Staff Report

Coalville City
Community Development Director

To:	Coalville City Council and Mayor
From:	Don Sargent, Community Development Director
Date of Meeting:	June 13, 2022
Re:	Use Table and Definitions - Development Code Update Amendments
Action:	Public Hearing and Possible Adoption

Development Code Amended Use Table and Definitions

REQUEST

Conduct a public hearing and possibly adopt the following amendments to the development code:

- 10-8: Table of Allowed, Conditional, Temporary, Low Impact, and Prohibited Uses within Zone Districts *(Attachment A)*
- 10-2: Use Definitions *(Attachment B)*
- 10-3-130: Low Impact Permit Process *(Attachment C)*
- 10-29-050: Farm Animal Point System *(Attachment D)*

The existing Zoning Map of the City is attached for reference *(Attachment E).*

BACKGROUND

The Use Table and associated Definitions are part of development code update amendment effort. The Planning Commission and City Council determined these amendments were important to address and directed staff to research and coordinate the updates for consideration.

The Planning Commission conducted nine (9) work sessions on the proposed amendments and on November 15, 2021, conducted a public hearing and unanimously recommended approval of the use table and definitions amendments to the City Council. There was no public comment voiced at the public hearing.

The City Council conducted four (4) work sessions to review, discuss and refine the amendments recommended by the Planning Commission.

The amendments address updates to all zone districts in the development code and zone map. Currently each zone district section in the development code lists the uses for that specific zone only, therefore it is very difficult to comprehensively identify what zone(s) a particular use would be allowed.

The proposed amendments include a Use Table listing all zone districts with the respective uses identified. This format is typically the preferred method to present this information in the development code. Several use definitions have also been revised and new definitions have been added to the updated code Definitions with the review of the zone district uses.

During the review of the zone district uses it was determined that a Low Impact Permit process would be helpful to include in the development code for the review and approval of "minor impact" uses avoiding the more costly, time-consuming, and sometimes problematic conditional use permit process.

In addition, the City Council included a Farm Animal Point System to address the raising and keeping of domesticated farm animals within the City.

Upon approval of the Use Table and Definitions the documents will be formatted alphabetically prior to publishing.

ANALYSIS

The list of uses in the Use Table are intended to establish compatibility of appropriate and desired uses within each zone district of the city. The Definitions are intended to clarify and provide additional detail, examples, and understanding of the uses.

The following focus items were identified to help direct the amendment updates with the review of the Use Table and Definitions:

- Redundancies of listed uses
- Uses or definitions not clearly stated
- Uses not defined
- Uses not consistent within Zones (compatibility)
- Uses or definitions confusing
- Descriptions too detailed
- Uses desired or needed
- Uses not appropriate
- Needed notes or references

RECOMMENDATION

Staff recommends the City Council conduct a public hearing on the amendments and consider adoption of the Use Table, Definitions, Low Impact Permit Process, and Farm Animal Point System.

An adopting ordinance will be presented at the meeting for consideration.

ATTACHMENT(S)

Attachment A - Use Table
Attachment B - Definitions
Attachment C - Low Impact Permit Process
Attachment D - Farm Animal Point System
Attachment E - Coalville City Zoning Map

USE TABLE

The use table sets forth Allowed uses (A), Conditional uses (C), Temporary uses (T), Low Impact uses (L) and Prohibited uses (X) for the following zone districts:

Agriculture (AG-20)
Residential Agriculture (RA-5)
Residential Low-Density (R-1)
Residential Medium-Density (R-2)
Residential High-Density (R-4)
Residential Very High-Density (R-8)
Community Commercial (CC)
Highway Commercial (HC)
Light Industrial (LI)

Uses *Italicized* are defined in Title 10 Chapter 2.

Permitted Uses	AG	RA	R-1	R-2	R-4	R-8	CC	HC	LI	Additional Reference
Accessory structures and uses	A	A	A	A	A	A	A	A	A	
Agriculture	A	A	A	A	A	A*	A*	A*	A	*Farm animals prohibited in R-8, CC, and HC, Zones
Animal Specialties including, reptiles, arthropods (insects) aviaries (birds), etc.	L	L	L	X	X	X	X	X	L	
Apiaries (Bee Keeping)	A	A	A*	A*	A*	A*	A*	A*	A*	*Or as regulated by City Ordinance
Churches, Synagogues, and Temples	A	A	A	A	A	A	A	A	A	
Dwellings, accessory	A	A	A	A	A	A	A	A	X	
Dwellings, single-family detached	A	A	A	A	A	A	A	A	X	
Equestrian facilities, riding academies, schools, and associated stables	L	L	L	X	X	X	X	L	L	
Farmers Market	L	L	L	L	L	L	L	L	L	Sale of products produced off-premises

Permitted Uses	AG	RA	R-1	R-2	R-4	R-8	CC	HC	LI	AdditionalReference
Fruit and vegetable stands (sale of products produced on owners' premises)	A	A	A	A	A	A	A	A	X	Business license required
Home Occupations, Minor	A	A	A	A	A	A	A	A	X	See Title 10-7-050
Home Occupations, Major	L	L	L	L	L	L	L	L	X	See Title 10-7-060
Household Pets (maximum 4 pets of the same species)	A	A	A	A	A	A	A	A	X	Not counting puppies or kittens up to 4 months old
Nursery/Greenhouse	A	A	A	A*	A*	A*	A	A	A	*Non-Commercial in R-2, R-4, and R-8 Zones
Public Parks	L	L	L	L	L	L	L	L	L	
Public or Quasi-Public Uses	L	L	L	L	L	L	L	L	L	
Domesticated farm animals	A	A	A	A	A	X	X	X	A	See Title 10-29-050: Farm Animal Point System
Recreational Facilities or Uses	C	C	C	C	C	C	C	C	C	
Residential care facilities for elderly or handicapped persons	A	A	A	A	A	A	A	A	A	Subject to the conditions found in Utah Code, as amended
Trails and *open space*	A	A	A	A	A	A	A	A	A	
Veterinary Clinics	L	L	X	X	X	X	A	A	A	
Communications, substations/facilities	C	C	X	X	X	X	C	C	A	
Cemeteries	C	C	X	X	X	X	X	X	A	
Bed and Breakfast Inn	C	L	X	X	X	X	C	C	X	
Dwellings, two (2) family attached	X	X	X	A	A	A	C	X	X	
Dwelling, multi-family attached	X	X	X	X	C	C	C	X	X	

Permitted Uses	AG	RA	R-1	R-2	R-4	R-8	CC	HC	LI	AdditionalReference
Commercial buildings smaller than twenty-five thousand (25,000) square feet	X	X	X	X	X	X	C	C	A	
Commercial buildings larger than twenty-five thousand (25,000) square feet	X	X	X	X	X	X	L	L	A	
Temporary buildings incidental to construction work	A	A	A	A	A	A	A	A	A	
Automobile fuel service station, lube/oil. tires and repair	X	X	X	X	X	X	A	A	A	
Automobile dealership	X	X	X	X	X	X	C	C	A	
Car wash	X	X	X	X	X	X	A	A	A	
Parking lot, incidental to a use conducted on premises	T	T	T	T	T	T	T	T	T	
Assisted Living Center	L	L	L	L	L	L	A	A	X	
Hotel; Motel	X	X	X	X	X	X	A	A	X	
Nursing Home	L	L	L	L	L	L	A	A	X	
Single or multiple family dwellings located in the same structure as the principle commercial use	X	X	X	X	X	X	L	L	X	
Transitional or protective housing facility	X	C	C	C	C	C	C	C	C	
Public utility installations	X	X	X	X	X	X	X	X	A	
Colleges and Schools, public and private	C	C	C	C	C	C	A	A	X	
Commercial campgrounds, RV parks	C	C	X	X	X	X	X	C	X	
Sexually oriented business	X	X	X	X	X	X	X	X	C	
Social club, billiards, pool hall, bars	X	X	X	X	X	X	C	C	X	

Permitted Uses	AG	RA	R-1	R-2	R-4	R-8	CC	HC	LI	AdditionalReference
Theater, indoor	X	X	X	X	X	X	C	C	C	
Restaurant, café,	X	X	X	X	X	X	C	C	C	
Distillery/microbrewery; agribusinesses	C	C	C	X	X	X	C	C	A	
Shopping center	X	X	X	X	X	X	C	C	C	
Liquor retail store	X	X	X	X	X	X	C	C	C	
Mortuary; funeral home	C	C	X	X	X	X	C	C	C	
Crematorium	X	X	X	X	X	X	X	X	C	
Rental equipment	X	X	X	X	X	X	C	C	A	
Storage facilities	X	X	X	X	X	X	C*	C*	L	*Not permitted in the historic district
Freight transportation service	X	X	X	X	X	X	C	C	A	
Park and ride facilities	C	C	C	C	X	X	A	A	A	
Bus or Taxi hub/services	X	X	X	X	X	X	X	C	A	
Towing service	X	X	X	X	X	X	X	L	A	
Truck stops and service facilities	X	X	X	X	X	X	X	C	A	
Onsite manager, caretaker or workers dwelling	L	L	L	L	L	L	L	L	L	
Processing and Manufacturing	X	X	X	X	X	X	X	X	C	
Cement mortar, plaster or paving materials mixing plant	X	X	X	X	X	X	X	X	C	
Construction of building to be sold and moved off premises	X	X	X	X	X	X	X	X	C	
Fertilizer and soil conditioner manufacturing and processing and/or sales	C	X	X	X	X	X	X	X	C	

Permitted Uses	AG	RA	R-1	R-2	R-4	R-8	CC	HC	LI	AdditionalReference
Foundry, casting lightweight non-ferrous metal	C	X	X	X	X	X	X	X	C	
Food Manufacturing, compounding, processing, and treatment	X	X	X	X	X	X	C	C	C	
Radio/television transmitting towers	C	C	C	X	X	X	X	X	A	
Building material sales yard	X	X	X	X	X	X	C	C	L	
Radio and television station	X	X	X	X	X	X	A	A	A	
Pest extermination chemical storage	X	X	X	X	X	X	C	C	C	
Coal, fuel and wood yards and offices	X	X	X	X	X	X	X	X	C	
RV and boat storage	X	X	X	X	X	X	X	X	A	
Junk yard/salvage yard	X	X	X	X	X	X	X	X	C	
Warehouse	X	X	X	X	X	X	X	C	A	
Airport/helipad	X	X	X	X	X	X	X	X	X	
Bus terminal	X	X	X	X	X	X	C	C	A	
Freighting, trucking yard or terminal	X	X	X	X	X	X	X	C	A	
Drive-it yourself agency/"U-Haul"	X	X	X	X	X	X	L	L	A	
Commercial Retail Uses	X	X	X	X	X	X	A	A	A	
Commercial Retail Uses-Internet Home Based Business	L	L	L	L	L	L	A	A	A	Subject to 10-7-040 Major Home Occupation Standards, except living on the premises.
Commercial Service Uses	X	X	X	X	X	X	A	A	A	
Professional Service Uses	L	L	L	L	L	L	A	A	A	
Dog boarding, kennels	C	C	X	X	X	X	X	C	C	

Permitted Uses	AG	RA	R-1	R-2	R-4	R-8	CC	HC	LI	AdditionalReference
Contractor's Yard	C	C	X	X	X	X	X	C	A	
Agribusiness; restaurant, café (farm to table)	L	L	L	L	X	X	L	L	L	
Outdoor gun, archery, or other weaponry activities	C	C	X	X	X	X	X	X	C	
Marijuana (Cannabis) dispensary	X	X	X	X	X	X	X	X	X	
Marijuana (Cannabis) farming	C	X	X	X	X	X	X	X	X	Must be legally permitted and authorized by the State of Utah

Chapter 2 DEFINITIONS

Definition Usage

For the purpose of this Code, terms and words used herein shall be used, interpreted, and defined as set forth in this Title. Where definitions are given in another chapter or section of this Code that apply to only that section or chapter, those definitions shall apply first.

Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations"; the word "Code" means "this Code".

A "person" includes a group of people, a corporation, a partnership, a limited company, a limited liability company, and an incorporated association of persons such as a club; "shall" is always mandatory; a "building" includes "structure"; a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

Access. The provision of vehicular and/or pedestrian ingress and egress to building lots, structures or facilities.

2. **Access, Private.** A private access is an access not in public ownership or control by means of deed, dedication, or easement.

3. **Access, Public.** A means of physical approach...available to the general public. This may also include a visual approach.

~~**4. Accessory Building.** A building or structure upon the same lot as the primary building and that is~~

~~A. clearly incidental to and customarily found in connection with such primary building or use and~~
~~B. is operated and maintained for the benefit or convenience of the owners, occupants, employees, customers or visitors of the lot with the primary use.~~

5. Accessory Dwelling Unit. A residential dwelling unit, but not a mobile home, located on the same lot as a single-family dwelling, either within the same building as the single-family dwelling or in a detached building. Secondary dwelling units shall be developed in accordance with the standards set forth in this code, and only in those zoning districts where the use is listed as permitted.

6. **Accessory Structures and Uses.** A detached subordinate structure, the use of which is incidental to that of the principal structure and located on the same lot therewith. A use conducted on the same lot as the primary use or structure with which it is associated; and is a use that is clearly incidental to and is customarily found in connection with such primary use; and is either in the same ownership as such primary use or is maintained and operated on the same lot substantially for the benefit or convenience of the owners, occupants, employees, customers or visitors of the primary use. No accessory structure or use shall be allowed on any lot or parcel unless the permitted primary use is being actively engaged. To be *subordinate*, the structure or use must be proportionally smaller or less intense than the primary structure or use. To be *customary*, the structure or use must be commonly or habitually found in connection with the primary structure or use. To be *incidental*, the structure or use must be reasonably related to the primary structure or use. Accessory Structures and Uses are permanent non-habitable structures or uses including, but not limited to, storage or tool sheds, barns, detached garages, playhouses, gazebos, trellises, greenhouses, patios, decks, swimming pools, hot tubs, fences, retaining walls, or similar structures and uses.

7. ~~**Accessory Structure.** A detached subordinate structure, the use of which is incidental to that of the principal structure and located on the same lot therewith~~.

8. **Administrative Permit.** A permit issued by the Community Development Director for specified uses after compliance with applicable development code regulations.

9. **Agent.** The person with written authorization to represent an Owner.

10. Adult **Business.** An Adult Theater, Adult Cabaret, Adult Motion Picture Theater, Adult Escort Services, Outcall Services, Adult Bookstore or Adult Video Store.

11. Adult **Bookstore or Adult Video Store.** A business establishment which:

a. Holds itself out to be such a business; or

b. Excludes minors from more than thirty (30%) percent of the retail floor or shelf space of the premises; or

c. Which as one of its principal purposes, offers for sale or rental, for any form of consideration, any one or more of the following: Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations the central theme of which depicts or describes "specified sexual activities" or "specified anatomical areas," or instruments, devices or paraphernalia which

~~**Recreation, Facilities.** Recreation facilities such as parks and areas of active recreation use, including neighborhood community centers or clubhouses, swimming pools, golf courses, tennis courts, equestrian centers, skating rinks, playgrounds, campgrounds, and similar uses as well as support facilities customarily associated with the recreational facility.~~

Recreational Facilities or Uses means and refers to any land, buildings, and facilities which are operated as recreational facilities, whether public or private or other areas maintained for the purpose of providing active and passive recreation. Recreational uses include private parks, playgrounds, walking trails, bike paths, club houses, pool house, tennis and pickle ball and other sports court(s) athletic/health spas, saunas, steam baths, swimming pools, skating rinks, fitness centers, entertainment, indoor weaponry activities, other similar uses and equipment and associated accessories used for leisure activities performed either singly or collectively through forms of play, sports, amusement, entertainment, or relaxation. Recreational Facilities or Uses do not include dwellings, nightly rental or resort units, outdoor gun ranges, outdoor gun clubs, outdoor archery ranges, hatchet facilities, golf courses driving ranges or ski resorts.

187. **Recreation, Private.** Recreation facilities operated on private property and not open to the public.

188. **Recreation, Public.** Recreation facilities operated by a public agency and open to the public with or without a fee.

189. **Registered Engineer.** An engineer properly licensed and registered in the State of Utah.

190. **Registered Land Surveyor.** A land surveyor properly licensed and registered in the State of Utah.

191. **Restaurant.** A building in which food is prepared and served for consumption on the premises.

    A. **Restaurant, Drive-Through.** A building in which food is prepared and served for consumption on the premises and includes a drive-in facility which allows food to be ordered and taken from the premises for consumption elsewhere.

192. **Re-subdivision.** See - Plat Amendment.

Professional Services are technical or unique functions performed by independent contractors, firms, businesses, or consultants whose occupation is the rendering of such services. Includes the performance of any type of professional service to the public that requires a license or admission to practice or other legal authorization from a licensing board, commission, or division of professional licensing. Examples of professional services include architectural, engineering, surveying, land planning, legal, accounting, appraisal, financial planning, banking, dental and medical offices, real estate brokerages, salons, spas, consulting firms, etc.

Commercial Service Uses means business and consumer services, primarily offering a service to the public such as, plumbing, carpet cleaning, appliance or small engine repair, linen and catering services, reprographic services art galleries, museums, bowling alleys, dance studios, gymnasiums, martial arts, karate studios, pet grooming, etc.

Commercial Retail Uses means establishments primarily engaged in the sale of goods, merchandise, and materials to the public**.** Examples of commercial retail uses include, archery and gun shops, bicycle shops, pet shop, pharmacy, drugstore, photography shop, thrift shop, sporting goods store, bookstores, antique stores, convenience stores, bakeries, grocery stores, etc.

Agribusiness Uses Includes businesses that are involved in the marketing and distribution of farm products such as farm to table offerings.

Equestrian Facility: A facility created and maintained for the purpose of accommodating, training or competing equids, especially horses. Includes a barn, stables, or riding hall and may involve commercial operations described by terms such as a boarding stable, livery yard, or livery stable. Larger facilities may be called equestrian centers and co-located with complementary services such as a riding school, farriers, veterinarians, tack shops, or equipment repair.

10-3-130: LOW IMPACT PERMITS:

A. Purpose: The purpose of the low impact permit is to provide a process and procedure for reviewing and approving, approving with conditions, or denying a low impact use. Low impact uses are identified in section 10-8-020, "Use Table", of this title. Upon compliance with the provisions of this section, a low impact permit may be granted by the City Council, with reasonable conditions necessary for the protection and preservation of the public health, safety, and welfare.

B. Applicability: A low impact permit is utilized to obtain administrative approval for projects determined to be low intensity and which are in conformance with the development evaluation standards and general regulations of this title. An application for approval of a low impact permit shall be commenced by filing a plan and paying the applicable fee with the City.

C. Review Procedure:

1. The applicant shall provide a development plan and description of the proposed project. The plan shall contain enough information, in graphic and text form, to adequately describe to the satisfaction of the Community Development Director the applicant's intentions with regard to use, site layout and compliance with this chapter, and any applicable ordinance, development permit, or development agreement.

2. In proposals where the Community Development Director determines that potential issues may arise, or additional comment is needed or has been received from the community, a public hearing on the application may be scheduled with the Planning Commission. Following the public hearing, the Planning Commission shall make a recommendation to the City Council to either approve, approve with conditions, or deny the low impact permit.

3. The Community Development Director shall determine whether the application is sufficient and in compliance with the provisions of this Title. The Community Development Director may require the applicant to submit such additional information as may be necessary to determine whether the application conforms to all applicable requirements of this chapter.

4. The City Council shall take final action on the application for a low impact permit and shall communicate the decision to the applicant. The City Council may impose all reasonable conditions necessary to ensure compliance with applicable provisions of this Title. The Community Development Director may provide written notice of such decision to any persons who have requested notice of such decision. Any person aggrieved by such decision may appeal the final action in accordance with the provisions of this Title.

D. Findings For Approval: Before a low impact permit is approved, the City Council must conclude that factual evidence exists to verify the following findings:

1. The use conforms to all applicable requirements of this chapter and State and Federal regulations.

2. The use is consistent with the goals and policies of the General Plan.

3. The use conforms to all applicable requirements of this Title.

4. The use is not detrimental to public health, safety, and welfare.

5. The use is appropriately located with respect to public facilities and services.

6. The natural topography, ridgelines, soils, critical areas, watercourses, and vegetation shall be preserved where possible through careful site planning and design of access routes, circulation areas, buildings and other structures, parking areas, utilities, drainage facilities and other features.

10-29-050: FARM ANIMAL POINT SYSTEM

Farm animals. Livestock, fowl, and other animals (excluding household pets) may, where permitted, be kept, bred, and maintained according to the following point system:

a. Animals may total 50 points per one-half acre of ground used solely for their care and keeping.

b. Animals shall be worth the following points each:

i Chickens, pigeons, pheasants, and other similar birds: 2 points

ii. Rabbits, chinchillas, and other similar animals: 5 points

iii. Geese, ducks, peafowl, turkey, and other similar birds: 10 points

iv. Sheep, goats, llamas, calves, foals, and other similar sized animals: 25 points

v. Horses, cattle, and other similar sized animals: 40 points

vi. The keeping of swine will be allowed only to a maximum of four animals.

vii. For the purpose of this point system, an animal and one offspring shall be considered to be one animal until six months after the birth of the offspring.

c. Any building, structure or corral in which livestock is kept must be at least 100 feet from any existing dwelling on a neighboring lot or parcel or 50 feet from side and rear property lines, whichever is greater. This restriction does not include open pasturing on a temporary or seasonal basis.

d. Nothing herein shall be construed as authorizing the keeping of inherently dangerous animals capable of inflicting harm or endangering the health and safety of any person or property.

Note: Farm animals are not allowed in the Very High Residential (R-8), Community Commercial (CC), and Highway Commercial (HC) Zones of the City.

Zoning Map

Coalville City, UT

June 2021

0 1,700 3,400

Feet

- Community Commercial (CC)
- Highway Commercial (HC)
- Light Industrial (LI)
- Agricultural (AG)
- Residential Agricultural (R-A)
- Low Density Residential (R-1)
- Medium Density Residential (R-2)
- High Density Residential (R-4)
- Very High Density Residential (R-8)

J-U-B ENGINEERS, INC.

THE LANGDON GROUP a J-U-B Company

GATEWAY MAPPING INC. a J-U-B Company

OTHER J-U-B COMPANIES

N

METTAS RD

ECHO DAM RD

INDUSTRIAL PARK RD

SPRING HOLLOW LN

CHALK CREEK RD

IRON SPRINGS RD

MAIN ST

100 N

200 E

100 E

50 N

50 E

CENTER ST

PARK RD

50 S

100 E

50 W

150 E

80

100 S

BORDER STATION RD

500 W

HOBSON LN

WEST HOYTSVILLE RD

HOYTSVILLE FRONTAGE RD

HOYTSVILLE RD