



DELTA CITY PLANNING & ZONING COMMISSION
REGULAR MEETING AGENDA
Thursday, July 14, 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 05-12-2016
P&Z Minutes Public Hearing 05-12-2016

BUSINESS

1. Dent Kirkland, Code Enforcement Officer
Topic: Rural Residential Zone Change
Action: Discussion/Consideration for Approval
2. Dent Kirkland, Code Enforcement Officer
Topic: Creating A New Zone – Rural Residential 2 Acre Non-modular (RR2NM)
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 July 12, 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, May 12, 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 John Niles, City Liason

9 Alan Johnson, Member

10 Roger Zeeman, Member

11

12 ABSENT

13 Richard Jones, Member

14

15 ALSO PRESENT

16 Lora Fitch, Deputy Recorder

17 Dent Kirkland, Code Enforcement Officer

18 Travis Stanworth, Asst. Code Officer

19 Rob Droubay, Property Owner

23 Chase Christensen, Business Owner

24 Patrick Stefanoff, Land Owner

27 Elcee Crafts

28 Josh Nelson

29 Tiffany Nelson

30 Lance Johnson

31 Julie Johnson

32 Brach Thompson

33 Barb Thompson

34 Sharalyn Clayton

35 Neil Clayton

36 Jason Stefanoff

37 *Natalie Stefanoff

38 Angi Meinhardt

39 Brittany Andrew

40 Camille DeLoach

41 Ronda Davis

42 Sharon Davis

43 Jena Hare

20 Layla Rae Morris, Property Owner

21 Randy Morris, Property Owner

22 DeAnna Christensen, Business Owner

25 Mark Peterson

26 Sue Peterson

44 Janette Fitzgerald

45 Seth Howlett

46 Tyler Harris

47 Ryan Worsley

48 Darren Snow

49 Crystal Tanner

50 Jon Webster

51 Bonnie Webster

52 J L Young

53 Elizabeth Stream

54 Jessica Stephensen

55 Jody Stephensen

56 Laura Peterson

57 Kinsey Riding

58 Marci Allred

59 John Nelson

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

66
67 **MINUTES**

68 The proposed minutes of a Planning & Zoning Commission Meeting held April 14, 2016 were
69 presented for consideration and approval. It was noted that Commission Member Craft's
70 attendance needed to be corrected. Commission Member Crafts made a MOTION to accept the
71 Planning and Zoning Minutes of April 14, 2016 with the attendance correction. Commission
72 Member Johnson SECONDED the motion. The motion passed with Commission Members Beard,
73 Crafts, Duncan, Johnson, Zeeman, and City Representative Niles in favor and Member Jones being
74 absent.

75
76 **BUSINESS**

77 Conditional Use Permit to Operate a Fitness Business in a R4 Zone

78 Chase Christensen stated that he and his wife DeAnna had relocated their business Delta Fit to
79 233 W 100 N and had recently received a letter from Delta City stating that business licenses are
80 nontransferable between locations and that he would need a conditional use permit to be at the
81 new location. Chairwoman Sorensen asked if there had been any issues with the move. Mr. Chase
82 stated that the first night his business had been running, an officer had showed up with regards
83 to a noise complaint. Mr. Chase stated that the officer hadn't thought that they had been noisy
84 and that the situation was a non-issue. There had been a conversation about parking and that
85 they had complied with the officer, but they had been getting harassed by neighbors with letters
86 and complaints. Mr. Chase stated that he had talked to some of the neighbors to see if they had
87 any concerns, the responses he got were concerns about traffic and the safety of the children,
88 disrupting the neighborhood with noise, which Mr. Chase thought to be untrue. Mr. Chase stated
89 that they had moved to the new building because it was larger and better insulated. The history
90 of the building was discussed. Mr. Chase asked what was and was not allowed with parking. Mr.
91 Chase stated that they had found off street parking but it would come with a fee. Commission
92 Member Crafts asked what kind of numbers Delta Fit was expecting at any given moment. Mr.
93 Chase stated that generally 6-8 people with the exceptions of when classes are changing. There
94 was a discussion about the noise ordinances and Commission Member Duncan suggested that if
95 there are any more noise complaints to have the sheriff's office bring over a decibel reader.
96 Patrick Stefanoff, owner of the property where Delta Fit is operating out of, stated that there was
97 a conflict of interest with one of the main people complaining being the owner of a competing
98 gym. Code Enforcement Officer Kirkland stated that the parking issue has to be resolved before
99 Zoning can sign off on the business license. The zoning ordinance 12-16-2 was reference but the
100 Zoning Commission decided that the business was a continuance of use. The Zoning Commission

101 asked if anyone wanted to give their input on Delta Fit being at its new location. John Webster,
102 who owns adjacent property, stated that he had no objections to the fitness operating out of the
103 building in question, but his tenants had complained about the sound of and vibrations caused
104 by weights being dropped. Elcee Crafts, a neighbor to the facility, expressed her concerns about
105 the noise, the traffic with regards to the safety of the neighborhood children, and the change in
106 the atmosphere in the neighborhood. Chairwoman Sorensen suggested that maybe the
107 neighborhood and Delta Fit work on coming to some sort of compromise. Brandon Kunz, a
108 neighbor of the gym, stated that the weights being dropped has been shaking his windows and
109 making it difficult to get kids to bed and get enough sleep in his household. Lance Johnson, a
110 fitness club member, stated that they were out of the building at 8 p.m. every evening which is
111 well before the noise ordinance goes into effect, and that generally the noise doesn't go about
112 the maximum permitted decibels. Mr. Johnson stated that there would be no problem with
113 offsite parking and that the fitness club members are wanting to get along with the
114 neighborhood. Commission Member Beard asked if there was anything that could be done about
115 the noise of dropping weights. Mr. Christensen stated that there is a 3/8-inch rubber mat on the
116 6-inch foundation and the weights are also coated in rubber, so there isn't much he can do to
117 additionally dampen the noise, but a sand-filled trench between adjoining properties might mute
118 some of the vibrations. Commission Members had a discussion about available options for the
119 conditional use permit. Mr. Chase questioned if there was a conflict of interest as the parking he
120 was considering paying for was owned by a City employee. Councilwoman Sorensen replied that
121 it was not a conflict of interest and they hadn't been aware before the meeting that the City
122 employee in question even had parking to rent. There was a discussion about putting in some
123 children at play signs or pedestrian signs around the neighborhood. Susan Peterson, owner of
124 adjacent property, stated that her concerns have nothing to her owning another fitness business
125 and everything to do with the parking situation, the headlights shining in her windows, and the
126 additional activity agitating her dogs and, in turn, the neighbors. After some discussion, Mr.
127 Stefanoff stated that parking in front of the building to the East in the alley on the side of the
128 building would be able to accommodate an adequate amount of parking. Commission Member
129 Crafts made a MOTION to approve a 9-month temporary conditional use permit for Delta Fit at
130 273 W. 100 N. with the following conditions that parking be established in front of the building
131 to the East and to the side of the building in the alley, that the City will look into placing pedestrian
132 signage as per the adopted ordinances, and that between 5 and 6 a.m. that they will limit the
133 dropping of weights from high drop to low drop. Commission Member Duncan SECONDED the
134 motion. The motion passed with Commission Members Beard, Crafts, Duncan, Johnson, Zeeman,
135 and City Representative Niles in favor and Member Jones being absent.

136
137

138 Preliminary Plat Combining 4 Lots and Dividing into 2 on Morris Subdivision

139 Randy Morris, property owner, explained that they were wanting to combine the 4 lots into 2
140 lots in order to update the Lyla Rae Morris Trust. Mr. Morris stated that the issues with the
141 property is that there are four different tax notifications for the different parcels and they were
142 looking to consolidate them. There was a discussion regarding the size of the lots and whether
143 or not there will be tax issues with the trailer park being on two separate parcels of land.
144 Commission Members stated that it is a joining of parcels rather than a dividing improvements
145 would not need to be made. Code Enforcement Officer Kirkland stated that combining the lots
146 would clean things up, but that there was some concern about whether or not it would fall under
147 the category of subdividing or combining parcels. Commission Member Crafts stated that
148 according to section 12-2 under subdivision sections B and C this would count as a shifting of lines
149 and that it is not a subdivision. Commission Member Johnson made a MOTION to accept the
150 preliminary plat combining 4 lots and dividing into 2 on Morris Family Trust Subdivision.
151 Commission Member Crafts SECONDED the motion. The motion passed with Commission
152 Members Beard, Crafts, Duncan, Johnson, Zeeman, and City Representative Niles in favor and
153 Member Jones being absent.

154

155 Final Plat Combining 4 Lots and Dividing into 2 on Morris Subdivision

156 Chairwoman Sorensen amended the typo on the agenda on item 3 to be a final plat rather than
157 a preliminary plat. Commission Member Beard made a MOTION to accept the preliminary plat
158 combining 4 lots and dividing into 2 on Morris Family Trust Subdivision. Commission Member
159 Zeeman SECONDED the motion. The motion passed with Commission Members Beard, Crafts,
160 Duncan, Johnson, Zeeman, and City Representative Niles in favor and Member Jones being
161 absent.

162

163 Change to the Rural Residential Zone to Allow for Half-Acre Lots without Animals

164 Code Enforcement Officer Kirkland addressed the contents of the suggested changes to the rural
165 residential zone. He asked the Commission how they would like to approach the cost-sharing
166 section of the ordinances. The Commission stated that they would like it to remain in the interest
167 of existing structures, but not for new subdivision construction. There was a discussion on the
168 suggested changes in the ordinance regarding the amount of small animals allowed in the rural
169 residential zone. Commission Member Crafts made a MOTION to table the change to the rural
170 residential zone to allow for half-acre lots without animals to have some changes made regarding
171 the cost-sharing and adjustment to the width of half-acre lots to be revisited after discussion with
172 the city attorney. Commission Member Duncan SECONDED the motion. The motion passed with
173 Commission Members Beard, Crafts, Duncan, Johnson, Zeeman, and City Representative Niles in
174 favor and Member Jones being absent.

175
176 **OTHER BUSINESS**
177 Rob Droubay asked if there had been any progress on the zoning for a larger more rural lot. Code
178 Enforcement Officer Kirkland stated that it was still being drafted.

179
180 With no other questions or concerns, Commission Member Johnson MOVED to adjourn the
181 meeting. Commission Member Crafts SECONDED the motion. The motion passed with
182 Commission Members Beard, Crafts, Duncan, Johnson, Zeeman, and City Representative Niles in
183 favor and Member Jones being absent.

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186 Chair Woman Linda Sorensen declared the meeting adjourned at 8:50 p.m.

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192 **Minutes Approved** _____ **Lora Fitch, Deputy Recorder**

193



Planning & Zoning Commission

Public Hearing

Thursday, May 12, 2016

Delta City Building Council Chambers

76 North 200 West

Delta, Utah

1

2

3

4 **PRESENT**

5 Member Linda Beard

6 Member Rand Crafts

7 Member Wes Duncan

8 City Representative John Niles

9 Chairwoman Linda Sorensen

10 Member Roger Zeeman

11 Member Alan Johnson

12

13 **ABSENT**

14 Member Richard Jones

15

16 **ALSO PRESENT**

17 Deputy Recorder Lora Fitch

18 Code Enforcement Officer Dent Kirkland

19 Asst. Code Officer Travis Stanworth

20 Rob Droubay, Property Owner

24 Chase Christensen, Business Owner

25 Patrick Stefanoff, Land Owner

28 Elcee Crafts

29 Josh Nelson

30 Tiffany Nelson

31 Lance Johnson

32 Julie Johnson

33 Brad Thompson

21 Layla Rae Morris, Property Owner

22 Randy Morris, Property Owner

23 DeAnna Christensen, Business Owner

26 Mark Peterson

27 Sue Peterson

34 Barb Thompson

35 Sharalyn Clayton

36 Neil Clayton

37 Jason Stefanoff

38

39 Chairwoman Linda Sorensen called the public hearing to order at 6:47 p.m. She stated that
40 notice of the time, place and the agenda of the meeting had been posted at the City Building,
41 on the Utah Public Notice website, the Delta City website, and had been provided to the Millard
42 County Chronicle-Progress and to each member of the Commission at least two days prior to
43 the meeting.

44

45 **PUBLIC COMMENT**

46 There were no public comments.

47 Receive and Consider Public Comment Regarding: The Proposed Change to the RR (Rural
48 Residential) Zone to Allow for Half-Acre Lots Without Animals.

49 Chairwoman Sorensen introduced what the public hearing was about and asked if there was any
50 public comment. Rob Droubay gave more information on what the proposed change was and
51 why he thought people would like to be able to have half acre lots. The Commission discussed
52 that half acre lots had once been allowed, but had accidentally been removed when the zoning
53 ordinances had been updated.

54
55 Chairwoman Linda Sorensen asked if there was any further comment. There being none the
56 meeting was adjourned at 6:53.

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58
59 **Minutes Approved**

 Lora Fitch, Deputy Recorder

Unapproved

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 12-7
DEVELOPMENT STANDARDS**

DEVELOPMENT STANDARDS

**Zone District A-1
Minimum Lot and Development Standards**

		Area	Width	Setbacks	Height	Sidewalks
LOT	Standard	1 acre	100'	Front: 25' Side: 10' Rear: 10'	35' Max	Yes
	Exceptions	No	No	Corner Lot: 25' setback on streetside of corner lot		
<p>No building shall be erected to a height greater than 35 feet, except that a tower, silo or other facility used in connection with permitted or conditional uses may reach 60' in height without specific Planning Commission review and approval, but may exceed that height only pursuant to an approved conditional use permit.</p>						
	Sidewalks	<p>Yes. Required for a minimum of 150' on lot frontage or entire lot frontage if smaller than 150'.</p> <p>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.</p>				

**Zone District A-1-NM
Minimum Lot and Development Standards**

Standards for Zone District A-1-NM are identical to those lot and development standards for Zone District A-1.

**Zone District A-5
Minimum Lot and Development Standards**

		Area	Width	Setbacks	Height	Sidewalks
LOT	Standard	5 acres	500'	Front: 25' Side: 10' Rear: 10'	35' Max	Not Required
	Exceptions	No	No	Corner Lot: 25' setback on streetside of corner lot		
<p>No building shall be erected to a height greater than 35 feet, except that a tower, silo or other facility used in connection with permitted or conditional uses may reach 60' in height without specific Planning Commission review and approval, but may exceed that height only pursuant to an approved conditional use permit.</p> <p>Permitted commercial use structures shall not be located closer than 200 feet to any property line.</p> <p>Permitted non-commercial use structures shall not be located closer on any lot or any adjoining lot than 50 feet from any property line or 100 feet from any dwelling, whichever is the greater distance.</p>						

TITLE 12-7 DEVELOPMENT STANDARDS

Zone District A-5-NM Minimum Lot and Development Standards

Standards for Zone District A-5-NM are identical to those lot and development standards for Zone District A-5.

Zone District C-B Minimum Lot and Development Standards

	Min. Lot Area	Min. Lot Width	Max. Zoned Area	Setbacks	Height	Sidewalks
LOT	None	None	None	Front: none Side: none Rear: none	30'	Yes
Sidewalk required on all frontage. 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.						

Zone District H-C Minimum Lot and Development Standards

	Min. Lot Area	Min. Lot Width	Max. Zoned Area	Setbacks	Height	Sidewalks
LOT	None	100'	None	Front: 20' Side: 10' Rear: 10'	30'	Yes
Sidewalk required on 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.						

**TITLE 12-7
DEVELOPMENT STANDARDS**

**Zone District I-1
Minimum Lot and Development Standards**

	Min. Lot Area	Min. Lot Width	Max. Zoned Area	Setbacks	Height	Sidewalks
LOT	None	None	None	Front: 20' Side: 10' Side yard when abutting a residential zone: 15' Rear: 10' unless otherwise approved by Planning Comm.	35' unless otherwise approved by Planning Comm.	Yes
<p>Sidewalk required on 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.</p>						

**Zone District M-H
Minimum Lot and Development Standards**

		Area	Width	Setbacks	Height	Sidewalks
LOT	Standard	6,000/unit	60'	Front: 15' Side: 10' Rear: 10'	35'	NO
	Exceptions	No	No	A corner lot shall have 2 Fronts, 2 Sides, 0 Rear. Front is determined by location of streets.		

**Zone District P/QP
Minimum Lot and Development Standards**

	Area	Width	Setbacks	Height	Sidewalks
LOT	None	None	Front: 25' Side: 10' Rear: 10'	35' unless otherwise approved by Planning Comm.	Yes

**TITLE 12-7
DEVELOPMENT STANDARDS**

**Zone District R-1-A
Minimum Lot and Development Standards ***

		Area	Width	Setbacks	Height
LOT	Single Family	9,000 sf	90'	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. Minimum Side Yard: 10' (principal or accessory structure) Minimum Rear Yard: 30' principal, 2' accessory structure	35'
	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.			

**Zone District R-1-A-NM
Minimum Lot and Development Standards**

Standards for Zone District R-1-A-NM are identical to those lot and development standards for Zone District R-1-A.

**Zone District R-1-B
Minimum Lot and Development Standards ***

		Area	Width	Setbacks	Height
LOT	Single Family	7,500 sf	75'	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: 8' (principal or accessory structure) Minimum Rear Yard: 20' principal, 2' accessory structure	35'
	Add'l Regulation	Private garages and accessory building s 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.			

**TITLE 12-7
DEVELOPMENT STANDARDS**

	Sidewalks	<p>Yes. Required for a minimum of 150' on lot frontage or entire lot frontage if smaller than 150'.</p> <p>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.</p>
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**Zone District R-1-B-NM
Minimum Lot and Development Standards**

Standards for Zone District R-1-B-NM are identical to those lot and development standards for Zone District R-1-B.

**Zone District R-2
Minimum Lot and Development Standards ***

		Area	Width	Setbacks	Height
LOT	Single Family And Two Family	Single Family 6,000 sf Two Family add 2,000 sf	70'	<p>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: 8' (principal or accessory structure) Minimum Rear Yard: 10' principal, 2' accessory structure</p>	35'
	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	<p>Yes. Required for a minimum of 150' on lot frontage or entire lot frontage if smaller than 150'.</p> <p>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.</p>			

**Zone District R-2-NM
Minimum Lot and Development Standards**

Standards for Zone District R-2 -NM are identical to those lot and development standards for Zone District R-2.

**TITLE 12-7
DEVELOPMENT STANDARDS**

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

		Area	Width	Setbacks	Height
LOT	Single Family and Multi-Family	Single Family 6,000 sf Multi-Family 6,000 sf plus 2,000 sf for each add'l unit after the first	60'	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)	35'
	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.			

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

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

**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.

**Zone District R-R-2-NM
Minimum Lot and Development Standards ***

	<u>Area</u>	<u>Width</u>	<u>Setbacks</u>	<u>Height</u>	<u>Sidewalks</u>
<u>LOT</u>	<u>2 acres</u>	<u>200'</u>	<u>Front: 25'</u> <u>Side: 15'</u> <u>Rear: 40'</u> <u>Accessory Structure: 50' Front/10' Side/10' Rear</u> <u>Corner lots having frontage shall require a 25 foot front yard setback and a setback of 20 foot from the other street frontage.</u>	<u>35' Max</u>	<u>No</u>

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, ~~R-R-NM, and R-R-2-NM~~, and R-R-2-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, ~~R-R-NM, and R-R-2-NM~~ 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.

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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 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 ~~one two~~ 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-D, R-D-NM, R-R, R-R-NM, and R-R-2-NM 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.

TITLE 12-7 DEVELOPMENT STANDARDS

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.

The following restriction is applicable in these zone districts; R-R-2-NM:

F. Public Streets and Right-of-Way.

1. The dedicated public right-of-way shall be not less that sixty feet (60').
- ~~2.~~ Public Street shall meet the design specifications set out in Appendix A.

The following restriction is applicable in these zone districts: A-1, A-5, C-B (Conditional Use), C-D (Conditional Use), M-H, P-D (Conditional Use), R-1-A, R-1-B, R-2, R-4, R-D and R-R:

E. Manufactured Housing.

1. **Manufactured Home Restrictions.** Manufactured homes shall be allowed in A-1, A-5, C-B with conditional use permit, M-H, all residential zones, provided that the unit meets the definition set out in this Title and was manufactured within five years immediately previous to the date application is made for a building permit, and that the manufactured home unit complies with the following requirements:
 - a. No manufactured house shall be located in Delta City without a building permit having first been issued therefore by the Delta City Building Inspector as required by the Delta City building code, plumbing code, electrical code and mechanical code and other applicable codes as adopted in this Title.
 - b. No manufactured house shall be located in Delta City in violation of any applicable provisions of this Title or of the Delta City Subdivision ordinance providing for site preparation, provision of utilities, construction of necessary accessory structures and access from public or approved private rights-of-way.
 - c. All manufactured houses shall be placed on a permanent, firm foundation, with footings and blocking support as provided in the Delta City codes.
 - d. All manufactured houses shall be designed and constructed to withstand a roof load of 30 lbs. per square foot roof load and 15 lbs. per square foot wind load.

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- e. No manufactured house shall be located on a site unless the site is properly graded and sloped and compacted to 90% maximum relative density.
 - f. Manufactured houses may be set on concrete pier foundations and footings or by other methods approved by the Delta City Building Inspector. Each corner of such a building shall be bolted or similarly attached to a concrete foundation, as approved by the Delta City Building Inspector.
 - g. All manufactured houses must be located with an enclosed concrete foundation, or shall have complete masonry skirting installed and finished prior to occupancy.
 - h. All manufactured houses shall have shingled, pitched roofs with eaves.
 - i. Each manufactured house must have improved access entrance or exits installed according to City standards, including any steps, porches, walkways, decks, patios and other improvements necessary for access installed in compliance with Delta City ordinances.
 - j. No manufactured house shall be located in any subdivision or on any lot where location of such housing will violate any covenants, conditions or restrictions of record on the lot where the unit is to be located.
2. **Procedure.** Any person who desires to place a manufactured house on a lot within the City limits, shall make application for a building permit for that purpose, along with an affidavit of the value of the manufactured house. No manufactured house shall be occupied without an occupancy permit therefore having first been issued by the Delta City Building Inspector. The affidavit of value to be filed with the building permit shall be filed by the Building Inspector with the Millard County Assessor.
3. **Mobile Home Restrictions.** No mobile home shall be located on any lot within Delta City, except within an existing, approved mobile home park, except as set out in this chapter.

The following restriction is applicable in these zone districts: A-1-NM, A-5-NM, R-1-A-NM, R-1-B-NM, R-2-NM, R-4-NM, R-D-NM and R-R-NM:

F. Manufactured Housing.

- 1. **Manufactured Homes Prohibited.** Manufactured Homes shall not be allowed in A-1-NM, A-5-NM, R-1-B-NM, R-2-NM, R-4-NM, R-D-NM, ~~or~~ R-R-NM, or R-R-2-NM.
- 2. **Mobile Home Restrictions.** No mobile home shall be located on any lot within Delta City, except within an existing, approved mobile home park, except as set out in this chapter.

TITLE 12-7 DEVELOPMENT STANDARDS

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, P-D, P/QP, R-R, R-R-NM, and R-R-2-NM~~and R-R-NM~~:

- G. **Public Utility Stations.** In any zone where residences are allowed, public utility stations shall meet the following requirements:
1. Each station shall be located on a lot not less than two-thousand (2,000) square feet in area.
 2. Each station shall be located on a lot that has adequate access from a street, alley, or easement.
 3. Each station shall be provided with a yard on each of the four sides of the building or structures not less than five (5) feet in width, except that for such stations located on lots fronting on a street and abutted by one or more residential lots, the front, side, and rear yards should equal those required for a single family residence in the same district.

The following restriction is applicable in these zone districts: C-B:

- H. **Parking Lot Surface, Drainage And Maintenance** Every parcel of land used as a parking or storage area and any area used for ingress and egress from such parking or storage areas shall be paved with asphalt, brick or concrete surfacing, and shall be so arranged and striped as to provide the orderly and safe loading or unloading, parking and storage of vehicles.
1. **Striping:** Parking lot striping shall be maintained on a regular basis so that striping is visible for the safe ingress/egress and parking of vehicles.
 2. **Maintenance:** Parking lot shall be kept free of debris, including, but not limited to, trash, blowing debris, sand, dirt, gravel, etc.
 3. **Surfacing:** Parking lot surfacing shall be kept true to line and in accordance with city engineering approved finish grading and drainage plans.
 4. **Drainage Plans:** Drainage plans must be reviewed by the appropriate city department for compliance with adopted storm drainage standards, any storm drain master plans, and impacts on adjacent properties caused by a proposed development.
 5. **Additional Pavement:** Any area of a parcel that abuts a paved City Street or right-of-way that may allow for ingress or egress to the private property shall be paved with asphalt, brick or concrete surfacing at least 20 feet back from the property line that abuts the public right-of-way.
 6. **Deviations To Surfacing Materials:** The Code Enforcement Officer shall review and may approve or deny other types of hard surfacing materials based on site drainage and grading, durability and adequacy of materials, and ability to withstand local climate and geologic conditions. Compacted or treated typical subgrade materials are not an appropriate surface material.

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- 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, R-R-NM, and R-R-2-NM 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

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- 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: 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: 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;

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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-2-NM, R-4, R-4-NM, R-D, R-D-NM, ~~and R-R~~, R-R-NM, and R-R-2-NM:

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-2-NM, R-4, R-4-NM, R-D, R-D-NM, ~~and R-R~~, R-R-NM, and R-R-2-NM:

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

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breeds of equines and any equine disciplines; boarding or training equines; 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 and R-R-2-NM:

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-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, R-R-NM, R-R-2-NM 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.

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		√		√
<u>Tobacco Specialty Business, Retail</u>	-	-	√	√
Warehouse Storage Units - commercial only			√	√
Welding Machine Shop	√			√

RELATED PROVISIONS

Title 3. Businesses, Licenses.

Title 12-2. Definitions.

Title 12-3. Administration and Enforcement.

12-10-11 ZONE DISTRICT – Planned Development (P-D)

12-10-11 Planned Development (P-D)

In Zone Districts Agricultural 1 (A-1), Agricultural 5 (A-5), Commercial Business (C-B), Commercial Development (C-D), Mobile Home (M-H), Proposed Development (P-D), R-1-A Single Family Residential (R-1-A), R-1-B Single Family Residential (R-1-B), R-2 Single & Two Family Residential (R-2), R-4 Single & Multi-Family Residential (R-4), Residential Development (R-D), ~~and Rural Residential (R-R), Rural Residential 2 (R-R-2-NM),~~ and all No Modular Home Zones (i.e., R-1-A-NM):

Any proposal for new development or redevelopment in excess of ten (10) acres in the zone shall be master planned to assure coordination of design, mitigation of adverse impacts, and common open space. The master plan commits the owner to a specific, detailed development plan as listed below:

- A. **DEVELOPMENT REQUIREMENTS.** All master planned development applications must include:
1. Planned access for pedestrian use;
 2. A minimum of fifteen (15) percent of the land as improved common open space to include such uses as: mini parks, picnic, playground, recreation structures, etc.;
 3. A designated permanent easement on and over all open spaces to guarantee that the open space remains in recreation use, with the ownership and maintenance the responsibility of the owners association; and
 4. Adopted articles of association and bylaws that are satisfactory to the City and are in compliance with State and Federal laws.
- B. **INCENTIVES FOR MASTER PLANNED DEVELOPMENT DESIGN.** The Planning Commission may recommend the following incentives for master planning:
1. Reduction of setbacks and required yard, subject to the International Building Code;
 2. Allow for the development of private roads and reduced right of way areas;
 3. Reduce required parking, based on an analysis that shows:
 - a. The proposed number of vehicles required by the typical tenant mix of the project;
 - b. A comparison of similar projects and proposed occupancy;
 - c. The parking needs of non-residential uses; and
 - d. A shared parking plan and plan for overflow parking.

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	√			

12-10-23 ZONE DISTRICT – Rural Residential 2, No. Mfg. Homes (R-R-2-NM)

Title 12-10-23 Rural Residential 2, No Manufacture Homes (R-R-2-NM)

12-10-23.1 PURPOSE

12-10-23.2 USE TABLE

RELATED PROVISIONS

12-10-23.1 **PURPOSE.** To create a and expanded or enlarged 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 with large lot sizes.

12-10-23.2 **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	-	√	-	√

**12-10-23 ZONE DISTRICT – Rural Residential 2, No. Mfg. Homes
(R-R-2-NM)**

<u>Type</u>	<u>Allowed</u>	<u>Administrative Conditional Use</u>	<u>Conditional Use</u>	<u>Business License Required</u>
<u>Stables, Private</u>	√	-	-	-
<u>Stables, Public/ Commercial</u>		-	√	√
<u>Subdivision</u>	-	-	√	-

ELATED PROVISIONS

Title 3. Businesses, Licenses.

Title 12-2. Definitions.

Title 12-3. Administration and Enforcement

ZONE STANDARDS – Signs

Detached On-Premises Sign Detached On-Premises signs allowed with a maximum height of three feet from ground to top of sign and maximum size of twenty-four square feet, so long as set back requirements are met. Detached On-Premises signs placed behind minimum set back are not to exceed a maximum size of thirty-two square feet.

Off-Premises Sign Off-Premises signs are not allowed.

ZONE: R-R-NM

Same as Zone R-R

ZONE: R-R-2-NM

Same as Zone R-R

12-17-12 **APPEAL.** Any person affected by a decision of the Code Enforcement Officer may appeal the decision to the Delta City Council. Such appeal shall be taken within 30 days of the Code Enforcement Officer’s decision. The appeal shall be made by filing with the Code Enforcement Officer from whom the appeal is taken and with the City Council written notice of appeal specifying the grounds thereof. When an appeal is taken from a decision of the Code Enforcement Officer, the Code Enforcement Officer shall forthwith transmit to the City Council all papers constituting the record upon which the action appealed from was taken.

An appeal filed in accordance with this section stays all proceedings in furtherance of the action appealed from, unless the Code Enforcement Officer from whom the appeal is taken certifies to the City Council that by reason of facts stated in the certificate a stay would in his/her opinion cause imminent peril to life or property. In such cases, a proceeding shall not be stayed otherwise than by restraining order which may be granted by the City Council or by a court of competent jurisdiction on application and notice and on due cause shown.

The City Council shall, within a reasonable time, fix the time and place for a hearing on any appeal. The parties to the proceeding are entitled to give testimony, present evidence, cross examine witnesses and have an attorney present if the party so chooses. Members of the City Council are entitled to ask questions of the parties if they so choose. A record of the proceedings shall be kept by the City Council, whether by tape recording, stenography, or other appropriate means that will preserve the record for appeal. Any decision shall be made within a reasonable time after the hearing. The City Council shall adopt findings of fact that supports its decision.

After considering the appeal, the City Council shall affirm or reverse the Code Enforcement Officer’s decision. An aggrieved party may seek relief from the decision of the City Council by filing an action in the District Court which has jurisdiction over Millard County.

12-17-12 **ENFORCEMENT.** Any person who violates or refuses to comply with any of the provisions of this Title shall be guilty of a class “B” misdemeanor. A separate offense shall be deemed to be committed on each day that the offense occurs or continues.

12-17-13 **OTHER LEGAL ACTION.** In addition to the criminal penalties prescribed for violations of this Title, the Code Enforcement Officer may bring a civil action seeking to enjoin the