



DELTA CITY PLANNING & ZONING COMMISSION
REGULAR MEETING AGENDA
Thursday, May 12, 2016 at 7:00 p.m.
Delta City Municipal Building Council Chambers
76 North 200 West
Delta, Utah

7:00 p.m.

- Call to Order
- Minutes Approval: P&Z Minutes Regular Meeting 04-14-2016

BUSINESS

1. Delta Fit/DeAnna & Chase Christensen
Topic: Conditional Use Permit to Operate a Fitness Business in a R4 Zone
Action: Discussion/Consideration for Approval
2. Randy Morris
Topic: Preliminary Plat Combining 4 Lots and dividing into 2 Lots on Morris Subdivision
Action: Discussion/Consideration for Approval
3. Randy Morris
Topic: Preliminary Plat Combining 4 Lots and dividing into 2 Lots on Morris Subdivision
Action: Discussion/Consideration for Approval
4. Dent Kirkland
Topic: Change to the Rural Residential Zone to Allow for Half-Acre Lots without Animals
Action: Discussion/Consideration for Approval

Any such business as may come before the Commission.

NOTICE: Be advised that the Planning & Zoning Commission may also exercise their right under §52-4-207, Utah Code Annotated (1953), as amended, to convene and conduct electronic meetings in accordance with certain procedures and requirements outlined in the code. Agenda items are flexible and may be moved in order of sequence as presented to meet the needs of the Planning & Zoning Commission. Individuals and/or entities that have business before Planning & Zoning Commission should plan to be present at the beginning of the meeting.

Lora Fitch, Deputy Recorder

CERTIFICATE OF MAILING & DELIVERY

The above signed, duly appointed and acting Assistant Recorder for Delta City, Utah, hereby certifies that a copy of the foregoing Notice and Agenda was mailed, postage prepaid, to the Millard County Chronicle-Progress, LLC, PO BOX 249, Delta, UT 84624-0249, to Mid-Utah Radio, Inc., PO BOX 40, Manti, UT 84642-0040, published on the Delta City website, on the Utah Public Notice website, and was personally provided to each member of the Planning and Zoning Commission, this Tuesday May 10, 2016.

THE PUBLIC IS ENCOURAGED TO PARTICIPATE IN ALL CITY MEETINGS. Furthermore, in accordance with the Americans with Disabilities Act, Delta City will make reasonable accommodations for those needing assistance to participate in our meetings. Requests for meeting attendance assistance can be made by contacting the city at 435.864.2759 at least 24 hours in advance of the meeting to be attended.

1



Planning & Zoning Commission

Regular Meeting

Thursday, April 14, 2016

Delta City Building Council Chambers

76 North 200 West

Delta, Utah

2

3

4 PRESENT

5 Linda Sorensen, Chairwoman

6 Linda Beard, Member

7 Wes Duncan, Member

8 Alan Johnson, Member

9 Roger Zeeman, Member

10

11 ABSENT

12 Rand Crafts, Member

13 Richard Jones, Member

14

15 ALSO PRESENT

16 Dent Kirkland, Code Enforcement Officer

17 Travis Stanworth, Asst. Code Enforcement

18 Officer

19 Lora Fitch, Deputy Recorder

20 Rob Droubay, Property Owner

21 Randy Morris, City Employee

22 Victor Chaudhary, Property Owner

23 Sanket Chaudhary, Delta Citizen

24 Russ Greathouse, Property Owner

25

26

27 Chair Woman Sorensen called the meeting to order at 7:02 p.m. She stated that notice of the
28 time, place and the agenda of the meeting had been posted at the City Building, on the Utah
29 Public Notice website, the Delta City website, and had been provided to the Millard County
30 Chronicle-Progress and to each member of the Commission at least two days prior to the
31 meeting.

32

33 MINUTES

34 The proposed minutes of a Planning & Zoning Commission Meeting held March 10, 2016 were
35 presented for consideration and approval. It was noted that Commission Member Zeeman's
36 attendance needed to be corrected. Commission Member Johnson made a MOTION to accept
37 the Planning and Zoning Minutes of March 10, 2016 with the attendance correction. Commission
38 Member Duncan SECONDED the motion. The motion passed with Commission Members Beard,

39 Crafts, Duncan, Johnson, Zeeman, and City Representative Niles in favor and Members Crafts and
40 Jones being absent.

41 **BUSINESS**

42 Preliminary Plat Combining 8 Lots and Subdividing into 2

43 Victor Chaudhary informed the Commission Board that he would like to combine eight small lots
44 around the Harts Gas Station together and then divide them into two large lots for future building
45 and selling purposes. Code Enforcement Officer Kirkland explained that they didn't have a map
46 of the lots in question on hand, but back when the highway turned, the land surrounding it was
47 divided into small, oddly shaped lots. There was a discussion about the land in question and the
48 vacant lot. Mr. Chaudhary stated that the reason he wanted to divide the land the way he had
49 on the map was so that he could build a motel on the corner of land on Main Street and then sell
50 the gas station. Code Enforcement Officer Kirkland explained that the lot already had most of the
51 improvements needed but, suggested that there be a ten-foot easement all the way around the
52 property on the lots. Commission Member Beard made a MOTION to approve the preliminary
53 plat combining of 8 lots and subdividing them into two with a ten-foot easement all the way
54 around the lots. Commission Member Johnson SECONDED the motion. The motion passed with
55 Commission Members Beard, Crafts, Duncan, Johnson, Zeeman, and City Representative Niles in
56 favor and Members Crafts and Jones being absent.

57

58 Final Plat Combining 8 Lots and Subdividing into 2

59 Commission Member Johnson made a MOTION to approve the final plat combining of 8 lots and
60 subdividing them into two with a ten-foot easement all the way around the lots. Commission
61 Member Duncan SECONDED the motion. The motion passed with Commission Members Beard,
62 Crafts, Duncan, Johnson, Zeeman, and City Representative Niles in favor and Members Crafts and
63 Jones being absent.

64

65 Amending Sand Ridge Subdivision

66 Russ Greathouse stated that one of the main reasons that he wanted to amend the plat was
67 because the original cul de sac had not been cost effective. Mr. Greathouse stated that he wanted
68 to remove the currently non-existent road from the plat since he isn't building the cul de sac. It
69 was noted that the name would need to be changed slightly so that the amended plat was able
70 to be differentiated from the original. Code Enforcement Officer stated that Mr. Greathouse had
71 sounded willing to put up a bond for the required improvements and that the sewer had been
72 taken care of already and that the only concern left was whether or not there needed to be street
73 lights installed in the Sand Ridge Subdivision. There was a discussion about street lights and the
74 commission decided that a street light would not be necessary. Commission Member Zeeman

75 made a MOTION to approve the amendment to the Sand Ridge Subdivision as was shown on the
76 given map with the condition that there be a bond placed. Commission Member Duncan
77 SECONDED the motion. The motion passed with Commission Members Beard, Crafts, Duncan,
78 Johnson, Zeeman, and City Representative Niles in favor and Members Crafts and Jones being
79 absent.

80

81 Modifying/Creating New Zone

82 Rob Droubay presented the Commission with some ideas for making a modification to the
83 current rural residential zone to allow for half acre lots and to create another zone for an even
84 more rural situation. Mr. Droubay stated that the current rural residential zone does not allow
85 half acre lots, but that years ago they were allowed but not with animal rights. There was a
86 discussion about the potential of further subdividing lots. Mr. Droubay explained more about his
87 idea for a more rural zone allowing for an atmosphere with larger lots, less density, no sidewalk
88 or curb and gutter. Mr. Droubay showed the commission what Tooele County has for their rural
89 zoning ordinances and explained the different degrees of rural zoning that they allow. There was
90 a discussion about how the Tooele County rural zoning was comparable to the needs for Delta
91 City's Zoning and how it may and may not be applicable. Soil conditions were discussed and how
92 they could affect the lack of curb and drainage. The Commission agreed to look over Mr.
93 Droubay's suggestions for zone changes and to have the City Attorney look over them and to take
94 them into consideration.

95

96 **OTHER BUSINESS**

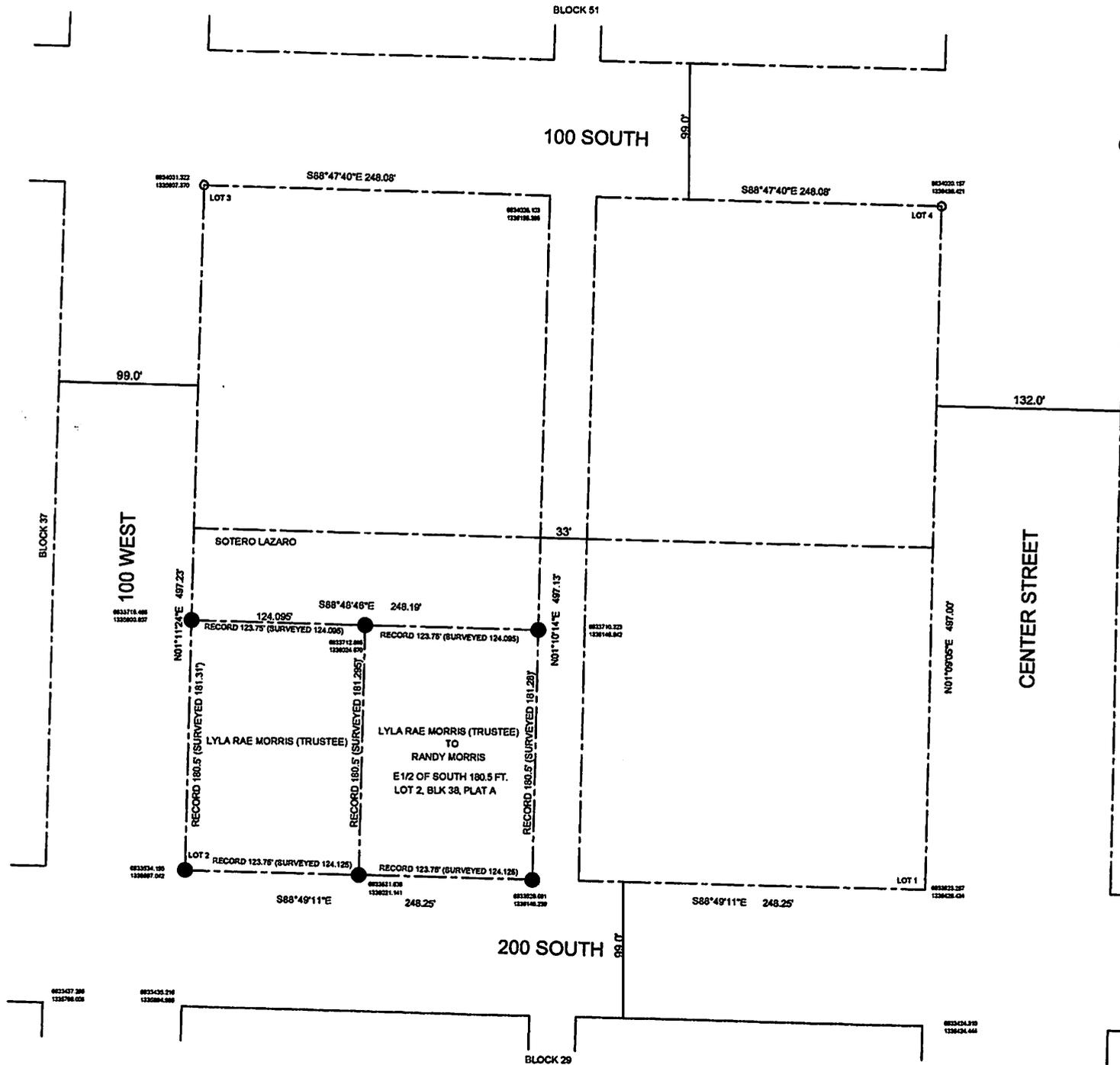
97 Code Enforcement Officer Kirkland stated that he had been looking over the subdivision
98 ordinances and the older ordinances had allowed half acre lots. City Attorney Anderson had
99 stated that there would need to be a Public Hearing before the ordinance could be changed to
100 allow for half acre lots again and had sent a copy of the proposed changes to the Subdivision
101 Ordinance to the Commission to look over. Code Enforcement Officer Kirkland asked the
102 Commission what they thought about the suggested changes. There was a discussion about the
103 cost-sharing that was in the proposed change as the Commission didn't want to completely cut
104 that out as an option. Code Enforcement Officer Kirkland stated that he had worried about that
105 as well, but there had been a number of recent cases where non-qualifying citizens have tried to
106 use the cost-share to handle their inapplicable costs. The Commission discussed doing a work
107 meeting to take a close look at the Subdividing Ordinances to tailor them to fit our community
108 better than they do. Some of the inconsistencies that would need to be fixed in the subdivision
109 ordinance were noted. Commission Member Beard made a MOTION to set a public hearing for
110 the allowance of half acre lots in rural residential zones on May 12 at 6:45 p.m. Commission
111 Member Johnson SECONDED the motion. The motion passed with Commission Members Beard,

BLOCK 38, PLAT A, DELTA



SCALE 1" = 50'

● POINTS SET



PROPERTY DESCRIPTIONS

LYLA RAE MORRIS (TRUSTEE)
 TO
 RANDY MORRIS
 EAST ONE HALF OF SOUTH 180.5 FEET, LOT 2, BLOCK 38, PLAT A, DELTA.

SURVEYORS CERTIFICATE

I, JAMES D. EDWARDS A PROFESSIONAL LAND SURVEYOR, HOLD LICENSE NO. 162522 AS PRESCRIBED BY THE STATE OF UTAH, DO HEREBY CERTIFY THAT BY AUTHORITY OF THE OWNER HAVE MADE A SURVEY OF ABOVE DESCRIBED PARCEL OF LAND AND THIS PLAT DEPICTS THE SURVEY.

MARCH 15, 2016 *James D. Edwards*
 JAMES D. EDWARDS PLS 162522



NARRATIVE:

THIS SURVEY WAS REQUESTED BY OWNER TO FACILITATE A PROPERTY DESCRIPTION FOR THE PURPOSE OF CONVEYANCE TO MR. RANDY MORRIS.

I FOUND THE CORNERS FOR BLOCK 38, PLAT A, DELTA BY SURVEYING THE KNOWN BLOCK CORNERS OF BLOCKS NORTH, EAST, SOUTH AND WEST OF BLOCK 38. FROM THESE CORNERS I ESTABLISHED THE CORNERS FOR BLOCK 38. THE BLOCK IS OVERSIZED WITH LOT 2 BEING 1.12 FEET ALONG WEST SIDE AND 1.07 ON EAST SIDE, 0.75 FEET ALONG SOUTH SIDE, AND 0.87 FEET ALONG NORTH SIDE. MY SURVEY DEPICTS THIS OVERSIZE AND CORNERS WERE SET AS SHOWN.

TITLE SURVEY

FOR

LYLA RAE MORRIS & RANDY MORRIS

THE SOUTH 181.5 FEET OF LOT 2, BLOCK 38, PLAT A, DELTA

SCALE 1" = 50'

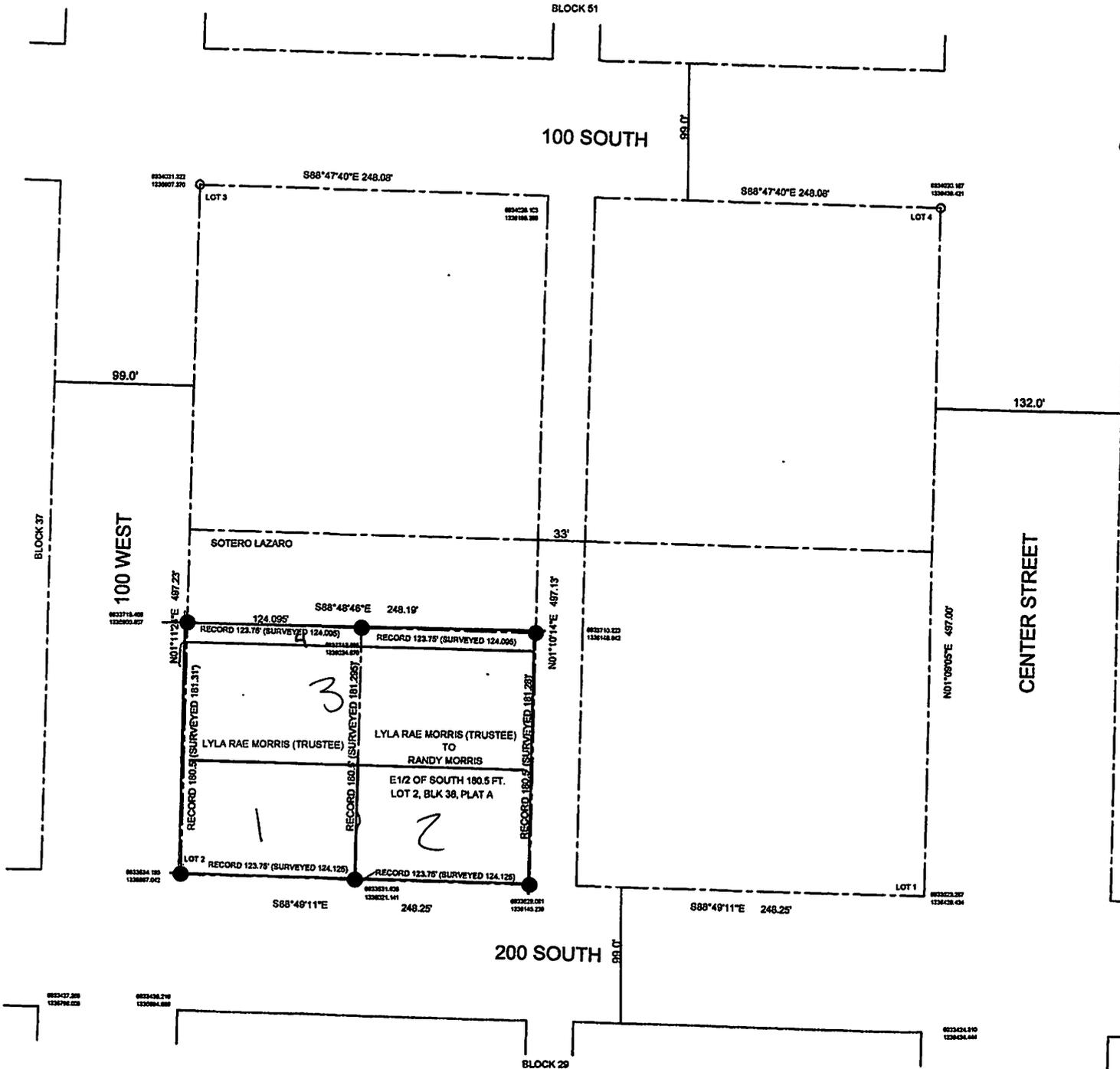
EDWARDS SURVEYING
 P.O. BOX 45
 DELTA, UTAH 84824
 435-964-2087
 MOBILE 435-679-6450

BLOCK 38, PLAT A, DELTA



SCALE 1" = 50'

● POINTS SET



PROPERTY DESCRIPTIONS

LYLA RAE MORRIS (TRUSTEE)

TO

RANDY MORRIS

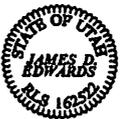
EAST ONE HALF OF SOUTH 180.5 FEET, LOT 2, BLOCK 38, PLAT A, DELTA.

SURVEYORS CERTIFICATE

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MARCH 15, 2018

JAMES D. EDWARDS PLS 162522



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TITLE SURVEY

FOR

LYLA RAE MORRIS & RANDY MORRIS

THE SOUTH 181.5 FEET OF LOT 2, BLOCK 38, PLAT A, DELTA

SCALE 1" = 50'

EDWARDS SURVEYING
P.O. BOX 45
DELTA, UTAH 84624
435-264-2087
MOBILE 435-979-6450



ORDINANCE

NUMBER 16-

AN ORDINANCE AMENDING TITLE 12 OF THE REVISED ORDINANCES OF DELTA CITY (1981 EDITION) AS AMENDED, ("DELTA CITY ORDINANCES") PERTAINING TO REGULATIONS OF RURAL RESIDENTIAL ZONES AND TOBACCO SPECIALTY BUSINESSES.

The City Council of the City of Delta, Utah (referred to herein as the "City Council"), recites the following as the basis for enacting this Ordinance:

- A. the "Municipal Land Use, Development, and Management Act", Utah Code Ann. § 10-91-101 et seq., as amended (the "Act"), provides that each municipality of the State of Utah may enact a land use ordinance and a zoning map establishing regulations for land use and development within the municipality;
- B. Pursuant to the Act, the municipality's planning commission shall prepare and recommend to the municipality's legislative body, following a public hearing, proposed land use ordinances and zoning maps, or amendment thereto, that represent the planning commission's recommendations for land use regulations within the municipality;
- C. The Delta City Planning Commission has caused to be drafted the attached amendments to Title 12 of the Revised Ordinances of the Delta City (1981 Edition), and has recommended to the City Council that the amendments be adopted by Delta City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Delta, Utah:

Section 1. Adoption of Amended Title 12-2 Definitions. Title 12-2 of the Revised Ordinances of Delta City (1981 edition) as amended, is hereby adopted and amended as shown in Exhibit A which is attached to and incorporated in this ordinance.

Section 2. Adoption of Amended Development Standards for Rural Residential (RR) Zones as set out in Title 12-7. Development Standards for Rural Residential (RR) Zones as set out in Title 12-7 of the Revised Ordinances of Delta City

(1981 edition) as amended, is hereby adopted and amended as shown in Exhibit B which is attached to and incorporated in this ordinance.

Section 3. Adoption of Amended Conditional Use Standards of Review as set out in Title 12-9. Development Standards for Rural Residential (RR) Zones as set out in Title 12-7 of the Revised Ordinances of Delta City (1981 edition) as amended, is hereby adopted and amended as shown in Exhibit C which is attached to and incorporated in this ordinance.

Section 4. Adoption of Amended Use Table for Industrial 1 (I-1) Zone as set out in Title 12-10-8.2. The Use Table for Industrial 1 (I-1) Zone as set out in Title 12-10-8.2 of the Revised Ordinances of Delta City (1981 edition) as amended, is hereby adopted and amended as shown in Exhibit D which is attached to and incorporated in this ordinance.

Section 5. Adoption of Amended Use Table for Rural Residential (RR) Zone as set out in Title 12-10-21.2. The Use Table for Rural Residential (RR) Zone as set out in Title 12-10-21.2 of the Revised Ordinances of Delta City (1981 edition) as amended, is hereby adopted and amended as shown in Exhibit E which is attached to and incorporated in this ordinance.

Section 6. Effective Date. This ordinance shall become effective upon publication.

Section 3. Publication. This ordinance, or a summary thereof, is ordered published in the Millard County Chronicle Progress, a newspaper having general circulation within the city of Delta, Utah.

Section 4. Severability. In the event that any provision of this ordinance less than the entire ordinance is held invalid by a court of competent jurisdiction, this ordinance shall be deemed severable and such finding of invalidity shall not affect the remaining portions of this ordinance.

Section 5. Repeal of Conflicting Ordinances. To the extent that any ordinances, resolutions or policies of the City of Delta conflict with the provisions of this ordinance, it is hereby amended to be in accordance with the provisions hereof.

PASSED AND ADOPTED by the City Council of the City of Delta, State of Utah on the _____ day of _____, 2016, by the following Vote:

	Aye	Nay	Abstain	Absent
Robert W. Banks	_____	_____	_____	_____
Kiley J. Chase	_____	_____	_____	_____
J. Travis Keel	_____	_____	_____	_____
John W. Niles	_____	_____	_____	_____
Betty Jo Western	_____	_____	_____	_____



 GAYLE K. BUNKER
 MAYOR

 GREGORY JAY SCHAFFER, MMC
 CITY RECORDER

Exhibit A

TITLE 12-2 DEFINITIONS

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.

C. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a "subdivision" under State law as to the unsubdivided parcel of property or subject the unsubdivided parcel to the subdivision ordinance.

Subdivision, Major. All subdivisions of ten 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 streets Master plan, or these regulations.

Subdivision, Minor. Any subdivision containing less than (10) 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. The final map or drawing, on which the applicants plan of subdivision is presented to the City Council for approval and which, if approved, may be submitted to the County Recorder for filing.

Subdivision, Simple Lot. Any subdivision containing not more than three (3) 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 not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the General Plan, Official Land Use Map, Street Master Plan, or these regulations. Subdivisions qualifying as a simple lot subdivision are exempt for the plat requirement.

Surplus, Second Hand Store. An establishment that sells surplus items, used furniture, appliances, clothing, and miscellaneous small items. Excluded from this definition are establishments selling used motor vehicles, their parts, military surplus, and other heavy equipment.

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

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

Telecommunications Facility. A telecommunications facility of more than thirty-five (35) feet in height consisting of antenna, equipment shelters, and related structures used for transmitting and/or receiving telecommunications and/or radio stations.

Temporary Outdoor Use. A use, activity, vending cart, special event, or commercial use outside that is not permanent in nature and after a seventy-two (72) hour time period ceases or is removed.

Temporary Use. A use, activity or special event that is not permanent in nature and after a designated time period ceases or is removed.

Theater, Concert Hall. A building or amphitheatre used primarily for the presentation of live stage productions or performances.

Tobacco Specialty Business, Retail. Means a commercial establishment in which:

TITLE 12-2 DEFINITIONS

- A. the sale of tobacco products accounts for more than 35% of the total annual gross receipts for the establishment;
- B. food and beverage products, excluding gasoline sales, is less than 45% of the total annual gross receipts for the establishment; and
- C. the establishment is not licensed as a pharmacy under Title 58, Chapter 17b, Pharmacy Practice Act.
- D. and as further defined by U.C.A. 10-8-41.6, as amended.

Tobacco Product. Means:

- A. any cigar, cigarette, or electronic cigarette as defined in U.C.A. 76-10-101, as amended;
- B. a tobacco product as defined in U.C.A. 59-14-102, as amended, including:
 - 1. Chewing tobacco; or
 - 2. Any substitute for a tobacco product, including flavoring or additives to tobacco; and
- C. tobacco paraphernalia as defined in U.C.A. 76-10-104.1, as amended.

Trailer, Travel. See *Recreational Vehicle*.

Transfer Station. A facility designed for the transfer and transport of solid waste.

Travel Park. See *Recreational Vehicle Park*.

Unincorporated. The area outside of the incorporated boundaries of cities and towns.

Use. The activities occurring on a lot or parcel of land for which land or a building is arranged, designed, or intended or for which land or a building is or may be occupied, including all accessory uses.

Use, Pre-existing. A use, which validly existed prior to August 16, 2012 and has not been abandoned for more than six (6) months.

Vending Cart. A small wheeled, non-motorized vehicle from which to sell food and/or merchandise for immediate consumption or use.

Warehouse Storage Units. A building in which goods, merchandise, or equipment are stored for eventual distribution, or for which storage space is rented.

Welding Machine Shop. A building or structure where pieces of metal are welded.

Yard. An open space on a lot, unoccupied and unobstructed from the ground upward.

Yard, Front. An open, unoccupied space, in the same lot with a building, between the front line of the main building and the street line and extending for the full width of the lot.

TITLE 12-2 DEFINITIONS

Yard, Rear. A yard extending across the full width of the lot between the most rear main building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest point of the rear lot line. On lots that are not rectangular in shape, the required minimum rear yard may be an average of the distances measured from the rear corners of the main building directly to the rear lot line.

Yard, Side. An open, unoccupied space, except as otherwise provided in this ordinance, on the same lot with the building, between the side line of the building and the side lot line, and extending from the front yard to the rear yard; or the shortest distance across said space from the main building to the side lot line.

Youth Home. A twenty-four (24) hour group living environment for three (3) to five (5) persons under the age of eighteen (18), unrelated to an owner or operator that offers room, board or specialized services to residents. Youth Home may include facilities for the following: resource family home, child placement, or residential support as defined in Chapter 62A UCA. Youth Home shall not include facilities for the following: secure treatment, inpatient treatment, residential treatment, adult day care, day treatment, comprehensive mental health treatment, youth program, comprehensive substance abuse treatment, or domestic violence treatment as defined in Chapter 62A UCA.

Youth Program. A nonresidential program, designed to provide behavioral, substance abuse or mental health services to minors that:

- A. serves either adjudicated or non-adjudicated youth;
- B. charges a fee for its services;
- C. may or may not provide host homes or other arrangements for overnight accommodation of the youth;
 - 1. may or may not provide all or part of its services in the outdoors;
 - 2. may or may not limit or censor access to parents or guardians; and
 - 3. prohibits or restricts a minor's ability to leave the program at any time of his own free will.
 - 4. "Youth Program" does not include recreational programs such as Boy Scouts, Girl Scouts, 4-H, and other such organizations.

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

Exhibit B

**TITLE 12-7
DEVELOPMENT STANDARDS**

**Zone District R-4
Minimum Lot and Development Standards ***

	Area	Width	Setbacks	Height
	Single Family 6,000 sf		Minimum Front Yard: 25' (principal or accessory structure) Corner lots having frontage shall require a 25 foot front yard setback and a setback of 20 foot from the other street frontage. Accessory structure same as principal structure. Minimum Side Yard: 10' (principal or accessory structure) Minimum Rear Yard: 10' (principal or accessory structure)	
LOT	Single Family and Multi-Family	60'		35'
	Multi-Family 6,000 sf plus 2,000 sf for each add'l unit after the first			
	Add'l Regulation		Private garages and accessory buildings located at least 10 feet behind the main dwelling may have a side yard of 5 feet and a rear yard of 2 feet, provided that all corner lots shall maintain a 25 foot minimum front yard setback and a 20 foot minimum setback on the other side.	
	Sidewalks		Yes. Required for a minimum of 150' on lot frontage or entire lot frontage if smaller than 150'. Single Family/Owner Occupied New Construction Only: Any portion of sidewalk required over 150' is eligible to participate in the Delta City cost sharing program for the construction of that portion of the sidewalk.	

Standards for Zone District R-4-NM are identical to those lot and development standards for Zone District R-4.

**Zone District R-4-NM
Minimum Lot and Development Standards
Zone District R-R
Minimum Lot and Development Standards ***

	Area	Width	Setbacks	Height	Sidewalks
LOT	1 acre or not less than 1/2 acre, with additional restrictions	150'	Front: 25' Side: 15' Rear: 40' Accessory Structure: 50' Front/10' Side/10' Rear Corner lots having frontage shall require a 25 foot front yard setback and a setback of 20 foot from the other street frontage.	35' Max	Yes. Required for a minimum of 150' on lot frontage or entire lot frontage if smaller than 150'.

TITLE 12-7 DEVELOPMENT STANDARDS

Zone District R-R-NM Minimum Lot and Development Standards

Standards for Zone District R-R-NM are identical to those lot and development standards for Zone District R-R.

*In cases when the principal structure was built prior to adoption of these policies, an exception may be made when additions to the existing principal structure are requested, as long as the structure fits with the intent of the neighborhood and does not infringe on adjacent property owners.

The following restriction is applicable in these zone districts: A-1, A-1-NM, A-5, A-5-NM, C-B, H-C, I-1, I-D, L-R-R, P-D, P/QP, R-1-A, R-1-A-NM, R-1-B, R-1-B-NM, R-2, R-2-NM, R-4, R-4-NM, R-D, R-D-NM, R-R and R-R-NM:

A. Erection of more than one principal structure on the lot.

More than one structure housing a permitted principal use, may be erected on a single lot provided that yard setbacks and other requirements of this ordinance shall be met for each structure.

The following restriction is applicable in these zone districts: A-1, A-1-NM, A-5, A-5-NM, C-B, H-C, I-1, I-D, L-R-R, P-D, P/QP, R-1-A, R-1-A-NM, R-1-B, R-1-B-NM, R-2, R-2-NM, R-4, R-4-NM, R-D, R-D-NM, R-R and R-R-NM:

B. Structure to have access.

All structures shall be on a lot adjacent to a public street or with access to an approved private street, and shall be so located on lots as to provide safe and convenient access for fire protection.

The following restriction is applicable in these zone districts; A-1, A-1-NM, A-5 and A-5-NM:

C. Farm Animals/Livestock.

Livestock, fowl and other animals, *excluding household pets*, that may, where permitted, be kept, bred and maintained with the following restrictions:

1. Livestock. One (1) animal for every five-thousand (5,000) square feet of property, (excluding occupied structures) one horse, cow, pig, llama, goat or five (5) sheep. Unaltered male goats are not allowed other than on a temporary basis for breeding purposes. The offspring of livestock may be kept without consideration of the space limitations until the animal is weaned or not to exceed six (6) months.
2. Other Farm Animals. For each five-thousand (5,000) square feet of property, (excluding occupied structures) five (5) rabbit or fowl or other similar small animals may be kept. ~~One-hundredfifty~~ (50) rabbits or fowl may be kept in an enclosed structure with a roof and walls on all sides. The offspring kept in the enclosed structure shall not exceed ~~one~~two-hundred (100) and may be kept for a period of six (6) months. One enclosed structure maybe kept for every five-thousand

TITLE 12-7 DEVELOPMENT STANDARDS

(5,000) square feet of property (excluding occupied structures).

3. Animals Stabled or Housed in Enclosed Areas. Any building, structure or corral in which livestock is kept must be at least fifty (50) feet from any street, dwelling, or sidewalk. This restriction does not include open pasturing on a temporary or seasonal basis.

The following restriction is applicable in these zone districts; R-D, R-D-NM, R-R and R-R-NM:

- D. **Farm Animals/Livestock.** Livestock, fowl and other animals, *excluding household pets*, that may, where permitted, be kept, bred and maintained with the following restrictions:
 1. Livestock. One (1) animal for every seven-thousand-five-hundred (7,500) square feet of property, (excluding occupied structures) one (1) horse, cow, donkey, mule, four (4) goats or sheep, eight (8) feeder lambs or twelve (12) fowl. The offspring of livestock may be kept without consideration of the space limitations until the animal is weaned or not to exceed six (6) months.
 2. Other Farm Animals. For each five-thousand (5,000) square feet of property, (excluding occupied structures) five (5) rabbit or fowl or other similar small animals may be kept. ~~One hundred- fifty (50) rabbits or fowl may be kept in an enclosed structure with a roof and walls on all sides. The offspring kept in the enclosed structure shall not exceed two one-hundred (100) and may be kept for a period of six (6) months. One enclosed structure maybe kept for every five-thousand (5,000) square feet of property (excluding occupied structures).~~
 3. Animals Stabled or Housed in Enclosed Areas. Any building, structure or corral in which livestock is kept must be at least fifty (50) feet from any street, dwelling, or sidewalk. This restriction does not include open pasturing on a temporary or seasonal basis.

The following restriction is applicable in these zone districts; R-R and R-R-NM parcels or lots that are less than one (1) acre:

E. Restrictions Applicable to Lots or Parcels under one (1) Acre.

1. No Farm Animals/Livestock. Livestock, fowl and other animals, other than household pets, may not be kept, bred or maintained on parcels or lots that are less than one (1) acre.
2. Not More than One Principle Structure. Not more than one one structure housing a permitted principle use may be erected on a single parcel or lot that is less than one (1) acre.
3. No Stabled or Housed Animals. No building, structure of corral in which livestock is kept by be built or maintained on a single parcel or lot that is less that one (1) acre.

Exhibit C

TITLE 12-9

CONDITIONAL USE STANDARDS OF REVIEW

CONDITIONAL USE STANDARDS OF REVIEW

The City shall not issue a Conditional Use Permit unless the Code Enforcement Officer, in the case of an Administrative Conditional Use concludes that the application fully mitigates all identified adverse impacts and complies with the following general standards applicable to all conditional uses, as well as the specific standards for the use:

The following conditions are applicable in these zone districts: A-1, A-1-NM, A-5, A-5-NM, C-B, C-D, H-C, I-1, I-D, M-H, P-D, P/QP, R-1-A, R-1-A-NM, R-1-B, R-1-B-NM, R-2, R-2-NM, R-4, R-4-NM, R-D, R-D-NM, R-R and R-R-NM: Additionally, requirements generally applicable to all other zones as set out in this title shall apply too:

- A. **GENERAL REVIEW CRITERIA.** An applicant for a conditional use in the zone must demonstrate:
1. The application complies with all applicable provisions of the Delta City Ordinances, state and federal law;
 2. The structures associated with the use are compatible with surrounding structures in terms of use, scale, density, and circulation;
 3. The use is not detrimental to the public health, safety and welfare;
 4. The use is consistent with the Delta City General Plan as amended;
 5. Traffic conditions are not adversely affected by the proposed use including the existence or need for dedicated turn lanes, pedestrian access, and capacity of the existing streets;
 6. There is sufficient utility capacity;
 7. There is sufficient emergency vehicle access;
 8. The location and design of off-street parking are in compliance with off-street parking standards;
 9. A plan for fencing, screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses;
 10. That exterior lighting complies with the lighting standards of the zone; and
 11. That within and adjoining the site, impacts on the aquifer, slope retention, and flood potential have been fully mitigated and is appropriate to the topography of the site.
 12. Notice of the application for conditional use has been provided to all adjoining and/or affected property owners.
- B. **SPECIFIC REVIEW CRITERIA FOR CERTAIN CONDITIONAL USES.** In addition to the foregoing, the Planning Commission must evaluate the applicant's compliance with each of the following criteria when considering whether to approve, deny or condition an application for each of the following conditional uses:

TITLE 12-9

CONDITIONAL USE STANDARDS OF REVIEW

The following conditions are applicable in these zone districts A-1, A-1-NM, A-5, A-5-NM, R-1-A, R-1-B, R-1-B-NM, R-2, R-2-NM, R-4, R-4-NM, R-D, R-D-NM, R-R and R-R-NM. Additionally, requirements generally applicable to all other zones as set out in this title shall also apply:

1. **Accessory Structure (Occupied)**. New development of an accessory structure intended for human occupancy is a conditional use and shall meet the following development standards;
 - a. **Proximity**: The accessory structure must be located no less than six (6) feet from the main building;
 - b. **Setbacks**: The accessory structure must be located in either the rear or side yard, with no less than a ten (10) foot setback from the rear and side lot lines, unless the accessory structure is located at the front yard setback of an adjacent corner lot, in which case, the side yard setback to the nearest side lot line must be at least fifteen (15) feet;
 - c. **Height**: The accessory structure height may not exceed twenty-four (24) feet to the midpoint for a sloped roof and twenty (20) feet to the cornice for a flat roof; and
 - d. **Building Area**: The maximum area of an occupied accessory structure is the larger of nine-hundred (900) square feet or thirteen (13) percent of the lot area. No more than six-hundred (600) square feet of the accessory structure shall be used for human occupancy.

The following conditions are applicable in these zone districts: I-1 and I-D:

2. **Adult-Oriented Businesses**. The purpose and objective of this criteria 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. This criteria regulates the time, place and manner of the operation of sexually-oriented businesses, consistent with the United States and Utah State Constitutions.
 - a. No adult-oriented business may be located within one-thousand (1,000) feet of any:
 - i. School, day care facility, cemetery, public park, library or religious institution;
 - ii. Residential zoning boundary;
 - iii. Liquor store; or
 - iv. other adult-oriented business.
 - b. For the purpose of this section, distance is measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which the adult-oriented business is located and:
 - i. The closest exterior wall of another adult-oriented business;

TITLE 12-9
CONDITIONAL USE STANDARDS OF REVIEW

- ii. The closest property line of any school, day care facility, public park, library, cemetery or religious institution; and
- iii. The nearest property line of any residential zone.

3. Retail Tobacco Specialty Business.

a. Proximity Restrictions. No Retail Tobacco Specialty Business shall be located within:

- i. One thousand Feet (1,000') of a community location. A "community location" means a public or private kindergarten, elementary, middle, junior high, or high school; a licensed childcare facility or preschool; a trade or technical school; a church; a public library; a public playground; a public park; a youth center or other space used primarily for youth oriented activities; a public recreational facility; or a public arcade.
- ii. Six hundred feet (600') of another Retail Tobacco Specialty Business; or
- iii. Six hundred feet (600') from property used or zoned for agriculture use or residential use.

A. For the purposes of this section, the proximity requirements shall be measured in a straight line from the nearest entrance of the retail tobacco specialty business to the nearest property boundary of the community location, agricultural or residential use, or other retail tobacco specialty business, without regard to intervening structures or zoning districts.

The following conditions are applicable in these zone districts: A-1, A-1-NM, A-5, A-5-NM, C-B, C-D, I-1, I-D, M-H, R-1-A, R-1-A-NM, R-1-B, R-1-B-NM, R-2, R-2-NM, R-4, R-4-NM, R-D, R-D-NM, R-R and R-R-NM:

43. **Child Care Facility/Center.** Each application for a child care facility, center or home occupation must include and comply with:

- a. Proof of application for state child care license;
- b. Compliance with state, federal and local law;
- c. A design that does not include a front yard playground;
- d. A parking and traffic plan that adequately mitigates the adverse impacts of increased traffic in the neighborhood (if a facility or center);
- e. Childcare providers as a home occupation may not exceed eight (8) children, twelve (12) years of age or younger, including the providers own children at any given time; and

TITLE 12-9
CONDITIONAL USE STANDARDS OF REVIEW

- f. Childcare providers as a home occupation may not provide services for more than two (2) infants under the age of two (2) at any given time.

The following conditions are applicable in these zone districts: R-1-A, R-1-A-NM, R-1-B, R-1-B-NM, R-2, R-2-NM, R-4, R-4-NM, R-D and R-D-NM:

54. **Condominiums.** Subject to the requirements set forth in Title 12-10 of the Delta City Municipal Code, condominiums are permitted as a conditional use with the following conditions:

- a. **Lot Size.** The minimum lot size for any condominium project consisting of up to four (4) individual condominium units shall be fifteen-thousand (15,000) square feet. Two-thousand-five-hundred (2,500) square feet shall be added to the minimum lot size for each additional unit;
- b. **Open Space.** For each individual condominium unit, an area of no less than eight-hundred-seventy-five (875) square feet shall be preserved and dedicated as open space;
- c. **Parking.** For each individual condominium unit, an area of no less than eight-hundred-seventy-five (875) square feet shall be improved for parking. Property dedicated for parking may not overlap with property dedicated for open space; and
- d. **Spacing of Building.** Up to four (4) condominium units may be located in a single building. Single-story building shall be spaced at least fifteen (15) feet apart from one another. Two-story buildings shall be spaced at least twenty (20) feet apart from one another.

The following conditions are applicable in these zone districts: A-1, A-5, M-H, R-1-A, R-1-B, R-2, R-4, R-D and R-R:

65. **Gated Communities.** Applicants must comply with the following standards:

- a. The applicants have demonstrated a need for an entry gate to effectively control ongoing negative health, safety and welfare issues; or, in highly unique circumstances, excessive non-neighborhood parking or traffic on a regular basis;
- b. The private street is not a through street and traffic circulation through the neighborhood to other parts of the community is not impacted;
- c. The entry gate shall be set back twenty-five (25) feet;
- d. A building permit for the gate must be approved;
- e. The entry gate shall meet the following design standards:
 - i. The clearance distance from the gate bottom to the ground shall be a minimum of two (2) feet;
 - ii. The maximum height from the bottom to top rail shall be three (3) feet;

TITLE 12-9

CONDITIONAL USE STANDARDS OF REVIEW

- iii. The gate shall be constructed from visually open materials that will not obstruct more than fifty (50) percent visibility (i.e., open fencing);
 - iv. Fencing adjacent to the gate shall not exceed a height of four (4) feet for solid fencing materials and six (6) feet for open materials;
 - v. Columns added for architectural interest shall not exceed nine (9) feet; and
 - vi. The gate design shall be minimal in height and scale to accomplish the goal of preventing unauthorized access;
- f. An access plan for emergency services and authorized city representatives shall be provided to and approved by the city.

The following conditions are applicable in these zone districts: I-1 and I-D:

76. Gated Communities for Industrial Developments. Applicants must comply with the following standards:

- a. The applicants have demonstrated a need for an entry gate to effectively control ongoing negative health, safety and welfare issues; or, in highly unique circumstances, excessive non-neighborhood parking or traffic on a regular basis;
- b. The private street is not a through street and traffic circulation through the neighborhood to other parts of the community is not impacted;
- c. The entry gate shall be set back twenty-five (25) feet;
- d. A building permit for the gate must be approved; and
- e. The entry gate shall meet the following design standards:
 - i. The clearance distance from the gate bottom to the ground shall be a minimum of two (2) feet;
 - ii. The maximum height from the bottom to top rail shall be three (3) feet;
 - iii. The gate will be constructed from visually open materials that will not obstruct more than fifty (50) percent visibility (i.e., open fencing);
 - iv. Fencing adjacent to the gate shall not exceed a height of four (4) feet for solid fencing materials and six (6) feet for open materials;
 - v. Columns added for architectural interest shall not exceed nine (9) feet; and
 - vi. The gate design shall be minimal in height and scale to accomplish the goal of preventing unauthorized access.
- f. An access plan for emergency services and authorized City representatives will be provided to and approved by the City.

TITLE 12-9

CONDITIONAL USE STANDARDS OF REVIEW

The following conditions are applicable in these zone districts: A-1, A-5, C-B, C-D, H-C, I-1, I-D, M-H, P/QP, R-2, R-4, R-D and R-R:

78. **Intermittent Commercial Uses.** The occasional use of dwellings, community buildings, private clubs, lodges, social or recreational establishments and/or their accessory buildings for commercial purposes may be allowed upon receiving a conditional use permit and provided that there is compliance with the provisions of this section. The following standards shall apply to all intermittent commercial uses in addition to any conditions the Planning Commission deems necessary and desirable to protect the public health, safety and general welfare:
- a. The display and sales of merchandise should be contained primarily within a building;
 - b. The building proposed for the intermittent commercial use must comply with setback and clear vision area requirements of this ordinance and with applicable building and fire codes;
 - c. A business license from the City is required to conduct an intermittent commercial use;
 - d. Adequate parking is provided to serve the commercial use that does not create a parking shortage for other existing uses on site; and
 - e. The use does not cause noise, light, or glare which adversely imparts surrounding uses.

The following conditions are applicable in these zone districts: R-2, R-4, R-D and R-R:

89. **Multiple Family Dwellings.** Three-plex and four-plex dwellings may be allowed as a conditional use in the R-2 zone district with the following conditions:
- a. **Three-plex.** Seventeen-thousand-one-hundred-twenty-five (17,125) square foot lot area which includes parking and open space requirements;
 - b. **Four-plex.** Twenty-thousand-three-hundred-eighty (20,380) square foot lot area which includes parking and open space requirements; and
 - c. **Open Space requirement.** Five-hundred (500) square foot of open space per unit.

The following conditions are applicable in these zone districts: I-1 and I-D and *P/QP:

910. **Recreational Activity Specialties.** The following recreational activities specialties shall be allowed as conditional uses:
- a. Recreational activities involving off highway vehicles and similar motorized vehicles for recreational use;
 - b. Horse arenas, equestrian parks and equine activity, including, but not limited to equine shows, fairs, competitions, performances, racing or sales that involve any breeds of equines and any equine disciplines; boarding or training equines;

TITLE 12-9

CONDITIONAL USE STANDARDS OF REVIEW

teaching persons equestrian skills; and other equine activities as determined by the Planning Commission to be consistent with this section; and

- c. *P/QP applicable only: All uses determined by the Code Enforcement Officer to be in harmony with the intent and purpose of the zone shall be allowed as conditional uses upon such conditions as may be recommended by the Code Enforcement Officer and approved by the City Council and set out in a conditional use permit. Such uses shall include exhibits, fairs, shows, livestock exhibitions and similar uses as may be specified and operated subject to the terms of a conditional use permit.
- c. Any other recreational activity as determined by the Planning Commission to be consistent with this section.

The following conditions are applicable in these zone districts: R-R:

- 110. **Small Engine Repair.** Each application for a small engine repair shall be reviewed as a home occupation using the review criteria for home occupations.

The following conditions are applicable in these zone districts: A-1, A-5, C-B, C-D, H-C, I-1, I-D, L-R-R, M-H, P-D, P/QP, R-1-A, R-1-B, R-2, R-4, R-D, R-R and P-F:

- 121. **Storage Containers:**

- a. A maximum of two (2) storage containers per business shall be allowed as a conditional use;
- b. Storage containers shall be required to have a setback from the primary building or structure, and shall be painted a color to match the primary building or structure or, in the direction of the Planning Commission shall be painted a neutral color; and
- c. For purposes of this subsection, "storage container" shall mean: Any trailer commonly described as a storage container or storage unit, including, but not limited to semi trailers, cargo trailers and any other similar unit with a storage space of greater than two-hundred (200) square feet.

The following conditions are applicable in these zone districts: C-B, C-D, H-C, I-1, I-D and P/QP:

- 123. **Temporary Outdoor Use.** Temporary vendors must:

- a. Notify the City of date, place and duration of their intended use along with permission in writing from the property owner or event organizer;
- b. Have the use setback twenty-five (25) feet from any public street, sidewalk or right of way; and
- c. Last no longer than seventy-two (72) hours.

Exhibit E

11 12

11 12

12-10-21 ZONE DISTRICT – Rural Residential (R-R)

Title 12-10-21 Rural Residential (R-R)

12-10-21.1 PURPOSE
12-10-21.2 USE TABLE
RELATED PROVISIONS

12-10-21.1 **PURPOSE.** To create a rural residential zone which is intended as a permanent residential district for those areas of the community where it is desirable to maintain low residential densities.

12-10-21.2 **USE TABLE.** If a use is not specifically designated then it is prohibited unless other proposed uses are determined by the Code Enforcement Officer to be in harmony with the intent and purpose of this zone.

Type	Allowed	Administrative Conditional Use	Conditional Use	Business License Required
Accessory Structure, occupied			√	
Accessory Structure, unoccupied	√			
Agriculture (if lot is one (1) or greater.	√			
Child Care for Business Center: 8 children or less		√		√
Child Care for Business Facility: 9 children or more			√	√
Church			√	
Civic Club			√	
Dwelling – Single	√			
Dwelling - 2 Family			√	
Farm Animals/Livestock (non-commercial uses)	√			
Fence, Electric		√		
Fence, Wildlife/Large Animal		√		
Gated Communities			√	
Group Home, Assisted Living Facility			√	√
Group Home, Elderly			√	√
Group Home, Disabled			√	√
Home Occupation	√			√
Household Pets	√			
Intermittent Commercial Use		√		√
Manufactured Home	√			
Master Planned Development			√	
Modular Home	√			
Outdoor Rec - Park – Play			√	√
Preschool		√		√
Public Services			√	
Public - Rights of Way	√			
Public Utility Stations - except sewer		√		
Schools, Private-Quasi Public			√	
School, Public			√	
Small Engine Repair		√		√
Stables, Private	√			

12-10-21 ZONE DISTRICT – Rural Residential (R-R)

Type	Allowed	Administrative Conditional Use	Conditional Use	Business License Required
Stables, Public/ Commercial			√	√
Subdivision			√	

ELATED PROVISIONS

Title 3. Businesses, Licenses.

Title 12-2. Definitions.

Title 12-3. Administration and Enforcement.

Exhibit D

12-10-8 ZONE DISTRICT – Industrial 1 (I-1)

12-10-8 Industrial 1 (I-1)

- 12-10-8.1 PURPOSE
12-10-8.2 USE TABLE
RELATED PROVISIONS

12-10-8.1 **PURPOSE.** To create a zone which:

- A. Allows for a compatible mixture of commercial and light industrial uses which do not require intensive land coverage, generate large volumes of traffic or create obnoxious sounds, glare, dust or odors.
- B. This district includes areas which are well adapted to industrial development; but proximity to residential or business districts makes it desirable to limit the manner and extent of industrial operations.

12-10-8.2 **USE TABLE.** If a use is not specifically designated then it is prohibited unless other proposed uses are determined by the Code Enforcement Officer to be in harmony with the intent and purpose of this zone.

Type	Allowed	Administrative Conditional Use	Conditional Use	Business License Required
Accessory Structure, unoccupied	√			
Adult Oriented Business			√	√
Agricultural Industry			√	√
Agriculture	√			
Animal Hospital			√	√
Auto truck, RV Sales & Rental	√			√
Automotive Body/Paint Repair Establishment			√	√
Automotive Repair Establishment	√			√
Auto Self Serve Station	√			√
Auto Service Station	√			√
Aviation Airport - Services	√			√
Bar, Tavern, Lounge			√	√
Cinema, Indoor			√	√
Civic Club	√			
Coal Yard			√	√
Convenience Goods - Sales	√			√
Child Care for Business * Facility: 9 children or more		√		√
Dry Cleaning Establishment			√	√
Farm Animals/Livestock	√		√	√
Fence, Electric	√			
Fence, Razor		√		
Fence, Wildlife/Large Animal		√		
Fireworks Sales/Stands		√		√
Gated Communities			√	
General Merchandise Sales & Service			√	√
Heavy/Farm Equip Sales			√	√

12-10-8 ZONE DISTRICT – Industrial 1 (I-1)

Type	Allowed	Administrative Conditional Use	Conditional Use	Business License Required
Household Pets	√			
Industrial Park	√			
Industry, Light				√
Industry, Medium			√	√
Intermittent Commercial Use			√	√
Kennel		√		√
Lumber Sales - Storage			√	√
Master Planned Development			√	√
Military Surplus Store			√	
Mortuary			√	√
Nursery	√			√
Pawn Shops	√			√
Public - Rights of Way	√			√
Public Utility Stations - except sewer		√		
Public Services	√			
Public Utility Stations with sewer		√		
Recreational Activity Specialties				√
Repair Services, Small App	√		√	√
Small Engine Repair	√			√
Stable, public		√		√
Storage Containers			√	√
Subdivision			√	
Telecommunications Facility < 35' height		√		√
Temporary Outdoor Use		√		√
Tobacco Specialty Business, Retail	-	-	√	√
Warehouse Storage Units - commercial only			√	√
Welding Machine Shop	√			√

RELATED PROVISIONS

Title 3. Businesses, Licenses.

Title 12-2. Definitions.

Title 12-3. Administration and Enforcement.