



Land Use Ordinances

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CHAPTER 1. LAND USE REGULATIONS AND PROVISIONS

SECTION 1. GENERAL PROVISIONS

1-100. SHORT TITLE: This ordinance shall be known as the “Annabella Town Land Use Ordinance” and may be referenced in legal and administrative matters.

1-200. PURPOSE: The purpose of this ordinance is to promote the general welfare of Annabella Town, to protect the health of its inhabitants, to encourage the most appropriate use of land within the Town, to insure the value of property, to lessen the congestion in the streets and ways, to avoid undue concentration of population, to provide an adequate supply of light and air by regulating the location, use, and height of buildings and the area of open spaces about them, to secure safety from fire and other dangers, to secure economy in governmental expenditures, and to foster the Town’s residential development.

1-300. EFFECT OF CHAPTER: The regulations hereinafter set forth in this chapter qualify or supplement, as the cause may be, the district regulations and all other regulations appearing elsewhere in this ordinance.

1-400. INTERPRETATION: In interpreting and applying the provisions of this ordinance, the requirements contained herein are declared to be the minimum requirements for the purposes set forth.

1-500. CONFLICT: This ordinance shall supersede any less restrictive provisions in other laws or agreements, but in cases where state law imposes stricter requirements, those shall prevail.

1-600. EFFECT ON PREVIOUS ORDINANCES AND MAPS: The existing ordinances covering land use, in their entirety, and including the maps heretofore adopted and made part of said ordinances, are hereby superseded and amended to read as set forth herein; provided, however, that this ordinance and included the map(s), shall be deemed a continuation of previous codes and not a new enactment, insofar as the substance or revisions, are included in this ordinance, whether in the same or different language; and this ordinance shall be so interpreted upon all questions of construction relating to tenure of officers and Boards established by previous ordinances, regarding the status of conforming or nonconforming uses and buildings, including determinations of conforming or nonconforming status.

1-700. FLOOD PLAIN STATEMENTS: All future development will be required to meet the regulations of the current flood zone which includes all land within the municipal boundaries of Annabella Town and proposed annexation areas. (See Map Community Panel 490122 0001 A – U.S. Department of Housing and Urban Development - Annex A)

SECTION 2. DEFINITIONS

2-100. INTERPRETATION: Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this code. Words used in the present tense shall 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 words plot or parcel. Words used in this code but defined herein shall have the meaning as defined in any other ordinance adopted by Annabella Town.

2-101. ACCESS: A means of approaching or entering a property. Lots must have legal access to a public or private street that meets town standards. Access includes egress (exit rights).

2-102. ACCESSORY USE: A use which is incidental and subordinate to the main building or use located on the same lot.

2-103. AGRICULTURE: The tilling of soil, raising of crops, horticulture and gardening, the keeping or raising of domestic animals, but not including any agricultural industry or business such as fruit packing plants, fur farms, animal hospitals, livestock feed yards, or similar uses.

2-104. ANIMAL UNIT: A standardized unit of measurement used to regulate the keeping of animals based on relative land use impacts, as calculated pursuant to Section 6-700, Animal Keeping and Animal Units.

2-105. APPEAL: When a person believes a decision was made in error, an appeal may be filed so that a higher decision-making body can review the case.

2-106. AUTOMOBILE REPAIR, MINOR: an establishment primarily engaged in the minor repair or minor maintenance of motor vehicles, trailers, and similar mechanical equipment, including brake, muffler, tire repair and change, lubrication, oil changes, tune-ups, safety inspections and emissions testing, and detailing. The work must be done entirely within a completely enclosed building and does not include paint work, body and fender work, or major engine and engine part overhaul.

2-107. BOARD OF ADJUSTMENTS: A local body, created by ordinance, and appointed by the Mayor or with the advice or consent of the Council, whose responsibilities include the granting of variances, appeals of administrative decisions, and special exceptions.

2-108. BUILDING: Any structure having a roof supported by walls or columns, used or intended to be used for the shelter or enclosure of persons, animals, possessions, or property of any kind.

2-109. BUILDING, HEIGHT OF: Height of building means the vertical distance from the average finished grade at the front of the building to the highest point of the roof.

2-110. BUILDING, MAIN: A building in which is conducted the principle use of the building site on which it is situated.

2-111. BUILDING OFFICIAL: The person responsible for the administration and enforcement of the building, housing, plumbing, electrical and related codes. All such officials in Utah need to be certified by the State of Utah.

2-112. CHURCH: A building, together with its accessory buildings and uses, where persons regularly assemble for worship and that is maintained and controlled by a religious body organized to sustain public worship.

2-113 COMMERCIAL VEHICLES: Any vehicle used or maintained primarily for the transportation of property or passengers for hire, compensation, profit, or commercial purposes; or any vehicle with a manufacturer's gross vehicle weight rating (GVWR) greater than 10,000 pounds; or any vehicle carrying tools or equipment for a business, or designed, used, or maintained for construction, landscaping, delivery, or service activities. This definition includes semi-trucks, tractor-trailers, box trucks, delivery vans, work trucks, construction equipment on trailers, and similar vehicles.

2-114. CONDITIONAL USE: A conditional use means a land use that, because of its unique characteristics or potential impact on Annabella Town, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

2-115. CONSTRUCTION: Any site preparation, grading, excavation, demolition, alteration, repair, installation, or erection of any building, structure, utility, or improvement; and includes the operation of any power tools, compressors, generators, pumps, heavy equipment, or other machinery used in such work. Landscaping using motorized equipment is included.

2-116. DENSITY: The number of families, individuals, dwelling units or housing structures per unit of land; usually that unit is expressed as an acre. The control of density is one of the basic purposes of land use.

2-117. DENSITY, CONTROL OF: A limitation of the occupancy of land. Density can be controlled through zoning by one or a combination of the following methods: use restriction (single or multiple dwellings); minimum lot size requirements; floor area ratios; setback and yard requirements; minimum house-size requirements; establishing ratios between lot and house size; limitations on units per acre; and other means.

2-118. DEVELOPER: Any person, firm, partnership, corporation or association who causes improvements to be constructed and use to be changed, or land to be subdivided for himself/herself or others.

2-119. DEVELOPMENT IMPACT FEES: A fee or charge imposed on developers to pay for the costs to the community of providing services to a new development. It is a means of providing a fund for financing new public improvements without resorting to deficit financing.

2-120. DEVELOPMENT: The conversion or alteration of use or physical characteristics of land; placing improvements on the land; or putting land to intensive use such as subdivision, PUD, mobile home park, recreation vehicle park, shopping center, industrial park, excavation, etc.

2-121. DISTRICT (ALSO ZONE OR ZONING DISTRICT): A portion of the territory of Annabella Town established as a land use district by this code, within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this code.

2-122. DOMESTIC ANIMALS (See also Animal Unit): Animals that are used as pets or for family food production. Domestic animals include dogs, cats, chickens, goats, sheep, horses, cows, and similar animals traditionally kept for companionship or agricultural purposes. Animals considered inherently wild, undomesticated, or presenting heightened public safety risks, regardless of individual taming or training, are excluded from the definition of domestic animals. The keeping of exotic animals is subject to state and federal regulations and may require special permits or licenses. Exotic animals are not permitted within town limits.

2-123. DWELLING: A structure designated for and occupied by one family, including provisions for living, sleeping, eating, cooking, and sanitation. This definition does not include bed and breakfasts, hotels, apartment hotels, boardinghouses, rooming houses, and tourist courts.

2-124. DWELLING, ACCESSORY UNIT (ADU): A secondary dwelling unit located on the same lot as a primary single-family home. An ADU has its own living, sleeping, cooking, and bathroom facilities and is either a detached structure or an attached addition that expands the footprint of the primary dwelling.

2-125. DWELLING, INTERNAL ACCESSORY UNIT OR INTERNAL ACCESSORY DWELLING UNIT (IADU): An accessory dwelling unit that is created entirely within the footprint of an existing single-family dwelling, such as a basement or portion of the main house, with a separate entrance and independent living facilities for the purpose of offering a long-term rental of 30 consecutive days or longer.

2-126. DWELLING, SINGLE FAMILY: A residential dwelling:

- a. Not attached to any other dwelling;
- b. On a single lot that is arranged for, designed for, and occupied by not more than one family (as defined herein); Containing at least one bathroom, at least one kitchen, and living and sleeping facilities.

2-127. DWELLING, TWO FAMILY: A single residential building under a continuous roof, the structure containing only two dwellings sharing common interior walls or common interior floors.

2-128. DWELLING, MULTI FAMILY: a building or buildings sharing common walls or common interior floors and containing three or more dwellings.

2-129. EASEMENT: that portion of a property reserved for present or future use under, on, or above the property by a person or agency other than the legal fee owner or owners of the property.

2-130. FAMILY: One or more persons occupying a single dwelling unit. Nothing in this definition shall be construed to prevent reasonable accommodations for persons with disabilities as required by the Fair Housing Act.

- a. A family may consist of an individual;
- b. Two or more persons related by blood, marriage, or adoption; or
- c. A group of no more than four unrelated individuals living together as a single housekeeping

unit and sharing common living and cooking facilities.

2-131. FENCE: A structure or barrier, typically made of wood, metal, vinyl, stone, brick, or other durable materials, erected for the purpose of enclosing, screening, dividing, or protecting property or to provide privacy. This includes walls, hedges, and similar structures when used as a boundary, barrier, or property line marker.

2-132. FLAG LOT: a lot that does not meet required street frontage but gains access by a fee-title access strip ("flag stem") or a recorded access easement connecting to a public street.

2-133. GARAGE: A building or portion of a building used for the storage, care, repair, or maintenance of motor vehicles, trailers, boats, or similar equipment. A private garage is intended for use by the occupants of a dwelling for their personal vehicles and equipment. A public garage is used for the storage, sale, care, repair, or refinishing of vehicles, trailers, or boats for compensation or by the general public.

2-134. HOME OCCUPATION: Any activity conducted entirely within the dwelling unit which is clearly incidental and secondary to the residential use of the building. A home occupation shall employ no one except members of the family who are residing in the dwelling and shall not physically change the building to the extent that it would alter the residential character of the building or the residential atmosphere of the local neighborhood.

2-135. GRADE: The average elevation of the adjoining street or streets.

2-136. HARDSHIP: When the literal enforcement of the zoning or land use ordinance would cause an unreasonable requirement of a property owner based on special circumstances attached to the property that do not generally apply to other properties in the same district. A hardship is not recognized if it is self-imposed or economic.

2-137. HOSPITAL: The institution for the diagnosis, treatment and care of human illness or infirmity, including sanitariums and clinics.

2-138. HOUSEHOLD PETS: Animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, and canaries. Household pets do not include animals, fowl, or reptiles inherently or potentially dangerous.

2-139. KENNEL: Any lot where three (3) dogs older than six (6) months are kept.

2-140. LAND USE DISTRICT: Any portion of the incorporated area of Annabella Town in which the same zoning regulations apply.

2-141. LOT: A lot is a parcel of land intended to be occupied by a principle building or group of buildings, along with the required yards, open space, lot width, and lot area as specified in this ordinance. Each lot must have frontage on a public street or on a private right-of-way approved by the Planning Commission. Unless otherwise expressly provided, no more than one (1) principle dwelling shall be permitted per lot.

2-142. LOT, CORNER: A lot abutting two (2) or more streets at their intersection, or abutting two (2)

portions of the same street, where the streets or street portions form an interior angle of less than one hundred thirty-five (135) degrees.

2-143. LOT, DEPTH: The mean horizontal distance from the front lot line to the rear lot line, measured generally along the lot's centerline, or as nearly as possible to that line in the case of irregularly shaped lots.

2-144. LOT, INTERIOR: A lot other than a corner lot.

2-145. LOT, LINES: The property lines bounding the lot.

2-145.1. LOT LINE, FRONT: The line separating the lot from the street. In case a lot abuts on more than one (1) street, the lot owner may elect any street lot line, provided that such choice in the opinion of the enforcement official will not be injurious to adjacent properties. Where a lot does not abut on a street or where access is by means of a right-of-way, the lot line nearest to and most nearly parallel to the street line is the front lot line.

2-145.2. LOT LINE, REAR: Ordinarily that line of a lot which 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.

2-145.3. LOT LINE, SIDE: Any lot boundary line not a front or rear lot line. A side lot separating a lot from another lot or lots is an interior side lot line; a side lot line separating a lot from the street side lot line, between the side lot lines, measures at right angles to the line followed in measuring lot depth.

2-146. MANUFACTURED HOME: Shall mean a transportable built housing unit constructed on or after June 15, 1976. It is in one or more sections. It is built on a permanent chassis and is designed to be used as a dwelling with a permanent foundation. It includes plumbing, heating, air-conditioning and electrical systems. These homes shall be identifiable by the manufacturer's data plate bearing the date the unit was built and the HUD label attached to the exterior of the home verifying the home was manufactured to HUD standards.

2-147. MOBILE HOME: Shall mean a dwelling unit designed prior to June 15, 1976 to be transported after fabrication on its own wheels, or on detachable wheels, and which is ready for occupancy as an independent dwelling unit except for the connection to utilities and/or location foundation, and moved into an area for use of permanent housing.

2-148. NONCONFORMING: When used in the context of a building or structure, means a building or structure meeting the definition contained in Utah Code § 10-9a-103 for a "noncomplying structure". A legal nonconforming use or structure may continue to exist if it was lawfully established prior to the adoption of the ordinance that made it nonconforming, was legal when originally created, and is substantial enough in nature to warrant constitutional protection as a property right. Such a use may not be expanded or intensified beyond what existed at the time it became nonconforming. If the use is discontinued for a continuous period of one (1) year, it shall be considered abandoned and the legal nonconforming status shall expire.

2-149. NONCONFORMING USE: A use meeting the definition contained in Utah Code § 10-9a-103 for a “nonconforming use”.

2-150. NURSING HOME: An institution other than a hospital for the care of human illness or infirmity in which are, rather than diagnosis or treatment constitutes the principle function. The term nursing home shall include rest home and convalescent home.

2-151. NURSERY (ALSO GREENHOUSE): A business or establishment where plants, trees, shrubs, or similar vegetation are propagated, grown, and/or sold for transplanting or landscaping purposes. This may include greenhouses, outdoor growing areas, and related retail sales.

2-152. NUISANCE: Any activity, condition, or use of property that unreasonably interferes with the health, safety, peace, comfort, or convenience of the public or neighboring property owners; including but not limited to excessive noise, offensive odors, dust, vibration, smoke, waste accumulation, unsanitary conditions, or the improper keeping of animals or equipment. A nuisance may be created by an act, omission, or failure to maintain property in a clean, safe, and orderly condition.

2-153. PARKING LOT: An area, other than a street or alley, used for temporary motor vehicle parking of four (4) or more parking spaces and available for public use, whether free, for compensation, or as an accommodation for clients or customers..

2-154. PARKING SPACE: A permanent area, enclosed or unenclosed, for the parking of motor vehicles.

2-155. PLANNED UNIT DEVELOPMENT (PUD): A development approach that allows for flexibility in zoning and subdivision regulations to encourage innovative design and efficient use of land while preserving open space and promoting community-oriented development.

2-156. PLANNING COMMISSION: The administrative body charged with

- a. The development of the general plan,
- b. Formulation and administration of the land use map and ordinance
- c. The review of any other land-use matters.

2-157. PORTABLE STORAGE UNIT: A shipping container, cargo container, shipping crate, box, trailer, or similar moveable piece of equipment or object.

2-158. PUBLIC USE: A use operated exclusively by Annabella Town such use having the purpose of serving the public health, safety, or general welfare, and including such uses as public school, parks, playgrounds, and other recreational facilities; administrative, service facilities, and public utilities.

2-159. PROPERTY OWNER: the owner in fee simple of real property as shown in the records of the Sevier County Recorder’s Office and includes the plural as well as the singular, and may mean either a natural person, firm, association, partnership, trust, private corporation, limited liability company, public or quasi-public corporation, other entities authorized by the State of Utah, or any combination of the foregoing.

2-160. PUBLIC IMPROVEMENT: streets, curbs, gutters, sidewalks, and water and sewer lines, storm drains, and other similar facilities which are required to be dedicated to the Town in connection with

subdivision, Conditional Uses, or Site Plan approval.

2-161. PUBLIC STREET: a tract of land which is an existing state, county, or municipal roadway, or is shown on a plat duly filed and recorded in the office of the County Recorder, or has been accepted as part of a development project, and is for public use for the purpose of providing the following:

- a. a thoroughfare for public use, designed primarily for vehicular travel;
- b. the principle means of access to abutting properties;
- c. installation of public utility service lines or pipes;
- d. drainage facilities and other public works and appurtenances for the conveyance and welfare of the public generally.

2-162. QUASI-PUBLIC USE: A use operated by a private, non-profit, education, religious, recreational, charitable, or philanthropic institution, such as having the purpose primarily of serving the general public, such as churches, playgrounds, private schools, and similar uses.

2-163. RECREATIONAL VEHICLE (RV): Campers, trailers, motorhomes, or fifth-wheels traditionally used for camping or traveling purposes.

2-164. RENTAL, LONG TERM: a property that is occupied, possessed, or used by any person or entity for transient lodging where the term of occupancy, possession or use of the property by the person or entity is offered for 30 or more consecutive days for direct or indirect compensation or other consideration.

2-165. RENTAL, SHORT TERM: a property or any portion of a property that is occupied, possessed, or used by any person or entity for transient lodging where the term of occupancy, possession, or use of the property by the person or entity is offered for fewer than 30 consecutive days for direct or indirect compensation or other consideration.

2-166. RESIDENTIAL CARE OR SUPERVISED LIVING FACILITY: A dwelling or structure that provides lodging and on-site supervision, staffing, or structured programming to multiple unrelated residents. This includes facilities that are licensed or regulated by state or federal authorities or that provide rehabilitation, treatment, or custodial services. Exclusions: Single-family dwellings occupied by a family; or A dwelling occupied by unrelated individuals living together as a single housekeeping unit without on-site supervision, treatment, or structured programming.

2-167. RIGHT OF WAY: The portion of land dedicated to the public use for street and/or utility purposes or maintained in private use for similar purposes.

2-168. SCHOOL: Institutions of learning that provide instruction to children, youth, or adults, including public, private, and charter schools. This definition does not include trade schools or home-based education.

2-169. SIGN: Any writing, pictorial presentation, symbol, banner, or any other figure of similar character of whatever material which is used to identify, announce, direct attention to, or advertise, which is placed on the ground, on any bush, tree, rock, wall, post, fence, building, structure, vehicle or any place whatsoever and which is visible from outside a building.

2-170. STREET PROPERTY LINE: where private property meets the Town/street right of way.

2-171. STRUCTURE: Anything constructed or erected which requires a fixed location on the ground, or to something having a location on the ground, including signs and billboards.

2-172. TOWN COUNCIL: The Town Council of Annabella Town, Utah.

2-173. YARD, FRONT: An open space unobstructed from the ground upward extending along the full width of the lot measured between the building and the front lot line and the nearest front line of the building. (Note- on a corner lot, there are two front yards.)

2-174. YARD, REAR: An open space unobstructed from the ground upward between a building and the rear lot line. The depth of the rear yard line is the shortest distance measured horizontally between the rear lot line and the closest part of the main building.

2-175. YARD, SIDE: An open space unobstructed from the ground upward extending from the front yard to the rear yard between a building and the nearest side lot line. The width of the side yard is the shortest distance measured horizontally between any part of the building and the nearest side lot line.

SECTION 3. BOARD OF ADJUSTMENTS AND PLANNING COMMISSION

3-100. CREATION OF BOARD OF ADJUSTMENTS: The Town Council Hereby establishes a Board of Adjustments consisting of five (5) members.

3-200. RULES AND REGULATIONS: The Board of Adjustments shall adopt such rules and regulations not in conflict with laws and ordinances of the Town as may be proper and necessary to accomplish its duties under this ordinance and to govern its own proceedings.

3-300. MEETINGS: Meeting of the Board of Adjustments shall be held at the call of the chairman and at such other times as specified in the Board's rules of procedures. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Adjustments shall maintain minutes of its proceedings recording the vote of each member on every question, or noting absence or failure to vote. It shall keep records of its examinations and other official actions, all of which shall be promptly filed at the Town Hall and made available as public records.

3-400. COMPENSATION: The Board of Adjustments shall serve without compensation. However, the Town Council may reimburse members of approved actual expenses incurred in the line of duty, upon presentation of proper receipts and vouchers, or according to the regular Town policy for the reimbursement of travel and expenditures, for prior approved actual expenses.

3-500. QUORUM VOTE: A quorum shall consist of three (3) members. Evidence shall not be presented unless a quorum is present. A majority vote of the members present shall be required in order to carry a motion. The chairman shall vote only to break a tie vote, unless their vote is required to constitute a quorum or fulfill a majority requirement.

3-600. APPEAL TO THE BOARD OF ADJUSTMENTS

3-601. WHO MAY APPEAL: Anyone affected by a decision of the administrative body, including individuals or municipal departments, may appeal to the Board of Adjustments. Appeals must be filed within a reasonable time, as outlined in the Board's rules, by submitting all relevant documents from the original decision to both the administrative body and the Board of Adjustments.

3-602: The Board of Adjustments shall set a reasonable time for the appeal hearing, give public notice, as well as notice to the parties of interest, and shall decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

3-700. POWERS OF BOARD OF ADJUSTMENTS: The Board of Adjustments shall have the following powers:

3-701: To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the administrative body in the enforcement of this ordinance or of any ordinance adopted pursuant thereto.

3-702. To hear and decide special exceptions to the terms of the ordinance upon which the Board of Adjustments is required to pass under such ordinance.

3-703. Any person or entity desiring a waiver or modification of the requirements of the zoning or land use ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the Board of Adjustments for a variance from the terms of the zoning or land use ordinance.

3-703.1. The Board of Adjustments may grant a variance only if:

- a) Literal enforcement of the zoning or land use ordinance would cause any unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning or land use ordinance;
- b) There are special circumstances attached to the property that do not generally apply to the other properties in the same district; granting the variance is essential to the enjoyment of substantial property right possessed by other property in the same district;
- c) The variance will not substantially affect the general plan and will not be contrary to the public interest; and
- d) The spirit of the zoning ordinance is observed and substantial justice done.

3-703.2. In determining whether or not enforcement of the zoning or the land use ordinance would cause unreasonable hardship, the Board of Adjustments may not find an unreasonable hardship unless the alleged hardship:

- a) Is located on or associated with the property for which the variance is sought;
- b) Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.

3-703.3. In determining whether or not enforcement of the zoning or land use ordinance would cause unreasonable hardship, the Board of Adjustments may not

find an unreasonable hardship if the hardship is self-imposed or economic.

3-703.4. In determining whether special circumstances exist, such circumstances shall be recognized only when all of the following criteria are met:

- a) The circumstances relate directly to the hardship claimed; and
- b) The circumstances deprive the property of privileges commonly enjoyed by other properties in the same zoning district.

3-703.5. The applicant shall bear the burden of proving that all of the conditions justifying the variance have been met.

3-703.6. Variance runs with the land.

3-703.7. The Board of Adjustments and any other body may not grant use variance.

3-703.8. In granting a variance, the Board of Adjustments may impose additional requirements on the application that will:

- a) mitigate any harmful effect of the variance, or
- b) Serve the purpose of the standard or requirement that is waived or modified.

3-800. DECISION ON APPEAL: In exercising the above-mentioned powers such Board may, in conformity with the provisions of this article, reverse or affirm wholly any requirements, decision or determination about to be made and to that end shall have all the powers of the officers from whom the appeal is taken.

3-900. VOTE NECESSARY FOR REVERSAL: The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, or determination of any such administrative official, or to decide in favor of the appellant on any matter upon which it is required to pass under any ordinance, or to affect any variation in such ordinance.

3- 1000. JUDICIAL REVIEW OF BOARD OF ADJUSTMENTS DECISION: TIME

LIMITATION: The Town or any person aggrieved by any decision of the Board of Adjustments may have and maintain a plenary action for relief there from in any court within thirty (30) days after filing of such decision in the office of the Board of Adjustments.

3-1100. CREATION OF THE PLANNING COMMISSION: The Annabella Town Planning Commission shall consist of six (6) members, each to be appointed by the Annabella Town Mayor, with the advice and consent of the Annabella Town Council. The Annabella Town Council may designate, by resolution, the composition of the Annabella Town Planning Commission. It is the intent of these by-laws that the Annabella Town Planning Commission shall be residents of Annabella Town and owners of real property within the Town. At least four of these six members shall hold no other public office or position within Annabella Town. The Annabella Town Council shall appoint a representative from among its members to serve as voting member of this Commission. One (1) member shall be a member of the Annabella Town Board of Adjustments.

3-1200. TERM OF OFFICE: The terms of the appointed members of the Planning Commission, with the exception of the Town Council member, shall be for three (3) years. All appointed members' terms shall be staggered so that no more than two (2) members' terms shall expire at the same time. The

term of office for the Annabella Town Council member designated as a member of the Commission shall correspond to his tenure of office as an Annabella Town Council member. The Planning Commission existing at the time of passage of these bylaws shall continue to serve, and the terms of its members shall be fixed by the Town Council in such a manner as to comply with the above provisions for staggering terms of service.

3-1300. VACANCIES AND CAUSE FOR REMOVALS: Vacancies for appointed members occurring otherwise than through the expiration of terms shall be filled for the remainder of the unexpired term by appointment of the Mayor, with advice of the Annabella Town Council. The Annabella Town Mayor acting upon the recommendation of the Annabella Town Council, shall have the right to remove any member of the Planning Commission and may remove any member for non-performance of duty shall include attendance at less than seventy- five (75) percent of Planning Commission meetings during the course of a year, unless the absences are justifiable and excused with reasonable advance notification.

3-1400. COMPENSATION: The Planning Commission shall serve without compensation, except that the Annabella Town Council shall provide for reimbursement of the Planning Commissioners for approved actual expenses incurred in the line of duty, upon presentation of proper receipts and vouchers, or according to the regular Town policy for reimbursement of travel and expenditures, for prior approved actual expenses.

3-1500. OFFICERS: The Mayor and Town Council shall appoint a Planning Commission chairperson from its members, and the chairperson pro-tempore whose term shall be for one (1) year; however a chairperson may serve additional successive terms as governed by the Mayor and Council. The members of the Planning Commission representing the Town Council and Board of Adjustments shall not serve as chairman of this Commission.

3-1600. MEETINGS: The Planning Commission shall conduct scheduled meetings as required to perform their duties as described in this document. All meetings of the Planning Commission are open to the public.

3-1700. RULES AND PROCEDURES: The Planning Commission shall adopt such rules and regulations governing its procedures as it may consider necessary or advisable, and shall keep a record of its proceedings, which record shall be open to inspection and the rules and regulations shall be presented to the Annabella Town Council for their approval or disapproval. Only after the formal approval of the Town Council shall the rules and regulations be enforceable.

3-1800. QUORUM AND VOTE: A quorum shall consist of three (3) members. Evidence shall not be presented unless a quorum is present. At least three (3) votes shall be required in order to carry any motion. The chairman shall vote only to break a tie vote.

3-1900 PLANNING COMMISSION POWER AND DUTIES: The Planning Commission shall:

3-1901. Prepare and recommend a General Plan and amendments to the General Plan to the Town Council.

3-1902. Recommend land use ordinance and maps, and amendments to land use ordinance and maps to the Town Council.

3-1903. Administer provisions of the land use ordinance, where specifically provided in this code.

3-1904. Recommend subdivision regulations and amendments to those regulations to the Town Council as provided in this code.

3-1905. Recommend approval or denial of subdivision applications as provided in this code.

3-1906. Advise the Town Council on matters as the Town Council directs concerning land use.

3-1907. Hear or decide any matters that the Town Council designates, including the approval of building permit applications and the approval or denial of or recommendations to approve or deny conditional use permits.

3-1908. Exercise any other powers that are necessary to enable it to perform its function or as delegated by the Town Council.

SECTION 4. NONCONFORMING BUILDINGS AND USES

4-100. PURPOSE: The purpose of this section is to control and regulate all nonconforming uses of land or buildings. It is also intended to control and regulate buildings which are nonconforming as to height and location regulations of the district within which they are located. It is the intent of Annabella Town to phase out all nonconforming buildings and uses over a period of time.

4-200. CONTINUATION OF USE: Except as hereinafter specified, any use, lawfully existing at the time of enactment of this ordinance may be continued even though such use does not conform with the provisions of the ordinance for the district in which it is located and will be sent a certificate of Nonconformance Use, so that if property ownership changes or land use changes use will come into compliance. (See Certificate of Non Compliance).

4-300. UNSAFE STRUCTURES: Except as otherwise provided by law, any part of a building or structure declared unsafe by a proper public authority shall be restored to a safe condition.

4-400. CONDITIONAL USE: Any use legally existing on the effective date of this ordinance which is listed as a conditional use in the district wherein located, shall be and remain a nonconforming use until a conditional use permit is obtained as provided in this ordinance.

4-500. NONCONFORMING USES, DISCONTINUANCE, EXTENSION, SUBSTITUTION:

A nonconforming use shall not be enlarged extended or changed unless the use is changed to a use permitted in the district in which it is located and a nonconforming building shall not be reconstructed or structurally altered unless such alteration results in removing these conditions of the building which render it nonconforming , except as follows:

4-501. A nonconforming use may be extended to include the entire floor area of the existing building in which it is conducted at the time the use became nonconforming.

4-502. When authorized by the Board of Adjustments upon appeal, a nonconforming use which is determined to be of a more desirable nature may be substituted for another nonconforming use.

4-503. When authorized by the Board of Adjustments upon appeal, a building devoted to a nonconforming use may be enlarged or completed upon the lot occupied by such building, provided that such enlargement or completion is necessary and incidental to the existing use of the building.

4-600. CHANGE IN USE: Whenever a nonconforming use has been changed to a conforming use, such shall not thereafter be changed to a nonconforming use.

4-700. ABANDONMENT: A nonconforming use that has been abandoned for one (1) year or more shall not be reinstated and shall only be resumed in conformance with current zoning regulations.

SECTION 5. PARKING REGULATIONS

5-100. PURPOSE: To reduce street congestion and traffic hazards in Annabella Town incorporating adequate facilities for off-street parking and loading as an integral part of the uses of land in the Town.

5-200. OTHER OFF-STREET PARKING: When a church, public school, public building, or other use is established, enlarged, or increased in capacity, a minimum number of off-street parking spaces shall be provided in accordance with standards established in the Town's zoning ordinance.

5-300. DWELLING OFF-STREET PARKING REQUIRED: For each new dwelling erected in Annabella Town, at least two (2) off-street parking spaces shall be provided. Parking areas shall be improved with gravel, asphalt, or concrete to reduce dust and erosion.

5-400. COMMERCIAL VEHICLES AND SEMI-TRUCK PARKING:

5-401. Prohibited Parking: Except as provided in subsection (5-402), no commercial vehicle, semi-truck, tractor trailer, or commercial vehicle with a gross weight rating (GVWR) exceeding 10,000 pounds shall be parked or stored on any public street or town right-of-way.

5-402. Temporary Parking Allowed: Temporary parking of commercial vehicles may be permitted on public streets or right-of-way only while actively engaging in loading, unloading, construction, delivery, or service activity, and only for the minimum time reasonably necessary to complete such activity.

5-403. Residential Areas: Commercial vehicles and semi-trucks shall not be parked or stored on public streets or rights-of-way adjacent to residential properties.

5-404. Emergency and Public Vehicles: This section shall not apply to emergency vehicles, public service vehicles, or utility vehicles actively engaged in official duties.

5-405. Nothing in this section shall prohibit the temporary parking of commercial vehicles on private property where such use is incidental to a permitted residential use, provided no

nuisance is created.

SECTION 6. SUPPLEMENTARY AND QUALIFYING REGULATIONS

6-100. CLEAR VIEW OF INTERSECTING STREETS: In all land use districts which require a front yard, no obstruction to view in excess of three (3) feet in height shall be placed or maintained on any corner lot within a triangular area formed by the street property lines connecting them at points thirty (30) feet from intersection of the street property lines, except trees pruned high enough to permit unobstructed vision to motor vehicle drivers. Horizontal curves shall have the same minimal requirements as an intersection.

6-101. Fence Regulations: Fences, walls, and hedges may be erected or allowed to the permitted building height in the district when located within the required buildable area provided they do not exceed eight (8) feet in height

6-102. Permit Required: No fence shall be constructed, erected or installed without first obtaining a fence permit from the Sevier County Building Department. Approval of said permit shall be solely for the purpose of approving height, fence material, etc. Fence Permits shall be reviewed by the Planning Commission or its designee and may be appealed to the Board of Adjustments.

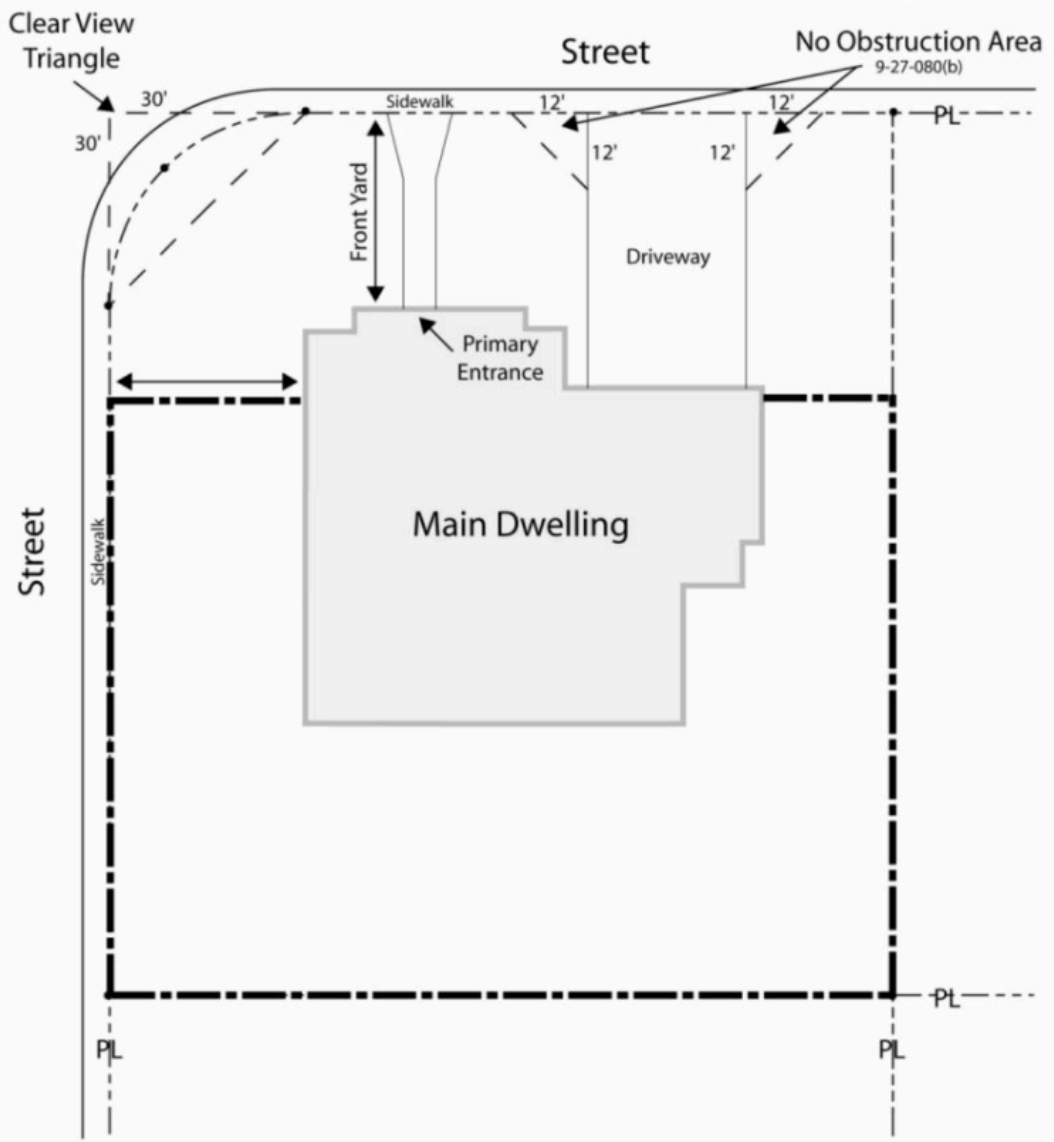
6-103. Side and Rear Fences: A fence not more than six feet (6') in height may be located in required side and rear yards.

6-104. Front Yard Fences: In any required front yard, chainlink or similar fences, which do not block vision, may be allowed up to forty eight inches (48") in height. Solid or sight obscuring fences may not exceed thirty six inches (36") in height in such front yards.

6-105. Corner Lot Fencing: No obstruction to view in excess of three (3) feet in height shall be placed, erected, or maintained on any corner lot within a triangular area formed by the right-of-way lines and a line connecting points thirty (30) feet from the intersection of said right-of-way lines. Obstructions include, but are not limited to, fences, walls, hedges, trees, and other vegetation.

Fencing Guidelines Corner Lots

Property Line
Visual Site Line
6' Fence or Visual Obstruction



6-200. AREA REQUIREMENTS FOR SANITARY SEWER: In any district where no public sanitary sewer exists or is accessible, regardless of any lot area or width elsewhere required for the district, no lot shall be built upon which has an area or width less than that required by Central Utah Public Health Department for the satisfactory functioning of a septic tank on the property.

6-300. DWELLING ON SEPARATE LOTS: Each dwelling structure shall be located and maintained on a separate "lot" as defined in this ordinance.

6-400. LOCATION AND SPECIAL REGULATIONS PERTAINING TO MANUFACTURED HOMES, MOBILE HOMES, AND RV'S: The use of RV's and mobile homes as permanent living quarters shall not be permitted within Annabella Town limits. Recreational vehicles may be used as temporary living quarters for 14 days within a two-month period and only if the recreational vehicle is parked on private property. Exception: A recreational vehicle may be used as temporary living quarters for longer than 14 days if the property owner has applied for and obtained a Conditional Use Permit (as outlined in the Conditional Use Matrix) to reside in the RV while actively constructing a permanent dwelling on the same lot. Manufactured homes will be permitted to be located in any zone within the Town of Annabella if the conditions of the special regulations are met. Manufactured homes shall be subject to all state and federal standards in addition to the following:

6-401. A building permit must be obtained from the Sevier County Building Department.

6-402. Manufactured homes will be required to be placed on a permanent concrete foundation with masonry skirting within thirty (30) days of delivery.

6-403. The undercarriage and tongue must be removed.

6-404. Each manufactured home will have complete indoor sanitary facilities and meet State sanitation standards.

6-405. Each manufactured home must be anchored properly.

6-406. No more than one manufactured home shall be placed on each lot or parcel of land.

6-407. Manufactured homes must meet all other applicable regulations of the single-family dwelling ordinance as to zone requirements, setbacks, parking, etc.

6-408. Manufactured homes must have a finished main level living area of at least 1100 square feet.

6-500. MOBILE HOME PARKS AND MOBILE HOME SUBDIVISIONS: Mobile home parks and mobile home subdivisions are not permitted in Annabella Town.

6-600. ANIMAL KEEPING AND ANIMAL UNITS

6-601. PURPOSE: To regulate the keeping of animals in a manner that protects public health, neighborhood compatibility, and animal welfare while allowing reasonable agricultural and hobby uses consistent with zoning.

6-602. APPLICABILITY: This section applies to all properties where animals are kept, except household pets

6-603. ANIMAL UNIT CALCULATION:

6-603.1 Calculation Method: Fractional animal units shall be totaled to determine the total number of animal units on a lot. Nursing and bottlefed young are excluded until six months of age. For purposes of this ordinance, animal units shall be calculated as follows:

- a. One (1) pig shall equal 2.0 animal units.
- b. One (1) horse, cow, steer, bull, donkey, or mule shall equal 1.0 animal unit.
- c. One (1) miniature horse, sheep, goat, turkey, or duck shall equal 0.5 animal units.
- d. One (1) rabbit shall equal 0.25 animal units.
- e. One (1) chicken shall equal 0.10 animal units.

6-603.2 TOTAL ANIMAL UNITS: Fractional animal units shall be totaled to determine the total number of animal units on a lot.

6-604. MAXIMUM ANIMAL UNITS BY ZONING AND LOT SIZE: The maximum number of animal units permitted per lot shall be as follows:

Zoning Category	Lot Size	Maximum Animal Units
Residential	Under 0.7 acre ($< 30,000$ sq. ft.)	2.0 AU
Residential	0.7 – under 0.92 acre ($30,000 - < 40,000$ sq. ft.)	6.0 AU
Residential	0.92 acre or greater ($\geq 40,000$ sq. ft.)	2.0 AU per 10,000 sq. ft. of lot area
Agricultural	Any	No maximum

6-605. SETBACKS AND CARE STANDARDS: Animal enclosures, shelters, corrals, and pens shall be located a minimum of 40 feet from any dwelling on an adjacent lot; be maintained in a clean and sanitary condition; not create odors, noise, flies, or waste that constitute a public nuisance; and be constructed and maintained to safely confine animals.

6-606. FENCING: Property owners are responsible for maintaining fences and enclosures to prevent damage to neighboring properties.

6-607. ENFORCEMENT: Failure to comply with this section shall constitute a zoning violation subject to enforcement

6-700. BEEKEEPING:

6-701. PURPOSE: The purpose of this chapter is to authorize beekeeping subject to certain requirements intended to eliminate problems that may otherwise be associated with beekeeping in populated areas.

6-702. COMPLIANCE WITH STATE REGULATIONS: All persons engaged in beekeeping are required to comply with Utah Code, Title 4, Chapter 11, Utah Bee Inspection Act, and all other applicable state and local laws, rules, and regulations.

6-703. PROPERTY RESTRICTIONS: Anyone applying for approval to maintain beehives or an apiary shall certify to the town that there are no recorded covenants, conditions, or restrictions preventing beekeeping activities on the property for which application is made.

6-704. CERTAIN CONDUCT UNLAWFUL: Notwithstanding compliance with the various requirements of this chapter, it shall be unlawful for any person to maintain an apiary or to keep any colony on any property in a manner that threatens public health or safety, or otherwise constitutes a nuisance.

6-705. HIVES ON RESIDENTIAL LOTS: No beehives shall be maintained on a lot less than 0.5 acres in size. No more than five (5) hives shall be maintained on a lot containing between 0.5 and 0.99 acres. No more than ten (10) hives shall be maintained on a lot containing 1.0 acres or more. Hives must be located in the rear yard.

6-705.1 A person shall not locate nor allow a hive on property owned or occupied by another person without first obtaining written permission from the owner or occupant.

6-706. BEEKEEPER REGISTRATION: Each beekeeper shall be registered with the Utah department of agriculture and food as provided in the Utah bee inspection act set forth in title 4, chapter 11 of the Utah code, as amended. Each beekeeper shall make application to and be registered with Annabella Town, submit a site plan showing the location of the hive and flyway barriers with relation to the property lines and any public areas and provide proof of registration with the Utah department of agriculture and food.

6-707. HIVES:

- A.** Honeybee colonies shall be kept in hives with removable frames which shall be kept in sound and usable condition.
- B.** Hives shall be placed at least ten feet (10') from any property line.
- C.** Hives shall be operated and maintained as provided in the Utah bee inspection act.
- D.** Each hive shall be conspicuously marked with the owner's registration number.

6-708. FLYWAY BARRIERS: A hive shall be placed on property so the general flight pattern of bees is in a direction that will deter bee contact with humans and domesticated animals in adjacent or nearby lots. Any portion of a hive located within ten feet (10') of a property line

shall require a fence of solid construction along such property line with a height of at least six feet (6') above ground level of the adjacent property. In lieu of a fence, the flyway barrier may consist of dense vegetation having the same height requirement as the fence. Such a barrier shall extend at least ten feet (10') beyond the hive in each direction. Notwithstanding the above, no hive shall be located within twenty-five feet (25') from any public street, public sidewalk, or dedicated public trail.

6-709. WATER: Each beekeeper shall ensure that a convenient source of water is available to the colony continuously between March 1 and October 31 of each year. The water shall be in a location that minimizes any nuisance created by bees seeking water on neighboring property.

6-710. BEEKEEPING EQUIPMENT: Each beekeeper shall ensure that no bee comb or other beekeeping equipment is left upon the grounds of an apiary site. Upon removal from a hive, all such equipment shall promptly be disposed of in a sealed container or placed within a building or other bee proof enclosure.

6-711. QUEEN MANAGEMENT: Each beekeeper shall promptly requeen a colony if it exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation or swarming.

6-712. CONFLICT WITH CENTRAL UTAH HEALTH DEPARTMENT REGULATIONS: In the event of a conflict between any regulation set forth in this chapter and honeybee management regulations adopted by the Central Utah Public Health Department, the most restrictive regulations shall apply.

6-713. COUNTY MOSQUITO ABATEMENT: In order to promote the health, safety, prosperity, peace, order and comfort of the inhabitants of the town, the governing body deems it necessary to participate in a mosquito abatement program with Sevier County. All property within the municipal boundaries of Annabella Town is subject to this program regardless of the location of any apiary.

6-800. INTERNAL ACCESSORY DWELLING UNITS (IADU): The purpose of this section is to regulate the construction and use of internal accessory dwelling units (IADUs); to ensure such uses comply with all applicable building codes; and to protect the character of residential zones. IADUs are a permitted use in all single-family residential zones, subject only to the regulations in this Code. For purposes of this Code, an internal accessory dwelling unit shall be located entirely within the primary dwelling and shall share common structural walls, floors, or ceilings with the primary dwelling. Connections by breezeways or similar features do not qualify as internal accessory dwelling units.

6-801. General Regulations

- A. Except as provided in this Code, no building, land, or use shall be constructed, moved, reconstructed, extended, enlarged, altered, or expanded, which is arranged, intended, or designed to be used for an internal accessory dwelling unit (IADU), except in conformity with the regulations herein listed for the zoning district in which the permitted use is listed.
- B. All proposed IADUs must be reviewed and approved, if applicable, for septic feasibility by the Central Utah Health Department. No IADU shall be allowed if the lot

containing the primary dwelling is served by a failing or undersized septic tank.

- C. Property owners shall maintain IADUs in a condition that meets all health, safety, and housing standards established by law.
- D. The installation of separate utility meters is prohibited.

6-802. Creating and maintaining and IADU:

- A. The proposed IADU must be located in a single family residential zone.
- B. The IADU must be created and maintained for the purpose of offering a long-term rental of thirty (30) consecutive days or longer.
- C. One, and only one, IADU may be allowed per single-family dwelling unit as allowed by state law.
- D. Occupancy of any IADU shall be limited to a single family.
- E. Each IADU shall have cooking, bathing, living, and sleeping areas that are separate from and in addition to those in the primary dwelling unit.
- F. One off-street parking space per IADU shall be required, in addition to any off-street parking provided for the primary dwelling. Parking areas shall be improved with asphalt, masonry pavers, concrete pavers, or concrete.
- G. Exterior design should preserve the character of residential zones; IADUs shall not visibly alter a home to appear as a multi-unit structure.

6-803. Prohibited locations of IADUs - The following locations are prohibited from the use of IADUs:

- A. A property that does not comply with the requirements of this code in order to obtain an IADU designation on their property, including failing to obtain a permit or license for renting the IADU.
- B. Any portion of a mobile home.

6-900. Accessory Dwelling Units (ADU): The purpose of this section is to regulate the construction and use of accessory dwelling units (ADUs); to ensure such uses comply with all applicable building codes; and to protect the character of residential zones. Lot size limitations applicable to ADUs are provided in the Conditional Use Matrix.

6-901. General Regulations

- A. All proposed ADUs must be reviewed and approved, if applicable, for septic feasibility by the Central Utah Health Department. No ADU shall be allowed if the lot containing the primary dwelling is served by a failing or undersized septic tank, unless a separate approved system is installed for the ADU.
- B. Property owners shall maintain ADUs in a condition that meets all health, safety, and housing standards established by law.
- C. The installation of separate utility meters is prohibited.
- D. The design and size of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.
- E. A detached ADU shall be a permanent structure. Trailers, mobile homes, and other portable structures, especially structures with wheels, shall not be permitted as a detached ADU.
- F. An ADU shall not be used as a short-term rental (less than 30 days), consistent with Utah Code .

- G. Conditional Use permit application and approval required.
- H. An ADU shall not contain less than 650 square feet, or greater than 1000 square feet.
- I. One off-street parking space per ADU shall be required, in addition to any off-street parking provided for the primary dwelling. Parking areas shall be improved with asphalt, masonry pavers, concrete pavers, or concrete.
- J. Exterior design should preserve the character of residential zones

6-1000. PORTABLE STORAGE UNITS: Portable Storage Units are not permitted in Annabella Town. Temporary use of containers during construction only is allowed. Any use of containers during construction must be removed within 14 days of final inspection.

6-1100. STORMWATER MANAGEMENT AND NATURAL DRAINAGE PRESERVATION. Obstruction of stormwater flow into any detention basin, storm drain, ditch, or other drainage facility is not permitted. Development shall preserve natural drainage patterns to the greatest extent practicable. Modifying, filling, or rerouting natural watercourses, gullies, swales, or irrigation ditches may only occur with written approval from the Town and any applicable irrigation or drainage entity. Any person who interferes with a stormwater flow is in violation of this section and may be subject to enforcement actions, including fines, restoration requirements, and civil liability for disruption of water delivery or damage.

6-1200. Ditch Maintenance: Irrigation ditches, canals, and laterals are vital to water delivery within the town and shall not be filled, obstructed, rerouted, or otherwise altered without prior written approval from both the water rights holder or ditch company and the Town. Property owners are responsible for maintaining any irrigation ditches on their property to ensure the proper flow of water and to prevent blockages, flooding, or erosion. Easements, whether recorded or prescriptive, must be preserved, and property owners shall allow reasonable access for maintenance and inspection by authorized users. Any person who interferes with an irrigation ditch in violation of this section may be subject to enforcement actions, including fines, restoration requirements, and civil liability for disruption of water delivery or damage.

SECTION 7. ESTABLISHMENT AND DESIGNATION OF DISTRICTS

7-100. DISTRICTS: Annabella Town is hereby divided into the following districts:

1. R-1-1. Residential one (1) acre.
2. R-1-.75 Residential three quarter (3/4) acre
3. R-1-.5 Residential one half (1/2) acre.

7-200. BOUNDARIES AND DISTRICTS: The boundaries of the aforesaid districts are shown upon the map designated as the "Official Land Use Map of Annabella Town." Said map or maps and all notations, references, date, and other information shown thereon shall be and are hereby adopted and made a part of this ordinance. The said map shall be filed in the custody of the Town Clerk of Annabella Town and may be examined by the public subject to any reasonable regulations established by the Town Clerk.

7-300. BOUNDARY DETERMINATION: The location of boundaries of the land use districts as shown on the land use map of Annabella Town shall be determined as follows:

- 7-301.** Where land use district boundaries are indicated as approximately following street or

alley lines or the center lines thereof, the center lines of such streets or alleys shall be construed to be the land use district boundaries.

7-302. Where land use district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be the land use district boundaries.

7-303. Where uncertainty exists as to the boundary of any district, the Board of Adjustments shall interpret the map.

7-400. REGULATIONS OF DISTRICTS: Except as otherwise provided:

7-401. No building or part thereof or other structure shall be erected, altered, added to or enlarged nor shall any land, building, structure or premises be used, designated or intended to be used for any purpose, or in any manner other than is included among the uses hereinafter listed as permitted in the district in which such building, land, or premises is located.

7-402. No building or part thereof or structure shall be erected nor shall any existing building be altered, enlarged, rebuilt or moved into any district, nor shall any open space be encroached upon or reduced in site area, height of building, and building regulations hereinafter designated for the district in which such building or open space is located.

7-403. No yard or open space provided about any building for the purpose of complying with the provisions of this ordinance shall be considered as providing a yard or open space for any other building, and or yard or, other open space on one building site shall be considered as providing a yard or open space for a building on any other building site.

7-500. INTERPRETATIONS AND CONFLICT: In interpreting and applying the regulations of this ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. This ordinance shall not nullify the more restrictive provisions of covenants, agreements, other ordinances or laws, but if this ordinance imposes a greater restriction, this ordinance shall regulate.

SECTION 8. RESIDENTIAL ONE (1) ACRE. (R-1-1)

8-100. PURPOSE: The general characteristics of this land use is to promote and preserve, in appropriate areas, conditions favorable to large-lot family life and the preservation of family food production activities. This district is intended to be residential in character and protected from encroachment of high-density residential use.

8-200. PERMITTED USES:

8-201. Single family dwellings.

8-202. Domestic animals and household pets

8-203. Parks and public uses.

8-204. Schools, libraries and churches, etc.

8-300 AREA REQUIREMENTS: An area of not less than one (1) acre shall be required to be provided for each family dwelling to be constructed from the effective date of this ordinance. A single-family dwelling shall include any permanent structure in which a single family is situated and said unit is permanently attached to the land.

8-400 YARD REQUIREMENTS:

8-401. MINIMUM STREET FRONTAGE: For any one dwelling structure there shall be a total frontage of not less than 107 feet.

8-402. SIDE YARD: For any single-family dwelling there shall be ten (10) feet minimum of side yard on each side and a total side yard requirement for two sides of not less than twenty (20) feet.

8-403. FRONT YARD: The minimum front yard setback shall be thirty (30) feet. Where fifty percent (50%) or more of the lots on the same block face are developed with a lesser front setback, the required setback may be reduced to match the average of those existing setbacks, but in no case shall the setback be less than twenty-five (25) feet.

8-404. REAR YARD: Private garages and accessory buildings located to the rear and at least ten (10) feet away from the main dwelling may be built to the rear and side property line, provided that: (1) they are constructed of non-combustible material; (2) the roof shall not project across the property line, (3) storm water runoff from the building shall not run onto adjacent property, and (4) the building will not be built over right-of-way easements for utilities. Combustible buildings must be built at least three (3) feet from the rear and side property line and meet the other requirements for accessory buildings. Detached private garages and accessory buildings shall not exceed 3,000 square feet in size unless a larger building is approved by the Planning Commission.

8-405. CORNER LOTS: All corner lots shall maintain a minimum front yard setback of thirty (30) feet on all street frontages. Where fifty percent (50%) or more of the lots on the same block face are developed with a lesser front setback, the required setback on that street frontage may be reduced to match the average of those existing setbacks, but in no case shall the setback be less than twenty-five (25) feet.

8-500. HEIGHT REGULATIONS: No building or structure shall be erected to a height greater than thirty (30) feet.

8-600. SPECIAL PROVISIONS:

8-601. Required minimum finished main level living area of any home or residence is 1100 square feet.

8-602. Off-street parking and loading facilities shall be provided for all uses.

SECTION 9. RESIDENTIAL THREE QUARTER (.75) ACRE. (R-1-.75)

9-100. PURPOSE: The general characteristics of this land use is to promote and preserve, in appropriate areas, conditions favorable to large-lot family life and the preservation of family food production activities. This district is intended to be residential in character and protected from encroachment of high-density use.

9-200. PERMITTED USES:

9-201. Single-family dwellings.

9-202. Domestic animals and household pets.

9-203. Parks and public uses.

9-204. Schools, libraries and churches etc.

9-300 AREA REQUIREMENTS: An area of not less than three quarter (3/4) acre shall be required to be provided for each family dwelling to be constructed from the effective date of this ordinance. A one-family dwelling shall include any permanent structure in which a single family is situated and said unit is permanently attached to the land.

9-400 YARD REQUIREMENTS:

9-401. MINIMUM STREET FRONTAGE: For any one dwelling structure there shall be a total frontage of not less than 107 feet.

9-402. SIDE YARD: For any single-family dwelling, there shall be ten (10) feet minimum of side yard on each side and a total side yard requirement for two sides of not less than twenty (20) feet.

9-403. FRONT YARD: The minimum front yard setback shall be thirty (30) feet. Where fifty percent (50%) or more of the lots on the same block face are developed with a lesser front setback, the required setback may be reduced to match the average of those existing setbacks, but in no case shall the setback be less than twenty-five (25) feet.

9-404. REAR YARD: Private garages and accessory buildings located to the rear and at least ten (10) feet away from the main dwelling may be built to the rear and side property line, provided that: (1) they are constructed of non-combustible material; (2) the roof shall not project across the property line, (3) storm water runoff from the building shall not run onto adjacent property, and (4) the building will not be built over right-of-way easements for utilities. Combustible buildings must be built at least three (3) feet from the rear and side property line and meet the other requirements for accessory buildings. Detached private garages and accessory buildings shall not exceed 2,000 square feet in size unless a larger building is approved by the Planning Commission.

9-405. CORNER LOTS: All corner lots shall maintain a minimum front yard setback of thirty (30) feet on all street frontages. Where fifty percent (50%) or more of the lots on the same

block face are developed with a lesser front setback, the required setback on that street frontage may be reduced to match the average of those existing setbacks, but in no case shall the setback be less than twenty-five (25) feet.

9-500. HEIGHT REGULATIONS: No building or structure shall be erected to a height greater than 2 ½ stories or thirty (30) feet.

9-600. SPECIAL PROVISIONS:

9-601. Required minimum finished main level living area of any home or residence is 1100 square feet.

9-602. Off-street parking and loading facilities shall be provided for all uses.

SECTION 10. RESIDENTIAL ONE-HALF (.5) ACRE. (R-1-.5)

10-100 PURPOSE: The general characteristics of this land use is to promote and preserve, in appropriate areas, conditions favorable to large-lot family life and the preservation of family food production activities. This district is intended to be residential in character and protected from encroachment of high-density use.

10-200 PERMITTED USES:

10-201. Single-family dwellings.

10-202. Domestic animals and household pets

10-203. Parks and public uses.

10-204. Schools, libraries and churches etc.

10-300 AREA REQUIREMENTS: An area of not less than one-half (.5) acre shall be required to be provided for each single-family dwelling to be constructed from the effective date of this ordinance. A one-family dwelling shall include any permanent structure in which a single family is situated and said unit is permanently attached to the land.

10-400 YARD REQUIREMENTS:

10-401. MINIMUM STREET FRONTAGE: For any one dwelling structure there shall be a total frontage of not less than 107 feet.

10-402. SIDE YARD: For any single-family dwelling, there shall be ten (10) feet minimum of side yard on each side and a total side yard requirement for two sides of not less than twenty (20) feet.

10-403. FRONT YARD: The minimum front yard setback shall be thirty (30) feet. Where fifty percent (50%) or more of the lots on the same block face are developed with a lesser front setback, the required setback may be reduced to match the average of those existing

setbacks, but in no case shall the setback be less than twenty-five (25) feet.

10-404. REAR YARD: Private garages and accessory buildings located to the rear and at least ten (10) feet away from the main dwelling may be built to the rear and side property line, provided that: (1) they are constructed of non-combustible material; (2) the roof shall not project across the property line, (3) storm water runoff from the building shall not run onto adjacent property, and (4) the building will not be built over right-of-way easements for utilities. Combustible buildings must be built at least three (3) feet from the rear and side property line and meet the other requirements for accessory buildings. Detached private garages and accessory buildings shall not exceed 2,000 square feet in size unless a larger building is approved by the Planning Commission.

10-405. CORNER LOTS: All corner lots shall maintain a minimum front yard setback of thirty (30) feet on all street frontages. Where fifty percent (50%) or more of the lots on the same block face are developed with a lesser front setback, the required setback on that street frontage may be reduced to match the average of those existing setbacks, but in no case shall the setback be less than twenty-five (25) feet.

10-500. HEIGHT REGULATIONS: No building or structure shall be erected to a height greater than 2 ½ stories or thirty (30) feet.

10-600. SPECIAL PROVISIONS:

10-601. Required minimum finished main level living area of any home or residence is 1100 square feet.

10-602. Off-street parking and loading facilities shall be provided for all uses.

SECTION 11. LOTS WITH ACCESS RIGHTS OF WAY OR ACCESS STRIPS (FLAG LOTS) SPECIAL EXCEPTIONS.

11-100 PURPOSE: The purpose of this section is to allow flag lots in Annabella Town under limited circumstances where traditional lot layouts are impractical due to property constraints. Flag lots must ensure safe access for emergency services, adequate utilities, and minimal impact on neighboring properties while preserving the town's rural character. This section establishes standards for lot size, frontage, and access to maintain orderly development and protect community interests.

11-200. PLANNING COMMISSION DETERMINATION: The Planning Commission determines that it is not feasible or desirable to extend a street to serve such a lot or lots at the time of development.

11-300. SPECIFICATIONS AND STANDARDS:

11-301. The right of way or access strip shall have a minimum width of twenty (20) feet improved drive area, plus a ten (10) foot utility strip, for a minimum total width of thirty (30) feet, and a maximum grade of 8%. The utility strip shall not be a part of the improved drive area.

11-302. The area of the right of way or access strip shall not be included within the minimum

lot area requirement.

11-303. The lot shall meet all minimum yard and area requirements of the zone in which it is located, exclusive of the right of way or access strip.

11-304. The depth of the front yard shall be the distance between the front line of the building and the building property line or nearest line of the right of way or access strip which the building faces.

11-305. The lot address shall be displayed in a prominently visible location at the street entrance to the right of way access strip.

11-306. Each lot shall access a street by means of its own right of way or access strip. Successive stacking of lots on the same right of way access strip is not permitted.

11-307. No building, structure or parking is allowed in the right of way or access strip, which is to be used solely as access to the lot.

11-308. The drive area (minimum 20 feet) will first be brought to a firm unyielding surface by rolling or other means of compaction. All soft material which will not be compact readily will be removed and an approved sub-base material will be installed. The road base shall consist of a minimum of six (6) inches of approved, crushed gravel base course, and be prepared and placed on the sub grade. If the roadway is disturbed for any reason, it shall be brought back to as good or better condition.

11-309. A flag lot stem or private drive shall not exceed one hundred fifty (150) feet in length and shall comply with the Utah State Fire Code, as adopted by the Town.

11-310. No building permits will be granted until the above conditions are met. All access and utility easements shall be recorded prior to building permit issuance. A note shall be recorded prohibiting parking or structures within the access strip.

11-311. The Planning Commission may recommend other conditions to ensure safety, accessibility, privacy, etc. to maintain or improve the general welfare of the immediate area.

SECTION 12. CONSTITUTIONAL TAKING REVIEW AND APPEAL

In order to promote the protection of private property rights and to prevent the physical taking or exaction of private property without just compensation, the Town Council and all commissions and boards shall adhere to the following before authorizing the seizure or exaction of property. Nothing in this section shall limit the rights of a property owner to seek relief through the Utah Property Rights Ombudsman as provided in state law.

12-100. TAKINGS REVIEW PROCEDURE: Prior to any proposed action to exact or seize property by the Town Council or any commission or board, the town attorney shall review the proposed action to determine if a constitutional taking requiring "just compensation" would occur. The town attorney shall review all such matters pursuant to the guidelines established herein. Upon identifying a possible constitutional taking, the town attorney shall, in a confidential protected writing, inform the

Town Council, commission or board of the possible consequences of its action. This opinion shall be advisory only and no liability shall be attributed to the Town for failure to follow the recommendation of the town attorney.

12-101. TAKINGS GUIDELINES: The Town attorney shall review whether the action constitutes a constitutional taking under the Fifth or Fourteenth Amendments to the Constitution. The town 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 town attorney shall also determine whether the action deprives the private property owner of all reasonable use of the property. The guidelines are advisory only and shall not expand nor limit the scope of the Town's liability for a Constitutional taking.

12-102. APPEAL: Any owner of private property who believes that his/her property is proposed to be "taken" by an otherwise final action of the Town, may appeal the Town's decision to the Takings Appeal Board within thirty (30) days after the decision is made. The appeal must be filed in writing with the Town Clerk. The Takings Appeal Board shall hear and approve the remand or reject the appeal within fourteen (14) days after the appeal is filed. The Takings Appeal Board, with the advice from the town attorney, shall review the appeal pursuant to the guidelines contained in subsection 12-101 herein. The decision of the Takings Appeal Board shall be in writing and a copy shall be given to the appellant and to the Town Council, commission, or board that took the initial action. The Takings Appeal Board's rejection of an appeal shall constitute final town action.

12-103. TAKINGS APPEAL BOARD: The Board of Adjustments will serve as the Takings Appeal Board.

SECTION 13. CONDITIONAL USE APPLICATIONS

13-100 PURPOSE OF CONDITIONAL USE PROVISION: Certain uses which may be harmonious under special conditions and in specific locations within a district but would be improper under general conditions and in other locations, are classed as conditional uses within the various districts and require conditional use permits. Also, special regulations or requirements to specific areas may need to be imposed and, therefore, need review and approval of the Planning Commission.

13-200. CONDITIONAL USE PERMIT: A Conditional Use Permit shall be required for all uses listed as conditional uses in the Conditional Use Matrix (Attached as and Appendix to this Ordinance). Conditional Use Permits may include reasonable conditions necessary to mitigate detrimental impacts, pursuant to Utah Code 10-20-506.

13-300. APPLICATIONS: Application for a Conditional Use Permit shall be made by the property owner or certified agent thereof to the Planning Commission. The applicant shall include detailed site plans drawn to scale and other documents necessary to assist the Planning commission in arriving at the appropriate decision.

13-400. PUBLIC HEARINGS: No public hearing needs to be held; however, a hearing may be held when the Planning Commission and Town Council deems such a hearing to be necessary and in the public

interest.

13-500. NOTIFICATION OF HEARING: A notice of hearing shall be given by at least one publication in a newspaper of general circulation within the Town at least fourteen (14) days prior to the date of said hearing.

13-600. DETERMINATION: The Planning Commission may permit a conditional use to be located within any district in which the particular conditional use is permitted by the conditional use matrix. In authorizing any conditional use, the Planning Commission may impose such requirements and conditions as are determined necessary for the protection of adjacent properties and the public welfare.

13-700. APPEALS OF DECISION: Any person shall have the right to appeal any conditional use decision rendered from the Planning Commission to the Board of Adjustments within thirty (30) days.

SECTION 14. BUILDING PERMIT REQUIRED, CODE REQUIREMENTS, ENFORCEMENT, AND PENALTIES.

14-100. BUILDING PERMIT REQUIRED: Annabella Town is required to conform to the Uniform Building Code Requirements (UBC). Building permit applications will be made through the Annabella Town Planning Commission and the Sevier County Building Department.

14-200. ENFORCING OFFICIAL: The Sevier County Building Department is hereby designated as the authorized enforcement official charged with the enforcement of this section.

14-300. POWERS AND DUTIES FOR ENFORCING OFFICER: The enforcement official is hereby authorized to inspect, or cause to be inspected, all buildings and structures in the course of construction, modification, or repair and to inspect land uses to determine compliance with the provisions of this ordinance.

14-400. PENALTY: Any person, firm, or corporation whether as principle agent, employee, or otherwise, violating or causing or permitting the violation of the provisions of the ordinance shall be guilty of a misdemeanor and punishable by law. Such person, firm, or corporation who intentionally violates this ordinance shall be deemed to be guilty of a separate offense for each and every day during which any violation of this ordinance is committed, continued, or permitted by such person, or corporation, and shall be punishable as herein stated.

14-500. CONSTRUCTION NOISE: Construction activity that creates noise audible beyond the property line may occur only between 7:00 a.m. and 10:00 p.m., seven days per week, unless otherwise approved in writing by the Town. Work performed outside these hours shall constitute a violation of this ordinance. Emergency repairs to restore essential services (water, power, sewer, or public safety facilities) are exempt.

SECTION 15. AMENDMENTS

15-100. POWERS OF TOWN COUNCIL: It shall be lawful for the Town Council from time to time as necessity may arise to change or modify the boundaries of such districts, or any of them, or any regulations or restrictions with respect to land use or buildings.

15-200. APPLICATION FOR AMENDMENT-INITIATION: An application for amendment may be initiated by the Town Council. Amendments may also be initiated by an application of one or more property owners of property affected by the proposed amendment, in which case the application shall be accompanied by a fee set by the Town Council, no part of which shall be returnable to the applicant. Unless initiated by the Town Council, no amendment shall be considered without evidence of acquiescence therein of the owners of the property(ies) involved.

15-300. ACCOMPANY DATA: An application for amendment, executed in triplicate, shall be filed with the Town Council and shall be accompanied by the following:

15-301. Maps, drawings, and other data necessary to particularize the request.

15-302. An accurate legal description of the property or properties.

15-400. REFERRAL TO THE TOWN COUNCIL: Upon receipt of a petition for amendment, the Town Clerk shall submit the same to the Planning Commission for consideration and recommendation to the Town Council. The Town Council may or may not, in their discretion, give notice and hold a public hearing thereon. After due consideration, they shall make a recommendation no later than thirty (30) days after referral to it.

15-500. PUBLIC HEARING AND NOTICE: Before any ordinance shall be passed by the Town Council making any change in the Land Use Ordinance or in the Land Use Map, a public hearing shall be held by the Town Council, notice of which shall be given to the public in accordance with Utah State Law, including publication on the Utah Public Notice Website, the official town website, and posted in at least one physical location within the town at least ten (10) days prior to the hearing.

SECTION 16. HOME OCCUPATIONS

16-100. HOME OCCUPATION PERMIT REQUIRED: To assure compliance with the provisions of the Land Use Ordinance and to protect the character of residential neighborhoods in the Town of Annabella, a home Occupation application shall be obtained from Annabella Town before a dwelling unit in a residential zone may be used for business purposes.

16-200. PROCEDURE: Upon application, the Annabella Town Planning Commission shall approve or deny a Home Occupation Permit. The Planning Commission may issue a Home Occupation Permit, which shall state the home occupation permitted, the conditions attached thereto, any time limitations imposed thereon. The permit shall not be issued unless the Planning Commission is satisfied that the applicant will meet all of the conditions listed below, and that the applicant has agreed in writing to comply with all said conditions.

16-300. CONDITIONS: Each and every one of the following conditions must be observed at all times by the holder of a Home Occupation Permit:

16-301. The home occupation will be conducted only by members of the family residing on the premises.

16-302. The home occupation shall be conducted wholly within the structure on the premises

and shall not exceed twenty-five (25) percent of the total ground floor area of the home. The home occupation shall not occupy any area within said structures, which is required for off-street parking by the provisions of this ordinance.

16-303. Inventory and supplies for the home occupation shall not occupy more than fifty (50) percent of the permitted area, or twelve (12) percent of the ground floor area of the home.

16-304. No business signs are used.

16-305. No display of any kind shall be visible from the exterior of the premises.

16-306. The home occupation shall not generate pedestrian or commercial traffic in excess of that customarily associated with the zone in which the use is located. Off-street parking shall not exceed that specified for the residential lots as noted in this ordinance.

16-307. There shall be complete conformity with all codes enforced by the Sevier County building authority, all health codes, and all state and town laws and ordinances.

16-308. The home occupation shall not cause a demand for municipal or utility services or community facilities in excess of those usually and customarily provided for residential uses.

16-309. 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, vibrations, dust, odors, noxious fumes, etc.

16-310. Any special condition established by the Planning Commission and made of record in the Home Occupation Permit, as it deems necessary to carry out the intent of this ordinance, shall be met.

16-311. All Home Occupation activities which result in reported violations, complaints, or detrimental characteristics which may, in the opinion of the Planning Commission, require termination of said home occupation and revocation of the Home Occupation Permit, shall be subject to a hearing before the Planning Commission.

16-312. Retail sales on the premises shall be limited to merchandise directly related to the services offered by the home occupation.

16-313. Premises shall be subject to inspection by the Planning Commission after reasonable notice is given with due cause.

16-400. NONCOMPLIANCE: Any Home Occupation permit shall be revoked by the Planning Commission upon violation of any requirements of this ordinance, or upon failure to comply with any of the conditions or limitations of the permit, unless such violation is corrected within ten (10) days of receipt of written notice thereof. A permit may be revoked for repeated violations of the requirements of the Chapter, notwithstanding compliance to the violation notice.

16-500. APPEAL: In the event of denial of any permit, or of the revocations thereof or of objection to

the limitations placed thereon, appeal may be made to the Annabella Town Board of Adjustments with the provisions of this ordinance.

16-600. 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 requirements of the Town or of any other public agency. A business license fee must be paid, and all other appropriate state and federal requirements must be met.

16-700. NOTIFICATION OF NEIGHBORING PROPERTY OWNERS: Applicants for Conditional Use Permits are required to give written notification to all property owners within three hundred (300) feet of the property involved in the pending action. The written notification must describe the location and nature of the proposed conditional use. It must inform neighboring property owners of the opportunity to comment upon the application in a meeting of the Planning Commission. The time, date and place of the meeting at which the application will be considered should be noted. The notification should be read and signed by the neighboring property owners to attest their understanding of its contents. The signed notifications must be attached to the application for the conditional use permit. Notification may be accomplished in person or by mail with the use of a self-addressed, stamped envelope. Notification must be accomplished at the applicant's expense.

SECTION 17. VALIDITY

17-100. VALIDITY: if any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 18. EFFECTIVE DATE

18-100. This ordinance shall become effective after passage, publication, and posting as set forth in state law.

ANNABELLA CONDITIONAL USE MATRIX

<i>Conditional Use</i>	<i>R-1-1 (1 acre)</i>	<i>R-1-0.75 (3/4 acre)</i>	<i>R-1-0.5 (1/2 acre)</i>
Kennels	C	C	C
Portable Storage Units	NP	NP	NP
Home Occupations	C	C	C
Accessory Dwelling Unit	C	C Minimum lot size required: 1 acre	C Minimum lot size required: 1 acre
Internal Accessory Dwelling Unit	P	P	P
Medical & Dental Clinics or Labs	C	C	C
Nursing Homes	C	C	C
Commercial Nursery or Greenhouse	C	C	C
Minor Automobile Repair	C	C Minimum lot size required: 1 acre	C Minimum lot size required: 1 acre
Building Material Sales Yard, Ready Mix Concrete, or Asphalt Mixing Plants	NP	NP	NP
<i>Construction Trades</i>	C	C	C
Private Recreation Facilities	C	C	C
Schools/Churches	C	C	C
RV Trailers While Building Permanent Home	C	C	C

C= Conditional P= Permitted NP= Not Permitted

*i.e. Electrical, carpenter, plumbing, heating shop, printing and publishing, lawn care, window washing, landscaping.