C - CC	C - CC
13. Recreational center, commercial.	C - CC	X
14. Theater, indoor and outdoor.	P	P
15. Theater, outdoor, providing:	P	P

a. A solid fence or masonry wall with the minimum height of six feet shall be constructed on all sides. b. Driveways and parking areas shall be provided with properly maintained dustless surfaces. c. Minimum area for single-screen theater shall be five acres. Minimum area for two-screen theater shall be eight acres.		
H. Sales And Related Services:		
1. Air conditioning, ventilating equipment, awning sales/repair.	P	P
2. Art needlework shop, art shop and/or art supply, hobby and/or crafts shop.	X	X
3. Beer outlet, Class A and Class B, liquor and beer sales; places for the drinking of liquor or beer.	X	X
Industrial	M-1	M-2
4. Bicycle shop.	P	X
5. Bookstore, music store.	X	X
6. Building material sales enclosed.	P	P
7. Building material sales yard with sale of rock, sand, gravel and the like as incidental part of the main business, but excluding concrete mixing, except as such concrete mixing is necessary in preparation and manufacture of any products specified in this section.	P	P
8. Cafe, cafeteria, catering establishment.	C - CC	C - CC
9. Candy, confectionery, nut shop.	X	X
10. Carbonated water sales.	P	X
11. China and/or silver shops.	X	X

12. Clothing store, department store.	X	X
13. Coal/fuel sales office to include sales yard.	P	P
14. Coal/fuel sales office; not to include sales yard.	CCP	P
15. Drapery/curtain store.	X	X
16. Drive-ins, refreshment stand, eating or drinking place.	C - CC	C - CC
17. Drugstore.	X	X
18. Dry goods store.	X	X
19. Electrical, heating appliances and fixtures sales/repairs/service, floor covering sales.	P	P
20. Five-cent store, notions.	X	X
21. Florist shop.	X	X
Industrial	M-1	M-2
22. Fountain equipment supply.	C - CC	C - CC
23. Fountain equipment supply, lawn service.	C - CC	C - CC
24. Fruit and/or vegetable store, fruit juice store.	X	X
25. Fruit and/or vegetable temporary stand.	X	X
26. Fur sales, storage, repair.	C - CC	C - CC
27. Gift shop, novelty shop.	X	X
28. Greenhouse, nursery; plat materials; soil lawn services.	C - CC	C - CC
29. Grocery, meal sales.	X	X
30. Gunsmith.	C - CC	C - CC
31. Hardware store.	CCP	P
32. Hardware store, including sale of lumber.	P	P

33. Hardware store, not including sale of powered vehicles using motors greater than eight horsepower and not including sale of lumber.	P	P
34. Health food store.	X	X
35. Hospital supplies.	P	X
36. Ice cream shops.	X	X
37. Ice manufacture, storage, and retail/wholesale sales.	P	X
38. Ice sales, rental, ice vendor units and/or reach-in ice merchandise units, electric ice-maker, ice storage not more than five tons capacity.	P	X
39. Insulation sales.	P	X
Industrial	M-1	M-2
40. Jewelry store, leather goods, luggage sales.	X	X
41. Laundry, automatic self-help, laundry agency.	P	X
42. Linen shop.	X	X
43. Lumber yard.	P	P
44. Milk distributing station, sale of dairy products, excluding processing/bottling.	X	X
45. Military store.	P	X
46. Monument sales, retail.	P	X
47. Motorboat sales.	X	X
48. News stand, magazine shop.	X	X
49. Oil burner shop.	X	X
50. Ornamental iron, sales only.	X	X
51. Painter/paint store.	X	X
52. Plumbing shop.	P	X

53. Radio and television sales and repair.	X	X
54. Radio and television station.	P	P
55. Restaurant.	C - CC	X
56. Retail sales bakery, delicatessen.	C - CC	X
57. Roofing sales.	P	X
58. Package agency.	X	X
59. Popcorn and/or nut shop.	C - CC	X
60. Secondhand shop, antiques, conducted within a building or enclosure.	P	X
61. Seed/feed store.	C - CC	C - CC
Industrial	M-1	M-2
62. Sewing machine shop.	X	X
63. Shoe shop, shoe shine, shoe repair.	X	X
64. Sign painting shop.	P	X
65. State store.	X	X
66. Stationary and greeting card sales.	X	X
67. Taxidermist.	P	P
68. Tire shop, sale and mounting only.	P	X
69. Tobacco shop.	X	X
70. Towel and linen supply service.	P	X
71. Upholstery shop.	P	C - CC
72. Variety store.	X	X
73. Wallpaper store.	X	X
74. Weather-stripping shop.	C - CC	X
75. Wholesale business.	P	P
I. Service Activities:		

1. Addressograph shop.	X	X
2. Animal hospital.	P	X
3. Baby services, sitter agency.	X	X
4. Bank.	X	X
5. Barber shop, beauty shop.	X	X
6. Bath and massage.	X	X
7. Beauty shop for pets.	P	X
8. Blueprinting, photostating, duplicating.	P	X
9. Carpet and/or rug cleaning.	P	X
Industrial	M-1	M-2
10. Clothes cleaning, dyeing, pressing.	P	X
11. Costume rental.	X	X
12. Dance, drama and music school.	P	X
13. Dressmaking.	P	X
14. Electric appliances and/or electronic instruments service.	P	X
15. Employment agency or employment office.	P	X
16. Fix-it shop, repair shop, household items.	P	X
17. Flooring, floor repair shop.	P	X
18. Frozen food lockers.	P	X
19. Frozen food locker incidental to a main grocery store or food business.	X	X
20. Household cleaning/repair, house equipment displays.	C - CC	X
21. Interior decorating store.	X	X
22. Janitorial service.	C - CC	X
23. Kennel; more than three dogs may be	C - CC	C - CC

kept as an accessory use to a use allowed in the district.		
24. Key and lock service.	P	X
25. Lithographing, engraving, photoengraving.	P	X
26. Medical/dental clinic, laboratories.	X	X
27. Mortuary.	X	X
28. Nurses' agency.	X	X
Industrial	M-1	M-2
29. Office, business, or professional.	C - CC	C - CC
30. Office supply; office machines sales, repair.	C - CC	X
31. Optometrist and/or oculist.	X	X
32. Pest extermination business.	P	P
33. Photographer or photography shop, sales and service.	X	X
34. Printing, including engraving, photo engraving, printing and small paper reproduction service.	P	X
35. Reception center and/or wedding chapel.	X	X
36. Tailor shop.	X	X
37. Travel bureau.	X	X
38. Veterinary; operations are completely enclosed within an air-conditioned and soundproof building.	P	X
J. Storage And Warehousing:		
1. Coal, fuel and wood yards.	P	P
2. Contractors' equipment storage yard or plat, or rental of equipment used by contractors.	P	P
3. Garage, public.	P	P

4. Junk yard.	C - CC	C - CC
5. Warehouse.	P	P
Industrial	M-1	M-2
K. Temporary Buildings:		
1. Temporary buildings for uses incidental to construction work including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work.	C - ZA	C - ZA
L. Transportation:		
1. Bus terminal, taxi stand, express office.	P	C - CC
2. Draying, freighting or tucking yard or terminal.	P	P
3. Drive-it-yourself agency.	P	P
4. Express office.	P	C - CC
5. Taxi stand.	P	C - CC
6. Terminal, parking and maintenance facilities.	P	P
7. Transfer company, provided trucks no larger than two tons capacity are used.	P	P
8. Truck stop and service facilities.	P	P

(Ord. 2011-366 § 1 (part))

R17.21.040 Height regulations.

The maximum height for all buildings and structures in the Industrial (M) zones shall be fifty-five (55) feet, or four (4) stories.

(Ord. 2011-366 § 1 (part))

R17.21.050 Area regulations.

No minimum lot area.

(Ord. 2011-366 § 1 (part))

R17.21.060 Frontage regulations.

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

(Ord. 2011-366 § 1 (part))

R17.21.070 Yard regulations.

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

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

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

(Ord. 2011-366 § 1 (part))

R17.21.080 Signs.

A. Clearance. For freestanding and projecting signs attached to a building, there shall be a minimum of ten and one-half (10.5') feet between the ground or sidewalk and any part of a projecting sign. Public necessity signs and monument signs (signs which are permanently anchored, freestanding and no more than five feet (5') in height) may be exempt from this requirement.

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

C. Location of Signs.

1. All signs shall be installed behind the property line of the business so as not to obstruct the view of traffic.

2. No part of any sign shall be permitted to extend across any property line.

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

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

1. For freestanding signs: two (2) square feet of sign area (not including support structure) per lineal foot of street frontage up to a maximum of three hundred (300) square feet.

2. For flat signs that are either painted or attached to the building and do not project more than eighteen (18) inches from the building wall: a maximum of twenty-five (25) percent of a wall or fifty (50) percent of a window area may be used for a sign. Attached or painted signs using more than twenty-five (25) percent of a

wall or fifty (50) percent of a window area shall be considered a conditional use, and as such, shall require the approval of the Planning Commission prior to installation of the sign.

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

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

G. Quality of Signs.

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

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

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

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

(Ord. 2011-366 § 1 (part))

R17.21.090 Special provisions.

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

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

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

D. Walls and Fences.

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

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

3. A decorative sight-screening wall or fence at least six (6) feet in height shall be erected along all property lines which lie adjacent to a residential zone. Fences over six (6) feet in height, up to a maximum of ten (10) feet, may be approved through a conditional use permit and shall require a separate building permit.

E. Office Buildings. Manufactured homes, modular buildings and any other similar pre-manufactured building may be used as an office facility, providing the following provisions are met:

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

(Ord. 2011-366 § 1 (part))

R17.21.100 Performance standards.

All uses within Industrial (M) zones are subject to the performance standards and regulations as found in Chapter 17.12.

(Ord. 2011-366 § 1 (part))

Chapter R17.25 - AIRPORT OVERLAY (AO) ZONE

Sections:

- R17.25.010 Purpose.
- R17.25.020 Applicability.
- R17.25.030 Definitions.
- R17.25.040 Airport height limitation zones.
- R17.25.050 Height limitations.
- R17.25.055 Purchase or condemnation of air rights or avigation easements.
- R17.25.060 Use restrictions.
- R17.25.070 Nonconforming uses.
- R17.25.080 Airport safety compatibility zones (ASCZ).
- R17.25.090 Permits.
- R17.25.100 Disclosure.

R17.25.010 Purpose.

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

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

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

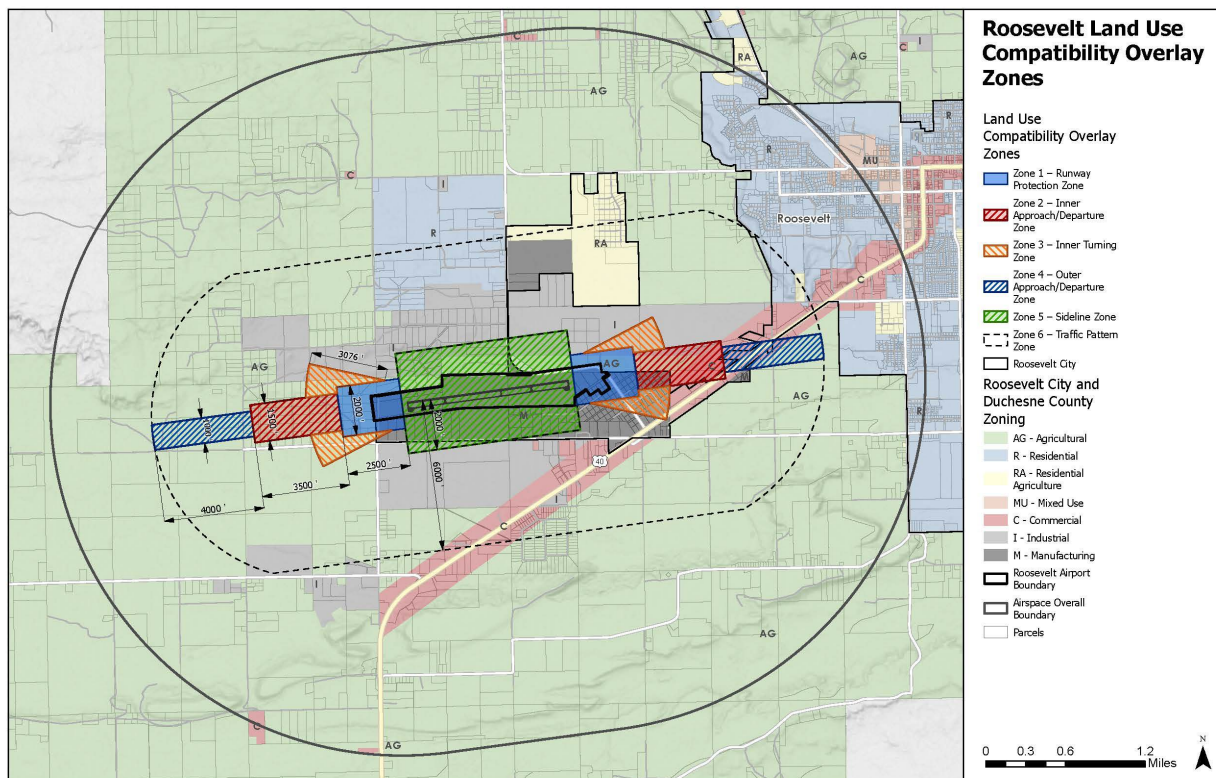
D. Pursuant to §72-10-403 of Utah State Code (as amended) it shall be the responsibility of Roosevelt City to: notify a person building on or developing land within an airport influence area, in writing, of aircraft overflights and associated noise; as a condition to granting a building permit, subdivision plat, or a requested zoning change within an airport influence area, require the person building or developing land to grant or sell to the airport owner, at appraised fair market value, an avigation easement; and require a person building or developing land within an airport influence area conform to the requirements of §72-10-4 of Utah State Code (as amended); this chapter; and 14. C.F.R. Part 77.

(Ord. 2019-428 (part))

R17.25.020 Applicability.

The provisions of this chapter shall apply to all lands, buildings, structures, natural features or uses located within those areas of the incorporated boundaries of City that are defined by the AO zone and designated on Part 77 Surfaces Map of the Roosevelt Municipal Airport Layout Plan (ALP) which identifies areas of height limitations and the Airport Safety Compatibility Zones (ASCZ) map; or within those areas of the incorporated boundaries of the City which are within the airspace overall boundary as depicted on the Duchesne County Roosevelt Land Use Compatibility Overlay Zone Map.

FIGURE 1: Duchesne County Roosevelt Land Use Compatibility Overlay Zone Map



(Ord. 2019-428 (part))

R17.25.030 Definitions.

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

- A. “Airport” means any publicly used area of land or water that is used, or is intended to be used, for the landing and take-off of aircraft and utilized or to be utilized in the interest of the public for these purposes. Airport also means the Roosevelt Municipal Airport.
- B. “Airport elevation” means the highest point of the airport’s useable landing area measured in feet above sea level. The Roosevelt Municipal Airport is five thousand one hundred seventy-six (5,176) feet above mean sea level.
- C. “Airport hazard” means any structure, tree, object of natural growth, or use of land that potentially obstructs or otherwise impacts the safe and efficient utilization of the navigable airspace required for the flight of aircraft in landing or take-off at an airport.
- D. “Airport influence area” means land located within five thousand feet (5,000’) of an airport runway.
- E. “Airport overlay zone” means a secondary zoning district designated to protect the public health, safety, and welfare near an airport that: applies land use regulation in addition to the primary zoning district land use regulation of property used as an airport and property within an airport influence area; may extend beyond the airport influence area; ensures airport utility as a public asset; protects property owner land values near an airport through compatible land use regulations by the Federal Aviation Administration (FAA); and protects aircraft occupant safety through protection of navigable airspace.

F. "Approach surface" means an imaginary surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 17.25.050. The perimeter of the approach surface coincides with the perimeter of the approach zone in plan view.

G. Approach, Transitional, Horizontal, and Conical Zones. These zones are defined in Section 17.25.040.

H. "Avigation easement" means an easement permitting unimpeded aircraft flights over property subject to the easement and includes the right: to create or increase noise or other effects that may result from the lawful operation of aircraft; and to prohibit or remove any obstruction to such overflight.

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

J. "FAA Form 7460-1, Notice of Proposed Construction or Alteration" means the current edition of Form FAA 7460-1 published by the Federal Aviation Administration (FAA) at <https://faa.gov/forms>, which is a form the FAA requires to be completed by anyone who is proposing to construct or alter an object that could affect airspace and which allows the FAA to conduct an Obstruction Evaluation / Airport Airspace Analysis (OE/AAA) to determine whether the object will adversely affect airspace or navigational aids.

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

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

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

N. "Land use regulation" means the same as that term is defined in §10-9a-103 of Utah State Code (as amended).

O. "Mobile Objects" means vehicles, trains extending fifteen feet (15') or more above a roadway surface, seventeen feet (17') or more above a roadway surface, or twenty-three feet (23') above a railroad surface.

P. "Obstruction" means any permanent or temporary structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 17.25.050.

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

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

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

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

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

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

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

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

(Ord. 2019-428 (part))

R17.25.040 Airport height limitation zones.

In order to carry out the provisions of this chapter, zones are established which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to the Roosevelt Municipal Airport. The zones are shown on Part 77 Surfaces Map of the Roosevelt Municipal Layout Plan (ALP). A lot or parcel located in more than one (1) zone is considered to be only in the zone with the more restrictive height limitation. The various zones are defined as follows:

A. Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide for Runway 7-25. The approach zone expands uniformly to the width three thousand five hundred (3,500) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface end. Its centerline is the continuation of the centerline of the runway.

B. Transitional Zone. Transitional zones are the areas beneath the transitional surfaces.

C. Horizontal Zone. Horizontal zones are established by swinging arcs of ten thousand (10,000) feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. Horizontal zones do not include approach and transitional zones.

D. Conical Zone. Conical zones are established as the area commencing at the periphery of the horizontal zones and extending outward and upward twenty (20) to one (20:1) therefrom for a horizontal distance of four thousand (4,000) feet.

(Ord. 2019-428 (part))

R17.25.050 Height limitations.

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

A. Approach Zone. Slopes thirty-four (34) feet outward for each foot upward (34:1) beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline.

B. Transitional Zones. Slopes seven feet outward for each foot upward (7:1) beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty (150) feet above the airport elevation.

C. Horizontal Zone. One hundred fifty (150) feet above the airport elevation or at a height of five thousand three hundred twenty-six (5,326) feet above mean sea level.

D. Conical Zone. Slopes twenty (20) feet outward for each foot upward (20:1) for four thousand (4,000) feet beginning at the periphery of the horizontal zone to a height of five thousand five hundred twenty-six (5,526) feet above mean sea level.

(Ord. 2019-428 (part))

R17.25.055 Purchase or condemnation of air rights or aviation easements.

Pursuant to §72-10-413 of Utah State Code (as amended), the City may acquire by purchase, grant, or condemnation in the manner provided by law under which the City is authorized to acquire real property for public purposes, an air right, an aviation easement, or other estate or interest in a property or nonconforming structure or use if:

- A. It is desired to remove, lower, or otherwise terminate a nonconforming structure or use;
- B. The approach protection necessary cannot, because of constitutional limitations, be provided by airport land use regulations under this chapter; or
- C. It appears advisable that the necessary approach protection be provided by acquisition of property rights rather than by airport zoning regulations.

R17.25.060 Use restrictions.

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

- A. Create electrical interference with the navigational signals or radio communications between the airport and aircraft;
- B. Make it difficult for pilots to distinguish between airport lights and others; no new or expanded industrial, commercial, recreational or residential use shall project lighting directly onto an existing runway, taxiway, or approach/departure surface except where necessary for safe air travel;
- C. Result in glare in the eyes of pilots using the airport; impair visibility in the vicinity of the airport;
- D. Create bird strike hazards; or
- E. Otherwise endanger or interfere with the landing, take-off, or maneuvering of aircraft intending to use the airport.
- F. Approval of cellular and other communications or transmission towers located within any zone described within Section 17.25.040 shall be conditioned to require their removal within ninety (90) days of discontinuance of use.

(Ord. 2019-428 (part))

R17.25.070 Nonconforming uses.

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

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

(Ord. 2019-428 (part))

R17.25.080 Airport safety compatibility zones (ASCZ).

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

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

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

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

D. Zone 4—Outer Approach/Departure Zone. Prohibited land uses within this zone are considered high density residential (i.e., zone districts with a density of thirteen units per acre or more), places of public assembly such as churches, schools (K-12), hospitals, office buildings, shopping centers and other uses with similar concentrations of persons. Only low-density residential zones (i.e., zones which allow single or two-family dwellings) are allowed. Residential areas should have the disclosure statement included in Section 17.25.100.

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

F. Zone 6—Traffic Pattern Zone. Prohibited land uses within this zone are schools, hospitals and other uses with similar concentrations of persons. Only residential zoning districts with a density of eighteen (18) units per acre may be allowed. All residential zones within the Traffic Pattern Zone should have the disclosure statement included in Section R17.25.100.

(Ord. 2019-428 (part))

R17.25.090 Permits; Notice.

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

The City shall provide Class B notice to any person building on or developing land which is located within the airport influence area, of aircraft overflights and associated noise.

All permit applications within the AO zone shall, in addition to being reviewed through the standard development review process, be subject to the following requirements:

1. All developments, permits or plats with proposed buildings and/or structures found to be within twenty feet (20') of any of the height limitations described in Section 17.25.050 and/or all buildings and structures over

two hundred feet (200') in height shall submit a an FAA Form 7460-1 to the FAA for Obstruction Evaluation / Airport Airspace Analysis (OE/AAA). If a determination of no hazard to air navigation is issued, a copy of the FAA's official findings shall be submitted to the City along with the proposed site plan, building elevations, and other materials as may be required by the City for the specific land use application being submitted before the City may approve such land use application.

2. All developments, permits or plats falling within the ASCZs described in Section 17.25.080 associated with special use permits, variances or existing nonconforming uses shall also submit an FAA Form 7460-1 to the FAA for Obstruction Evaluation / Airport Airspace Analysis (OE/AAA). If a determination of no hazard to air navigation is issued, a copy of the FAA's official findings shall be submitted to the City along with the proposed submit a site plan, building elevations, and other materials as may be required by the City for the specific land use application being submitted before the City may approve such land use application.

3. In the area lying within the limits of a horizontal zone and conical zone, no approval from the FAA shall be required for any tree or structure less than seventy-five feet (75') of vertical height above the ground except when, because of terrain, land contour, or topographic features, the tree or structure would extend above the height limits prescribed for such zones.

4. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any structure or growth of any tree in excess of any height limits established by this chapter.

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

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

D. Variances.

1. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property not in accordance with the provisions of this chapter, may apply to the City for a variance. The application for variance shall be accompanied by a determination of no hazard to air navigation from the FAA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace.

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

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

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

F. Conditional Use Permit. Any use, permitted or conditional, allowed under any zone district of the City, which will be located in an AO zone, shall be treated and processed as a conditional use and shall be subject to all provisions and procedures required for conditional uses as outlined within this title.

(Ord. 2019-428 (part))

R17.25.100 Disclosure.

To all extents possible, property owners and potential property buyers should be made aware of the following disclosure. The disclosure statement shall be listed on all approved subdivision plats, short plats, binding site plans and deeds within any of the identified zones in Section [R17.25.040](#) or [R17.25.080](#).

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

(Ord. 2019-428 (part))

Chapter R17.26 - TINY HOME OVERLAY (TH-O)

ZONE

Sections:

- R17.26.010 Purpose.
- R17.26.020 Definitions.
- R17.26.030 Overlay zone designation.
- R17.26.040 Development standards.
- R17.26.050 Tiny home standards.

R17.26.010 Purpose and intent.

The purpose of the Tiny Home Overlay (TH-O) zone is to facilitate the thoughtful integration of tiny homes within the City, leveraging their potential to enhance the diversity and affordability of the housing stock. Recognizing the unique challenges and opportunities presented by tiny homes, this chapter aims to:

- A. Provide separate zoning regulations to a limited area to better accommodate tiny homes, addressing lot size minimum, setback requirements, and other zoning parameters that may currently limit the potential for tiny home development.
- B. Promote the efficient use of available space, particularly through infill development to optimize land use.
- C. Provide diverse housing types to allow for various lifestyles, family sizes, and income levels, reflecting the diversity of our community's needs.
- D. Ensure that the development of tiny homes enhances the overall quality of life in the community by complementing the existing housing stock and meeting identified housing needs without displacing current residents.

R17.26.020 Purpose and intent.

For the purposes of this chapter, the following terms are defined as follows:

- A. "Tiny Home" is a residential dwelling that is detached and independent, with a footprint of a minimum of four hundred square feet (400 sq. ft.), not exceeding seven hundred square feet (700 sq. ft.) and a total living space under nine hundred square feet (900 sq. ft.). Tiny homes are constructed on a permanent foundation, designed for year-round living, and equipped with all necessary services and facilities.
- B. "Overlay" is an additional zoning designation applied to a specified area within the City that imposes a set of requirements or standards distinct from those of the underlying zone. Overlays are used to address specific planning goals, such as increasing housing diversity, without altering the foundational zoning classifications applicable to all zones within the City boundaries.
- C. "Conditional Overlay" refers to the period during which the Tiny Home Overlay (TH-O) is approved pending conditions specified are met within the provided time frame.
- D. "Tiny Home Lot" refers to a parcel of land designated for the development of tiny homes, consisting solely of four (4) or fewer tiny homes. These lots are subject to the development standards and permitting processes outlined in this chapter.

- E. “Permanent Foundation” is a fixed ground support system that securely anchors a tiny home to the ground, meeting all applicable building codes and standards. Permanent foundations are designed to ensure the structural integrity and longevity of tiny homes.
- F. “Infill Development” refers to the development of vacant or underutilized land within previously built area of the City. Infill development aims to optimize land use, reduce urban sprawl, and promote growth patterns which preserve agricultural and recreational areas.
- G. “Mobile Structure” is any structure designed and constructed to be movable rather than permanently located. Key characteristics of mobile structures include the ability to be transported on wheels directly or via a trailer chassis from one location to another and not being affixed to a permanent foundation. Mobile structures may include, but are not limited to, mobile homes, travel trailers, recreational vehicles (RVs), and other prefabricated or modular structures designed for temporary or semi-permanent residential, commercial, or recreational use.

R17.26.030 Overlay zone designation.

- A. The Tiny Home Overlay (TH-O) zone designation shall only be applicable within the following zone districts as defined in this title:
 - 1. Single-Family Residential (R-1-6);
 - 2. Multiple Residential (R-M-13);
 - 3. Multiple Residential (R-M-18);
 - 4. Or in an area of the City where an existing manufactured home park has been approved.
- B. The TH-O shall be denoted on the Roosevelt City Zoning Map once a TH-O has been approved by the City.
- C. The TH-O shall be approved in areas within the zones stated above under the following criteria:
 - 1. Smaller Lot Utilization: Areas where the utilization of smaller lots and an increase in residential density will not adversely affect the community character or impose undue strain on existing infrastructure and municipal services.
 - 2. Redevelopment Areas: Zones identified for redevelopment, where tiny homes can contribute to revitalization efforts without displacing current residents or disrupting existing community fabrics.
 - 3. Infill Development: Locations suitable for infill development, particularly vacant or underused parcels that can be optimized for residential use, thereby reducing urban sprawl and encouraging more efficient land use.
 - 4. Mixed Housing Types: Areas that benefit from a diverse housing stock, including tiny homes, to cater to a variety of lifestyles, family sizes, and income levels, promoting inclusivity and affordability in the housing market.
- D. In the designation of the TH-O, the following development considerations shall be adhered to:
 - 1. Emergency Access: All development within the TH-) shall ensure clear access for emergency vehicles and services, with appropriately designed ingress and egress points to safeguard the well-being of residents.
 - 2. Community Integration: Tiny home developments shall be designed to integrate seamlessly with existing neighborhoods, complementing the architectural styles and scales to maintain the aesthetic coherence and community character.
 - 3. Infrastructure Capacity: The existing infrastructure capacity to support additional residents, including water, sewer, and electrical services, shall be a primary consideration in the approval process to ensure sustainable growth.

R17.26.040 Development standards.

The following development standards are established to guide the development of tiny home lots within a TH-O, ensuring that such developments contribute positively to the community objectives.

All building, planning, business licensing and development permits within the TH-O shall submit a site plan showing compliance with the established requirements of this Chapter including:

- A. Minimum Lot Size. The minimum lot size for the placement of a tiny home shall be two thousand five hundred square feet (2,500 sq. ft.), with an additional requirement of five hundred square feet (500 sq. ft.) for each tiny home placed on the lot, not exceeding four (4) homes per lot.
- B. Lot Width. The minimum lot width for tiny home lots shall be forty-five feet (45'), regardless of underlying zoning requirements.
- C. Setbacks.
 - a. Front. Setback requirements shall adhere to the standards established for the respective underlying zone.
 - b. Side. A minimum of eight feet (8') from property lines as per fire code.
 - c. From Other Structures. A minimum setback of eight feet (8') from other structures on the same lot.
 - d. Rear. A minimum of eight feet (8') from the rear property line as per fire code.
 - e. Corner. Thirty feet (30') or twenty feet (20') depending on the orientation of the lot to the adjacent streets.
- D. Lot Coverage. There shall be no maximum lot coverage requirement for tiny home lots to allow flexibility in design and placement.
- E. Height Restrictions. Tiny homes shall not exceed a maximum height of twenty feet (20').
- F. Utility Connections. All tiny homes shall be individually connected to municipal water, sewer, and electrical services to ensure health and safety standards are met.
- G. Parking.
 - a. A minimum of one (1) parking space per tiny home unit is required.
 - b. Each parking space shall be no smaller than twelve feet (12') by twenty feet (20') and located out of the public right-of-way (ROW).
 - c. All areas intended or used for parking vehicles wider than fifty inches (50") at any part shall be paved asphalt or concrete parking spaces.
 - d. Parking spaces/parking shall not cover more than fifty percent (50%) of the street facing wall of the structure.
 - e. Tiny homes wishing to store more than one (1) vehicle shall provide additional parking.
 - f. Street parking shall follow the rules and requirements of the underlying zone.
- H. Landscaping.
 - a. For lots less than three thousand square feet (3,000 sq. ft.) designated for a single tiny home or less than six thousand five hundred square feet (6,500 sq. ft.) for multiple tiny homes, all areas not covered by buildings or pavement shall be landscaped. Landscaping must be completed before the issuance of the final certificate of occupancy.
 - b. In instances where whether conditions prevent the timely completing of landscaping a temporary certificate of occupancy may be granted under the condition that all required landscaping improvements are completed by no later than August 1st following the issuance date. To ensure compliance, the City shall receive a performance bond equal to the total amount quoted in a landscaping bid sourced from a landscaping business currently holding a valid business license.
 - i. Should the landscaping improvements not be completed by the stipulated deadline of August 1st following the issuance of the temporary certificate of occupancy, the performance bond will be forfeited. Upon forfeiture, the City reserves the right to either:
 - 1. Undertake the necessary landscaping improvements directly, utilizing the forfeited bond amount to cover the costs of such landscaping; or

2. Allocate the forfeited bond amount towards other City improvement projects as deemed appropriate by the City Council or is designated authority.
- I. Trash Receptacles. Designated areas for trash receptacles shall be provided outside of the front setback.
- J. Adequate Drainage. Development plans must include provisions for adequate drainage to prevent water accumulation and ensure proper runoff management.
- K. Emergency Access. Developments must ensure clear access for emergency vehicles and services, with appropriately designed ingress and egress points to safeguard residents and property.

R17.26.050 Tiny home standards.

To ensure that tiny homes contribute positively to the housing landscape of the City while adhering to safety, stability, and community aesthetic standards, the following criteria are established:

- A. Size Limitations. Tiny homes are defined as having a minimum of four hundred square feet (400 sq. ft.) and shall not exceed seven hundred square feet (700 sq. ft.) or a total living space of nine hundred square feet (900 sq. ft.).
- B. Occupancy and Parcel Development Restrictions.
 1. No more than four (4) tiny homes may be placed on any single lot and all shall be owned by the same owner of record.
 2. A parent parcel may not be subdivided to create more than four (4) lots within a three (3) year period for the purpose of developing tiny homes.
- C. Permanent Foundation Required. All tiny homes within the TH-O zone shall be built on permanent foundations. No mobile structures may be allowed in the TH-O zone.
 1. The design and construction of the foundation shall meet all adopted construction codes of the City. Compliance with these standards assures that tiny homes are built to withstand local environmental conditions and maintain structural integrity over time.
- D. Permitting Process.
 1. Administrative Processing and Approval. Proposed development within a TH-O zone shall be processed and approved through an administrative procedure managed by City Staff. This process is designed to facilitate the development of tiny homes within specified areas in alignment with the strategic planning objectives and community needs of the City. Projects within the TH-O zone shall receive written approval from the following City officials or their authorized designees:
 - i. City Zoning Administrator;
 - ii. City Building Official; and
 - iii. Public Works Director.
 2. Application Requirements. Applicants seeking approval for projects within the TH-O zone shall submit an application package to the City's Planning Department, which includes:
 - i. A statement of purpose for utilization of the TH-O zone overlay, including its benefits and how the proposed project will align with the City's planning goals.
 - ii. A detailed site plan demonstrating the ability of affected lots which will comply with the requirements set forth in this Chapter.
 - iii. Any supporting documents necessary to show compliance with the requirements of this Chapter.
 - iv. The non-refundable application fee, set at the same rate as the fee for rezoning applications as specified in the City's current fee schedule.
 3. Review Process. Upon receipt of an application, City Staff shall:

- i. Perform an initial assessment to verify the completeness of the application and its adherence to the specified requirements.
 - ii. Following the acceptance of the application, the City's Zoning Administrator shall ensure the application is distributed to other relevant City Staff for review and shall conduct a thorough evaluation of the proposal. Evaluation shall include:
 1. An analysis of the proposal's impact on zoning, infrastructure, and environmental factors.
 2. Consideration of the proposal's alignment with the City's adopted ordinances, including relevant design standards and the City's adopted master or general plans.
4. Public Notification Required. Before issuing final review comments or findings to the applicant, City Staff shall:
 - i. Issue a public notice to properties within three hundred feet (300') of the proposed project, which includes an invitation to comment on relevant aspects of the proposed project including, but not limited to, parking and utility arrangements.
5. Decision and Notification. Once the public comment period has closed, City Staff shall either approval, approve with conditions, or deny the application. The decision shall be communicated in writing via certified mail to the applicant. This communication will include a staff report, signed by the required City officials, detailing the findings from the comprehensive evaluation and stating any conditions related to the approval or denial.
6. Appeal Process. Applicants may appeal City Staff determination in accordance with the City's established appeal procedures.
7. Ongoing Monitoring and Authority. City Staff shall conduct ongoing administrative monitoring to ensure compliance with the TH-O requirements. The City retains the right, exercised through administrative authority, to either maintain or remove the TH-O designation as dictated by evolving planning needs and objectives of the City.