

CHAPTER 1

GENERAL PROVISIONS

Section

- 1 - 1. Short title.
- 1 - 2. Purpose.
- 1 - 3. Penalties.
- 1 - 4. Violation - Notice and order.
- 1 - 5. Civil penalties.
- 1 - 6. Enforcement.
- 1 - 7. Building permit required.
- 1 - 8. Occupancy permit required.
- 1 - 9. Site plans required.
- 1 - 10. Inspection.
- 1 - 11. Interpretation.
- 1 - 12. Conflict.
- 1 - 13. Validity.
- 1 - 14. Effect on previous ordinances.
- 1 - 15. Amendments.
- 1 - 16. Notice.
- 1 - 17. Permits or licenses.
- 1 - 18. Fees.
- 1 - 19. Improvements - Performance bonds.
- 1 - 20. Limit on pending applications per parcel.

1 - 1. Short title.

This title and all chapters within it shall be known as the Erda Land Use Ordinance and may be so cited and pleaded. The term "city" as used in this title refers to the incorporated areas of Erda.

1 - 2. Purpose.

The Erda Land Use Ordinance is designed and enacted for the purpose of promoting the health, safety, comfort, convenience, order, prosperity, aesthetics and welfare of the present and future inhabitants of Erda. This is accomplished by the lessening of congestion on the streets, securing safety from fire and other dangers, providing adequate light and air, classifying land uses, distributing land development and utilization, protecting the tax base, securing economy in governmental expenditures, fostering agriculture and other industries, and protecting urban and nonurban development.

1 - 3. Penalties.

(1) No land, building or structure shall be used for any purpose not allowed in the zone in which such land, building or structure is located.

(2) Any person who violates any provision of this title is guilty of a class C misdemeanor upon conviction. In addition, the provisions of this title may also be enforced by injunction, mandamus, abatement, civil penalty, or any other remedy provided by law.

(3) Any person, corporation or other entity, whether as owner, occupant, agent or employee, who causes, permits or otherwise participates in any violation of the provisions of this title may be held responsible for the violation, suffer the penalties, and be subject to the remedies provided by law.

(4) Whenever any act or omission is made unlawful in this land use ordinance, it shall include causing, permitting, aiding, or abetting such act or omission.

(5) Anyone, all, or any combination of the penalties and remedies set forth in this section may be used to enforce the provisions of this title.

GENERAL PROVISIONS

(6) Each day that any violation continues after notification by the zoning administrator that such violation exists shall be considered a separate offense for purposes of penalties and remedies set forth in this title.

(7) Accumulation of penalties for continuing violations, but not the obligation for payment of penalties already accrued, shall stop upon correction of the violation.

1 - 4. Violation - Notice and order.

(1) Upon discovery that any provision of this title is being violated, the zoning administrator shall provide a written notice of violation and order to the property owner and to any other party who may be responsible for the violation.

(2) The written notice and order shall:

- (a) indicate the nature of the violation;
- (b) order the action necessary to correct the violation;
- (c) give information regarding the established warning period for the violation; and
- (d) state the action the zoning administrator intends to take if the violation is not corrected within the warning period.

(3) The written notice shall be posted on-site if possible and delivered personally or mailed to the property owner, as shown on the records of the county recorder, and to any other person who may be responsible for the violation.

(4) The written notice shall serve to start any warning periods provided in this title, commencing upon receipt of notice. Receipt of notice shall mean three days after the date written notice is delivered or mailed as provided herein. If the violation remains uncured the violation was injury to persons or property;

(5) In cases where the zoning administrator determines that a delay of enforcement would pose a danger to the public health, safety, or welfare, or would otherwise compromise the effective enforcement of this land use ordinance, the zoning administrator may seek immediate enforcement without prior written notice by instituting any of the remedies, other than civil penalties, authorized by this land use ordinance.

1 - 5. Civil penalties.

(1) Any person having received notice of a violation, or the owner of any affected property, may appear before a hearing officer and present and contest such alleged violation of this title.

(2) The burden to prove any defense shall be upon the person raising such defense.

(3) If the hearing officer finds that no violation occurred or that a violation occurred but one or more of the defenses set forth in this section is applicable, the hearing officer may dismiss the notice of violation. Such defenses are:

- (a) at the time of the receipt of the notice of violation, compliance would have violated the criminal laws of the state; and
- (b) compliance with the subject land use ordinance would have presented an imminent and irreparable injury to persons or property.

(4) No action by a hearing officer shall relieve the violator from complying with any of the provisions of this title.

(5) Abatement for Correction and Payment.

(a) Civil penalties shall be partially abated after the violation is cured and in the discretion of a hearing officer considering the following guidelines and factors:

(i) Reductions are generally appropriate for promptly curing the violation pursuant to the following schedule, but the hearing officer may grant greater or lesser abatements depending on the facts of the case:

- 1. Cured within time specified -- fine totally waived;
- 2. Cured within sixty days after notice -- fifty percent fine reduction; or
- 3. Cured within ninety days after notice -- twenty-five percent fine reduction;

(ii) if strict compliance with the notice and order would have caused an imminent and irreparable

GENERAL PROVISIONS

- (iii) if the violation and inability to cure were both caused by a force majeure event such as war, act of nature, strike or civil disturbance;
 - (iv) other mitigating circumstances as may be approved by the attorney or designee; or
 - (v) if a change in the actual ownership of the property was recorded in the recorder's office after the notice was issued and the new owner is not related by blood, marriage or common ownership to the prior owner.
- (b) If the hearing officer finds that the noticed violation occurred and no applicable defense applies, the hearing officer may, in the interest of justice and on behalf of the county, allow for the delayed or periodic payment of the applicable penalty.

1 - 6. Enforcement.

(1) The zoning administrator is a land use authority and is authorized as an enforcing officer for all chapters of this land use ordinance. The zoning administrator shall uphold this land use ordinance, judiciously ensuring full compliance with all county ordinances by entering actions in court if necessary. The administrator's failure to do so shall not legalize any violations of such provisions.

(2) The Erda Council may, by resolution or ordinance, from time to time entrust administration of this land use ordinance, in whole or in part, to another officer of Erda, without amendment to this land use ordinance. **1 - 7. Building permit required.**

The construction, alteration, repair, erection, placement, or removal of any building, structure, mobile home, modular home, manufactured home, office trailer or part thereof as provided or as restricted in any chapter of this land use ordinance shall not be commenced or continued except after review by the zoning administrator or designated representative and a written permit from the building inspector. If work is not started or substantial progress is not made within 180 days a new permit will be required.

1 - 8. Occupancy permit required.

(1) Land, buildings or premises in any zoning district shall hereafter be used only for a purpose permitted in such district and in accordance with the zoning district regulations. An occupancy permit shall be issued by the zoning administrator, chief building official or designated representative to the effect that the use, building or premises will conform to the provisions of this land use ordinance and other related ordinances prior to occupancy, for any building that has been erected, enlarged or altered structurally, or the occupancy or use of any land, except for permitted agricultural uses. Such a permit is needed whenever the use or character of any building or use of land is to be changed.

(2) An occupancy permit shall be issued after the approved final inspection, which shows completion of a building permit. Upon written request from the owner, a permit shall be issued covering any lawful use of buildings or premises, including nonconforming buildings and uses existing on the effective date of this land use ordinance and any subsequent amendments.

1 - 9. Site plans required.

A detailed plan of appropriate scale and sheet size as determined by the zoning administrator shall be filed as part of any application for a land use or building permit.

1 - 10. Inspection.

(1) The zoning administrator, the chief building official or their designated representatives are authorized to inspect or to have inspected all buildings and structures in the course of their construction, modification or repair, and to inspect land uses to determine compliance with the land use ordinance provisions. The zoning administrator or any authorized employee of the department of engineering shall have the right to enter any building for the purpose of determining the use, or to enter premises for the purpose of determining compliance with this land use ordinance, provided that such right of entry is to be used only at reasonable hours, unless an emergency exists. In no case shall entry be made to any occupied building in the absence of the owner, representative, employee or tenant thereof, without written permission of an owner, or written order of a court of competent jurisdiction.

1 - 11. Interpretation.

GENERAL PROVISIONS

In interpreting and applying the provisions of any chapter of this land use ordinance, the requirements contained herein are declared to be the minimum requirements for the purposes set forth.

1 - 12. Conflict.

This land use ordinance and any chapter contained within shall not nullify the more restrictive provisions of covenants, agreements, or other ordinances or laws, but shall prevail over any such provisions which are less restrictive.

1 - 13. Validity.

If any chapter, section, subsection, sentence, clause, or phrase of this land use ordinance is for any reason held to be invalid, such holding shall not affect the validity of the remaining portions of this land use ordinance.

1 - 15. Amendments.

The Council may from time to time amend the number, shape, boundaries or areas of any district, or regulation, or any provision of this land use ordinance. Any amendment shall not be made unless:

- (1) the same shall have been proposed by or first submitted to the planning commission for its approval, disapproval and recommendations, and
- (2) The Council has held a public meeting on the proposed amendment. (

1 - 16. Notice.

When application is made to amend a zoning district or portion thereof, notice of the public hearing shall be made as required by Utah Code Section 10-9a-101 et seq.

1 - 17. Permits or licenses.

All departments, officials and public employees of Erda which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this land use ordinance and shall issue no permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions thereof. Any permit or license, if issued in conflict with the provisions of this land use ordinance, shall be null and void.

1 - 18. Fees.

Fees may be charged to applicants for building, occupancy, conditional use permits, design review, planned unit development approval, planning commission and land use authority, and such other services required by this land use ordinance to be performed by public officers or agencies. Such fees are set forth in the Fee Schedule.

1 - 19. Improvements – Performance bonds.

(1) Any on-site and off-site improvements required by this land use ordinance or by the planning commission, including curb, gutter, sidewalk, fences, landscaping, streets, fire hydrants, signs, and parking, shall be satisfactorily installed prior to Erda authorizing electrical service being provided; or, if no electrical service is required, prior to issuance of any occupancy permit for the land or structure being developed or constructed.

(2) In lieu of actual completion of required on-site and off-site improvements prior to electrical service being provided or the issuance of an occupancy permit, a developer, contractor or land owner may file with the City a cash bond, escrow agreement, or other approved form of financial assurance, in an amount equal to 100% of the cost of construction as determined by the department of engineering, to ensure completion of the improvements within one year. Ten percent of the bond amount for such improvements shall extend for a one-year period beyond the date the improvements are completed, to guarantee replacement if such improvements become defective or missing. Upon completion of the improvements for which a cash bond or escrow agreement has been filed, the developer, contractor or land owner shall call for inspections of the improvements by the department of engineering.

GENERAL PROVISIONS

(3) To protect the health, safety and welfare of persons from traffic, flood, drainage or other hazards, the planning commission or Council may determine that the required improvements should be completed in a specific sequence and/or in less than a one-year period. The Council may require in approving the cash bond or escrow agreement that the improvements be installed in a specified sequence and period which may be less than one year and shall incorporate such requirements in the bond.

(4) When the developer, contractor or landowner is a school district, municipality, service area, special-purpose district, or other political subdivision of the state, the Council may waive the cash bond or escrow agreement and accept a letter from the governing body thereof, guaranteeing installation of the improvements. Before approving any such waiver, the Council shall receive a recommendation from the department of engineering.

1 - 20. Limit on pending applications per parcel.

(1) No more than one pending land use application will be accepted at any one time per parcel or address. A subsequent application will not be accepted for review for differing land use applications until the pending application has been approved, denied or formally withdrawn by the applicant.

(2) Subsection (1) does not apply to subdivision developments with multiple phases originating from the parent parcel, or to land use applications for the same development or projects that require multi-stage approvals, which may be in review simultaneously.

DRAFT

CHAPTER 2

DEFINITIONS

Section

2 - 1. Context.

2 - 2. Definitions.

2 - 1. Context.

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of the Erda Land Use Ordinance. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; "building" shall include the word "structure"; the words "used" or "occupied" shall include arranged, designed, constructed, placed, located, altered, converted, rented, leased, or intended to be used or occupied; the word "shall" is mandatory and not directory, the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the word "lot" includes the words plot, and parcel.

2 - 2. Definitions.

As used in the Erda Land Use Ordinance:

(1) "A" frame sign" means a temporary or a movable sign constructed with two sides attached at the top so as to allow the sign to stand in an upright position.

(2) "Abandoned sign" means a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, or for which no legal owner can be found.

(3) "Accessory use or building" means a use or building on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or building. It does not include garages, decks or fences.

(4) "Accessory dwelling unit- detached (Detached ADU) means an accessory dwelling unit that shares no common walls or roof with the principal dwelling unit that has its own eating, sleeping, and sanitation facilities.

(5) "Accessory dwelling unit-internal (Internal ADU) means a residential dwelling unit occupied as a separate dwelling unit that has its own eating, sleeping, and sanitation facilities which is located within or attached to a single-family residential dwelling.

(6) "Agent" means any person who can show written proof that he is acting for another and with the person's knowledge and permission.

(7) "Agriculture" means the cultivation of soil; raising of crops; horticulture and gardening; breeding, grazing, keeping or raising of domestic animals and fowl, except household pets; and not including any agricultural industry or business.

(8) "Agricultural industry or business" means an industry or business involving agricultural products in manufacturing, packaging, treatment, sales, intensive feeding, or storage, such as commercial greenhouses, feedlots, fruit stands, fur farms, food packaging or processing plants; and commercial poultry or egg production.

(9) "Agricultural protection area" means a geographic area created under the authority of Title 17, Chapter 41, Utah Code Annotated.

(10) "Airport" means an area designed and set aside for the landing and taking off of aircraft.

(11) "Amusement park" means a commercially operated park with a predominance of outdoor games and activities for entertainment, which may include motorized rides, water slides, miniature golf, batting cages, and the like.

(12) "Animal Unit" means a unit of measurement used to calculate the number of animals allowed per acre. A counted animal's offspring are not included in the calculation until:

(a) For large animals, 9 months or weaned, whichever comes first.

(b) For medium animals, 6 months or weaned, whichever comes first.

DEFINITIONS

- (c) For small animals, 4 months or weaned, whichever comes first.
- (13) "Architectural projection" means a projection from a building that is necessary for the shading of a building or features, such as eaves, platforms, porches, sills, cornices, and chimneys, but not including signs attached to and extending from the building.
- (14) "Assisted living facility" means:
- (a) a type I assisted living facility, which is a residential facility that provides assistance with activities of daily living and social care to two or more residents who:
 - (i) require protected living arrangements; and
 - (ii) are capable of achieving mobility sufficient to exit the facility without the assistance of another person; and
 - (b) a type II assisted living facility, which is a residential facility with a home-like setting that provides an array of coordinated supportive personal and health care services available 24 hours per day to residents who have been assessed under department rule to need any of these services.
- (15) "Automatic car wash" means a facility for automatic or self-service washing and cleaning of vehicles.
- (16) "Automatic teller machine" or "ATM" means an automated device that performs banking or financial functions at a location remote from the controlling financial institution.
- (17) "Automobile dealership" means a retail business characterized by the selling, leasing, and maintaining an inventory of new or used automobiles, light trucks, vans, trailers, recreational vehicles, boats, motorcycles, off-highway-vehicles (OHV) or other similar motorized transportation vehicles; and may provide on-site facilities for the repair and service of vehicles.
- (18) "Automobile impound facility" means a facility for the temporary storage of vehicles that are to be claimed by the owners or their agents.
- (19) "Automobile mall" means a single location that provides sales space and centralized services for a number of automobile dealers and that may include such related services as auto insurance dealers and credit institutions that provide financing opportunities.
- (20) "Automobile parts/supply, retail" means the display and sale of new and used parts for automobiles, trucks, trailers, boats, or other travel or recreation vehicles.
- (21) "Automobile repair facility" or "service station" means a place where gasoline or other motor fuel, lubricating oil or grease for operating motor vehicles is offered for sale to the public and repair services performed may include tube and tire repair, battery charging, storage of merchandise, lubricating of automobiles, replacement of spark plugs, lights, fans and other small parts, including major auto repair.
- (22) "Average per cent of slope" means an expression of rise or fall in elevation along a line perpendicular to the contours of the land to the lowest point of land within an area or within a lot. A vertical rise of 100 feet between two points 100 feet apart measured on a horizontal plane is a 100 percent slope.
- (23) "Awning" means a shelter of non rigid materials on a supporting framework projecting from and supported by the exterior wall of a building.
- Compare "Marquee."
- (24) "Awning sign" means a sign painted on, printed on, or attached flat against the surface of an awning.
- (25) "Banner sign" means a sign having characters, letters or illustrations applied to cloth, paper, flexible plastic or fabric of any kind with only such material for backing.
- (26) "Basement" means a story whose floor is more than 12 inches below the average level of the adjoining ground, but where no more than half of its floor-to-ceiling height is below the average contact level of the adjoining ground.
- (27) "Basement house" means a residential structure without a full story structure above grade.
- (28) "Bed and breakfast" means a private owner occupied residence with no more than three guestrooms and the guest use is subordinate and incidental to the main residential use, and where individual guests are prohibited from staying for more than fourteen consecutive days and no more than fourteen days in any three month period. The definition does not include a convention facility, hotel, motel, rooming or boarding house or restaurant.

DEFINITIONS

(29) "Bed and breakfast inn" means a private owner occupied residence with no more than ten guestrooms, and where individual guests are prohibited from staying for more than fourteen consecutive days and no more than fourteen days in any three month period. The definition does not include a convention facility, hotel, motel, rooming or boarding house or restaurant.

(30) "Beginning of construction" means the pouring of concrete footing for a building or structure.

(31) "Billboard." See "Off-premise sign."

(32) "Block" means the land surrounded by streets or other rights-of-way, other than an alley, or land which is designated as a block on any recorded subdivision plat.

(33) "Boarding house" means a dwelling where, for compensation, meals are provided for at least three but not more than 15 persons.

(34) "Body and fender shop" means a facility for major automobile, truck, mobile home, recreational coach or recreation vehicle repairs to the body, or fenders, and including major rebuilding.

(35) "Buildable area" means the portion of a lot remaining after required yards have been provided.

(36) "Building" means any structure used or intended to be used for the sheltering of any use or occupancy, or enclosure of persons, animals, or property.

(37) "Building, accessory." See "Accessory use or building."

(38) "Building, height of" means the vertical distance from the average finished grade surface to the highest point of the building roof or coping.

(39) "Building inspector" means the official designated as the building inspector for the city.

(40) "Building line" means the inner edge of any required yard or setback, and the corresponding outer edge of the buildable area.

(41) "Campground" means a public area designated by a public agency for camping, or a private area licensed by the county for camping.

(42) "Camping" means sleeping or otherwise being in a temporary shelter outdoors, sleeping outdoors, cooking over an open flame or fire outdoors, laying down bedding or setting up a tent, shelter, or similar structure for the purpose of sleeping or temporary living.

(43) "Canopy, building" means a rigid multi-sided structure covered with fabric, metal or other material and supported by a building at one or more points or extremities and by columns or posts embedded in the ground at other points or extremities. Compare "Awning."

(44) "Canopy, freestanding" means a rigid multi-sided structure covered with fabric, metal or other material and supported by columns or posts embedded in the ground.

(45) "Canopy sign" means a sign affixed or applied to the exterior facing surface or surfaces of a building or freestanding canopy.

(46) "Carport" means a private garage with no more than one wall and no overhead door.

(47) "Cellar" means a room or rooms wholly under the surface of the ground, or having more than 50 percent of its floor to ceiling height under the average level of the adjoining ground with an access from the outside and not entering directly into another building or dwelling.

(48) "Child care" means continuous care of and supervision of five or more children under 18 years of age for a portion of the day that is less than 24 hours, in lieu of care ordinarily provided by parents in their own home, for direct or indirect compensation.

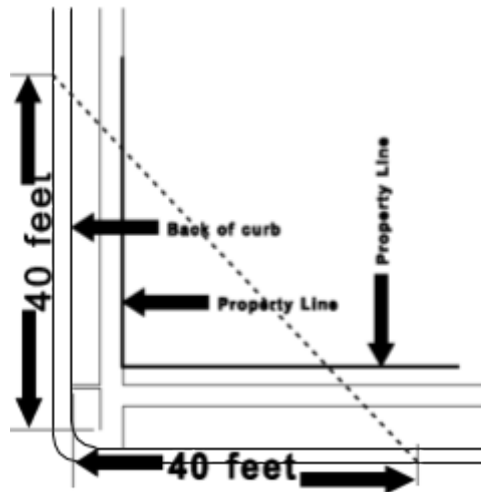
(49) "Church" means a building, together with its accessory buildings and uses, maintained and controlled by a religious organization where persons regularly assemble for worship.

(50) "Clearance, of a sign" means the vertical distance from the established grade level to the bottom of the sign or sign cabinet.

(51) "Clear view zone" means the area of a corner lot closest to a street intersection or a street and railroad intersection which is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic.

(a) For street intersections, such area is established by marking a point at which the two curb lines intersect, measuring back 40 feet along each street, and drawing a line between the two back points to form a triangular area.

DEFINITIONS



(b) For street and railroad intersections, such area is established by marking a point at which the edge of the street pavement and the closest railroad track intersect, measuring back 40 feet along the edge of the street and railroad track, then drawing a line between the two back points to form a triangular area.

(52) "Clinic, dental or medical" means a building in which a group of dentists, physicians, and professional assistants are associated for the conduct of their professions and may include a laboratory or apothecary, but it shall not include in-patient care or operating rooms for major surgery.

(53) "Club, social" means any organization, group, private nonprofit locker club, or association supported by its members where the sole purpose is to render a service to its members and their guests.

(54) "Common area" means any space designed for joint use of residents of a condominium, apartment complex, etc.

(55) "Community center" means a building to be used as a place of meeting, recreation, or social activity and not operated for profit.

(56) "Community management" means the person who owns or has charge, care or control of a condominium, apartment complex, etc.

(57) "Companion animal," see "household pets."

(58) "Comprehensive plan" means general plan.

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

(60) "Condominium" means the ownership of a single residential unit in a multi-unit project together with an undivided interest in common in the common areas and facilities of the property.

(61) "Condominium project" means a plan or project whereby two or more units, whether contained in existing or proposed apartments, commercial or industrial buildings or structures, or otherwise, are separately offered or proposed to be offered for sale. Condominium project also means the property when the context so requires.

(62) "Condominium unit" means a residential unit of a condominium project together with the undivided interest in the common areas and facilities appertaining to that unit, including both a physical unit together with its appurtenant undivided interest in the common areas and facilities and a time period unit together with its appurtenant undivided interest, unless the reference is specifically limited to a time period unit.

(63) "Conservation standards" means guidelines and specifications for soil and water conservation practices and management, enumerated in the Technical Guide prepared by the USDA Natural Resources Conservation Services, adopted by the Soil and Water Conservation District supervisors, and

DEFINITIONS

containing suitable alternatives for the uses and treatment of land based upon its capabilities, from which the landowner selects that alternative which best meets his needs in developing his soil and water conservation plan.

(64) "Construction equipment and supply trailer, temporary" means mobile equipment, travel trailer, truck trailer, or other structure used as equipment and supply shed in conjunction with a construction project. The construction equipment and supply trailer is not a residence or dwelling.

(65) "Construction field office, temporary" means a mobile office, travel trailer, or other structure used as an office in conjunction with a construction project. The construction or field office is not a residence or dwelling.

(66) "Construction sign" means a temporary sign identifying an architect, contractor, subcontractor, or material supplied participating in construction on the property on which the sign is located.

(67) "Cottage industry" means a business conducted entirely within a dwelling or in an accessory structure without altering the residential character manufacturing artistic, handicraft, and other craft items and services rendered on the premise.

(68) "Convenience store" means a one story commercial retail operation containing less than 2,500 square feet of gross floor area, designed and stocked to sell primarily food, beverages, limited variety of goods for personal consumption, and other household supplies to retail customers who purchase only a relatively few items as well as gasoline and car care items.

(69) "Copy, sign" means the graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

(70) "Corral" means a space, other than a building, less than one acre in area used for the confinement of animals or fowl.

(71) "Court building" means an open space, other than a required yard, on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings.

(72) "Coverage, building" means the percent of the total site area covered by buildings.

(73) "Crosswalk" means a right-of-way to facilitate pedestrian access and not for use by motor vehicles; it may be located within or without a street right-of-way.

(74) "Cultivation" means to prepare and use land strictly for crops or gardening.

(75) "Curb" means a stone or concrete boundary usually marking the edge of a roadway or paved area used to channel water and preserve the edge of the pavement.

(76) "Curb cut" means the provision for ingress and egress between property and an abutting road or street.

(77) "Curb return" means a curved segment of curb used at each end of an opening in the roadway curb.

(78) "Dairy" means a commercial establishment

for the manufacture, processing or packaging of dairy products, and their sale; however, the production of milk on a farm for wholesale marketing off the premises shall not be classified as a dairy.

(79) "Density" means the number of persons or dwelling units per acre of gross area.

(80) "Design, subdivision" means the alignment, grade and width for easements and rights-of-way for utilities; the final grade or contouring and general layout of lots and streets within the area; location of land to be dedicated for park or recreational purposes; and, such specific requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to insure conformity to or implementation of applicable general or specific plans.

(81) "Direction or instructional sign" means an on-premise sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment, but no advertising copy, e.g., parking or exit and entrance signs.

(82) "Disability" is defined in Section 57-21-2 UCA.

(83) "Distribution lines" are those wires generally rated below 49 kilovolts [kVA] and associated structures used to carry electricity between a customer and a transmission line.

(84) "District, zoning" means a portion of the incorporated territory of Erda, established as a zoning district by this ordinance, within which certain uniform regulations and requirements apply; also includes "zone."

(85) "Double-faced sign" means a sign with two faces diverged from a common angle of not more than 45 degrees or back-to-back.

DEFINITIONS

(86) "Driveway" means a private entryway that may be used by a single parcel or shared with more than one parcel to provide access from a public or private road.

(87) "Dwelling" means a building or part of a building, containing living, sleeping, housekeeping accommodations, and sanitary facilities for occupancy for residential purposes by one family as a single unit. It does not include a motorhome, trailer coach, accessory building, automobile, truck, shed, garage, tent, or recreational vehicle.

(88) "Dwelling, single-family" means a dwelling arranged or designed to be occupied by one family, the structure having only one dwelling unit.

(89) "Dwelling, two-family" means a single residential building under a continuous roof, the structure containing only two dwelling units completely separated by either a common interior wall or a common interior floor and having the exterior appearance of a single family dwelling house.

(90) "Dwelling, three-family" means a dwelling arranged or designed to be occupied by three families, the structure having only three dwelling units.

(91) "Dwelling, four-family" means a dwelling arranged or designed to be occupied by four families and having more than four dwelling units.

(92) "Dwelling, multiple-family" means a dwelling arranged or designed to be occupied by more than four families and having more than four dwelling units.

(93) "Dwelling group" means two or more detached buildings used as dwellings, located on a lot or parcel of land.

(94) "Dwelling unit" means one or more rooms in a dwelling, apartment hotel or apartment motel, which contains not more than one kitchen or set of fixed cooking facilities, other than hot plates or other portable cooking units. It is designed for occupancy of not more than one family, or a congregate residence for four or less persons.

(95) "Easement" means a non-possessory interest in land of another; a vested or acquired right to use land, other than as a tenant, for a specific purpose; such right being held by someone other than the owner who holds title to the land.

(96) "Elderly residential facility." See "Residential facility for elderly persons."

(97) "Electrical sign" means a sign in which electrical wiring, connection, or fixtures are used.

(98) "Electronic message center" means a sign where the copy is changed by computer or electronic methods using liquid crystal display, lights, cathode ray tubes, etc.

(99) "Emergency" means actions that must be undertaken immediately or within a time frame too short to allow full compliance with this ordinance to avoid an immediate threat to public health or safety, to prevent an imminent threat of serious environmental degradation.

(100) "Essential services" means services provided by public or private utilities, including underground, surface or overhead gas, electrical, steam, water, sanitary sewer, storm-water drainage, and communication systems and accessories such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings used or intended to be used for human habitation.

(101) "Façade" means the entire area of a building facing or side extending from the roof or parapet to the ground and from one corner of the building to another but does not include any structural or nonstructural elements which extend beyond the roof of a building.

(102) "Farm" or "ranch" means a parcel of land which is used primarily for commercial horticultural or farming purposes, such as the growing of crops or other vegetative, or fruit agricultural uses, grazing of livestock or other agricultural use.

(103) "Farm or ranch hand housing" means a dwelling located on a farm or ranch for the purpose of housing an employee of that operation and his / her family including multi-family dwellings for seasonal employees in connection with an agricultural use which relies on seasonal employees.

(104) "Farm animal" means any animal other than household pets that are used or kept as recreation or food sources, such as horses, cows, swine, or similar type animals.

(105) "Feedlot" means an agricultural industry in which animals or fowl are kept and intensively fed in a relatively restricted area, as contrasted with an open pasture.

DEFINITIONS

(106) "Flood hazard" means a hazard to land or improvements due to inundation or overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of water courses.

(107) "Flood plain" means any land area susceptible to be inundated by water from the base flood, including that area designated as subject to flooding from the base flood or 100 year flood.

(108) "Flood way" means a channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

(109) "Floor area" means the area included within surrounding walls of a building or portion thereof, exclusive of vents, shafts, and courts.

(110) "Floor area ratio" means the total floor area of all buildings or structures on a parcel or lot divided by the area of the parcel or lot, used to measure the intensity of a use on land.

(111) "Forest industry" means an industry which uses forest products, such as sawmill, pulp or paper plant, wood products plant, and similar uses.

(112) "Fowl" means chickens, ducks, turkeys, peacocks or other similar domesticated birds.

(113) "Freestanding sign" means a sign supported permanently upon the ground by poles or braces and not attached to any building.

(114) "Front yard setback" means that part of a lot, extending the full width of the lot, which is between the front property line and the front building line.

(115) "Frontage, building" means the length of an outside building wall on a public right-of-way or an approved private road.

(116) "Frontage" means the horizontal distance between the side lot lines measured at the point where the side lot lines intersect the street right-of-way. All sides of a lot that abuts a street shall be considered frontage. On curvi-linear streets, the arc between the side lot lines shall be considered the lot frontage.

(117) "Garage" means a detached accessory building, or a portion of a main building, used or intended to be used for the storage of motor vehicles, recreational coaches, boats, snowmobiles, or other recreational vehicles.

(118) "General plan" means a document that sets forth general guidelines for proposed future development of the land within the city, as set forth in Utah Code Section 10-9a-401 et seq., adopted by the city council, also commonly referred to as a "master plan."

(119) "Governing body" means city council, also referred to as the council.

(120) "Grade" means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within a line five feet from the building.

(121) "Grade, finished" means the final elevation of the ground surface after man-made alterations, such as grading, grubbing, filling, excavating or contouring have been made on the ground surface.

(122) "Gross floor area" means the sum of the areas of the several floors of a building, including areas used for human occupancy in basements, attics, and penthouses, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, or attics not used for human occupancy, or any floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this zoning ordinance, or any such floor space intended and designed for accessory heating and ventilating equipment. It shall include the horizontal area at each floor level devoted to stairwells and elevator shafts. The surface area of tennis courts, swimming pools, driveways, parking spaces, and decks is not included in the total floor area.

(123) "Group home." See "Residential facility for persons with a disability."

(124) "Handicapped residential facilities." See "Residential facility for persons with a disability."

(125) "Height, sign" means the vertical distance measured from the highest point of the sign, excluding decorative embellishment, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

(126) "Home based business" means a commercial or light industrial use of a scale greater than home occupation but which is still secondary to the residential use. It may be conducted entirely within a dwelling, an accessory structure or on the premises. A home based business does not include agricultural activities.

DEFINITIONS

(127) "Home occupation" means any use conducted entirely within a dwelling and carried on by persons residing in the dwelling unit and no more than one employee hired outside of the dwelling who will work within the dwelling, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character.

(128) "Hospital" means an institution for the diagnosis, treatment and care of human illness or infirmity, but not including sanitariums, clinics and instant care facilities.

(129) "Hotel" means a building designed for or occupied on a temporary basis for compensation.

(130) "Household pets" means animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, canaries, and shall not include the keeping of inherently or potentially dangerous animals, such as lions or tigers, etc.

(131) "Identification sign" means a sign whose copy is limited to the name and address of a building, institution, or person or to the activity or occupation being identified.

(132) "Illegal sign" means a sign which does not meet the requirements of the Erda Land Use Ordinance and which has not received non-conforming status.

(133) "Illuminated sign" means a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

(134) "Impound lot" means a facility operated according to Utah State Code Annotated Section 41-1a-101 through 41-1a-1106 for the temporary storage of vehicles to be claimed by the owners or their agents.

(135) "Improvement" means street construction, water systems, sewer systems, sidewalks, curbs and gutters, drainage facilities, on-site construction, street trees, street signs, street lights, traffic control or safety devices, fire hydrants, and such other facilities, utilities, or construction.

(136) "Inoperative vehicle or trailer" means any vehicle or trailer that due to mechanical, electrical, structural problems, or lack of maintenance, cannot operate as it was originally constructed and designed to do or should not be operated due to conditions rendering it as unsafe. This includes any vehicle or trailer that is not currently licensed.

(137) "Interior sign" means a sign located within a building so as to be visible only from within the building in which it is located.

(138) "Junk" means any salvaged or scrap copper, brass, iron steel, metal, rope, rags, batteries, paper, wood, trash, plastic, rubber, tires, waste, or other articles or materials commonly designated as junk. Junk shall also mean any dismantled, wrecked or inoperable motor vehicles or parts thereof which remain in such condition for a period of time in excess of sixty days.

(139) "Junk yard" means the use of any lot, portion of a lot, or tract of land for the storage, keeping or abandonment of junk, scrap metals or material, the dismantling, demolition or abandonment of vehicles, or machinery or parts thereof; but shall include a salvage yard, or war surplus yard.

(140) "Kennel" means any premises where domestic animals, such as dogs and cats, older than four months are kept except where accessory to an agricultural use.

(141) "Large scale sales event sign" means an advertising display that is temporary in nature, is not permanently attached to the ground or sign surface, and is used for special events, such as, but not limited to, grand openings, seasonal sales, liquidations, going-out-of-business sales, and, promotion of a new product, new hours of operation, a new service, or to promote a special sale or promotion. The temporary sign or banner is intended to inform the public of a unique happening and shall not include construction, placement, maintenance, or erection of any prohibited sign devices as described in §24-4-4 or other types of non-compliant accessory signs. Large scale sale event signs shall not be used for permanent advertising purposes beyond what is allowed by this ordinance.

(142) "Lateral sewer" means a sewer which discharges into another sewer and has only sewer inlets from buildings and structures tributary into it.

(143) "Local attorney" means the city attorney or any other attorney officially representing Erda.

(144) "Local building inspector" means the building inspector employed by or officially representing Erda.

(145) "Local engineer" means the engineer employed by or officially representing the city.

(146) "Local governing body" means the city council.

DEFINITIONS

(147) "Local health officer" means the health officer employed by or officially representing Tooele County Department of Health.

(148) "Local jurisdiction" means Erda, Utah.

(149) "Local planner" means the planner employed by or officially representing the city.

(150) "Local surveyor" means the county surveyor or any other surveyor officially representing the city.

(151) "Lot" means a parcel or unit of land described by metes and bounds or as described on a subdivision plat and held or intended to be held in separate lease or ownership, either as an undeveloped or developed site, or a parcel or unit of land shown as a lot, plat, or parcel on a recorded subdivision map, or shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger tract into two or more smaller units.

(152) "Lot area" means the horizontal area within the exterior lines of the lot, exclusive of any area in a public or private open to public uses.

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

(154) "Lot depth" means the average horizontal distance between the front and the rear lot lines measured in the main direction of the side lot lines.

(155) "Lot frontage" means that portion of a lot that is the length of the front lot line which is coterminous with the front street lines.

(156) "Lot, interior" means a lot other than a corner lot.

(157) "Lot line" means the property line bounding the lot.

(158) "Lot line adjustment" means the relocation of the property boundary line between adjoining lots with the consent of the owners of record.

(159) "Lot line, front" means the lot line adjoining the street for an interior lot; for a corner lot or through lot, the lot line adjoining either street, as elected by the lot owner.

(160) "Lot line, rear" means that line of a lot which is opposite and most distant from the front line of the lot. In the case of a triangular or gore-shaped lot, a line ten feet in length within the parcel parallel to and at the maximum distance from the front line.

(161) "Lot line, side" means any lot boundary line not a front or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line; a side lot line separating a lot from a street is a street side lot line.

(162) "Lot, restricted" means a lot or parcel having an average slope of 30 percent or more or which does not contain a buildable area of at least 75 feet by 100 feet, such lot being prohibited as a building site.

(163) "Lot width" means the minimum lot width for each zoning district measured from the front setback line.

(164) "Lot, unrestricted" means a lot having an average slope of less than 30 percent and containing a buildable area of at least 75 feet by 100 feet.

(165) "Low-Impact Home-Based Business" means any use conducted entirely within a dwelling, accessory structure, or in the yard that is not visible from the street in front of the residents and carried on by persons residing in the dwelling unit and no more than three additional employees, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not operate, as part of the business, any Class 3 vehicles (over 26,001 GVS).

(166) "Main building" means a structure in which the primary use of the land, lot or parcel is conducted.

(167) "Maintenance, sign" means the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

(168) "Mansard" means a sloped roof or roof-like facade architecturally comparable to a building wall.

(169) "Manufactured home" means a transportable factory-built housing unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards act of 1974 (HUD Code), in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when

DEFINITIONS

connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

(170) "Marquee" means a permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building.

(171) "Marquee sign" means any sign attached to or supported by a marquee structure.

(172) "Medical clinic" means a facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis, including emergency treatment, diagnostic services, training, administration and services to outpatients, employees, or visitors. Compare "Clinic, dental or medical."

(173) "Mine" means a site from which ore, gravel, rock, minerals, precious metals or natural substances other than plant or animal organisms can be extracted. "Mine" includes the site of the mine with its surface buildings, structures, elevator shafts, and equipment.

(174) "Mining" means the process or business of extracting ore, gravel, rock, minerals, precious metals or natural substances from the surface or below the surface of the earth.

(175) "Mobile home" means a transportable factory-built housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the Federal Manufactured housing and Safety Standards Act (HUD Code) and which was designed to be a long-term residential dwelling unit, with or without a permanent foundation, and originally constructed as a complete package which includes major appliances, plumbing, and electrical facilities prepared for appropriate connections.

(176) "Moderate income housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income of the county statistical area for households of the same size.

(177) "Modular home" means a permanent dwelling structure built in prefabricated units, which are assembled and erected on the site, or at another location and brought as a unit to the site and which is classified as a mobile home until it is placed on a permanent foundation and complies with all applicable building codes.

(178) "Monument sign" means a sign mounted directly to the ground with maximum height not to exceed six feet.

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

(180) "Multiple-face sign" means a sign containing two or more faces, not necessarily in back-to-back configuration. "National Cooperative Soil Survey" means the soil survey conducted by the U. S. Department of Agriculture in cooperation with the State Agricultural Experiment Station and other Federal or Utah State agencies.

(181) "National Cooperative Soil Survey" means the soil survey conducted by the U. S. Department of Agriculture in cooperation with the State Agricultural Experiment Station and other Federal or Utah State agencies.

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

(183) "Nonconforming sign" means a sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations.

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

(185) "Occupancy" means the portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.

(186) "Official map" means a map drawn by Erda and recorded in the county recorder's office that:

(a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities;

(b) provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and

DEFINITIONS

- (c) is adopted as an element of the general plan.
- (187) "Off-premise sign" or "billboard" means a sign advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located.
- (188) "Off-street parking space" means the space required to park one passenger vehicle off the public right-of-way.
- (189) "Off-site improvements" means improvements not on individual lots but generally within the boundaries of the subdivision which they serve.
- (190) "On-site improvements" means the construction or placement of structures and appurtenant improvements on a lot.
- (191) "On-premise sign" means a sign which pertains to the use, product or commodity sold, or service performed on the premises on which it is located.
- (192) "Open space" means the area reserved in fields, pastures, parks, courts, schools, playgrounds, golf courses, and other similar open areas.
- (193) "Open space, usable" means any portion of a lot or building which:
- (a) is open to the sky or is open to view in at least two sides;
 - (b) is readily accessible by foot traffic from the building to which it is accessory; and
 - (c) is not provided from any required front or side yard, parking area, or driveway space.
- (194) "Owner" means the holder of fee title to land or buildings or to property, whether a person, partnership, corporation, or other entity recognized by law, including any lessee, permittee, assignee, or successor in interest.
- (195) "Package agency" means a retail liquor location operated under a contractual agreement with the Alcoholic Beverage Control Department, by a person other than the State, who is authorized by the Alcoholic Beverage Control Commission to sell package liquor for consumption off the premises of the agency.
- (196) "Parapet" means the extension of a false front or wall above a roofline.
- (197) "Parcel of land." See "Lot."
- (198) "Parking lot" means an open area other than a street, used for the parking of automobiles and which is available for public use.
- (199) "Pedestrian-way." See "Crosswalk."
- (200) "Permanent monument" means any structure of concrete, masonry or metal permanently placed on or in the ground, including those expressly placed for surveying reference, which meets the requirements of Tooele County, Erda, or the State of Utah for permanent monuments.
- (201) "Person" means any individual, corporation, association, firm, partnership, or similarly defined interest.
- (202) "Personal agriculture" means the keeping of farm animals or fowl for personal recreation and/or personal non-commercial production of food.
- (203) "Planned unit development or PUD" means an integrated design for development of residential, commercial or industrial uses, or limited combinations of such uses, in which the density and location regulations of the district in which the development is situated may be varied or waived to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed requirements.
- (204) "Plat" means any map, plan or chart of a township, section or subdivision, indicating the location and boundaries of individual properties.
- (205) "Plot" means a parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or by metes and bounds.
- (206) "Political sign" means a temporary sign used in connection with a local, state, or national election or referendum.
- (207) "Portable sign" means any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.
- (208) "Premises" means a parcel of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate for that zoning district.

DEFINITIONS

(209) "Preliminary plat" means a drawing, to scale, representing a proposal to subdivide a tract, lot or parcel of land, and meeting the preliminary plat requirements of this ordinance.

(210) "Private garage." See "Garage."

(211) "Private non-profit locker club" means a social, recreational, or athletic club, or kindred association, incorporated under the provisions of the Utah Revised Nonprofit Corporation Act, which maintains or intends to maintain premises upon which liquor is or will be stored, consumed, or sold.

(212) "Private recreational grounds and facilities" mean recreational grounds and facilities operated by a person, corporation, association, or group other than the State or political subdivision thereof.

(213) "Private road" means a privately owned road which affords principal means of access to abutting parcels or lots.

(214) "Process" or "processing" means the act, business or procedure of taking raw, extracted or pre-processed material and adding to or taking away from it, to produce a product that is purer, used, marketed, or uniquely different than the original raw material or product before the procedure was enacted.

(215) "Projecting sign" means a sign, other than a flat wall sign which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

(216) "Protection strip" means a strip of land between the boundary of a subdivision and a street within the subdivision, for the purpose of controlling the access to the street by property owners abutting the subdivision.

(217) "Public recreational facility" means a publicly owned or operated indoor or outdoor facility whose main purpose is to provide the general public with amusement or an entertainment activity, including fair grounds, riding stables, picnic and camping, water slides, pools, baseball fields, soccer fields, museums, arenas.

(218) "Public road" means a public way which affords a means of access to abutting properties.

(219) "Public water system" or "public sewage system" means a system which is owned and operated by a local governmental authority or by an established public utility company which is adequately controlled by a governmental authority.

(220) "Quasi-public use" or "quasi-public facility" means a use conducted by, or a facility or structure owned by, a nonprofit, religious, or eleemosynary institution that provides educational, cultural, recreational, religious, institutional, medical, community service or other similar types of public services, and includes private hospitals, medical offices and cemeteries.

(221) "Real estate sign" means a temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

(222) "Rear yard setback" means that part of a lot between the rear building line and the rear lot line, and extending the full width of the lot, the depth of which yard is measured from the rear lot line to the building line of the building.

(223) "Recreational facility" means any commercial enterprise which receives a fee in return for the provision of some recreational activity including but not limited to: racquet clubs, health facilities, and amusement parks, but not including amusement centers.

(224) "Recreational facility, commercial indoor" means any commercial recreational land use conducted entirely within a building, including arcade, arena, art gallery and studio, art center, assembly hall, athletic and health clubs, auditorium, bowling alley, club or lounge, community center, conference center, exhibit hall, gymnasium, library, movie theater, museum, performance theater, pool or billiard hall, skating rink, swimming pool, tennis court.

(225) "Recreational facility, private indoor" means any private recreational facility for use solely by the residents and guests of a particular residential development, planned unit development, or residential neighborhood, including indoor and outdoor facilities. These facilities are usually proposed or planned in association with development and are usually located within or adjacent to such development.

(226) "Recreational coach" means a vehicle, such as a travel trailer, tent camper, camp car or other vehicle designed or constructed to travel on the public thoroughfare in accordance with the provisions of the Utah Motor Vehicle Act, and designed for use as a human habitation for a temporary and recreational nature.

DEFINITIONS

(227) "Recreational coach park" or "overnight park" means any area or tract of land where lots are rented or held out for rent to owners or users of recreational coaches for a temporary time not to exceed 30 days.

(228) "Recreational coach space" means a plot of ground within a recreational coach park designated and intended for the accommodation of one recreational coach.

(229) "Residential facility for elderly persons" means a residence in which more than one elderly person resides, not including a health care facility as defined by Section 26-21-2 UCA.

(230) "Residential facility for persons with a disability" means a residence in which more than one person with a disability resides; and

(a) is licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities; or

(b) is licensed or certified by the Department of Health under Title 26, Chapter 21. Health Care Facility Licensing and Inspection Act.

(231) "Riding academy" means a structure or land use where people pay to be trained in riding equines.

(232) "Right-of-way" means the area, either public or private, over which the right-of-passage exists.

(233) "Roof sign" means any sign erected partly or wholly over or on the roof of a building; however, a structure having main supports embedded in the ground shall not be considered to be a roof sign even if the sign's supports pass through a roof, canopy, or parapet of a building.

(234) "Roofline" means the top edge of a roof or building parapet, whichever is higher, excluding any mansards, cupolas, pylons, chimneys or minor projections.

(235) "Rooftop mounted solar array" means a rooftop photovoltaic power station, or rooftop photovoltaic system, which has its electricity-generating solar panels or arrays mounted on the rooftop of an agricultural, residential, commercial, or industrial building or structure.

(236) "Runway" means a defined area on an airport prepared for landing and takeoff of aircraft.

(237) "Salt" means any component, solid or liquid, of the sodium elements, such as sodium chloride, potash, sodium hydroxide, brine, etc.

(238) "School, private" means a school which is operated by a quasi-public or private group, individual, or organization, and which has curriculum similar to that provided in any public school in the state of Utah.

(239) "School, public" means a school operated by a school district or other public agency.

(240) "Service lines" are all those wires, poles, and appurtenant equipment used to carry electricity between distribution lines and a customer.

(241) "Self-service storage facility" means a building or group of buildings divided into separate units leased to individuals and organizations, or businesses for self-service storage of personal property.

(242) "Side yard setback" means that part of a lot between the side building line and the side lot line, and extending from the front yard setback to the rear yard setback. The width of the side yard is measured from the side lot line to the building line of the building.

(243) "Sign" means any device, structure, fixture, or placard using graphics, symbols, or written copy for the primary purpose of identifying, providing directions, or advertising any establishment, person, entity, interest, product, goods, or services. It includes any structural supports, lighting systems, attachments, ornaments or other features.

(244) "Sign alterations" means a change or rearrangement in the structural parts or design whether by extending on a side increasing in area or height, or by relocation or changing the position of a sign.

(245) "Sign, area" means the entire face of a sign including the advertising surface and any framing, trim, or molding.

(246) "Sign, community" means a sign that contains information appurtenant to non-commercial activities and interests within the community, but do not advertise any function or service that will create a gain for the advertiser.

(247) "Sign face" means the part of the sign that is or can be used to identify, advertise, or communicate information or for visual representation that attracts the attention of the public for any purpose, including the frame or structural members if they are designed with lighting or other ornamentation that is incorporated for the sign design.

DEFINITIONS

(248) "Site plan" means a plat of a lot, drawn to scale, showing its actual measurements, the size and location of any existing buildings or structures, and those yet to be erected, the location of the lot in relation to abutting streets, and such other information as may be required by the planning commission.

(249) "Snipe sign" means a temporary sign or poster affixed to trees, fences, poles, stakes, building supports, other signs or sign structures, building facades, or any other object not specifically designed for the posting of signs.

(250) "Solar Energy System" means a facility that collects and converts sunlight into electricity, whether by photovoltaics, concentrating solar thermal devices, or other solar technologies, and transmits such electricity to off-site users, together with all accessory uses and facilities incidental thereto, including, without limitation, generators; electrical transmission and distribution lines and facilities (including transmission lines with a capacity of 50 KV or greater); communication lines, cables, conduits, and facilities; electric transformers, substations, and interconnection facilities; energy storage facilities; telecommunications equipment; control buildings and maintenance yards; access roads, fences and gates.

(251) "Special event" means circuses, fairs, carnivals, festivals, or other types of special events that:

- (a) run for longer than eight hours but not longer than six months;
- (b) are intended to or likely to attract substantial crowds; and
- (c) are unlike the customary or usual activities generally associated with the property where the special event is to be located.

(252) "Spot zone" means a zoning amendment which singles out a relatively small parcel for a use classification totally different from that of the surrounding area, for the benefit of the owner of such property, which is invalid because it is not in accordance with the general plan.

(253) "Stable, commercial" means a structure or land use where equines or livestock are kept for sale or hire, boarded, or trained.

(254) "Stable, private" means an accessory building for the keeping of horses or livestock owned by the occupants of the premises and not kept for hire, remuneration or sale.

(255) "Stable, public" means any stable where horses are boarded or kept for hire.

(256) "State store" means a facility for the sale of package liquor located on premises owned or leased by the State of Utah and operated by state employees, but does not apply to any licensee, permittee, or to package agencies.

(257) "Story, half" means a partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls do not extend more than four feet above the floor of such story, and the floor area does not exceed 2/3 of the floor area immediately below it.

(258) "Structure" means anything constructed, the use of which requires fixed location on the ground, or attachment to something having a fixed location upon the ground, including a building, tower, smokestack, overhead transmission line, flag pole, or antenna.

(259) "Structural alterations" means any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

(260) "Subdivider" means any person who causes land to be divided.

(261) "Subdivision" means:

- (a) any land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.
- (b) the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument.

"Subdivision" does not include:

- (i) a bona fide division or partition of agricultural land for agricultural purposes;
- (ii) a recorded agreement between owners of adjoining properties adjusting their mutual boundary if:
 - 1. no new lot is created; and
 - 2. the adjustment does not result in a violation of applicable zoning ordinances;

DEFINITIONS

(iii) 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; or

(iv) a bona fide division or partition of land for the purpose of siting, on one or more of the resulting separate parcels:

1. an unmanned facility appurtenant to a pipeline owned or operated by a gas corporation, interstate pipeline company, or intrastate pipeline company; or
2. an unmanned telecommunications, microwave, fiber optic, electrical, or other utility service regeneration, transformation, retransmission, or amplification facility.

(v) The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a "subdivision" under this Subsection

1. as to the unsubdivided parcel of property or subject the unsubdivided parcel to the county's subdivision ordinance.

(262) "Subdivision cluster" means a subdivision of land in which the lots have areas less than the minimum lot area of the district in which the subdivision is located and in which a significant part of the land is privately reserved or dedicated as permanent common open space to provide low-density character for the residential lots in the subdivision.

(263) "Subdivision vacation" means the process of removing from record a section of land that was subdivided.

(264) "Substandard lot" means a lot created prior to January 10, 1975 or having been granted a special exception by Tooele County and which has less than the required lot area or width for the zoning district in which it is located.

(265) "Temporary sign" means a sign not constructed or intended for long-term use, with a maximum time period of 90 days.

(266) "Unlicensed motor vehicle" means any vehicle which initially was designed or constructed to be self-propelled and which is not currently registered or licensed by the State of Utah, but does not include vehicles exempt from registration under Section 41-22-9, Utah Code Annotated, 1953, as amended, or any motor vehicle kept or stored at an approved impound lot or commercial storage yard.

(267) "Use" means the purpose for which a parcel, building, lot, sign or structure is intended, designated, occupied, or maintained.

(268) "Vacation plat" means a plat submitted for the purpose of removing a subdivision from the records of the county recorder and the county assessor which shows the area that is to return to its original state.

(269) "Vicinity plan" means a map or drawing, to scale, showing the physical relationships of the proposed development to existing or proposed streets, buildings and utilities; other relevant information such as special terrain or surface drainage, and existing zoning classifications of all land within 300 feet of the property proposed.

(270) "View-obscuring fence, wall or hedge" means a fence, wall, or hedge of vegetation growth which prevents full view of property on one side by a viewer standing on the other side.

(271) "Wall sign" means a sign attached essentially parallel to and extending not more than 24 inches from the wall of a building with no copy on the sides or edges, including painted, individual letters, and cabinet signs, and signs on a mansard.

(272) "Window sign" means a sign installed inside a window and intended to be viewed from outside the building.

(273) "Yard" means a required open space on a lot, other than a court, unoccupied and unobstructed from the ground upward.

(274) "Yard, front." See "Front yard setback."

(275) "Yard, rear." See: "Rear yard setback."

(276) "Yard, side." See: "Side yard setback."

(277) "Zone." See "District, zone."

(278) "Zoning administrator" means the local official designated by the city council to enforce zoning regulations.

(279) "Zoning ordinance" means the Erda Land Use Ordinance.

CHAPTER 3

GENERAL PLAN, LAND USE ORDINANCE, ZONING MAPS AND AMENDMENTS

Section 3-1	Erda General Plan. Planning
3-2	commission responsibility.
	Application to amend the
3-3	general plan.
	Restriction on applications
3-4	after adoption of general
	plan.
3-5	Effect of the plan on public
3-6	uses. Land use ordinance.
3-7	Amendment procedure.
3-8	Initiation of land use
	ordinance text and zoning
	map amendments.
3-9	Zoning map amendment
	procedure.
3-10	City commission
	consideration for zoning
	map amendment –
	Hearing – Notice.
3-11	Restriction on applications
	after decision of rezone
3-12	application.
	Application for the initiation
	of land use ordinance text
3-13	amendments.
	Determination of
3-14	commissioners.
3-15	Appeal
	procedure.
	Conditions to zoning
	map amendment.

3 - 1. Erda General Plan.

(1) To accomplish the purposes set forth in the Utah Land Use Development and Management Act, the Erda General plan is comprehensive in scope and addresses:

(a) the present and future needs of the city; and

(b) the growth and development of the land within the city or any part of the city, including uses of land for urbanization, trade, industry, residential, agricultural, wildlife habitat, and other purposes.

(2) Any amendment to the Erda General Plan shall comply with the Utah Land Use Development and Management Act

3 - 3. Application to amend the general plan.

Any property owner or authorized agent thereof may file an application requesting the planning commission hear an amendment to the Erda general plan. Such application shall include the reasons or basis upon which the property owner believes the general plan should be amended. The planning commission shall consider an application to amend the Erda general plan only if it first determines that there has been a change of circumstances or other sufficient to justify consideration of an amendment to the Erda General Plan.

3 - 4. Restriction on applications after adoption of general plan.

No application may be filed by any property owner or authorized agent thereof to amend any part of the Erda General Plan for a period of one year after adoption of such part of the general plan.

3 - 5. Effect of the plan on public uses.

No street, park, or other public way, ground, place, or space, no publicly owned building or structure, and no utility, whether publicly or privately owned, may be constructed, or authorized until and unless it conforms to the general plan. Before accepting, widening, removing, extending, relocating, narrowing, vacating, abandoning, changing the use, acquiring land for, or selling or leasing any street or other public way, ground, place, property, or structure, the planning commission shall first review the proposed action and make recommendations to the City Council.

3 - 6. Land use ordinance.

The land use ordinance shall establish regulations for land use and development that furthers the intent of the Erda General Plan.

3 - 7. Amendment procedure.

(1) The Erda Council , from time to time, amend the number, shape, boundaries or area of any zone or any regulation within any zone or any other provisions of the land use ordinance. Any such amendment shall not be made or become effective unless the same shall have been proposed by or be first submitted to the appropriate planning commission for its recommendation.

(2) This land use ordinance and the zoning map may be amended from time to time by ordinance duly enacted by the Erda Council in accordance with the procedures set forth in Utah Code Section 10-9-101 et seq.

3 - 8. Initiation of land use ordinance text and zoning map amendments.

(1) Amendment to the text of the land use ordinance shall be initiated by the planning commission or by the filing of an application in which the planning commission shall make a recommendation to the Erda City Council.

(2) Amendment to any zoning map shall be initiated by a recommendation from the planning commission or by filing an application by at least one landowner, owner by contract option or lessee with permission of the land owner within the area proposed to be changed or affected by the map amendment. Such a proposal may extend beyond the property lines of the applicant.

(3) The planning commission shall provide:

(a) notice of the date, time, and place of the first public hearing to consider the adoption or modification of a land use ordinance; and Subject.

(b) notice of each public meeting on the intensities/densities, and height, and proposed storm-water drainage facilities;

(4) Each notice of a public hearing under Subsection (3)(a) shall be published as required by Utah Code Sections 10-9a-101 et seq. and 52-4-101 et seq.

3 - 9. Zoning map amendment procedure.

(1) Applications for amendments to the zoning map shall be completed in full, signed, supplemented with any additional information required by the planning commission. An application which is incomplete or provides insufficient data shall be just cause for denial.

(2) A proposed amendment to the zoning map shall be initiated by the filing of an application for rezoning with the City. An application to amend the zoning map should address:

(a) general existing site characteristics including ownership, topography, soils, drainage, vegetation and other physical characteristics of the area proposed to be changed;

(b) a legal description of the area to be zoned;

(c) types of land uses permitted, conditional or prohibited in the current zoning district and the proposed zoning district;

(d) existing transportation patterns to including public and private roads and internal and external circulation patterns, rights-of-way, easements and parking;

(e) existing and proposed land uses, open spaces, impervious surfaces including streets, parking areas, structures and buildings with a general description of size area,

(f) existing and proposed utilities and infrastructure;

(g) the relationship of the proposed zone change with the Erda General Plan and specifically how the proposed zone change would conflict, conform, complement or otherwise affect the general plan as well as any special studies that are designed to further detail the Erda General Plan in a specific area;

(h) an area map showing adjacent property owners and existing land uses within 500 feet of the area proposed to be rezoned;

(i) the location, description and acreage of land uses;

(j) the approximate location and number of residential units along with approximate square footage, density and height;

(k) the approximate location and square footage of non-residential buildings;

(l) the approximate location and square footage of non-residential buildings;

(m) a calculation of the approximate amount of open space both before and after build-out construction, indicating areas of expected open space and new landscaping, and including maintenance plans for these areas;

(n) if the site has unusual or unique natural features, a demonstration of how proposed development preserves and utilizes natural topography and geologic features, scenic vistas, trees, and other vegetation, and prevents the disruption of natural draining patterns, and if appropriate, geotechnical studies submitted to indicate soil types, depth of bedrock and slope stability;

(o) a description of the availability of culinary and irrigation water, community facilities such as schools, fire protection services and other types of facilities that would serve the re-zoned area and how these facilities are affected by this proposal;

(p) the approximate location and size of storm water detention and retention areas and calculations on the impact to those systems as a result of the change in density and use of land;

(q) an indication of the construction schedule of any project proposed;

(r) for multi-phased projects, a phasing plan that describes the anticipated timing and geographical extent of each phase;

(s) a detailed traffic study showing the vehicle trips per day on average at build-out and a determination how the project would significantly alter existing traffic patterns or volume;

(t) for applications involving a PUD, a table of proposed dimensional standards for the proposed land uses or phases including lot sizes and frontages, building heights and intensities, and setbacks and a description of any requested exceptions to the requirements of the underlying zone; and

(u) any other study or information required by the planning commission or zoning administrator.

(3) The planning division of the engineering department shall review the proposal and submit to the applicant and the planning commission a staff report on the proposed application. The planning division shall analyze the impact of the proposed change on the development of the land within the community and City. In making a staff report, the planning division shall evaluate the proposal and address the following:

- (a) whether the requested zoning is in conformity with the City's general plan;
- (b) a finding that there have been materials changes in the character of the neighborhood, community or City such as to justify a change in the zoning as requested by the applicant;
- (c) the extent to which the proposed development of the subject property in accordance with the requested zoning will be in harmony with and compatible with surrounding land uses and present development in the
- (d) whether the subject property can be reasonably used and developed as presently zoned;
- (e) how the requested zoning will affect traffic congestion and infrastructure in the area;
- (f) whether the requested zoning will promote the public welfare;
- (g) if a denial of the requested zoning would preclude use of the property for any purpose to which it is reasonably adaptable;
- (h) how the land uses between the existing zone and the requested zoning afford any reasonable use of the property;
- (i) whether failure to zone the property as requested would impose a hardship on the owner; and how the requested zoning will promote or disturb stability in the zoning of the neighborhood.

(4) The planning commission shall:

- (a) provide notice as required by Utah Code Section 10-9a-205;
- (b) hold a public hearing on a proposed land use ordinance or zoning map; and
- (c) prepare and recommend to the legislative body a proposed zoning map that represents the planning commission's recommendation for regulating the use and development of land within all or any part of the incorporated area of the City.

(5) In making a recommendation on any zoning map amendment, the planning commission may approve or deny the application as proposed. The planning commission may modify the proposal to exclude those properties, the rezoning of which does not, in the opinion of the planning commission, meet the criteria and intent of the general plan. Such recommendation shall specifically address the impact such a change will have on the resources and infrastructure within the City.

3 - 10. City Council consideration for zoning map amendment--Hearing-- Notice.

Applications to amend the zoning map are discretionary legislative decisions even if the application otherwise conforms to ordinance requirements. Before finally adopting any zoning map amendment, the City Council shall hold a public meeting.

3 - 11. Restriction on applications after decision of rezone application.

A final determination regarding an application to amend the zoning map shall preclude the filing of another application to amend the zoning map to reclassify the same parcel of property, or any portion thereof to the same zone classification within one year of the date of the final decision unless the planning commission finds that there has been a substantial change in the circumstances or sufficient new evidence to merit consideration of a second application within the one-year time period.

3 - 12. Application for the initiation of land use ordinance text amendments.

(1) The land use ordinance is a principal means of implementing the land use policies of the Erda General Plan. The land use ordinance is a regulatory document which classifies property within the City limits into various zoning districts. Certain land uses are allowed in each zoning district; for example, single-family residential, neighborhood commercial, and light industrial. Zoning district boundaries shall be established on a zoning map. For each zoning district, the ordinance text prescribes a set of development standards to be enforced by the City with respect to such physical factors as permitted, conditional and prohibited land uses, lot size, building setbacks, building heights, open space provisions, parking requirements, and so forth.

(2) A proposal for an amendment to the land use ordinance may be initiated by:

- (a) the planning commission;
- (b) a city official through a request to the planning commission; or

- (c) an individual, through an application to the planning commission.
- (3) Each applicant bears the burden of proof to show that the amendment requested furthers the goals and policies of the general plan.

3 - 13. Determination of council.

The Erda Council, after review of the decision of the planning commission, may affirm, reverse, alter or remand for further review and consideration any action taken by the planning commission.

3 - 14. Appeal procedure.

Any person shall have the right to appeal to the district court a decision by the Erda City Council regarding the amendment of the land use ordinance or zoning map by filing an appeal in writing within 30 days following the date upon which the decision is final.

3 - 15. Conditions to zoning map amendment.

(1) In order to provide more specific land use designations and land development suitability within the incorporated areas of Erda; to ensure that proposed development is compatible with surrounding neighborhoods; and to provide notice to property owners of limitations and requirements for development of property, conditions may be attached to any zoning map amendment which limit or restrict the following:

- (a) Uses;
- (b) Dwelling unit density;
- (c) Building square footage;
- (d) or Height of structures.

(2) A zoning map amendment attaching any of the conditions set forth in subsection (1) shall be designated ZC (zoning condition) after the zoning classification on the zoning map and any such conditions shall be placed on record with the planning commission.

CHAPTER 4

SUPPLEMENTARY AND QUALIFYING REGULATIONS

Section

- 4 - 1. Effect of chapter.
- 4 - 2. Substandard lots at time of ordinance passage.
- 4 - 3. Lot standards.
- 4 - 4. Every dwelling to be on a lot - Exceptions.
- 4 - 5. Yard space for one building only.
- 4 - 6. Private garage with side yard - Reduced yards.
- 4 - 7. Sale or lease of required space.
- 4 - 8. Sale of lots below minimum space requirements.
- 4 - 9. Yards to be unobstructed - Exceptions.
- 4 - 10. Area of accessory buildings.
- 4 - 11. Exceptions to height limitations.
- 4 - 12. Minimum height of main building.
- 4 - 13. Maximum height of accessory buildings.
- 4 - 14. Clear view of intersecting streets.
- 4 - 15. Maximum height of fences, walls, hedges.
- 4 - 16. Water and sewerage requirements.
- 4 - 17. Curbs, gutters and sidewalks.
- 4 - 18. Effect of official map.
- 4 - 19. Lots on private streets.
- 4 - 20. Lots divided by a zone boundary.
- 4 - 21. Disconnection or disincorporation of property.
- 4 - 22. Animal and fowl restrictions.
- 4 - 23. Off-site improvements.
- 4 - 24. Commercial renting of dwellings prohibited.
- 4 - 25. Temporary residences for emergency construction or repair.

4 - 1. Effect of chapter.

The regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the regulations of any zoning district appearing elsewhere in the Erda Land Use Ordinance.

4 - 2. Substandard lots at time of ordinance passage.

(1) Any legal substandard lot created prior to January 10, 1975, or having been granted a special exception by Erda, and having less than the requirements for lot area or width for the zoning district in which it is located, may be used for a single family dwelling if it is located in a zoning district that permits single family dwellings.

(2) The method for determining side yard setback distances for lots described in Subsection (1) is to:

- (a) determine the area of the lot;
- (b) determine the equivalent zone by using Table 4-A;
- (c) compare the actual front width with the equivalent zone frontage requirement;
- (d) if the actual frontage equals or exceeds the equivalent zone frontage, use the setback distance of the equivalent zone; and
- (e) if the actual frontage is less than the equivalent zone frontage, then use Table 4-B to determine the adjusted side yard setback.

(3) All setbacks other than side yard setbacks shall remain as stated in the equivalent zone.

(4) Notwithstanding anything to the contrary in this section, side yard setbacks in lots described in Subsection (1) shall not be less than eight feet.

SUPPLEMENTARY AND QUALIFYING REGULATIONS

4 - 3. Lot standards.

(1) Except for planned unit developments and conservation subdivisions or as otherwise provided in this Erda Land Use Ordinance, every lot shall have such area, width, and depth as is required by the zoning district in which such lot is located.

(2) Lots shall have frontage upon a dedicated or publicly approved street before any building permit may be issued, except residential lots may front upon private roads approved by the planning commission.

(3) In the residential and rural residential zoning districts, no lot shall be created which is more than three times as deep as it is wide. In rural residential zoning districts, a special exception thereto may be granted by the land use authority if it can be shown by the applicant that a deeper lot represents the most judicious configuration of the property, but in no case shall the exception be granted for more than five lots in any subdivision, neither shall it create a lot more than five times as deep as it is wide.

(4) Any lot or portion thereof that exceeds 30% slope is not buildable.

(5) Any lot created through Section 13-1-8 of the Erda Code or Utah Code Section 10-9a-605 UCA for an agricultural partition is not a buildable lot for a residential dwelling or use. To become a residential building lot, the lot or parcel shall first be divided as a subdivision under Title 13 of the Erda Code.

Table 4-A	
Area of Lot:	Equivalent Zone:
Over 50 acres, up to 60 acres	MU-40
Over 15 acres, up to 50 acres	A-20
Over 7 acres, up to 15 acres	RR-10
Over 3 acres, up to 7 acres	RR-5
Over 1 acres, up to 3 acres	RR-1
Over 21,000 square feet, up to 43,560 square feet	R-1-21

Table 4-B		
(Actual Width x Side Yard Multiplier = Adjusted Side Yard)		
Equivalent Zone		Side Yard Multiplier
RR-1	=	0.1200
RR-5	=	0.1000
RR-10	=	0.0758
A-20	=	0.0909
MU-40	=	0.0454

4 - 4. Every dwelling to be on a lot – Exceptions.

(1) Except as otherwise stated herein, every dwelling shall be placed and maintained on a separate lot.

(2) Group and cluster dwellings, condominiums and other multi-structure dwelling complexes with single ownership and management may occupy one lot for each such multi-structure complex.

SUPPLEMENTARY AND QUALIFYING REGULATIONS

(3) A conditional use permit may be issued for an existing home, a manufactured home, a mobile home or a recreational vehicle brought on to a vacant lot, that may be used as a principal dwelling while a new dwelling is being constructed. The permit may be issued by the zoning administrator with the following conditions:

(a) the structure used as a temporary dwelling shall be removed from the site 60 days after a demolition permit for the temporary building is issued; or if a recreational vehicle is used, it shall cease to be occupied as a temporary dwelling as soon as the permanent structure's certificate of occupancy is issued but may continue to be stored on the site as a recreational vehicle with utility connections disconnected;

(b) a demolition permit shall be applied for at the time a certificate of occupancy is issued; the certificate of occupancy shall not be issued until the demolition permit is applied for. If a recreational vehicle is used as the temporary dwelling, then the demolition permit is unnecessary;

(c) the temporary dwelling shall not be used as a dwelling for a period of more than 24 months; however, the zoning administrator may issue up to two 6-month extensions, provided sufficient progress has been made to the new dwelling within the initial 24 months;

(d) bids shall be obtained by the zoning administrator for the removal and disposal of the dwelling, or the manufactured home used as a temporary dwelling prior to the issuance of the certificate of occupancy;

(e) the Tooele County Health Department shall be consulted on existing structures to determine if any environmentally hazardous materials exist in the structure to be removed;

(f) the applicant shall give permission to the City to enter the property at reasonable times with those contractors establishing a bid to determine the extent of work involved to remove and dispose of the temporary structure;

(g) all structures shall meet the setback requirements for the zoning district in which the property is located;

(h) the applicant shall file a hold harmless agreement with the City for any enforcement action it deems appropriate to ensure compliance with the permit as issued;

(i) a bond shall be filed with the City for the cost of the highest bid plus 20% in the form of cash, irrevocable letter of credit or an escrow that can be drawn by Erda should the zoning administrator deem that the permittee has failed to comply with the conditions of the permit which shall be cause for the City to remove the structure used as a temporary dwelling;

(j) if the bond is forfeited the funds of the bond exceeding the cost of removal shall remain with the City, and any costs over that of the bond amount shall be paid by the permittee to the City within 20 days from the receipt of an invoice;

(k) the City may pursue restitution in civil court and placement of a tax lien on the property for any amounts that are owed to the City and remain unpaid;

(l) If a recreational vehicle is used, proper power, water and septic connections may be required and inspected by a building inspector, health department and fire agency. If connections and inspections are not required, the applicant may need to provide proper plans on how power, water and septic will be properly maintained. If an extension is requested, further inspections by a building inspector, health department and fire agency may be required;

(m) A conditional use permit for a temporary dwelling shall not be issued or approved prior to submitting a building permit for the main dwelling; and

(n) If the temporary dwelling is an existing structure and it meets the requirements of Erda's Land Use Table 15-5-3.3, a conditional use permit may be issued to allow the temporary dwelling to become an accessory housing unit. This determination shall be made and requested by the property owner prior to the certificate of occupancy being issued for the new structure. If it is determined the temporary dwelling does not meet the regulations of Table 15-5-3.3 or that it is the intent of the property owner to remove the temporary housing, then the zoning administrator shall require the structure to comply with demolition listed above. Under no circumstances shall a mobile home/manufactured home or recreational vehicle be allowed to become an accessory housing unit.

SUPPLEMENTARY AND QUALIFYING REGULATIONS

4 - 5. Yard space for one building only.

No required yard or other open space around an existing building or that is hereafter provided around any building shall be considered as providing a yard or open space for another building, nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot where on a building is to be erected or established.

4 - 6. Private garage with side yard - Reduced yards.

(1) On any interior substandard lot where a private garage containing a sufficient number of parking spaces to meet the Erda Land Use Ordinance has a side yard equal to the minimum side yard required for a dwelling in the same zoning district, the width of the other side yard for the dwelling may be reduced to equal that of the minimum required side yard for a recognized substandard lot.

(2) On any substandard lot where such a garage has a side yard as described in Subsection (1), the rear yard of the dwelling may be reduced to 15 feet, provided the garage also has a rear yard of at least 15 feet.

4 - 7. Sale or lease of required space.

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

4 - 8. Sale of lots below minimum space requirements.

No parcel of land may be divided or subdivided from a larger parcel which creates a lot that has less than the minimum width and area requirements for the zoning district in which it is located. This regulation applies whether the intent of the division or subdivision may or may not be for the purpose, whether immediate or future, of building, development, or any other land use.

4 - 9. Yards to be unobstructed - Exceptions.

- (1) Every part of a required yard shall be unobstructed and open to the sky, except for:
- (a) accessory buildings in a rear yard;
 - (b) the ordinary projections of eaves, skylights, sills, belt courses, cornices, chimneys, flues, and like features which project into a yard not more than two and one-half feet; and
 - (c) projections allowed by the building or fire codes for fire safety purposes shall be allowed to extend into a yard not more than five feet.
- (2) In no case shall a stoop, cantilever, eave, or other projection extend into any designated easement for public utilities, drainage, access, etc.

4 - 10. Area of accessory buildings.

No accessory building or group of accessory buildings in any residential district shall cover more than 25% of the rear yard.

4 - 11. Exceptions to height limitations.

All buildings and structures must conform to the height limit of the zoning district in which they are located. No space above the height limit shall be allowed for purposes of providing additional floor space. The following are the only exceptions which shall be allowed by conditional use permit to the height limits in any zoning district:

- (1) penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building;
- (2) fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos, or similar structures;
- (3) public and quasi-public utility buildings.
- (4) transmission lines with nominal voltage rating of 50kV or greater; and
- (5) substations.

SUPPLEMENTARY AND QUALIFYING REGULATIONS

4 - 12. Minimum height of main building.

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

4 - 13. Maximum height of accessory buildings.

No accessory building in a residential (R-1) or residential multi-family (RM) zoning district shall contain more than one story or exceed 20 feet in height. In all other zoning districts accessory buildings and structures shall not exceed the height of the zoning district in which it is located. No space within an accessory building or structure shall be used as a dwelling.

4 - 14. Clear view of intersecting streets.

(1) In all districts requiring a front yard, no obstruction to view in excess of two feet in height or twelve inches in width shall be placed on any corner lot within the clear view zone. Pole signs and a reasonable number of trees pruned to at least ten feet clearance to grade to permit unobstructed vision to automobile drivers and pedestrians are permitted.

(2) Signs or other advertising structures shall not be erected at the intersection of any street or driveway in such a manner as to obstruct free and clear vision. They shall not be erected at any location whereby reason of the position, shape or color, they may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal device, or make use of the words, "Stop," "Drive-in," "Danger," or any other words, phrases, symbols or characters in such a manner as to interfere with, mislead or confuse vehicle operators.

4 - 15. Maximum height of fences, walls and hedges.

(1) Fences, walls and hedges may be erected to permitted building height for the zoning district in which they are located when within the buildable area, provided that any such structure over six feet high requires a building permit.

(2) View-obscuring fences, walls, and hedges may not exceed three feet in height within any required front yard. Corner lots in residential zones are allowed a view obscuring fence, on the side of the house that does not face the street only, up to six feet in height at the property line provided the fence is at no time located less than 5 feet behind the front facade. No fences, walls, or hedges over two feet in height may be located in the clear view zone.

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

4 - 16. Water and sewerage requirements.

In all cases where a proposed building or proposed use will involve the use of sewerage facilities and a connection to a public sewer system as defined by the Utah State Department of Environmental Quality is not available, and in all situations where a connection to a public water system approved by the Utah State Department of Environmental Quality is not available the sewage disposal and the domestic water supply shall comply with the requirements of Tooele County Health Department. The application for a building permit shall be accompanied by a certificate of approval from the Tooele County Health Department.

4 - 17. Curbs, gutters and sidewalks.

The installation of curbs, gutters and sidewalks of a type approved by the director of the Erda Department of Engineering may be required on any existing or proposed street adjoining a lot on which a building is to be constructed or remodeled, or on which a new use is to be established. Such curbs, gutters or sidewalks may be required as a condition of a building permit or a use permit approval.

4 - 18. Effect of official map.

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

SUPPLEMENTARY AND QUALIFYING REGULATIONS

4 - 19. Lots on private streets.

Lots with frontage only on private streets shall only be allowed by conditional use permit or planned unit development. They are subject to all applicable requirements of this Erda Land Use Ordinance.

4 - 20. Lots divided by a zone boundary.

A lot divided by a zone boundary shall be subject to the following special regulations:

(1) A use allowed in the less restrictive zone but not allowed in the more restrictive zone may be allowed to extend into the more restrictive zone but not more than 50 feet by approval of the land use authority, if the land use authority finds that the extension is required for the reasons of justice and equity and will not be harmful to neighboring property or human values.

(2) A substandard lot may have area added from a legally existing, legally created, or existing substandard lot through a subdivision approval or by a variance issued by the land use authority if the total lot area would not equal the minimum lot area of the zone, as long as the creation of the new lot or lots, or the addition of land to an existing lot:

(a) would not create undesirable land patterns or prevent desirable subdivision designs in the area;

(b) would not be detrimental to the development of required or desirable streets, utilities, or other public facilities or service; and

(c) would provide a usable and desirable lot for the uses and densities allowed.

(3) The uses allowed on any portion of the new lot shall only be those allowed in the district in which such portion of the lot is located.

(4) Any such enlarged lot shall not be re-subdivided except through submission and approval of a subdivision plat.

4 - 21. Disconnection or disincorporation of property.

Any parcel of property that becomes part of the incorporated area of Erda because of disconnection from a municipality or disincorporation of a municipality shall be designated in the same City zoning district as the adjoining zone.

4 - 22. Animal and fowl restrictions.

No animal or fowl shall be kept or maintained closer than 40 feet to any dwelling on an adjacent parcel of land, and no barn, stable, coop, pen or corral shall be kept closer than 40 feet to any street except that in the Rr-10, A-20, and MU-40 zoning districts, no corral or stable for the keeping of horses may be located closer than one hundred feet to a public street or to any dwelling on an adjacent parcel of land. No animal or fowl other than horses, cattle, sheep, poultry, swine or mink shall be kept on a parcel without first obtaining a conditional use permit to ensure the welfare, safety and mitigation of nuisances arising from maintaining such animals.

4 - 23. Off-site improvements.

(1) The applicant for a building permit in an approved subdivision shall provide curb, gutter and sidewalk along the entire property line abutting any public street for all dwellings, commercial or industrial structures, public and quasi-public buildings in locations where it has been determined as being required, at Erda standards. Vehicular entrances to the property shall be provided as required in Chapter 6 and Chapter 23 of the Erda Land Use Ordinance. Height, location, structural specifications and maximum roadway approach angles to the centerline of the street are subject to approval from the Department of Engineering.

(2) An amount may be paid in lieu of improvements when conditions exist which make it unfeasible or impractical to install such curb, gutter and sidewalk. In such circumstances approved by the planning commission, the applicant shall pay Erda an amount equal to the cost of such improvements, as estimated by the director of the Department of Engineering. Upon payment of such fee, Erda shall assume responsibility for future installation of such improvements. The auditor shall deposit such fees in the special account established to hold such fees and shall credit to such account a proportionate share of interest earned from investment of City moneys. Records relating to the identification of properties for

SUPPLEMENTARY AND QUALIFYING REGULATIONS

which such amounts have been collected, amounts collected for such properties, and money transfer requests shall be the responsibility of the Department of Engineering.

(3) The planning commission may grant an exception to installation of the sidewalk in industrial areas where it determines that the sidewalk is not necessary to serve the public need and the elimination of the sidewalk does not jeopardize the public health, safety and welfare.

(4) The planning commission may grant an exception to the installation of curb, gutter and sidewalk in rural or estate areas where topographic or other exceptional conditions exist, provided that the public health, safety and welfare is preserved.

4 - 24. Commercial renting of dwellings prohibited.

It shall be deemed a commercial use and unlawful to rent or lease any dwelling or portion thereof within any residential, agricultural or multi-use zoning district for lodging or accommodation purposes for a period of less than 30 days except as specifically allowed in the zoning district regulations.

4 - 25. Temporary residences for emergency construction or repair.

If for reason of emergency construction or major repair there is need for a temporary residence on construction sites, a temporary use permit shall be considered to allow temporary placement of mobile homes, manufactured homes or the use of recreational vehicles to provide temporary housing. Any such use must be approved by the director of the Department of Engineering with the following terms and conditions:

(1) The temporary use approval of the structure, recreational vehicle, mobile home, or manufactured housing is temporary and is not to exceed six months, with the exception that the owner can apply for a six-month extension, provided that substantial progress of the emergency, construction or repair is demonstrated. There shall be no more than three extensions granted for any temporary use permit or any lot, parcel or property;

(2) The temporary structure, mobile home, manufactured housing, or recreational vehicle shall be constructed or placed in accordance with the Building Code and the Erda Land Use Ordinance and shall be required to have a permit from the Tooele County Health Department in regard to sanitation facilities and a building permit issued before commencement of construction or placement of the temporary structure.

(3) The temporary structure, mobile home, manufactured home, or recreational vehicle shall be removed:

- (a) immediately following completion of the project, construction or repairs, or
- (b) immediately upon the expiration of the term of the temporary use permit.

(4) The Department of Engineering and its employees may review the temporary use permit or the structures on the property to ensure compliance and substantial progress.

(5) Mobile and manufactured homes will be placed in accordance with Chapter 10 of the Erda Land Use Ordinance with the following exceptions:

- (a) They shall leave the running gear intact.
- (b) The skirting shall be of a temporary construction, not of masonry material.

(6) The temporary structure, mobile home, manufactured housing or recreational vehicle shall not be issued a building permit, placed, stored, located, or constructed on the property until a temporary use permit has been issued.

CHAPTER 5 NONCONFORMING

BUILDINGS AND USES

Section

5-1.	Purpose.
5-2.	Repairs and alterations.
5-3.	Additions, enlargements, and moving.
5-4.	Alteration where parking insufficient
5-5.	Restoration of damaged buildings.
5-6.	One-year vacancy or abandonment.
5-7.	Continuation of use.
5-8.	Occupancy within one year.
5-9.	Change of use.
5-10.	Expansion permitted.
5-11.	Nonconforming use of land.
5-12.	The doctrine of diminishing assets.

5 - 1. Purpose.

Within the districts established by this ordinance or subsequent amendments thereto, there exist uses, structures and lots which were lawfully established or created, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments. The intent of this chapter is to permit these non-conformities to continue but not to encourage their perpetuation or survival. Non-conformities are declared by this chapter to be incompatible with permitted uses, structures and lots in the districts involved. It is further the intent of this chapter that non-conformities shall not be enlarged upon, expanded, enjoy an increase in intensity of use, unless specified otherwise.

5 - 2. Repairs and alterations.

Repairs and structural alterations may be made to a nonconforming building or to a building housing a non-conforming use.

5 - 3. Additions, enlargements, and moving.

(1) An extension of a structure, or placement of an accessory building, which does not further encroach upon the violated height, area, or land requirement, may be granted upon approval by the zoning administrator if it is found that the extension or placement of the structure is not detrimental to the intent of the land use ordinance.

(2) If the intended extension or placement of the nonconforming structure further encroaches upon the violated height, area, or yard requirement, the request shall be reviewed through the variance process and acted upon by the administrative hearing officer.

(3) A non-conforming building or structure shall not be moved in whole or in part to any other location on the property on which it is situated unless every portion of such building or structure is made to conform to all the requirements of the district in which it is located.

5 - 4. Alteration where parking insufficient.

A building or structure lacking the automobile parking space required by the land use ordinance, may be altered or enlarged provided additional automobile parking space is supplied to fully meet the requirements of the land use ordinance.

5 - 5. Restoration of damaged buildings.

A nonconforming building or structure, which is or is not occupied by a nonconforming use, that is damaged or destroyed by the public enemy, fire, flood, wind, earthquake or other calamity or Act of God

may be restored and the occupancy or use of such building, structure, or part thereof, which existed at the time of the damage or destruction may be continued or resumed, provided that such restoration is started within a period of one year and is diligently pursued to completion.

5 - 6. One-year vacancy or abandonment.

(1) A building or structure or portion thereof, nonconforming as to use, which is or hereafter becomes vacant and remains unoccupied for a continuous period of one year shall not be occupied except by a use which conforms to the use regulations of the zoning district in which it is located.

(2) Wherever a nonconforming use has been discontinued for a period of one year, such use shall not thereafter be re-established, and any future use shall be in conformance with the provisions of the land use ordinance.

(3) Any building, structure, or use for which a valid building permit has been issued and actual construction was lawfully begun prior to the effective date of the land use ordinance, may be completed, and used in accordance with the

plans, specifications, and permit on which the building permit was granted.

(4) For purposes of this section, actual construction is hereby defined to be:

(a) The actual placing of construction materials in their permanent position, fastened in a permanent manner.

(b) actual work in excavating a basement; or

(c) the demolition or removal of an existing structure began preparatory to rebuilding, provided that in all cases actual construction work shall be diligently carried on without delay until the completion of the building or structure involved.

5 - 7. Continuation of use.

(1) The occupancy of a building or structure by a non-conforming use, existing at the time this land use ordinance became effective, may be continued.

(2) Except as provided in this chapter, a nonconforming use of land may be continued by the present or a future property owner.

5 - 8. Occupancy within one year.

A vacant building or structure may be occupied by a use for which the building or structure was designed or intended, if so, occupied within a period of one year after the use became nonconforming.

5 - 9. Change of use.

(1) Whenever any part of a building, structure or land occupied by a nonconforming use is changed to or replaced by a use conforming to the provisions of the land use ordinance, the premises shall not thereafter be used or occupied by a nonconforming use, even though the building may have been originally designed and constructed for the prior nonconforming use.

(2) Whenever a nonconforming use of a building or structure, or part thereof, has been discontinued or abandoned for a period of one year, such use shall not be reestablished, and the use of the premises shall be in conformity with the regulations of the zoning district.

(3) Where no enclosed building is involved, discontinuance of a nonconforming use for a period of one year constitutes abandonment.

(4) A nonconforming use not authorized by the provisions of this ordinance shall be discontinued and not reestablished unless the use is conforming to the zoning district in which it is located.

5 - 10. Expansion permitted.

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

5 - 11. Nonconforming use of land.

The nonconforming use of land, existing at the time this ordinance became effective, or through a change in the land use ordinance or zoning district boundaries, may be continued, provided that no such nonconforming use of land shall in any way be expanded or extended either on the same or on adjoining property, and provided that if such nonconforming use of land, or any portion thereof, is abandoned or changed for a period of one year or more, any future use of such land shall be in conformity with the

provisions of this ordinance.

5 - 12. The doctrine of diminishing assets. Some nonconforming uses, such as mining or gravel extraction must be expanded in order for the use to continue at all. Such businesses shall be allowed to expand without limitation or restriction to the immediate area excavated at the time the ordinance was passed regardless of the current zoning onto the rest of the property acquired for such a use. This shall not allow for the purchase of additional property with which to expand but does allow that all property held at the time the more restrictive ordinance was passed can be used for the intended purpose.

DRAFT

CHAPTER 6

OFF-STREET PARKING REQUIREMENTS

Section

- 6-1. Purpose and scope
- 6-2. Off-street parking required.
- 6-3. Site plan requirements for a building permit.
- 6-4. Access to individual parking spaces.
- 6-5. Number of parking spaces.
- 6-6. Parking for the disabled.
- 6-7. Access requirements.
- 6-8. Location of gasoline pipelines.
- 6-9. Maintenance of parking lots.
- 6-10. Off-street parking dimensions.

6-1. Purpose and scope.

(1) The requirements of this chapter are intended to promote the orderly use of land and buildings by identifying minimum and maximum standards for accessory parking and loading facilities that will promote safe and convenient vehicular transportation and movement of goods. These requirements are also intended to help lessen traffic congestion and promote a cleaner environment through reducing the number of vehicle trips. Encouraging non- motorized transportation and relating parking requirements to the local land use/transportation system are consistent with the objectives of this chapter.

(2) The off-street parking and loading provisions of this chapter shall apply to all buildings and structures erected and all uses of land established after the effective date of this chapter. Where a building permit has been issued prior to the effective date of this chapter and provided that construction is begun within six months of such effective date and diligently pursued to completion within 18 months of the effective date of this chapter, parking and loading facilities in the amounts required for the issuance of said building permit may be provided in lieu of any different amounts required by this chapter. If such building permit pertains to a stage of development only, any subsequent stage for which a building permit is required shall comply with the parking and loading requirements set forth in this chapter.

(3) When the intensity of any building, structure, or premises is increased through the addition of dwelling units, gross floor area, seating capacity, or other units of measurement specified herein for required parking or loading facilities, additional parking and loading facilities shall be provided in the amounts by which the requirements for the intensified use exceed those for the existing use.

6-2. Off-street parking required.

At the time any building or structure is erected, enlarged, increased in capacity or any use is established, there shall be provided off-street parking spaces for automobiles in accordance with the requirements of this chapter.

6-3. Site plan requirements for a building permit.

Any application for a building permit shall include a site plan, drawn to scale and fully dimensioned, showing any off-street parking or loading facilities.

6-4. Access to individual parking spaces. Except for single-family and two-family dwellings, access to each parking space shall be from a private driveway and not from a public street.

6-5. Number of parking spaces.

- (1) The minimum number of off-street parking spaces required shall be as follows:

Table 6.1 Parking Requirements

Uses	Requirement
Athletic club, sports club/health spa	4.37 spaces per 1,000 square feet of gross floor area
Bank, located within a shopping center or store	0.63 spaces per 1,000 square feet of gross floor area
Bank	4.23 spaces per 1,000 square feet of gross floor area
Boarding house	1 space for each room for rent, plus 2 spaces; 2 additional spaces if a portion of the building is used as a single dwelling unit
Bowling alley	2.36 spaces per lane
Church	One and one-quarter (1 1/4) spaces for each six feet of linear pew or four seats. However: (i) Where a church building is designed or intended to be used by two congregations at the same time, two and one-quarter parking spaces shall be provided for each six feet of linear pew or four seats. For buildings designed or intended to be used for conferences or other special meetings involving more than the regular congregations, the necessary parking shall be determined by the planning commission.
Cleaning, servicing, testing or repair of materials or commodities	1 space for each 3 employees
Community center or recreational facility, for both commercial or private indoor	4 spaces per 1,000 square feet of gross floor space
Daycare facility	1 space for every 2 employees, plus 2 additional parking spaces, plus 1 loading space for every 8 clients
Dwelling, multi-unit	1.5 spaces for each residential dwelling unit
Dwelling, single living unit	2 spaces for each residential dwelling unit
Residential facility for disabled and elderly persons, and assisted living facility	1 space for each 3 dwelling units
Furniture/carpet/appliance store	1.22 spaces per 1,000 square feet of gross floor area
Gas station	2 spaces for each employee, excluding spaces to serve the gas pumps
Hospital	1.79 spaces per bed
Hotel/motel	0.89 spaces per room, with restaurants figured separately
Library, art gallery and museum	2 spaces for each 1,000 square feet of gross floor area

Light industrial/manufacturing, wholesale stores, repair shops for household equipment and radio and television, and repair establishment	1.59 spaces per 1,000 square feet of gross floor area
Machinery sales	2.1 spaces per 1,000 square feet of gross floor area
Motor freight companies	0.5 spaces per 1,000 square feet of gross floor area, plus 1 additional space for each vehicle used in the conduct of the business at any time
Motor vehicle sales	2.1 spaces per 1,000 square feet of gross floor area
Office, general	2.79 spaces per 1,000 square feet of gross floor area
Office, government	3.84 spaces per 1,000 square feet of gross floor area
Office, medical/dental clinic	4.11 spaces per 1,000 square feet of gross floor area
Paint/home improvement/hardware store	3.29 spaces per 1,000 square feet of gross floor area
Private club and lodge	1 space for each room for rent, plus 1 space for each 100 square feet of gross floor area, plus 1 space for each 4
Production and manufacturing building	1.59 spaces per 1,000 square feet of gross floor area
Public utility and public services use	1 space for each 3 employees, plus 5 spaces for public use
Restaurant, bar, cafeteria and other eating and drinking places:	
Fast food restaurant with less than 21 seats	0.5 spaces per seat
Fast food restaurant with 21 or more seats	14.14 spaces per 1,000 square feet of gross floor area
Quality/family restaurant, cafeteria and bar/lounge	15.89 spaces per 1,000 square feet of gross floor area
Retail sales store, personal service establishment, shoe repair, barber and beauty shops, etc.	4.1 spaces per 1,000 square feet of gross floor area
School, elementary, Jr high or boarding (except high)	1 space for each 3 employees, plus 5 spaces
School, high	0.19 spaces per student
Supermarket	3.42 spaces per 1,000 square feet of gross floor area
Theater and auditorium	0.26 spaces per seat
Warehousing or storage, not to include self-storage	1 space per 1,000 square feet of gross floor area
Other Uses: For any other use not specifically mentioned or provided for in this Section, the zoning administrator shall determine the standards to be applied for parking, using as a guide the listed use which most closely resembles the use proposed.	

(2) The zoning administrator may authorize a reduction in the total number of required parking spaces for two or more uses jointly providing off- street parking when their respective hours of peak operation do not overlap. Shared parking shall be subject to the following conditions:

(a) The number of shared spaces for two or more distinguishable land uses shall be determined by the following procedure:

(i) Multiply the minimum parking required for each individual use, as set forth in Table 6.1 by the appropriate percentage indicated in Table 6.2, Shared Parking Calculations, for each of the six designated time periods.

(ii) Add the resulting sums for each of the six columns.

(iii) The minimum-parking requirement shall be the highest sum among the six columns resulting from the above calculations.

(iv) Select the time period with the highest total parking requirement and use that total as the shared parking requirement.

(b) Other uses. If one or all of the land uses proposing to make use of shared parking facilities do not conform to the general land use classifications in Table 6.2, Shared Parking Calculations, as determined by the zoning administrator, then the applicant shall submit sufficient data to indicate the principal operating hours of the uses. Based upon this information,

the zoning administrator shall determine the appropriate shared parking requirement, if any, for such uses.

(3) The maximum number of off-street parking spaces for any building or use shall not exceed the amount determined as follows:

(a) Parking lots of more than 20 and less than 51 spaces: parking lots may not have more than 120% of the number of spaces identified in Table 6.1, not including accessible spaces, unless a minimum of 20 % of the parking area is landscaped in accordance with the standards of this chapter.

(b) Parking lots of 51 spaces or more: no more than 110% of the number of spaces required as identified in Table 6.1 of this chapter, not including accessible spaces, is permitted.

Table 6.2 Shared Parking Calculations						
General Land Use Classification	Weekdays			Weekends		
	1:00 a.m. to 7:00 a.m.	7:00 a.m. to 6:00 p.m.	6:00 p.m. to 1:00 a.m.	1:00 a.m. to 7:00 a.m.	7:00 a.m. to 6:00 p.m.	6:00 p.m. to 1:00 a.m.
Office	5%	100%	5%	0%	15%	0%
Retail sales and	0%	100%	80%	0%	100%	60%
Restaurant (not 24 hour)	20%	70%	100%	30%	75%	100%
Residential	100%	60%	100%	100%	75%	90%
Theater	0%	60%	100%	0%	80%	100%
Hotel						
Guest rooms	100%	55%	100%	100%	55%	100%
Restaurant/lounge	40%	60%	100%	50%	45%	100%
Conference rooms	0%	100%	100%	0%	100%	100%
Religious institution	0%	25%	50%	0%	100%	50%

Table 6.3 Minimum Required Accessible Parking Spaces	
Total Parking Lot Spaces	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2

51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20, plus 1 for each 100 over 1000
NOTE: See 6-10(3) for other use specific requirements	

6-6. Parking for the disabled.

- (1) Any parking area to be used by the general public shall provide parking spaces designated and located to adequately accommodate the disabled, and these shall be clearly marked as such. Parking spaces for the disabled shall be located in close proximity to the principal building. The designation of parking spaces for the disabled shall constitute consent by the property owner to the enforcement of the restricted use of such spaces to disabled motorists by the City. Parking spaces for the disabled shall conform to the standards of the Americans with Disabilities Act.
- (2) The number of required parking spaces accessible to the disabled shall be as described in Tables 6.3 and 6.4.

DRAFT

Table 6.4 Van Parking Spaces Based on Required Parking Spaces	
Total Accessible Parking Lot Spaces	Required Minimum Number of Accessible Spaces
1 to 6	1

7 to 12	2
13 to 18	3
19 to 24	4
One additional van space for every six or fraction of six required accessible parking spaces	

6-7. Access requirements.

Adequate ingress and egress to and from all uses shall be provided as follows:

(1) All parcels and lots in all districts - Driveways shall comply with the following standards:

(a) In all Residential (R) and Residential Multi-family (RM) zoning districts, except for corner lots, all driveways shall access the road that the main building is facing, unless the driveway would result an access on a collector or arterial road;

(b) corner lots may have a driveway access to no more than 2 roads that it fronts unless prohibited below or by another law; and

(c) no access shall be made to a collector or arterial road except by local access roads unless the county engineer approves the access as being the only means of ingress and egress available.

(2) Residential Lots - For each residential lot not more than two driveways, each of which shall be a maximum of 30 feet wide at the street lot line. Driveways shall not be closer than:

(a) 6 feet to a side or rear property line, and

(b) 40 feet from any intersection on the side of the street where the driveway is located. The measurement is taken from the point of the intersection of the two converging front lot lines lying tangent to and in the same direction as the front lot lines, to the edge of the driveway.; and

(c) 20 feet to a driveway on the same parcel or lot.

(3) Other than Residential Lots - Access shall be provided to meet the following requirements:

(a) Not more than two driveways shall be used for each 100 feet or fraction thereof of frontage on any street.

(b) No two driveways shall be closer to each other than 12 feet, and no driveway shall be closer to a side property line than five feet.

(c) Each driveway providing access to a single lot shall not be more than 35 feet wide, and each driveway providing access to two lots shall not be more than 50 feet wide per 100 feet of frontage, measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way.

(d) No driveway shall:

(i) be closer than 20 feet to the point of an intersection of two property lines;

(ii) be closer than 50 feet to the right of way line of any road or street corner;

(iii) extend across any property line; and

(iv) violate any conditions as shall be set forth in "Regulation for the control and protection of state highway rights of ways" by Utah Department of Transportation.

(e) In all cases where there is an existing curb and gutter or sidewalk on the street, the applicant for a permit shall provide a parking strip, with a minimum width of ten feet, along the entire frontage of the property, except for the permitted driveways. On the street side of the parking strip a concrete curb shall be constructed, the height and type is a six inch high back, unless another specification has been approved by the Department of Engineering.

(f) In planned unit developments, when required, and subdivisions that have a density greater than one acre lots, and there is no existing curb and gutter or sidewalk, the applicant shall install a parking strip, sidewalk, curb and gutter, unless this requirement is waived by the Department of Engineering.

6-8. Location of gasoline pumps.

Gasoline pumps shall be set back not less than 18 feet from any street line to which the pump island is vertical, and 12 feet from any street line to which the pump island is parallel, and not less than ten feet from any residential or agricultural district boundary line. If the pump island is set at an angle on the property, it shall be so located that the automobiles stopped for service will not extend over the property line.

6-9. Maintenance of parking lots.

Every parcel of land used as a public or private parking lot shall be developed and maintained in

accordance with the following requirements:

- (1) Each off-street parking lot shall be surfaced with an asphaltic or Portland cement or other binder pavement so as to provide a dustless surface. The parking area shall be so graded as to contain all surface water, by an onsite containment system. If such water is to be carried to adjacent streets, it shall be piped under sidewalks.
- (2) The sides and rear of any non-residential off- street parking lot which faces or adjoins a residential district shall be screened from such district by a masonry wall or solid visual barrier fence not less than four nor more than six feet in height.
- (3) Each parking lot shall be adequately landscaped and permanently maintained.
- (4) Lighting used to illuminate any parking lot shall be arranged to reflect the light away from adjoining premises in any residential or commercial zoning district, and from street traffic.

6-10. Off-street parking dimensions.

The dimensions for parking stalls and associated aisles are established in Table 6.2 with the following modifications and additions to those dimensions:

- (1) Parking stalls located adjacent to walls or columns shall be one foot wider to accommodate door opening clearance and vehicle maneuvering ability.

- (2) Parking angles between 0° and 45° and between 75° and 90° are not allowed. Requests for parking angles other than those shown on Table 6.2 may be made to the planning commission.

- (3) Handicapped parking spaces shall comply with the following standards:

- (a) Regular handicapped parking stalls shall be 96" wide.
- (b) Van accessible stalls shall be 132" wide but may be permitted to be 96" wide where the access aisle is 96" wide.
- (c) All stalls shall have an access aisle with a width of no less than 60".
- (d) The maximum slope in any direction shall be no greater than 1:50 (2%).
- (e) Accessible routes must connect parking spaces to accessible entrances and be located on the shortest accessible route from parking to an accessible entrance. Where parking serves more than one accessible entrance, parking spaces shall be dispersed and located on the shortest accessible route to the accessible entrances.
- (f) In parking facilities where the accessible route must cross vehicular traffic lanes, a marked crossing shall be made to enhance pedestrian safety, particularly for people using wheelchairs and other mobility aids.
- (g) Parking spaces for vans, access aisles and vehicle routes serving them shall provide a minimum height clearance of 98".

- (h) All parking spaces shall be identified with the International Symbol of Accessibility. Signs identifying van spaces shall contain the designation "van accessible." Signs shall be a minimum of 60" above the finished floor or ground measured to the bottom of the sign. Hospital outpatient facilities shall have ten percent of patient and visitor parking spaces set aside for handicapped parking.

- (i) Rehabilitation and outpatient physical therapy facilities specializing in treating conditions that affect mobility shall have 20 percent of patient and visitor parking spaces set aside for handicapped parking.

- (k) Multi-family residential facilities shall provide:
 - (i) at least one parking space per dwelling unit required to provide mobility features;
 - (ii) two percent with no less than one space for each residential dwelling that exceeds one parking space per unit.
 - (iii) parking spaces per Table

6.3 where spaces are provided for persons other than residents.

Table 6.5, Off-Street Parking Dimensions						
Parking Angle	Stall Width	Vehicle Projection	Aisle Width	Wall to Wall Module Width	Interlock Reduction	Overhang Allowance
0°	22'00"	9'00"	9'05"	27'05"	0'00"	2'00"

45°	9'00"	16'10"	12'06"	46'04"	2'03"	2'00"
50°	9'00"	17'05"	13'03"	48'01"	2'00"	2'00"
55°	9'00"	17'11"	13'11"	49'09"	1'10"	2'01"
60°	9'00"	18'03"	14'07"	51'01"	1'07"	2'02"
65°	9'00"	18'06"	15'06"	52'06"	1'04"	2'03"
70°	9'00"	18'07"	16'04"	53'06"	1'01"	2'04"
75°	9'00"	18'06"	17'10"	54'10"	0'10"	2'05"
90°	9'00"	17'06"	22'07"	57'07"	0'00"	2'06"

DRAFT

CHAPTER 7 CONDITIONAL USES

Section

- 7 - 1. Definition of conditional Use.**
- 7 - 2. Permit required.**
- 7 - 3. No presumption of approval.**
- 7 - 4. Application.**
- 7 - 5. Determination.**
- 7 - 6. Fee.**
- 7 - 7. Public hearing.**
- 7 - 8. Appeals.**
- 7 - 9. Compliance and inspection.**
- 7 - 10. Substantial action required.**
- 7 - 11. Notification required.**
- 7 - 12. Amendment of a conditional use permit.**
- 7 - 13. Revocation.**
- 7 - 14. Special events - Temporary permits.**
- 7 - 15. Professional filming.**

7 - 1. Definition of conditional use.

A conditional use is a land use that, because of its unique characteristics or potential impact on the city, surrounding neighbors or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

7 - 2. Permit required.

A conditional use permit shall be required for all uses listed as conditional uses in the zoning district regulations where they are, or will be located, or if the use is specified as conditional use elsewhere in this Erda Land Use Ordinance.

7 - 3. No presumption of approval.

The listing of a conditional use in any table of permitted and conditional uses found at the end of each chapter of this Erda Land Use Ordinance for each category of zoning district does not constitute an assurance or presumption that such conditional use will be approved. Rather, each proposed conditional use shall be evaluated on an individual basis, in relation to its compliance with the standards and conditions set forth in this chapter and with the standards for the district in which it is located, in order to determine whether the conditional use is appropriate at the particular location.

7 - 4. Application.

(1) Application for a conditional use permit shall be made to the Erda zoning administrator. The zoning administrator shall submit the application to the planning commission and schedule it for the planning commission's work meeting. The planning commission may authorize the zoning administrator to grant, attach conditions to, or deny conditional use permits, subject to such limitations or qualifications as they deem necessary.

(2) Each application for a conditional use permit shall be accompanied by maps, drawings, statements or other documents as required by the planning commission. Submittals must be filed with the zoning administrator for staff and public review by noon of the fourteenth day prior to the planning commission meeting.

7 - 5. Determination.

(1) The planning commission, or upon authorization, the zoning administrator, shall approve a conditional use permit if reasonable conditions can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards in which a conditional use permit is required by the use regulations of that zoning district or elsewhere in these ordinances.

(2) In authorizing any conditional use, the planning commission or zoning administrator shall impose such requirements and conditions as are necessary for protection of adjacent properties and the public welfare. The land use authority may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions may include the following:

(a) assuring that the use will not be detrimental to the health, safety, comfort, order, or general welfare of persons residing or working in the vicinity;

(b) the use will:

(i) comply with the intent, spirit, and regulations of the Erda Land Use Ordinance and the zoning district where the use is to be located;

(ii) make the use harmonious with the neighboring uses in the zoning district;

(c) the site size, dimensions, location, topography, and access are adequate for the needs of the proposed use, considering the

proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;

(d) all required public facilities have adequate capacity to serve the proposal;

(e) limiting the hours, days, place and/or manner of operation;

(f) requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, glare, erosion, odor and/or dust;

(g) requiring larger setback areas, lot area, and/or lot depth or width;

(h) limiting the building height, size or lot coverage, and/or location on the site;

(i) designating the size, number, location and/or design of vehicle access points or parking areas;

(j) requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved provided that:

(i) an essential link exists between a legitimate governmental interest and each exaction; and

(ii) each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development;

(k) requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;

(l) limiting the number, size, location, height and/or lighting of signs;

(m) limiting or setting standards for the location, design, and/or intensity of outdoor lighting;

(n) requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;

(o) requiring and designating the size, height, location and/or materials for fences;

(p) encouraging the protection and preservation of natural features including existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, slopes, cultural resources, and/or sensitive lands;

(q) requiring the protection and preservation of groundwater recharge areas;

(r) limiting noise generation;

(s) minimizing environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities;

(t) turn-lane improvements at street intersections may be required when:

(i) an unsafe condition would be created by the development without the improvements; or

(ii) the projected increase in traffic generated by the new or expanded use will lower the level of service;

(u) providing for emergency response access;

(v) requiring pedestrian, bicycle, and transit circulation, including related facilities, as needed among buildings and related uses on the development site, as well as to adjacent and nearby residential areas, transit stops, neighborhood activity centers, office parks, and industrial parks;

(w) the conditions shall be in compliance with the general plan of Erda; and

(3) The land use authority shall establish that the conditions imposed are not capricious, arbitrary or contrary to any precedent set by the planning commission on prior permits, which are similar in use and district, unless prior approvals were not in accordance with the provisions and standards of this Erda Land Use Ordinance.

(4) The land use authority may require that a traffic study or an EIS or EA may be required to address one or more of these criteria.

(5) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards the conditional use may be denied.

(6) A conditional use permit shall not be issued if the applicant has made a false, misleading, or deceptive statement in providing the information required.

7 - 6. Fee.

The application for conditional use permit shall be accompanied by the fee as set forth in the Fee Schedule.

7 - 7. Public hearing.

A public hearing on the conditional use permit application may be held if the planning commission shall deem a hearing to be necessary and in the public interest.

7 - 8. Appeals.

(1) Any person aggrieved by a decision of the planning commission or the zoning administrator regarding the issuance, denial or revocation or amendment of a conditional use permit may appeal such decision to the Land Use Authority whose decision shall be final. All appeals to the Land Use Authority must be in writing and filed with the City within 30 days of the date of the decision appealed from. The decision of the Land Use Authority may be appealed to the district court provided such appeal is filed within 30 days after the decision is final.

7 - 9. Compliance and inspection.

Following the issuance of a conditional use permit:

(1) The Department of Engineering shall receive an application for a building permit, if applicable, and insure that development is undertaken and completed in compliance with the conditional use permit.

(2) The zoning administrator shall make periodic inspections to insure compliance with all conditions imposed. An investigation report will be issued to those who are out of compliance. If the discrepancy is not corrected in an allotted time, an Order to Show Cause will be issued for action by the planning commission or zoning administrator.

7 - 10. Substantial action required.

Unless there is substantial action under a conditional use permit within one year of its issuance, the permit shall expire. The planning commission may grant one extension up to six months, when deemed in the public interest. Solar Energy Systems may be granted two extensions up to twelve months each by the Zoning Administrator if documented proof of progress has occurred within the previous twelve months. Any request for an extension showing significant changes to an approved Solar Energy System, will be referred by the Zoning Administrator to the Planning Commission for approval.

7 - 11. Notification required.

(1) When the planning commission considers an application for a conditional use permit at the work meeting, notification shall be mailed to all landowners appearing on the tax rolls of Erda that adjoin the property.

(2) When the zoning administrator is authorized to issue a conditional use permit for a use other than home occupation, temporary construction office or temporary construction equipment and supply trailer, notice shall be sent out to the adjoining landowners giving them a deadline of no less than seven days to give written comments on the application. If a written comment is received objecting to the issuance of the permit, the application shall be put on the planning commission agenda, new noticing for the meeting sent giving the date, time and place where the meeting is being held. The written comments received by the zoning administrator shall be made part of the record.

7 - 12. Amendment of a conditional use permit.

(1) A use granted by a conditional use permit shall not be enlarged, changed, extended, increased in intensity, or relocated unless a new conditional use permit application is made to, and approved by the land use authority.

(2) Notwithstanding Subsection (1), the zoning administrator may administratively consider, approve, or deny modifications or changes that are consistent with the purpose and intent of the Erda Land Use Ordinance. Such determinations may be made only where the additions, modifications, or changes are determined not to have significant impact beyond the site.

(3) The planning commission may consider, approve with modifications, or disapprove amendments to a conditional use permit where the zoning administrator determines not to make an administrative determination as provided in Subsection (2) and where:

(a) the proposed modification or amendment complies with the intent and purpose of the Uniform Zoning Ordinance of Erda; and

(b) reasonable conditions are attached where and to the extent the planning commission finds that their imposition will directly mitigate or eliminate some aspect of the proposed amendment that violates the intent and requirements of this chapter. Impacts must be of the magnitude that without the mitigation or elimination thereof, the amendment to the conditional use permit could not be granted.

7 - 13. Revocation.

(1) A conditional use permit shall be revocable by the planning commission at any time due to failure of the permittee to observe any condition specified or failure to observe other requirements of the Erda Land Use Ordinance in regard to the maintenance of improvements or conduct of the use or business as approved. The City Council shall also have a right of action to compel offending structures or uses to be removed at the cost of the violator or owner.

(2) No conditional use permit shall be revoked until a hearing is held by the planning commission. The permittee shall be notified in writing of such hearing. The notification shall state the grounds for complaint or reasons for revocation, and the time and location at which the hearing is to be held. At the hearing, the permittee shall be given an opportunity to be heard. The permittee may call witnesses and present evidence. Upon conclusion of the hearing, the planning commission shall determine whether the permit should be revoked.

7 - 14. Temporary permits.

(1) A temporary conditional use permit shall be issued for any use listed in the matrix as a conditional use for that zone and shall be issued for no longer than six months but may be extended for an equivalent period.

(2) A temporary conditional use permit may be issued by the zoning administrator provided the applicant agrees in writing to the conditions established in Subsection (3). If the applicant requests Erda provide

extraordinary services or equipment the applicant shall pay a fee sufficient to reimburse Erda for the costs of such services.

- (3) A temporary conditional use permit shall not be approved if the use will:
- (a) materially endanger the public health or safety;
 - (b) substantially injure the value of the adjoining or abutting property;
 - (c) not be in harmony with the area in which it is to be located;
 - (d) not be in general conformity with the land use plan or any other plan officially adopted by the City Council or the planning commission;
 - (e) have hours of operation not compatible with the uses adjacent to the activity;
 - (f) create noise which disrupts the activities of adjacent land uses;
 - (g) potentially create an amount of litter or property damage that the applicant cannot reasonably control or remove; and
 - (h) require more parking than can be accommodated;
 - (i) will interfere with the normal flow of traffic; or
 - (j) will interfere with the rights of adjacent and surrounding property owners.

7 - 15. Professional filming.

(1) A temporary conditional use permit shall be required for professional filming to be performed in an area where the primary use is not that of an approved motion picture studio. The permit shall be issued to cover the entire time that film crews are working and may be issued on an annual basis. Exception, a professional filming permit, as identified by this section, is not required if the property is located on State or Federal land and the administering authority has a filming permit process already in place. Copies of approved permits and applications may be required to be submitted to the City Council as proof of proper permitting.

(2) The permit shall be issued by the zoning administrator provided the applicant files an application with the appropriate fee, agrees in writing to the conditions and posts a \$5,000.00 bond to ensure compliance with the permit's conditions. The amount of the bond may be adjusted by the zoning administrator for the particular request. The bond shall not be released until each site has been inspected and remediation work has returned the site back to its original condition.

(3) If the applicant requests Erda to provide services or equipment beyond that which is provided to the general public, or if the zoning administrator determines that those services or equipment should be provided to protect public health or safety, the applicant shall pay a fee sufficient to reimburse Erda for the costs of these services.

(4) The permit shall not be approved if the filming will:

- (a) materially endanger the public health or safety;
- (b) substantially injure the value of the adjoining or abutting property;
- (c) not be compatible with the current land uses in the area which it is to be located;
- (d) place permanent structures without a building permit;
- (e) have hours of operation not compatible with the uses on property adjacent to the activity;
- (f) create noise or glare which disrupts the activities of adjacent land uses;
- (g) potentially create an amount of litter or property damage that the applicant cannot reasonably control or remove; or
- (h) create more traffic congestion than can be accommodated or that will interfere with the normal flow of traffic.

(5) Structures left after completion of the filming of the site are considered and regulated as permanent and must pass all applicable building codes adopted by Erda for permanent structures.

(6) The application shall show an operation plan which addresses:

- (a) dates of filming;
- (b) permits issued by the Utah Department of Transportation for use of state roads;

- (c) coordination and agreement from applicable state and local law enforcement agencies;
 - (d) areas where filming will take place with a site plan showing:
 - (i) parking for staff and crews;
 - (ii) equipment and vehicle parking;
 - (iii) service and production trailers;
 - (iv) location and number of sleeping trailers;
 - (v) site traffic patterns; and
 - (vi) storage of pyrotechnics and explosives.
 - (e) method of trash disposal;
 - (f) vendor, location and number of restroom facilities;
 - (g) hours of operation;
 - (h) provisions and phone numbers for on- site security;
 - (i) construction and demolition schedules and details for props and structures; and
 - (ii) names, permanent addresses, office, cellular, and fax phone numbers, e-mail, dates of birth, and driver license numbers for persons responsible for the activity.
- (7) Prior to permit issuance, the zoning administrator shall have the site inspected and photographs taken. The zoning administrator shall notify the sheriff's department, the local fire department and the health department. Those departments shall have 48 hours to respond to the notification.
- (8) Prior to releasing the bond, the zoning administrator shall have the site inspected and photographs taken to insure compliance with the permit.
- (9) If the conditions of the permit have been violated, the zoning administrator shall leave notice in writing on the property and mail a copy to the responsible party ordering that the site be properly mitigated to the conditions given in the permit. The zoning administrator shall give a 30- day notice to comply, unless in his opinion the violation endangers the health or safety of the public, in which case such time frame may be shortened. At the conclusion of the time to comply, the zoning administrator shall have the site re-inspected and photographs taken. If the site is not in compliance, the zoning administrator shall post a request for proposal for the cleanup of the site.
- (10) When the zoning administrator puts the cleanup of the site out to bid, he shall use those funds from the bond to accomplish that task in a timely manner. Any funds not used to mitigate the site shall be returned to the permittee. If the costs of the mitigation exceed the bond amount, the zoning administrator shall give an accounting of the costs to the permittee and the City attorney. The City attorney shall proceed with legal collection of the amount owed.
- (11) As a condition of the issuance of the permit, the applicant shall:
- (a) provide traffic control and obtain properly issued permits to ensure the safety of the public;
 - (b) maintain all pyrotechnics in secured enclosures;
 - (c) demolish all structures and remove all materials after completion of the filming;
 - (d) provide restroom facilities for personnel, which shall be removed when filming is completed;
 - (e) remediate any site disturbance and re- vegetate with plant materials indigenous to the area; and
 - (f) obtain inspection by the zoning administrator, the health department, the sheriff's office and the building inspector for compliance with the permit and local laws, regulations and ordinances.
- (12) Any stop order issued by any official or agency shall cause the operations of filming to cease immediately.
- (13) The applicant shall agree to conditions imposed by signing the following statement: "I (We as the applicants(s) for a professional filming conditional use permit, have read and do hereby agree to, and understand the above terms and conditions without reservation and place my/our signature below as an act of such agreement. It is further agreed and understood that should I (we) violate any of the above conditions; all operations shall be immediately suspended. This permit is issued specifically to the

applicant for the land indicated in the application and is not transferable.”

DRAFT

CHAPTER 8

NUISANCES

Section

- 8 - 1. **Purpose.**
- 8 - 2. **General provisions.**
- 8 - 3. **Nuisance and abatement.**
- 8 - 4. **Performance standards procedure.**
- 8 - 5. **Enforcement provisions - Applicable to all uses.**
- 8 - 6. **Exemptions from public nuisance for agricultural practices in an agricultural protection zone.**
- 8 - 7. **Locations where determinations are to be made for enforcement.**
- 8 - 8. **Dangerous and objectionable elements.**
- 8 - 9. **Junk, disposal, dumping, display, collection and storage.**
- 8 - 10. **Storage of unlicensed or Inoperative vehicles and “junk yards.”**
- 8 - 11. **Agricultural, commercial, mining or specialized equipment storage, maintenance, placement, location, and disposal.**
- 8 - 12. **Storage of explosives and hazardous materials.**
- 8 - 13. **On site lighting.**
- 8 - 14. **Nuisance Weeds.**

8 - 1. Purpose.

This chapter is established for the following purposes:

- (1) to regulate and mitigate certain uses that may create an encroachment on the property rights of the community and therefore threaten the health, safety, comfort, convenience, order, prosperity and welfare of the inhabitants of Erda;
- (2) to permit potential nuisances to be measured factually and objectively in terms of the potential nuisance itself;
- (3) to ensure that all uses will provide necessary control methods for protection from hazards and nuisance elimination; and
- (4) to protect any use from arbitrary exclusion based solely on the characteristics of uncontrolled production in this type of use in the past.

8 - 2. General provisions.

(1) No land or building in any district shall be used or occupied in any manner so as to create dangerous, injurious, noxious or otherwise objectionable fire, explosive, or other hazard; vibration, smoke, dust, or other form of air pollution; heat, cold, dampness, glare, electrical or other disturbance; liquid or solid refuse or wastes; or other substance, condition or element in such a manner or in such an amount as to adversely affect the surrounding area or adjoining premises. The foregoing is hereinafter referred to as “dangerous or objectionable elements.”

(2) No use shall be undertaken or maintained unless it conforms to the regulations of this Chapter in addition to the regulations set forth for the zoning district in which such use is situated.

8 - 3. Nuisance and abatement.

Any building or structure erected, constructed, altered, enlarged, converted, moved or maintained contrary to provisions of this chapter, and/or any use of land or premise established, conducted or maintained contrary to provisions of this chapter shall be, and the same is hereby declared to be unlawful and a public nuisance. The city attorney may, upon request of the zoning administrator, at once commence action or proceedings for abatement and removal or enjoinder thereof in a manner provided by law, and take other steps and apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure, or use, and restrain or enjoin any person, firm, or corporation from erecting, building, maintaining, or using said building or structure or property contrary

NUISANCES

to the provisions of this chapter. The remedies provided for herein shall be cumulative and not exclusive.

8 - 4. Performance standards procedure.

The zoning administrator may require performance standards review for any use in any district when there is reason to believe that such use or the manner of its operation will not or may not conform to the performance standards of this chapter.

8 - 5. Enforcement provisions applicable to all uses.

Initial and continued compliance with performance standards is required of every use. Provisions for enforcement of continued compliance with said standards shall be invoked by the zoning administrator against any use if there are reasonable grounds that the performance standards are being violated by such use.

8 - 6. Exemptions from public nuisance for agricultural practices in an agricultural protection zone.

No public nuisance definition or prohibition shall include any agricultural activity or operation conducted using sound agricultural practices unless that activity or operation bears a direct relationship to public health or safety.

8 - 7. Locations where determinations are to be made for enforcement.

The determination of the existence of dangerous and objectionable elements shall be made at the location of the use creating the same and at any points where the existence of such elements may be most apparent; provided, however, that the measurements having to do with noise, odors, vibration, or glare shall be taken at the following points of measurement:

- (1) in any zoning district except a MD and MG districts, at the lot line of the establishment or use; and
- (2) in an MD and MG zoning districts, at one or more points 500 feet from the establishment or use, or at the boundary or boundaries of the district, if closer to the establishment or use, or at the closest point within an adjacent district other than an MD and MG districts.

8 - 8. Dangerous and objectionable elements.

(1) No vibration other than from transportation facilities or temporary construction work shall be permitted which is discernible without instruments at the points of measurements specified in Section 8-6.

(2) All activities and storage of flammable and explosive materials shall be provided with adequate safety devices against the hazards of fire and explosion.

(3) No activities shall be permitted which emit dangerous radioactive or electrical disturbance that adversely affect the operation of any equipment other than that of the creator of such disturbance.

(4) No emission shall be permitted except in accordance with air pollution provisions of the Utah State Department of Environmental Quality.

(5) No discharge at any point into public sewer, private sewage system, or stream, or into the ground shall be permitted, except in accordance with the standards approved by the Utah State Department of Environmental Quality or standards equivalent to those approved by such department. No materials or wastes shall be deposited on any property in such form or manner that they may be transferred off the property by natural causes or forces.

(6) Any wastes which might be attractive to rodents or insects shall be stored outdoors only in closed containers.

8 - 9. Junk, disposal, dumping, display, collection and storage.

No person, firm or corporation shall place, store, maintain, dump, discard, toss, dispose of, scrap or locate solid waste or "junk" in any zoning district except at the Tooele County Solid Waste Disposal Facility or at a location that is licensed and in business to landfill, store, recycle or handle "junk" which is located in a zoning district where it is a permitted or conditional use. Any display, accumulation, or collection of discarded, worn out, or abandoned material which may or may not be put to some use or

NUISANCES

have some value, which may or may not be offered for sale, trade in whole or part or kept for storage shall conform to the regulations of the zoning district in which it is located, as well as all applicable state and federal laws and shall be maintained in an area surrounded by a view obscuring fence.

8 - 10. Storage of unlicensed or inoperative vehicles and “junk yards.”

(1) No person, firm or corporation shall keep, place, store, locate, maintain, discard, dispose of, or scrap more than two unlicensed and/or inoperative motor vehicles located outside of an enclosed structure upon any property in any zoning district unless it is a permitted or conditional use as a “Junk Yard” operation. An unlicensed or inoperable vehicle may be stored by covering it completely with a weather resistant material and placing it in a side yard, except a side yard which faces on a street, or a rear yard of the property for a period not to exceed two years.

(2) Any vehicle or portion thereof, which is used as a storage building must be placed, altered or constructed by obtaining a building permit and the removal of all running gear, axles, fuel tanks, engines, drivetrain components, seats, and instrumentation.

(3) Operation of a “junk yard,” military surplus or vehicle recycling and storage shall conform to all zoning district requirements and be fully surrounded by a view obscuring fence at a height equal to the height of the materials stored within.

8 - 11. Agricultural, commercial, mining or specialized equipment storage, maintenance, placement, location, and disposal.

Equipment that is designed for commercial use in construction, mining, agricultural or specialized uses shall not be maintained, placed, stored, located, disposed of or discarded except in a zoning district in which it is a permitted or conditional use. Commercial, mining or specialized equipment may be located in an area that is used for a listed approved or a permitted conditional use while the project is on-going.

8 - 12. Storage of explosives and hazardous materials.

No person, firm or corporation shall keep, place, store, locate, maintain, discard, dispose of, or scrap any Class A, B or C explosives or any material which is classified as Hazardous Material according to SARA Title 3 that exceeds the Threshold Planning Quantity except in a zoning district where it is a conditional use. The person, firm or corporation shall obtain all required permits and report the name, quantity and storage site of the materials stored to the Department of Engineering, Tooele County Health Department and Tooele County Emergency Management as well as comply with all federal and state reporting requirements.

8 - 13. On site lighting.

(1) All outdoor lighting devices or fixtures shall be shielded in such a manner that light rays emitted by the device or fixture, whether directly from the lamp or indirectly from the fixture, are restricted to regions below an angle 15 degrees beneath the horizontal plane running through the lowest point on the fixture where light is emitted. No significant intensity of light shall be emitted from the fixture horizontally, nor above the horizon, nor above the region defined above. All outdoor lighting shall be downward directed except where specified otherwise in this chapter. Luminaries meeting restricted emission requirements are sometimes described commercially as hooded, shielded, or full cut-off fixtures; however, not all luminaries so designated meet the above angular requirement.

(2) On-site lighting shall not penetrate beyond the property line in such a manner as to annoy or interfere with the use of adjacent properties. If a light is determined to be in violation, the owner shall take appropriate corrective action to assure compliance.

(3) All outdoor light fixtures maintained on public or private property shall be turned off between 11:00 PM local time and sunrise except when used for:

- (a) commercial and industrial uses such as sales, assembly and repair areas where business is conducted after 11:00 PM, but only while the business is open to the public;
- (b) illuminated advertising signs on the premises of a business while it is open to the public;
- (c) lighting necessary for security purposes or to illuminate walkways or roadways;
- (d) illuminated billboards;

NUISANCES

- (e) a recreational use that continues after 11:00 PM, but only for so long as such use continues; and
 - (f) official school activities that begin at 6:00 AM.
- (4) The outdoor operation of searchlights, lasers or other high-intensity beams is prohibited.
- (5) No lighting fixture or device may be operated in such a manner as to constitute a hazard or danger to persons or to safe vehicular operation.
- (6) Illuminating fixtures for advertising or other signs shall be such that the illumination is confined to the area of the sign or billboard; no significant direct spill-over is permitted. Under no conditions may signs or billboards be illuminated from below. Any such illuminating fixture shall be placed above its respective sign or billboard such that the secondary or specular reflected light from the surface of the sign or billboard is directed down toward the ground.
- (7) No direct or sky-reflected glare, whether from flood lights or from high temperature processes such as combustion or welding or otherwise, shall be permitted to be visible at the points of measurement specified in Section 8-7.
- (8) Outdoor recreational facilities designed for specifically scheduled sporting events are exempt from the specific shielding requirements. Lighting for outdoor recreational facilities shall be so designed, installed and operated as to confine at least 90 percent of the illumination to the recreational area. Recreational facility fixtures shall be on elevated poles or structures so that illumination is directed downward. No significant illumination may extend above a horizontal plane from the lighting fixture. Illumination from recreational facility fixtures shall be shielded to minimize glare extending toward roadways or other places that causes an impairment of motorists' vision. All such recreational facilities shall have either:
- (a) automatic shut-off timer devices; or
 - (b) a designated official with responsibility for extinguishing the illumination at close of the recreational activity.
- (9) In situations of flags, statues or other top-of-pole mounted objects which cannot be illuminated with down-lighting, upward lighting may be used only in the form of one narrow-cone spotlight which confines the illumination to the object of interest.
- (10) Decorator lamps having smaller than 25 watt rating, or strings of up to 25 such lamps, used for holiday decorations are exempt from the requirements of this chapter within 515 days of recognized annually occurring holidays. Decorator lamps smaller than 7.5 watt rating may be used in any desired string length under the same circumstances.

8 - 14. Nuisance Weeds.

- (1) It shall be unlawful for any person, firm, or corporation owning, occupying, or otherwise exercising control over real property in Erda to allow, permit, cause, or maintain property with:
- (a) Vegetation such as weeds and/or grass, unmanicured brush, and unmaintained landscaping in excess of 6 inches in height located:
 - (i) Within any public right-of-way between the property line and edge of street pavement;
 - (ii) On any parcel smaller than 1 acre;
 - (iii) On any parcel 1 acre or larger, within 30 feet of a property line and any habitable structure.

CHAPTER 10

MOBILE AND MANUFACTURED HOMES

Section

- | | |
|--------------|--|
| 10-1. | Purpose. |
| 10-2. | Location and use. |
| 10-3. | Permanent residential placement of mobile and manufactured homes. |

10-1. Purpose.

This chapter is enacted to ensure that mobile and manufactured homes are included in the spectrum of available housing options, to ensure that they are treated as much like any other type of residential construction as is practicable and to protect the residential character of the neighborhoods in which these units are placed.

10-2. Location and use.

(1) No mobile or manufactured home shall be located, placed, used, or occupied in any zoning district other than were allowed by this chapter. (2) Mobile or manufactured homes may be stored, displayed, and sold in commercial and manufacturing districts when such use is permitted or conditionally permitted. They may not be occupied except where a residential structure permit is issued for temporary placement as allowed in Chapter 4-26, Erda Land Use Ordinance.

10-3. Permanent residential placement of mobile and manufactured homes.

Mobile and manufactured homes may be placed in any zone where single-family residential units are permitted, provided: (a) if the unit is a mobile home, it is inspected prior to being brought onto the lot and approved for use by the building official or designee; (b) each unit is placed, with the wheels and running gear removed, on a permanent foundation in accordance with plans providing for vertical loads, uplift, lateral forces and frost protection in compliance with the applicable building code; (c) a building permit has been issued for the unit. (d) the unit is being placed on a buildable lot in accordance with Chapter 4-4 of the Erda Land Use Ordinance; and (e) the unit complies with all local land use ordinance requirements and pertinent building codes, applicable to single-family residential uses within that zone.

CHAPTER 11

RECREATIONAL USES AND RECREATIONAL COACH PARKS

Section

11 - 1. Purpose.

11 - 2. Location and use.

11 - 3. Permanent residential placement of mobile and manufactured homes.

11 - 4. Temporary use of recreational coaches in Multiple-Use and Agricultural Districts during recognized hunting, fishing or other sports activity seasons.

11 - 1. Purpose.

To permit and regulate the development of facilities for recreational uses in appropriate districts and to require that recreational site accommodations will be of such character as to promote the objectives and purposes of this ordinance, to protect the integrity and character of the districts contiguous to those in which recreational sites and parks are located, and to protect other uses and values contiguous to or near recreational areas.

11 - 2. Storage and use of recreational coaches.

(1) No recreational coach, boat, tent, lean to, or camper shall be located, placed, used, or occupied for residential purposes in any zoning district unless a conditional use permit has been applied for and approved for temporary RV use as per Erda Land Use Ordinance Chapter 4-4. Their use shall be kept to a temporary recreational occupancy within recreational coach parks, campgrounds and as otherwise provided in this chapter.

(2) Recreational coaches, boats, and campers may be stored in an off-premises outside self-service storage which allows recreational vehicles, but shall not be kept in a state of disrepair, damaged or inoperable.

(3) Recreational coaches, boats, and campers may be commercially displayed and sold in commercial and manufacturing districts when such use is permitted or conditionally permitted.

(4) No recreational coach, boat, tent, lean to, or camper shall be occupied except where a residential structure permit is issued for temporary placement as allowed in Chapter 4-25, Erda Land Use Ordinance.

11 - 3. Recreational coach parks.

(1) Recreational coach parks shall be located in an area that is adjacent to or in close proximity to recreational sites, trailheads, interstates, or arterial roads, or near adequate shopping facilities.

(2) No individual space in a recreational coach park shall be used by one individual coach and/or any space rented or leased to any one individual for more than 30 consecutive days, and no other space in that same recreational coach park shall be used by that same coach for five consecutive days.

(3) Recreational coaches may be stored in a confined area designated for coach storage only, but not used for living quarters.

(4) A recreational coach park shall not be constructed or operated, unless a conditional use permit is first approved by the planning commission, after review of plans the park which satisfy the Commission that the proposed development will:

(a) Be in keeping with the general character of the district where it is proposed to be located.

(b) Be located on a parcel of land containing not less than five acres.

(c) Have at least ten spaces completed and ready for occupancy before first occupancy is permitted.

(d) Meet all requirements of the Tooele County Health Department.

(e) Be designed by a qualified designer or design team. The determination of qualifications of such required professional individuals or firms shall be made by the planning commission.

RECREATIONAL USES AND RECREATIONAL COACH PARKS

(f) Contain no more than 20 units per acre. The spaces may be clustered, to the total number of units permitted on one acre, multiplied by the number of acres in the development. No unit shall be closer than ten feet to other units. The remaining land not contained in individual trailer spaces, roads or parking, shall be set aside and developed as park, playground, or service areas for the common use and enjoyment of occupants and visitors.

(g) The plan shall be drawn to a scale not smaller than one inch to 50 feet. At least six copies of the plan shall be submitted. The plan shall show:

(i) The boundaries of the park, the topography of the site and adjoining properties, represented by contours shown at not greater than two-foot intervals;

(ii) The arrangement of land uses within the park including, but not limited to, the location of community facility areas, playgrounds and open spaces, existing public rights-of-way both within and adjacent to the proposed park, and tabulations showing the percent of area to be devoted to parks, playgrounds and open space, and individual campsites (campsites shall be identified by number) and total area to be developed;

(iii) A drainage plan that permits adequate surface drainage of the area, is compatible with plans for drainage of adjacent property, and conforms with any adopted plans;

(iv) A circulation plan showing the location and widths of all streets with exits and entrances to public rights-of-way designated, as well as all pedestrian walkways within the park;

(v) Generalized landscaping and utility layout and easements of record, including size and necessary specifications for water, sewer, natural gas, and electrical installations, and fire hydrants;

(vi) The name and address of the owners, operators, as well as the legal description of the area and the present zoning district;

(vii) An outdoor lighting plan illustrating locations and types of light fixtures; and

(viii) Any other data the Planning Commission may require.

(5) Campsites may be used by or for the following:

(a) Recreational vehicle/travel trailers;

(b) Cabins without plumbing, to a maximum of 400 sq. ft.;

(c) Camping equipment;

(d) Convenience store and retail space with a maximum of 3,000 sq. ft.; and

(e) On-site manager housing.

(6) Each recreational vehicle/travel trailer shall display a current license plate.

(7) A recreational coach park may obtain a temporary conditional use permit to allow for temporary worker stays with the following conditions:

(a) Those recreational vehicles must leave the recreational coach park seven days upon completion of the construction project;

(b) Only those camp sites that are specifically permitted by the planning commission are used for the worker stays;

(c) The recreational vehicles being used remain licensed;

(d) The conditional use permit expires seven days after completion of the construction project; and

(e) Any other conditions that the planning commission deems necessary to mitigate impacts to the other campers and surrounding landowners.

11 - 4. Temporary use of recreational coaches in Multiple-Use and Agricultural Districts during recognized hunting, fishing or other sports activity seasons.

(1) Recreational coaches may be used in M-U and A Districts for hunting, fishing, or other sports activity during recognized hunting, fishing, or other seasons.

(2) The recreational coach owner shall obtain a letter of authorization of temporary occupancy from the appropriate public agency or from the owner of the land if the owner requires prior permission.

RECREATIONAL USES AND RECREATIONAL COACH PARKS

(3) No such recreational coach shall be located and occupied in any Multiple-use or Agricultural District for longer than 30 days in any one month or 60 days in any calendar year, or for any general habitation purpose other than for activity in a recognized and on-going outdoor recreational pursuit.

(4) The above requirements shall not govern in campgrounds or camping areas that are provided, regulated or administrated by local, county, state, or federal officials or agencies.

DRAFT

CHAPTER 12
SITE PLAN REVIEW
Section

- 12-1. Purpose.**
- 12-2. Scope of application.**
- 12-3. Scope of modifications authorized.**
- 12-4. Site plan content for single lot detached single-family and two-family/twin home dwellings and accessory buildings to dwellings for building permits.**
- 12-5. General site plan content.**
- 12-6. Storm water drainage.**
- 12-7. Utilities.**
- 12-8. Procedures for site plan review.**

12-1. Purpose.

(1) The intent of the site plan review is to promote the safe and efficient use of land, to contribute to an orderly and harmonious appearance in the county and to further enhance the value of property. This process is intended to supplement the review and administrative procedures which are carried out under the Erda Land Use Ordinance and other county ordinances and regulations. The site plan review process is intended to help ensure that newly developed properties and redeveloped properties are compatible with adjacent development and that traffic, public safety issues, overcrowding, and environmental problems are minimized to the greatest extent possible. The purpose of the site plan review is to provide for a review of:

- (a) a project's compatibility with its environment and with other land uses and buildings existing in the surrounding area;
- (b) the quality, quantity, utility, size and type of a project's required open space and proposed landscaping improvements;
- (c) the ability of a project's traffic circulation system to provide for the convenient and safe internal and external movement of vehicles and pedestrians;
- (d) the quantity, quality, utility, and type of a project's required community facilities; and
- (e) the location and adequacy of a project's provision for drainage and utilities.

12-2. Scope of application.

Site plan approval shall be required as a condition to receiving a building or conditional use permit for all permitted or conditional uses in all zoning districts.

12-3. Scope of modifications authorized.

(1) The authority of the zoning administrator through the site plan review process to require modification of a proposed site development shall be limited to the following:

- (a) minimizing dangerous traffic movements and promoting the smooth and efficient flow of traffic in accordance with standards in the Institute of Traffic Engineers' Transportation Handbook, and other local sources of authority as adopted by resolution;
- (b) optimizing the efficient use of parking facilities through provisions for adequate interior circulation, parking stalls and travel aisles;
- (c) promoting compatibility with adjacent and nearby properties;
- (d) preserving and protecting valuable natural features and amenities to the greatest extent practical;
- (e) promoting the efficient provision of public services;
- (f) preserving existing healthy and long-lived trees wherever practically feasible;
- (g) designing of drainage facilities to promote the use and preservation of natural watercourse and patterns of drainage;
- (h) minimizing alterations to existing topography;
- (i) protecting important views and vistas as identified in adopted plans;
- (j) promoting the use of plant material compatible with the climate of the region and micro-climate conditions on the site;
- (k) ensuring that plant material can be maintained for long term health and continued growth;

- (l) maximizing water conservation; ensuring that the arrangement of required landscaping produces the optimal visual effect;
- (m) ensuring that the location, size and orientation of signage do not impair the visibility of or distract motorists;
- (n) ensuring that the location, size and orientation of signage minimize obstructions and hazards to pedestrians;
- (o) designing or directing of outdoor lighting devices or fixtures; and
- (p) ensuring the proposed site development conforms to all applicable requirements of the land use ordinance and other ordinances and regulations.

12-4. Site plan content for single lot detached single-family and two-family/twin home dwellings and accessory buildings to dwellings for building permits.

(1) The application form, fees, two copies of a site plan and other supporting material as required by the county shall be submitted to the planning division. The planning division, upon receipt of the application, shall determine whether the application is complete and ready for review based on the stated requirements for submittal and requests for exceptions to the submittal requirements. If the material that has been submitted is determined to be incomplete, all review of the submittal will be delayed until the planning division receives the necessary material to make the submittal complete. The zoning administrator may waive items on the application form that are not applicable due to the particular circumstances or conditions of that development proposal.

(2) Two copies of a site plan, drawn to a scale of 20 feet to the inch or such other scale as the zoning administrator shall deem appropriate, shall be submitted along with the permit application and shall contain the following information:

- (a) the owner's name, address and telephone number;
- (b) the street address and parcel number or legal description of the subject property;
- (c) the boundaries of the subject property, all existing property lines, setback lines, existing streets, buildings, water courses, water ways or lakes, wetlands, and other existing physical features in or adjoining on the project;
- (d) on-site storm water drainage and retention;
- (e) location of the on-site well, septic tank and drain field;
- (f) location of a septic drain field and areas that confine animals such as barns, corrals or stables of an adjoining property if within 100 feet of the onsite well;
- (g) location of a well of an adjoining property if within 100 feet of the on-site septic drain field and areas that confine animals such as barns, corrals or stables;
- (h) distance of driveway from the intersection of the two front yard property lines on corner lots;
- (i) distance of the driveway to the nearest driveway if within 25 feet to any other driveway;
- (j) locations, heights and distances of any existing and proposed fences;
- (k) the location of all proposed buildings and structures, accessory and principal, showing:
 - (i) the number of stories and height;
 - (ii) the distance from all property lines and other existing or proposed structures; and
 - (iii) dwelling type and use.
- (l) a signature panel for zoning administrator approval.

12-5. General site plan content.

(1) Except for single lot detached single-family and two-family/twin home dwellings for a building permit, all other applications shall submit a site plan that complies with this section. The application form, fees, two copies of a site plan and other supporting material as required by the county shall be submitted to the planning division. The planning division, upon receipt of the application, shall determine whether the application is complete and ready for review based on the stated requirements for submittal and requests for exceptions to the submittal requirements. If the submitted material is determined to be incomplete, all review of the submittal will be delayed until the planning division receives the necessary material to make the submittal complete.

(2) Two copies of a site plan, drawn to a scale of 20 feet to the inch or such other scale as the zoning administrator shall deem appropriate, shall be submitted along with any permit application and shall

contain the following information:

- (a) the applicant's name, address, telephone number and interest in the property;
- (b) the owner's name, address and telephone number, if different than the applicant;
- (c) the street address and parcel number or legal description of the subject property;
- (d) the zoning district;
- (e) a vicinity map with north point, and scale;
- (f) the title of the project and the names addresses and telephone numbers of the architect, landscape architect, planner, and engineer on the project if applicable;
- (g) the boundaries of the subject property, all existing property lines, setback lines, existing streets, buildings, water courses, waterways or lakes, wetlands, and other existing physical features on the project;
- (h) the finished grade for the entire site shall be shown as well as the first floor elevation of all buildings. Additionally, on all site plans the following information must be provided:
 - (i) significant topographical or physical features of the site, including existing trees;
 - (ii) the elevation of the curb if existing or proposed in front of each lot; and
 - (iii) elevations of the top and toe of slope, slope ratio of fill, and limits of fill, including access;
- (i) the location and size of sanitary and storm systems, water, gas, telephone, electric and other utility lines, culverts and other underground structures in or affecting the project, including existing and proposed facilities and easements for these facilities, and in the case of county-owned utilities, such information may be obtained from the appropriate county department;
- (j) the location, and dimensions of:
 - (ii) proposed streets;
 - (iii) access to the project and the distance from:
 - (a) those on adjoining properties within 150 feet;
 - (b) the property lines; and
 - (c) if a corner lot, all street intersections that abut the property;
 - (iii) alleys;
 - (iv) loading areas;
 - (v) parking lots to include ADA accessible spaces including numbers and dimensions of parking and loading spaces;
 - (vi) outdoor lighting systems;
 - (vii) sidewalks, curbs and gutters and all curb cuts;
 - (viii) gasoline or diesel pumps and islands if located on the site; and
 - (ix) points for the connections to major utilities;
- (k) the location of all proposed buildings and structures, accessory and principal, showing:
 - (i) the number of stories and height;
 - (ii) the distance from all property lines and other existing or proposed structures;
 - (iii) type of use that will be located in the structure;
 - (iv) the percent of building coverage of the lot; and
 - (v) the total square footage of the floor area by proposed use of each building;
- (l) the location, height, type and material of all fences and walls;
- (m) if the development includes signs, the location, character, size, height and orientation of proposed signs, as proposed to be erected and elevations of buildings showing signs to be placed on exterior walls;
- (n) adequate measures to prevent pollution of surface or groundwater, to minimize erosion and sedimentation, and to prevent changes in ground water levels, increased runoff and potential for flooding, drainage designed so that runoff shall not be increased, groundwater recharge is maximized, and neighboring properties will not be adversely affected;
- (o) when the public road frontage has existing curbs or is required to install curbs as part of the development improvements, street trees shall be required to be installed in the parkway;
- (p) on-site lighting showing compliance with the Erda Land Use Ordinance;
- (q) the location of dumpsters or other outdoor trash receptacles;
- (r) the location and dimensions of proposed recreation areas, open spaces and other required amenities and improvements;
- (s) a tabulation of the total number of acres in the project and the percentage and acreage thereof

- proposed to be allocated to off- street parking, open space, parks, and other reservations;
- (t) a tabulation of the total number of dwelling units in the project and the overall project density in the dwelling units per gross acre for residential projects; and
 - (u) a signature panel for zoning administrator approval.
- (3) The zoning administrator may waive any of the above listed requirements upon making a determination that such requirements are unnecessary due to the scope and nature of the proposed development.

12-6 Storm water drainage.

Provisions for storm surface drainage shall be in accordance with the design standards of the road department indicating location, size, types and grades of sewers, drainage structures, ditches, and connection to existing drainage system. Disposition of storm or natural waters both on and off the site shall be provided in such a manner as not to have a detrimental effect on the property of others or the public right-of- way and in keeping with the above standards. The site plan must reflect compliance with this section.

12-7. Utilities.

Hook-ups to public utilities shall be the responsibility of the applicant. Connections shall be installed in accordance with the standards of the servicing utility. All connections shall be shown on the site plan.

12-8. Procedures for site plan review.

(1) Before filing an application for approval of a site development plan the applicant is encouraged to confer with the zoning administrator, county planner, sheriff department, health department, and fire department regarding the general proposal. Such action does not require formal application fees or filing of a site development plan or landscape plan and is not to be construed as an application for formal approval. No representation made by the zoning administrator or other county personnel or departments during such conference shall be binding upon the county with respect to an application subsequently submitted.

(2) After the site plan, other applicable plans and related materials and fees have been submitted and the application has been determined by the zoning administrator to be complete, the application shall be reviewed and processed in coordination with the appropriate personnel and county departments. In considering and acting upon site plans and other applicable plans, the zoning administrator shall take into consideration the public health, safety, and welfare, the comfort and convenience of the public in general and of the immediate neighborhood in particular. If the plan is approved, the zoning administrator, shall certify approval on the site plan and state the conditions of such approval, if any. If the plan is disapproved, the zoning administrator shall indicate reasons in writing to the applicant. No permit may be issued by the zoning administrator, building inspector, or the planning commission without site plan approval.

(3) Any appeal of the zoning administrator's denial of a site plan shall be made to the board of adjustment. Any such appeal shall be filed within 30 days from the date of such denial.

(4) The action of the zoning administrator approving the application shall be noted on all copies of the site plan to be retained in the record, including any changes or conditions required as part of the site plan approval. One such copy shall be returned to the applicant, and others retained as required for records or further action by the zoning administrator or other affected agencies of the county.

(5) Building permits shall be issued in accordance with approved plans. A copy of the approved site plan shall be retained in the records of the office of the building inspector and all buildings and occupancy permits shall conform to the provisions of the site development plans.

(6) Amendments or modifications to approved site plans must be submitted to the zoning administrator. Such modifications shall be submitted in accordance with the procedures and requirements of this chapter and shall be distributed to the appropriate county departments for review. The zoning administrator may waive this requirement where the zoning administrator has determined that such modification of the site plan has no significant impact upon the original proposal and still remains in conformance with county standards and regulations.

(7) Approval of the site plan shall be void unless a building permit, conditional use permit or use of the land has commenced within 12 months from the date of approval. Upon request, revalidation of the site plan may be granted for an additional 12 months if all factors of the original site plan review are the same; provided, however, that written notice requesting revalidation must be received by the zoning administrator prior to expiration of the original 12 month period.

(8) A stop work order shall be put on the project if any improvements are inconsistent with the approved

site plan.

DRAFT

CHAPTER 13

CONSTRUCTION SUBJECT TO GEOLOGIC, FLOOD, OR OTHER NATURAL HAZARD

Part

13-1.

Requirements.

13-2.

Flood Damage Prevention Ordinance.

PART 13-1 REQUIREMENTS

(1) When the Planning Commission or the Director of the Department of Engineering deems it necessary, any application for a conditional use permit, building permit, subdivision, or planned unit development approval, shall be accompanied by a geologic and soils survey, and/or hydrological report for the land, lot or parcel for which application approval is sought. The report shall be prepared at applicant's expense by a geologist or soils engineer and shall show the suitability of soils on the property to accommodate the proposed construction, and any discernible flood or earthquake hazards.

(2) Whenever a geologic and soils survey and/or hydrological report indicates a parcel to be subject to unusual potential or actual hazards, the applicant shall meet the special conditions required by the Planning Commission or Director of the Department of Engineering, to reduce or eliminate such hazard, or if such conditions cannot be met, or will not be met, the application shall be denied.

PART 13-2. FLOOD DAMAGE PREVENTION ORDINANCE ARTICLE I STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS SECTION A. STATUTORY AUTHORIZATION

SECTION B. FINDINGS OF FACT

(1) The flood hazard areas of Erda are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety, and general welfare.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood-proofed, or otherwise protected from flood damage.

SECTION C. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- (7) Insure that potential buyers are notified that property is in a flood area.

SECTION D. METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance uses the following methods:

- (1) Restrict or prohibit uses that are dangerous to health, safety, or property in times of flood, or cause excessive increases in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- (4) Control filling, grading, dredging, and other development which may increase flood damage; and

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters, or which may increase flood hazards to other lands.

ARTICLE II

DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

ALLUVIAL FAN FLOODING - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

APEX - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

AREA OF SHALLOW FLOODING - means a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD - is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE, or V.

BASE FLOOD - means the flood having a one percent chance of being equaled or exceeded in any given year.

BASEMENT - means any area of the building having its floor sub-grade (below ground level) on all sides.

CRITICAL FEATURE - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT - means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

ELEVATED BUILDING - means a non- basement building

(a) built, in the case of a building in Zones A1 - 30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and

(b) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

EXISTING CONSTRUCTION - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for

FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD OR FLOODING - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) the overflow of inland or tidal waters.
- (b) the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY - is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

FLOODPLAIN OR FLOOD-PRONE AREA - means any land area susceptible to being inundated by water from any source (see definition of flooding).

FLOODPLAIN MANAGEMENT - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOOD PROTECTION SYSTEM - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOOD PROOFING - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

FLOODWAY (REGULATORY FLOODWAY) -

means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FUNCTIONALLY DEPENDENT USE - means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair

facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE - means any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

(4) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:

- (a) by an approved state program as determined by the Secretary of the Interior; or
- (b) directly by the Secretary of the Interior in states without approved programs.

LEVEE - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM - means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

MANUFACTURED HOME - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

MANUFACTURED HOME PARK OR SUBDIVISION - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

RECREATIONAL VEHICLE - means a vehicle which is:

- (1) built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projections;
- (3) designed to be self-propelled or permanently towable by a light duty truck; and
- (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

START OF CONSTRUCTION - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub.L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE - means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions; or
- (2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

VARIANCE - is a grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

VIOLATION - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION - means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

ARTICLE III GENERAL PROVISIONS

SECTION A: LANDS TO WHICH THIS ORDINANCE APPLIES

The ordinance shall apply to all areas of special flood hazard within the jurisdiction of unincorporated Tooele County.

SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Tooele County," dated November 18, 2009, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance and automatically adopts any revisions thereto. Erda also automatically adopts effective flood insurance studies and automatically adopts effective flood insurance rate maps.

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be required to ensure conformance with the provisions of this ordinance.

SECTION D. COMPLIANCE

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- (1) considered as minimum requirements;
- (2) liberally construed in favor of the governing body; and
- (3) deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION G. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

ARTICLE IV

ADMINISTRATION

SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The Erda Engineer is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

SECTION B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.
- (2) Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
- (3) Review, approve, or deny all applications for development permits required by adoption of this ordinance.
- (4) Review permits for proposed development to assure that all necessary permits have been obtained

from those Federal, State, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

(5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Floodplain Administrator shall make the necessary interpretation.

(6) Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Utah National Flood Insurance Program Coordinator, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(8) When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation data and floodway data available from a Federal, State, or other source in order to administer the provisions of Article 5.

(9) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1 -30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(10) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1- 30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision).

SECTION C. PERMIT PROCEDURES

Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

(1) Elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures;

(2) Elevation in relation to mean sea level to which any nonresidential structure shall be flood-proofed;

(3) A certificate from a registered professional engineer or architect that the nonresidential flood-proofed structure shall meet the flood-proofing criteria of Article 5, Section B(2);

(4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

(5) Maintain a record of all such information in accordance with Article 4, Section (B)(1).

Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

(1) The danger to life and property due to flooding or erosion damage;

(2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(3) The danger that materials may be swept onto other lands to the injury of others;

(4) The compatibility of the proposed use with existing and anticipated development;

(5) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems;

(7) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

(8) The necessity to the facility of a waterfront location, where applicable;

The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and

(9) The relationship of the proposed use to the comprehensive plan for that area.

SECTION D. VARIANCE PROCEDURE

(1) The Appeal Board as established by the community shall hear and render judgment on requests for variances from the requirements of this ordinance.

(2) The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

(3) Any person or person aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.

(4) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

(5) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.

(6) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C(2) of this Article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(7) Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Article 1, Section C).

(8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(9) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(10) Prerequisites for granting variances:

(a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(b) Variances shall only be issued

upon:

(i) Showing a good and sufficient cause;

(ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant, and

(iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(11) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

(a) the criteria outlined in Article 4, Section D(1)-(9) are met, and

(b) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

ARTICLE V PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS

In all areas of special flood hazards the following provisions are required for all new construction and

substantial improvements:

(1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

(4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

(7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

SECTION B. SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Article 3, Section B, (ii) Article 4, Section B(8), or (iii) Article 5, Section C(3), the following provisions are required:

(1) Residential Construction - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to at least one foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C(1), is satisfied.

(2) Nonresidential Construction - new construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement) elevated to at least one foot or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are flood-proofed shall be maintained by the Floodplain Administrator.

(3) Enclosures - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(b) The bottom of all openings shall be no higher than one foot above grade.

(c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) Manufactured Homes -

(a) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(b) Require that manufactured homes that are placed or substantially improved within Zones

A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(c) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:

(1) the lowest floor of the manufactured home is at or above the base flood elevation; or

(2) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(5) Recreational Vehicles - Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:

(a) be on the site for fewer than 180 consecutive days,

(b) be fully licensed and ready for highway use, or

(c) meet the permit requirements of Article 4, Section C(1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

SECTION C. STANDARDS FOR SUBDIVISION PROPOSALS

(1) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of this ordinance.

(2) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of this ordinance.

(3) Base flood elevation data shall be generated for subdivision proposals and other proposed developments including the placement of manufactured home parks and subdivisions which are greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section B (8) of this ordinance.

(4) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(5) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.

SECTION D. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).

(2) All new construction and substantial improvements of non-residential structures; have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in

feet on the community's FIRM (at least two feet if no depth number is specified), or; together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

(3) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Article 4, Section C (1), are satisfied.

(4) Require within Zones AH or AO adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

SECTION E. FLOODWAYS

Located within areas of special flood hazard established in Article 3, Section B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

(1) Encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(2) If Article 5, Section E (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.

(3) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision through FEMA.

SECTION F. PENALTIES FOR NON- COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$1,000 or imprisoned for not more than three days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent Erda from taking such other lawful action as is necessary to prevent or remedy any violation.

CHAPTER 14

ZONING DISTRICTS

Section

14-1. Establishment of zoning districts.

14-2. Rules for locating boundaries.

14-1. Establishment of zoning districts. Territory of Erda is divided into the following zoning districts:

- (1) Multiple Use (MU-40);
- (2) Agricultural (A-20);
- (3) Rural Residential (RR-1);
- (4) Rural Residential (RR-5);
- (5) Rural Residential (RR-10);
- (6) Residential (R-1-21);
- (7) Commercial Neighborhood (C-N);
- (8) Commercial Shopping (C-S);
- (9) Commercial Highway (C-H);
- (10) Commercial General (C-G);
- (11) Manufacturing Distribution (M-D);
- (12) Manufacturing General (M-G);
- (13) Mining, quarry, sand and gravel excavation (MG-EX);
- (14) Drinking water source protection overlay (DWSPO);

14-2. Rules for locating boundaries.

Where uncertainty exists as to the boundary of any zoning district, the following rules shall apply;

- (1) Wherever the district boundary is indicated as being approximately upon the center line of a street, alley, or block, or along a property line, the center line of such street, alley, or block, or along a property line, the center line of such street, alley, block, or such property line, shall be deemed to be the boundary of such district.
- (2) Whenever a boundary line is indicated as being approximately at the line of any river, irrigation canal or other waterway, or railroad right-of-way, or public park or other public land, or any section line, then the center of such stream, canal or waterway, or such railroad right-of-way, or the boundary line in such public land or such section line shall be deemed to be the boundary of such district.

CHAPTER 15

MULTIPLE USE, AGRICULTURAL, AND RURAL RESIDENTIAL DISTRICTS

Part

- 15-1 Multiple Use Districts.**
- 15-2 Agricultural Districts.**
- 15-3 Rural Residential Districts.**
- 15-4 Exemption from Area Requirements.**
- 15-5 Use Tables, Codes, Symbols and Restrictions.**

PART 15-1 MULTIPLE USE DISTRICTS

Section

- 15-1-1. Purposes of multiple use districts.**
- 15-1-2. MU-40 development restrictions.**

15-1-1. Purpose of multiple use districts.

(1) The purposes of multiple use zoning districts are to establish areas in mountain, hillside, canyon, mountain valley, desert, and other open and generally undeveloped lands where human habitation would be limited in order to protect land and open space resources; to reduce unreasonable requirements for public utility and service expenditures through uneconomic and unwise dispersal and scattering of population; to encourage use of land, where appropriate, for forestry, grazing, agriculture, mining, wildlife habitat, and recreation; to avoid excessive damage to watersheds, water pollution, soil erosion, danger from brush fires, damage to grazing, livestock raising, and to wildlife values; and to promote the health, safety, convenience, order, prosperity and general welfare of the inhabitants of the county.

(2) The multiple use district in Erda is MU-40.

15-1-2. MU-40 development restrictions.

The development restrictions in MU-40 zoning districts are as follows:

(1) Minimum lot size is 40 acres (1,742,400 sq. ft.). A six (6) percent reduction in minimum lot size shall be allowed for dedication of public rights-of-way providing access to and past the affected lot or parcel.

- (2) Minimum width – 660 feet.
- (3) Minimum frontage on a public street or an approved private street – 60 feet.
- (4) Minimum yard setback requirements:
 - (a) front yard – 30 feet,
 - (b) rear yard:
 - (i) main building – 60 feet, and
 - (ii) accessory buildings – 10 feet
 - (c) side yard:
 - (i) main building – 30 feet; and
 - (ii) accessory buildings:
 - 1. from the front setback to distance ten feet behind the main dwelling – 30 feet.
 - 2. from a distance ten feet behind the dwelling to the rear of the lot – 10 feet.
- (5) On corner lots, two front yards and two side yards are required.
- (6) Maximum building height – 35 feet
- (7) Maximum building coverage: 5%
- (8) Required improvements:

MULTIPLE USE, AGRICULTURAL, AND RURAL RESIDENTIAL DISTRICTS

- (a) street grading;
- (b) street base;
- (c) on-site surface drainage facilities;
- (d) culinary water facilities;
- (e) wastewater disposal; and
- (f) street monuments.

PART 15-2 AGRICULTURAL DISTRICTS

Section

15-2-1. Purposes of agricultural districts.

15-2-4. A-20 development restrictions.

15-2-1. Purposes of agricultural districts.

(1) The purposes of agricultural zoning districts are to promote and preserve in appropriate areas conditions favorable to agricultural uses and to maintain greenbelt open spaces. These districts are intended to include activities normal and necessarily related to the conduct of agriculture and to protect the district from the intrusion of uses adverse to the continuance of agricultural activity.

(2) The agricultural district in Erda is A-20.

15-2-4. A-20 development restrictions.

The development restrictions in A-20 zoning districts are as follows:

(1) Minimum lot size is 20 acres (871,200 sq. ft.). A six (6) percent reduction in minimum lot size shall be allowed for dedication of public rights-of-way providing access to and past the affected lot or parcel.

(2) Minimum width – 330 feet.

(3) Minimum frontage on a public street or an approved private street – 60 feet.

(4) Minimum yard setback requirements:

(a) front yard – 30 feet,

(b) rear yard:

(i) main building – 60 feet, and

(ii) accessory buildings – 10 feet

(c) side yard:

(i) main building – 30 feet; and

(ii) accessory buildings:

1. from the front setback to distance ten feet behind the main dwelling – 30 feet.

2. from a distance ten feet behind the dwelling to the rear of the lot – 10 feet.

(5) On corner lots, two front yards and two side yards are required.

(6) Maximum building height – 35 feet

(7) Maximum building coverage: 5%

(8) Required improvements:

(a) street grading;

(b) street base;

(c) on-site surface drainage facilities;

(d) culinary water facilities;

(e) wastewater disposal; and

(f) street monuments.

MULTIPLE USE, AGRICULTURAL, AND RURAL RESIDENTIAL DISTRICTS

PART 15-3 RURAL RESIDENTIAL DISTRICTS

Section

15-3-1. Purposes of rural residential districts.

15-3-2. RR-1 development restrictions.

15-3-3. RR-5 development restrictions.

15-3-4. RR-10 development restrictions.

15-3-1. Purposes of rural residential districts.

(1) The purposes of rural residential districts are to promote and preserve in appropriate areas conditions favorable to large-lot family life, the keeping of limited numbers of animals and fowl, and reduced requirements for public services. These districts are intended to be primarily residential in character and protected from encroachment by commercial and industrial uses.

(2) The rural residential zoning districts in Erda are RR-1, RR-5, and RR-10.)

15-3-2. RR-1 development restrictions.

The development restrictions in RR-1 zoning districts are as follows:

(1) Minimum lot size is one (1) acre (43,560 sq. ft.). An up to six percent (6%) reduction in minimum lot size shall be allowed for the dedication of collector class type roads with a cross-section width 80 feet or larger or a portion thereof providing residential access to the proposed development. The collector class type road must be in an appropriate location which the County has determined is useful, and the road shall be finished within 15 years from the approval date of the reduction in lot size. The cumulative square footage reduction in minimum lot size within the subdivision development shall be equal to the square footage of the dedicated portion of the collector class type road, up to a maximum of a six percent (6%) reduction in minimum lot sizes for the development. Residential dwellings are not allowed to front onto collector class roads.

(2) Minimum width – 125 feet.

(3) Minimum frontage on a public street or an approved private street – 25 feet.

(4) Minimum yard setback requirements:

(a) front yard – 30 feet,

(b) rear yard:

(i) main building – 30 feet, and

(ii) accessory buildings – 10 feet

(c) side yard:

(i) main building – 15 feet; and

(ii) accessory buildings:

1. from the front setback to distance ten feet behind the main dwelling – 15 feet.

2. from a distance ten feet behind the dwelling to the rear of the lot – 10 feet.

(5) On corner lots, two front yards and two side yards are required.

(6) Maximum building height – 35 feet

(7) Maximum building coverage: 20%

(8) Required improvements:

(a) street grading;

(b) street base;

(c) on-site surface drainage facilities;

(d) culinary water facilities;

MULTIPLE USE, AGRICULTURAL, AND RURAL RESIDENTIAL DISTRICTS

- (e) wastewater disposal; and
- (f) street monuments.

15-3-3. RR-5 development restrictions.

The development restrictions in RR-5 zoning districts are as follows:

- (1) Minimum lot size is 5 acres (217,800 sq. ft.). A six (6) percent reduction in minimum lot size shall be allowed for dedication of public rights-of-way providing access to and past the affected lot or parcel.
- (2) Minimum width – 220 feet.
- (3) Minimum frontage on a public street or an approved private street – 50 feet.
- (4) Minimum yard setback requirements:
 - (a) front yard – 30 feet,
 - (b) rear yard:
 - (i) main building – 50 feet, and
 - (ii) accessory buildings – 10 feet
 - (c) side yard:
 - (i) main building – 20 feet; and
 - (ii) accessory buildings:
 - 1. from the front setback to distance ten feet behind the main dwelling – 20 feet.
 - 2. from a distance ten feet behind the dwelling to the rear of the lot – 10 feet.
- (5) On corner lots, two front yards and two side yards are required.
- (6) Maximum building height – 35 feet
- (7) Maximum building coverage: 10%
- (8) Required improvements:
 - (a) street grading;
 - (b) street base;
 - (c) on-site surface drainage facilities;
 - (d) culinary water facilities;
 - (e) wastewater disposal; and
 - (f) street monuments.

15-3-4. RR-10 development restrictions.

The development restrictions in RR-10 zoning districts are as follows:

- (1) Minimum lot size is 10 acres (435,600 sq. ft.). A six (6) percent reduction in minimum lot size shall be allowed for dedication of public rights-of-way providing access to and past the affected lot or parcel.
- (2) Minimum width – 330 feet.
- (3) Minimum frontage on a public street or an approved private street – 60 feet.
- (4) Minimum yard setback requirements:
 - (a) front yard – 30 feet,
 - (b) rear yard:
 - (i) main building – 60 feet, and
 - (ii) accessory buildings – 10 feet
 - (c) side yard:
 - (i) main building – 25 feet; and
 - (ii) accessory buildings:
 - 1. from the front setback to distance ten feet behind the main dwelling – 25 feet.
 - 2. from a distance ten feet behind the dwelling to the rear of the lot – 10 feet.
- (5) On corner lots, two front yards and two side yards are required.
- (6) Maximum building height – 35 feet
- (7) Maximum building coverage: 5%
- (8) Required improvements:
 - (a) street grading;
 - (b) street base;

MULTIPLE USE, AGRICULTURAL, AND RURAL RESIDENTIAL DISTRICTS

- (c) on-site surface drainage facilities;
- (d) culinary water facilities;
- (e) wastewater disposal; and
- (f) street monuments.

PART 15-4 EXEMPTION FROM AREA REQUIREMENTS

Section

15-4-1. Uses conditionally exempt from frontage, width, and area requirements of the zoning district.

(1) A bona fide division or partition of land which does not meet the area, width or frontage requirements may be created for the purpose of siting the following uses approved through a conditional use permit:

(a) an unmanned facility appurtenant to a pipeline, electrical service, telecommunication equipment, a transmission line, radio transmission facility, regeneration, or fiber optic equipment, any of which is owned or operated by a public or private utility service regulated by the Public Utility Commission or Federal Communications Commission;

(b) a publicly-owned facility such as a fire station, sheriff's substation, communication tower, equipment shed; or

(c) a quasi-public facility such as a church, cemetery, hospital or 24-hour emergency care facility.

(2) The division or partition of land for a parcel exempted under Subsection (1) shall be subject to the following:

(a) the parcel shall have a legal access to it;

(b) if located in a Rural Residential zoning district:

(i) the site shall be large enough that the height of the tallest structure measured horizontally from its base, plus ten feet will mark the minimum distance to the property line, and the perimeter shall be fenced with chain link fencing and screened by drought resistant landscaping and trees;

(ii) if the parcel is being created for a manned public facility such as a fire station or emergency care station, the exempted parcel shall have frontage on a public road; and

(iii) creation of the exempted parcel shall not create a remnant parcel that is less than one (1) acre in area or less than 70% of the area, width or frontage as is required in the zoning district.

(3) The conditional exemption allowed by this section does not excuse the applicant or landowner from compliance with the subdivision ordinance. (Ord. 2015-21, 4/21/15; Ord. 2005-30, 11/22/05)

MULTIPLE USE, AGRICULTURAL, AND RURAL RESIDENTIAL DISTRICTS

PART 15-5 USE TABLES, CODES, SYMBOLS AND RESTRICTIONS

Section

- 15-5-1. Codes and symbols.**
- 15-5-2. Uses.**
- 15-5-3. Use tables.**
- 15-5-3.1 Agriculture, forestry and keeping of animals.**
- 15-5-3.2 Commercial and industrial uses.**
- 15-5-3.3 Dwellings, living quarters and long or short-term residences.**
- 15-5-3.4 Public and quasi-public uses.**
- 15-5-3.5 Recreational, camping and amusement uses.**
- 15-5-3.6 Utilities and utility services.**
- 15-5-3.7 Development types.**
- 15-5-4. Farm animal units per acreage.**
- 15-5-4.1 Use table of farm animal units per acreage.**

15-5-1. Codes and symbols.

- (1) In this part are uses allowed in the various districts as follows:
 - (a) "permitted uses," indicated by a "P" in the appropriate column; or
 - (b) "conditional uses," indicated by a "C" or "C1" in the appropriate column.
- (2) Conditional uses marked by "C" mean issuance by planning commission. Those marked by "C1" mean it may be approved administratively by the zoning administrator.
- (3) If a use is not allowed in a given district, it is either not named in the use list or it is indicated in the appropriate column by a dash, "-".
- (4) If a regulation applies in a given district, it is indicated in the appropriate column by an alphanumeric character that will show the linear feet, or square feet, or acres required, or by the letter "A." If the regulation does not apply, it is indicated in the appropriate column by a dash, "-".

15-5-2. Uses.

No building, structure or land shall be used, and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained in the multiple use, agricultural or rural residential districts except as provided in this Chapter.

15-5-3. Use tables.

Table 15-5-3.1. Agriculture, forestry and keeping of animals.						
#	Use	Multiple use (MU-)	Agriculture (A-)	Rural Residential (RR-)		
		40	20	1	5	10
a	Accessory buildings and uses customarily incidental to conditional uses	C	C	C		
b	Accessory buildings and uses customarily incidental to permitted uses	P	P	P		
c	Agricultural industry or business	C	-	-		
d	Apiary (beehives)	P	P	P		

MULTIPLE USE, AGRICULTURAL, AND RURAL RESIDENTIAL DISTRICTS

Table 15-5-3.1. Agriculture, forestry and keeping of animals.						
#	Use	Multiple use (MU-)	Agriculture (A-)	Rural Residential (RR-)		
		40	20	1	5	10
e	Aviary	P	-	P		
f	Educational Farm Animals (intended for FFA, 4H and/or similar) and/or Rehabilitation of Farm Animals – The planning commission may authorize up to a 50% increase in allowable animal units, specifically allocated for the keeping of educational farm animals and/or rehabilitation of farm animals as a conditional use in Rural Residential zones, subject to the following information being provided: 1. Documented proof that the increased animal counts are strictly being authorized for educational and/or rehabilitation purposes. 2. A detailed list of all animal types and counts located on the property. 3. Documented proof that sufficient water rights exist and will be allocated towards the increased animal units. 4. Acknowledgement by the property owner that the zoning administrator and/or county may revoke or reduce the increased animal units, if the increased animal units are determined to be a nuisance.	C1	C1	C1		
g	Farms devoted to raising and marketing of chickens, turkeys or other fowl or poultry, fish or frogs, hogs or swine including wholesale and retail sales	C	C	-		
h	Feedlot (lot or parcel must have the minimum area required in the zone)	C	C	-		
i	Forest industry, such as a saw mill, wood products plant, etc.	C	-	-		
j	Forestry, except forest industry	P	P	P		
k	Fruit or vegetable stand	C1	C1	C1		
l	Household pets	P	P	P		
	Maximum number of dogs as household pets:	5	5	3		
m	Kennel (Minimum lot size: 4.7 acres; Minimum distance to all property lines 100 feet; Minimum distance to all neighboring dwellings to be 150 feet)					
	Kennel, breeding	C	C	-		

MULTIPLE USE, AGRICULTURAL, AND RURAL RESIDENTIAL DISTRICTS

Table 15-5-3.1. Agriculture, forestry and keeping of animals.

#	Use	Multiple use (MU-)	Agriculture (A-)	Rural Residential (RR-)		
		40	20	1	5	10
	Kennel, breeding	C	C	-		
	Kennel, private	C	C	-		
n	Personal agriculture, including grazing and pasturing of animals	P	P	P		
o	Plant materials nursery or greenhouse, not exceeding 20,000 square feet in area	P	P	P		
p	Riding academy or riding ring, horse show barns or facilities	C	C	-		
q	Rooftop mounted solar arrays	-	P	P		
r	Stable					
	Stable (horses), commercial	P	P	-		
	Stable (horses), private. The planning commission may authorize up to a 50% increase in allowable animal units, specifically allocated for the keeping of horses as a conditional use in Rural Residential zones, subject to the following information being provided: 1. A detailed list of all animal types and counts located on the property. 2. A detailed site plan, indicating where the proposed stable will be constructed in relation to all existing buildings and surrounding neighbors. 3. The floorplan for the proposed stable, showing adequate accommodations for the anticipated number of animal units for horses. 4. Documented proof that sufficient water rights exist and will be allocated towards the increased animal units. 5. Acknowledgement by the property owner that the zoning administrator and/or county may revoke or reduce the increased animal units, if the increased animal units are determined to be a nuisance.	P	P	C1		
s	Storage, placement, keeping, locating, parking, maintaining, and keeping of agricultural equipment	P	P	P		

MULTIPLE USE, AGRICULTURAL, AND RURAL RESIDENTIAL DISTRICTS

Table 15-5-3.1. Agriculture, forestry and keeping of animals.						
#	Use	Multiple use (MU-)	Agriculture (A-)	Rural Residential (RR-)		
		40	20	1	5	10
t	Temporary Animal Housing The Planning Commission may authorize a temporary 50% increase in allowable animal units (not to exceed 6 months within any 12-month period) for farm animals that may need to be temporarily relocated to a property located in the Rural Residential zones as a conditional use permit, subject to the following information being provided: 1. An explanation for the temporary increase in animal units. 2. A detailed list of all animal types and counts located on the property. 3. Detailed information regarding how the property owner intends to prevent the temporary increase from becoming a nuisance. 4. Acknowledgement by the property owner that the zoning administrator and/or county may revoke or reduce the increased animal units, if the increased animal units are determined to be a nuisance.	P	P	C1		
u	Urban Farming Assessment Act (per Title 2, Chapter 8 of the Erda Code)	-	-	P		

Table 15-5-3.2. Commercial and industrial uses.						
#	Use	Multiple use (MU-)	Agriculture (A-)	Rural Residential (RR-)		
		40	20	1	5	10
a	Accessory buildings and uses customarily incidental to conditional uses	C	C	C	C	C
b	Accessory buildings and uses customarily incidental to permitted uses	P	P	P	P	P
c	Adult day care	C	C	C	C	C
d	Beer sales at public recreational facilities where it has been approved by the City Council.	C	C	-	-	-

MULTIPLE USE, AGRICULTURAL, AND RURAL RESIDENTIAL DISTRICTS

Table 15-5-3.2. Commercial and industrial uses.						
#	Use	Multiple use (MU-)	Agriculture (A-)	Rural Residential (RR-)		
		40	20	1	5	10
e	Canals, evaporation ponds, settlement ponds, and mining operations, all in connection with the concentration and purification of naturally occurring brines and the extraction of salts from the brines	C	-	-	-	-
f	Childcare, commercial	C	C	C	C	C
g	Childcare, residential, that complies with the following conditions: 1. No more than sixteen (16) children with up to eight (8) children per one (1) adult working at the daycare, shall be permitted. This includes no more than two children under the age of two. The number of children in care includes the providers' own children under the age of four. Further guidelines for supervision and ratio are found in the State of Utah's residential certificate rules: Supervision and Ratios. 2. There shall be no more than one (1) adult employed by the day care facility who resides outside of the home. 3. The day care shall be licensed with the State of Utah, and will cease operation upon revocation, suspension or failure to renew license. 4. The inside and outside areas that are used for the day care shall be made to conform to the standards of the current and any future updates of the Uniform Building Code. 5. All childcare activities shall take place at the home unless written consent by parent or guardian. All indoor and outdoor activities shall be in accordance with the State of Utah's Residential Certificate Rules: Indoor Environment, Outdoor Environment and Activities. 6. The hours of operation shall be no more than 6:00 a.m. to 9:00 p.m., Monday through Saturday with outside activities restricted to the hours of 9:00 a.m. to 4:00 p.m. 7. The childcare facility shall comply with the requirements of the Tooele County Health Department, the Utah Department of Health and any other local health departments for child day care facilities.		C1	C1	C1	C1

MULTIPLE USE, AGRICULTURAL, AND RURAL RESIDENTIAL DISTRICTS

Table 15-5-3.2. Commercial and industrial uses.

#	Use	Multiple use (MU-)	Agriculture (A-)	Rural Residential (RR-)		
		40	20	1	5	10
	8. Meals and treats shall be provided in accordance with the Tooele County Health Department Regulations and State of Utah's Residential Certificate Rules: Child Nutrition. 9. The employees of the Department of Engineering, Tooele County Health Department, Tooele County Sheriff's Department and the Utah Department of Health shall be permitted to inspect the day care facility during its hours of operation.					
h	Construction equipment and supply trailer, temporary	C1	C1	C1	C1	C1
i	Construction field office, temporary	C1	C1	C1	C1	C1
j	Cottage industry that may be permitted to employ up to 10 employees that reside outside of the dwelling providing adequate off-street parking can be made available on the property	C	C	C	C	C
k	Electromagnetic Interference Testing (As described by FCC Docket No. 20780, Amendment 79-555 Governing Restricted Radiation Devices) (Rev. Or. 81-4)	C	C	C	C	C
l	Home based businesses that may be permitted to employ up to 10 employees that reside outside of the dwelling providing adequate off-street parking can be made available on the property.	C	C	-	-	C
m	<u>Low-Impact Home-Based Business</u>	P	P	P	P	P
n	Home occupations	C1	C1	C1	C1	C1
n	Preschool with the following conditions: 1. All preschool activities shall take place inside the residence. The students shall remain in the home except when an outdoor activity is related to the child's education or arriving to school and leaving school. 2. No food shall be prepared and served in the home for consumption by the students. 3. There shall be no more than one (1) adult employed by the preschool who resides outside of the home. 4. The inside area that is used as the preschool be made to conform to those standards of the current and any future updates of the building code for such a use.	C1	C1	C1	C1	C1

MULTIPLE USE, AGRICULTURAL, AND RURAL RESIDENTIAL DISTRICTS

Table 15-5-3.2. Commercial and industrial uses.

#	Use	Multiple use (MU-)	Agriculture (A-)	Rural Residential (RR-)		
		40	20	1	5	10
	5. The preschool shall comply with the requirements of the Tooele County Health Department, and any other local health departments for preschool facilities. 6. The preschool may operate Monday through Friday, with two (2) separate two and one half (2 1/2) hour sessions. The hours of operation shall be between 8:30 a.m. and 4:00 p.m. 7. No more than sixteen (16) children, with up to eight (8) children per one (1) adult working at the preschool, shall be permitted.					
o	Processing and composting of State regulated Class A, B, and C bio-solids and other acceptable organic waste such as chicken manure	C	C	-	-	-
p	Radio and television transmitting stations or towers	C1	C1	-	-	-
q	Storage, placement, keeping, locating, parking, maintaining, keeping of commercial, construction, military surplus, or specialized equipment	C	-	-	-	-

Table 15-5-3.3. Dwellings, living quarters and long or short-term residences.

#	Use	Multiple use (MU-)	Agriculture (A-)	Rural Residential (RR-)		
		40	20	1	5	10
a	Accessory buildings and uses customarily incidental to conditional uses	C	C	C	C	C
b	Accessory buildings and uses customarily incidental to permitted uses	P	P	P	P	P
c	One internal ADU in the single-family dwelling structure or only one internal ADU allowed per lot. The internal ADU may not be sold separately or subdivided from the principal dwelling unit. The internal ADU shall comply with the following conditions: 1. Meet all other requirement of the underlying residential zone;	P	P	P	P	P

MULTIPLE USE, AGRICULTURAL, AND RURAL RESIDENTIAL DISTRICTS

Table 15-5-3.3. Dwellings, living quarters and long or short-term residences.						
#	Use	Multiple use (MU-)	Agriculture (A-)	Rural Residential (RR-)		
		40	20	1	5	10
	2. Provide area for eating, sleeping, and sanitation separate from the principal dwelling unit; 3. Interior access between the main living area of the principal dwelling unit and the internal ADU must be maintained unless sufficient means of egress have been approved by the fire department; 4. Parking for an internal ADU is prohibited on a public or private street and sufficient off-street parking must be provided for the vehicles utilized by occupant of the internal ADU and the principal dwelling unit.;					
d	One detached ADU allowed per lot. The detached ADU may not be sold separately or subdivided from the principal dwelling unit. The detached ADU shall comply with the following conditions: 1. Meet all other requirement of the underlying residential zone; 2. Provide area for eating, sleeping, and sanitation separate from the principal dwelling unit; 3. Detached ADU must be located in the side yard or backyard of the principal dwelling unit 4. Parking for a detached ADU is prohibited on a public or private street and sufficient off-street parking must be provided for the vehicles utilized by occupant of the detached ADU and the principal dwelling unit.; and 5. The maximum square footage of a detached ADU shall not exceed the greater of 75% of the total square footage of the habitable area of the building footprint of the principal dwelling unit or 1,500 square feet. 10. The accessory housing unit shall not be sold separately or converted to a condominium or any other form of legal ownership different from the ownership of the primary residence. The Engineering Department shall record a notice of this limitation against the property upon issuance of the permit; 11. The use permit for the accessory housing unit shall be in effect only so long as the	P	P	P	P	P

MULTIPLE USE, AGRICULTURAL, AND RURAL RESIDENTIAL DISTRICTS

Table 15-5-3.3. Dwellings, living quarters and long or short-term residences.						
#	Use	Multiple use (MU-)	Agriculture (A-)	Rural Residential (RR-)		
		40	20	1	5	10
	single-family dwelling is occupied by the owner of record as the principal residence; and 12. The above conditions are binding upon any successor in ownership of the property; lack of compliance shall be cause for ordinance enforcement and revoking the conditional use permit.					
e	Bed and breakfast, providing 1. The owner must reside in the residence. 2. The site must be maintained and landscaped so as to minimize the impact on neighboring properties and in order to retain the character of the neighborhood. 3. The establishment shall not contain cooking facilities in guest rooms for preparation of meals by guests. 4. Meals are served only to residents and overnight guests. 5. The establishment shall conform to all applicable fire, building and health codes. 6. The establishment shall be open to inspection by the Tooele County Engineer, Sheriff, Health Department Director and their authorized personnel. 7. The establishment shall obtain and maintain a Erda business license.	C1	C1	C1	C1	C1
f	Conservation subdivisions					
g	Dwellings or residential facilities for elderly or disabled persons	P	P	P	P	P
h	Farm or ranch housing	C	C	-	-	-
i	Single family dwellings	P	P	P	P	P
j	Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work	C1	C1	C1	C1	C1
k	Two-family dwellings (duplex)	-	-	-	-	-

MULTIPLE USE, AGRICULTURAL, AND RURAL RESIDENTIAL DISTRICTS

Table 15-5-3.4. Public and quasi-public uses.

#	Use	Multiple use (MU-)	Agriculture (A-)	Rural Residential (RR-)		
		40	20	1	5	10
a	Accessory buildings and uses customarily incidental to conditional uses	C	C	C	C	C
b	Accessory buildings and uses customarily incidental to permitted uses.	P	P	P	P	P
c	Cemetery	C	C	C	C	C
d	Church	C	C	C	C	C
e	Dams and reservoirs	C	C	C	C	C
f	Private road	C	C	C	C	C
g	Public owned parks and recreational facilities	P	P	P	P	P
h	Public use, quasi-public use, essential services, including private school, with a curriculum corresponding to a public school	C	C	C	C	C

Table 15-5-3.5. Recreational, camping and amusement uses.

#	Use	Multiple use (MU-)	Agriculture (A-)	Rural Residential (RR-)		
		40	20	1	5	10
a	Accessory buildings and uses customarily incidental to conditional uses	C	C	C	C	C
b	Accessory buildings and uses customarily incidental to permitted uses	P	P	P	P	P
c	Commercial paintball course and paintball target range.	C	-	-	-	-
d	Dude ranch, family vacation ranch	C	C	-	-	-
e	Private park, recreational grounds or private recreational camp or resort, including accessory or supporting dwellings or dwelling complexes and commercial service uses which are owned or managed by the recreational facility to which it is accessory	C	C	-	C	C

MULTIPLE USE, AGRICULTURAL, AND RURAL RESIDENTIAL DISTRICTS

Table 15-5-3.6. Utilities and utility services.						
#	Use	Multiple use (MU-)	Agriculture (A-)	Rural Residential (RR-)		
		40	20	1	5	10
a	Accessory buildings and uses customarily incidental to conditional uses	C	C	C	C	C
b	Accessory buildings and uses customarily incidental to permitted uses	P	P	P	P	P
c	Essential service facilities	P	P	P	P	P
d	Large wind energy systems (i.e., wind turbine farms)	C	-	-	-	-
e	Power generation for on-site use, unless intended for emergency situations as depicted below the table*					
	i. solar	P	P	P	P	P
	ii. wind driven under 5.9 KVA	P	P	C	P	P
	iii. auxiliary, temporary, and/or wind, with more than 6 KVA, but less than 10 KVA output	P	P	-	P	P
	iv. Steam, hydro, or reciprocating engine with more than 10.05 KVA, but less than 150 KVA output	C	C	-	C	C
f	Public, quasi-public, and public service utility lines, pipelines, water lines, and etc. which extend more than 300 feet; that are used to transport their material, service or supply	C	C		C	C
g	Substations	C	C		C	C
h	Transmission lines of 50 KV or greater capacity	C	C		C	C

*Permanent/temporary generators shall be a permitted use in the above districts subject to the following restrictions:

- (i) the generator shall meet all front, side, and rear setbacks for the residing zoning district.
- (ii) the generator's exhaust shall, as much as practically feasible, be vented upwards or directed away from neighboring properties.
- (iii) the generator shall be used only during periods of emergency situations or for periodic testing and necessary maintenance operation.
- (iv) the generator shall be operated for routine testing and maintenance purposes not more than one time in any seven-day (7) period and no test shall exceed a total of thirty (30) minutes.

15-5-4. Farm animal units per acreage.

MULTIPLE USE, AGRICULTURAL, AND RURAL RESIDENTIAL DISTRICTS

(1) The following regulations shall apply to all residential zones that allow animals other than household pets:

(a) Six (6) large animal units listed in Table 15-5-4.1 shall be allowed for the first acre of property.

(b) Four (4) animal units listed in Table 15-5-4.1 shall be allowed for each additional one (1) acre of property.

(c) The minimum allowed acreage of such animals shall be .5 acres in an RR (Rural Residential) Zone.

(d) The maximum number of large animal units is 20 regardless of lot size.

(e) Small animals (chickens, rabbits, turkeys, and other fowl) shall not count against the large animal unit number listed in Table 15-5-4.1. The aggregate number of small animals is 30 per species, regardless of lot size

(f) Thirty (30) small animals shall be allowed for the first acre of property.

(g) Fifteen (15) small animals shall be allowed for each additional acre of property.

(2) MU (multiple use) and A (agriculture) zones are allowed to self-regulate animal counts, so long as the animals do not cause a nuisance as defined in Erda Code 8-5-3 (Nuisance Animals).

(3) The Zoning Administrator may decide to further restrict or revoke the property's right to animals if the property owner allows, causes, or permits any animal nuisance as defined in Erda Code 8-5-3 (Nuisance Animals).

(4) For animals not listed, the Zoning Administrator shall determine the number of animals allowed based upon the property and surrounding residential limits and restrictions.

(5) Animals permitted through the Department of Natural Resources (DNR) are allowed and shall be kept in accordance with DNR regulations. Permitted animals must comply with this chapter.

(6) A CUP is required for any educational or rehabilitation, temporary housing, or private stabling use allowing animals over these limits.

Table 15-5-4.1. Farm animal units per acreage.

6 large animal units are allowed for the first one acre of property and 4 additional large animal units for each additional one acre of property in any combination of animals listed.

For example:

A ½ acre parcel is allowed 3 animal units, which would allow for 3 large animals, or 12 medium animals, or a combination of the animals listed below.

A 2.5-acre parcel is allowed 12 large animal units, which would allow for 12 large animals, or 30 medium, or a combination of the animals listed below.

A 5-acre parcel would be allocated 20 large animal units, which would allow for 20 large animals, 30 medium animals, or a combination of the animals listed below.

TYPE	KIND	1 unit = number listed below for RR (rural residential) zones
Large animal	Horse, Mule, Cow, Swine	1
Medium animal*	Goat, Sheep, Miniature Horse, Llama, Alpaca	4
		*maximum animals allowed is 30

CHAPTER 16

RESIDENTIAL AND MULTIPLE RESIDENTIAL DISTRICTS

Part

16-1 Residential Districts.

16-3 Exemption from Area Requirements.

16-4 Use Tables, Codes, Symbols and Restrictions.

PART 16-1 RESIDENTIAL DISTRICTS

Section

16-1-7. Purposes of Residential District R-1-21.

16-1-8. R-1-21 development restrictions.

16-1-7. Purposes of Residential District R-1-21.

The purposes of Residential District R-1-21 are to provide areas for low density single-family residential neighborhoods of spacious and un-crowded character and to minimize costs of infrastructure, development and maintenance.

16-1-8. R-1-21 development restrictions.

The development restrictions in R-1-21 zoning districts are as follows:

- (1) Minimum lot size – 21000 square feet.
- (2) Minimum width – 100 feet.
- (3) Minimum frontage on a public street or an approved private street – 50 feet.
- (4) Minimum yard setback requirements:
 - (a) front yard – 30 feet.
 - (b) rear yard:
 - (i) main building – 30 feet; and
 - (ii) accessory buildings – 3 feet, provided they do not encroach on any easement.
 - (c) side yard:
 - (i) main building – 8 feet; and
 - (ii) accessory buildings – 3 feet, provided they do not encroach on any easement.
- (5) On corner lots, two front yards and two side yards are required.
- (6) Maximum building height – 35 feet.
- (7) Maximum building coverage – 20 percent
- (8) Required improvements:
 - (a) street grading;
 - (b) street base;
 - (c) curb and gutter;
 - (d) sidewalk;
 - (e) on-site surface drainage facilities;
 - (f) culinary water facilities;
 - (g) wastewater disposal; and
 - (h) street monuments. (Ord. 2005-30, 11/22/05; Ord. 2005-06, 3/8/05)

PART 16-3
EXEMPTION FROM AREA REQUIREMENTS

16-3-1. Uses conditionally exempt from frontage, width, and area requirements of the zoning district.

(1) A bona fide division or partition of land which does not meet the area, width or frontage requirements may be created for the purpose of siting the following uses approved through a conditional use permit:

(a) an unmanned facility appurtenant to a pipeline, electrical service, telecommunication equipment, a transmission line, radio transmission facility, regeneration, or fiber optic equipment, any of which is owned or operated by a public or private utility service regulated by the Public Utility Commission or Federal Communications Commission;

(b) a publicly-owned facility such as a fire station, sheriff's substation, communication tower, equipment shed; or

(c) a quasi-public facility such as a church, cemetery, hospital or 24-hour emergency care facility.

(2) The division or partition of land for a parcel exempted under Subsection (1) shall be subject to the following:

(a) the parcel shall have a legal access to it;

(b) if located in a residential or residential multi-family zoning district:

(i) the site shall be large enough that the height of the tallest structure measured horizontally from its base, plus ten feet will mark the minimum distance to the property line, and the perimeter shall be fenced with chain link fencing and screened by drought resistant landscaping and trees;

(ii) if the parcel is being created for a manned public facility such as a fire station or emergency care station, the exempted parcel shall have frontage on a public road; and

(iii) creation of the exempted parcel shall not create a remnant parcel that is less than one (1) acre in area or less than 70% of the area, width or frontage as is required in the zoning district.

(3) The conditional exemption allowed by this section does not excuse the applicant or landowner from compliance with the subdivision ordinance.

PART 16-4
USE TABLES, CODES, SYMBOLS AND RESTRICTIONS

Section

- 16-4-1. Codes and symbols.**
- 16-4-2. Uses.**
- 16-4-3. Use tables.**
- 16-4-3.1 Agriculture, forestry and keeping of animals.**
- 16-4-3.2 Commercial and industrial uses.**
- 16-4-3.3 Dwellings, living quarters and long or short-term residences.**
- 16-4-3.4 Public and quasi-public uses.**
- 16-4-3.5 Recreational, camping and amusement uses.**
- 16-4-3.6 Utilities and utility services.**
- 16-4-4. Farm animal units per property.**
- 16-4-4.1 Use table of farm animal units.**

16-4-1. Codes and symbols.

- (1) In this part are uses of land or buildings which are allowed in the various districts as follows:
 - (a) “permitted uses,” indicated by a “P” in the appropriate column; or
 - (b) “conditional uses,” indicated by a “C” or “C1” in the appropriate column.
- (2) Conditional uses marked by “C” mean issuance by planning commission. Those marked by “C1” mean it may be approved administratively by the zoning administrator.
- (3) If a use is not allowed in a given district, it is either not named in the use list or it is indicated in the appropriate column by a dash, “-”.
- (4) If a regulation applies in a given district, it is indicated in the appropriate column by an alphanumeric character that will show the linear feet, or square feet, or acres required, or by the letter “A.” If the regulation does not apply, it is indicated in the appropriate column by a dash, “-”.

16-4-2. Uses.

No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained in the residential and multiple residential districts except as provided in this Chapter.

Table 16-4-3.5. Recreational, camping and amusement uses.		
#	Use	Residential
		21
a	Accessory buildings and uses customarily incidental to conditional uses	C

Table 16-4-3.5. Recreational, camping and amusement uses.		
#	Use	Residential
		21
b	Accessory buildings and uses customarily incidental to permitted uses	P
c	Private recreational ground and facilities not open to the general public and there is no charge for admission	C

Table 16-4-3.6. Utilities and utility services.		
#	Use	Residential
		21
a	Accessory buildings and uses customarily incidental to conditional uses	C
b	Accessory buildings and uses customarily incidental to permitted uses	P
c	Essential service facilities	P
d	Public, quasi-public, and public service utility lines, pipelines, power lines, etc., which extend more than 500 feet; that are used to transport their material, service or supply	C
e	Substations	C
f	Transmission lines of 50 kV or greater capacity	C

Permanent/temporary generators shall be a permitted use in the above districts subject to the following restrictions:

- (i) the generator shall meet all front, side, and rear setbacks for the residing zoning district.
- (ii) the generator's exhaust shall, as much as practically feasible, be vented upwards or directed away from neighboring properties.
- (iii) the generator shall be used only during periods of emergency situations or for periodic testing and necessary maintenance operation.
- (iv) the generator shall be operated for routine testing and maintenance purposes not more than one time in any seven-day (7) period and no test shall exceed a total of thirty (30) minutes.

16-4-4. . Farm animal units per acreage.

(1) The following regulations shall apply to all residential zones that allow animals other than household pets:

- (a) Six (6) large animal units listed in Table 15-5-4.1 shall be allowed for the first acre of property.
- (b) Four (4) animal units listed in Table 15-5-4.1 shall be allowed for each additional one (1) acre of property.

(c) The minimum allowed acreage of such animals shall be .5 acres in an RR (Rural Residential) Zone.

(d) The maximum number of large animal units is 20 regardless of lot size.

(e) Small animals (chickens, rabbits, turkeys, and other fowl) shall not count against the large animal unit number listed in Table 15-5-4.1. The aggregate number of small animals is 30 per species, regardless of lot size

(f) Thirty (30) small animals shall be allowed for the first acre of property.

(g) Fifteen (15) small animals shall be allowed for each additional acre of property.

(2) MU (multiple use) and A (agriculture) zones are allowed to self-regulate animal counts, so long as the animals do not cause a nuisance as defined in Erda Code 8-5-3 (Nuisance Animals).

(3) The Zoning Administrator may decide to further restrict or revoke the property's right to animals if the property owner allows, causes, or permits any animal nuisance as defined in Erda Code 8-5-3 (Nuisance Animals).

(4) For animals not listed, the Zoning Administrator shall determine the number of animals allowed based upon the property and surrounding residential limits and restrictions.

(5) Animals permitted through the Department of Natural Resources (DNR) are allowed and shall be kept in accordance with DNR regulations. Permitted animals must comply with this chapter.

(6) A CUP is required for any educational or rehabilitation, temporary housing, or private stabling use allowing animals over these limits.

Table 15-5-4.1. Farm animal units per acreage.

6 large animal units are allowed for the first one acre of property and 4 additional large animal units for each additional one acre of property in any combination of animals listed.

For example:

A ½ acre parcel is allowed 3 animal units, which would allow for 3 large animals, or 12 medium animals, or a combination of the animals listed below.

A 2.5-acre parcel is allowed 12 large animal units, which would allow for 12 large animals, or 30 medium, or a combination of the animals listed below.

A 5-acre parcel would be allocated 20 large animal units, which would allow for 20 large animals, 30 medium animals, or a combination of the animals listed below.

TYPE	KIND	1 unit = number listed below for RR (rural residential) zones
Large animal	Horse, Mule, Cow, Swine	1
Medium animal*	Goat, Sheep, Miniature Horse, Llama, Alpaca	4 *maximum animals allowed is 30

CHAPTER 17

COMMERCIAL, INDUSTRIAL, AND HAZARDOUS INDUSTRIES ZONING DISTRICTS

Part

- 17-1 Commercial Zoning Districts.**
- 17-2 Industrial Zoning Districts.**
- 17-4 Exemption from Area Requirements.**
- 17-5 Use Tables, Codes, Symbols and Restrictions.**

PART 17-1 COMMERCIAL ZONING DISTRICTS

Section

- 17-1-1. Purpose of Commercial Neighborhood (C-N) zoning districts.**
- 17-1-2. Purpose of Commercial Shopping (C-S) zoning districts.**
- 17-1-3. Purpose of Commercial Highway (C-H) zoning districts.**
- 17-1-4. Purpose of Commercial General (C-G) zoning districts.**
- 17-1-5. Development restrictions in commercial zones.**
- 17-1-6. Maximum building heights.**

17-1-1. Purpose of Commercial Neighborhood (C-N) zoning districts.

The purpose of Commercial Neighborhood (C-N) zoning districts are to provide areas in appropriate locations where convenience buying outlets may be established to serve surrounding residential neighborhoods. The regulations of this district are designed to promote a combination of retail and service facilities which in character and scale are necessary to meet day-to-day needs of area residents.

17-1-2. Purpose of Commercial Shopping (C-S) zoning districts.

The purpose of Commercial Shopping (C-S) zoning districts are to provide areas in appropriate locations where a combination of businesses, commercial, entertainment, and related activities may be established, maintained and protected. The regulations of this district are designed to promote and encourage the development of comparison shopping centers.

17-1-3. Purpose of Commercial Highway (C-H) zoning districts.

The purpose of Commercial Highway (C-H) zoning districts are to provide areas in appropriate locations adjacent to highways or major streets where activities dependent upon or catering to thoroughfare traffic and the traveling public may be established, maintained, and protected. The regulations of this district are designed to encourage harmony between traffic needs and centers for retail commercial, entertainment, automotive facilities, and other appropriate highway-related activities.

17-1-4. Purpose of Commercial General (C-G) zoning districts.

The purpose of Commercial General (C-G) zoning districts are to provide areas in appropriate locations where a combination of business, commercial, entertainment, and related activities may be established, maintained and protected. Regulations of this district are designed to provide a suitable environment for those commercial and service uses that are vital to economic life, some of which would be intrusive and disruptive in a shopping center-type of commercial development.

17-1-5. Development restrictions in commercial zones.

In commercial zoning districts:

COMMERCIAL, INDUSTRIAL, AND HAZARDOUS INDUSTRIES ZONING DISTRICTS

(1) The minimum front yard setback requirement of 20 feet for commercial buildings may be reduced to 0 feet following approval by the Erda Planning Commission. Additionally, no commercial building shall be located closer than 50 feet to any residential district boundary line, and no such building shall encroach on any easement.

(2) Buildings and structures shall cover no more than 30% of the lot area except as may otherwise be allowed through planned unit development approval, except coverage shall not exceed 50% in C-G zoning districts.

(3) All uses shall be free from objectionable noise, hazards, or nuisances.

(4) Improvements required by the planning commission may include:

- (a) street grading;
- (b) street base;
- (c) curb and gutter;
- (d) sidewalk;
- (e) on-site surface drainage facilities;
- (f) culinary water facilities;
- (g) wastewater disposal;
- (h) street monuments; and
- (i) any other infrastructure deemed necessary.

(5) Not more than 20% of the building shall be used for wholesale business.

17-1-6. Maximum building heights.

- (1) The maximum building height in C-N zones shall be 35 feet.
- (2) The maximum building height in C-S, C-G and C-H zoning districts shall be 75 feet.

PART 17-2 INDUSTRIAL ZONING DISTRICTS

Section

17-2-1. Purposes of Manufacturing Distribution (M-D) zoning districts.

17-2-2. Purpose of Manufacturing General (M-G) zoning districts.

17-2-3. Development restrictions to manufacturing zoning districts generally.

17-2-4. Development restrictions specific to M-D zoning districts.

17-2-5. Maximum building heights.

17-2-1. Purpose of Manufacturing Distribution (M-D) zoning districts.

The purpose of Manufacturing Distribution (M-D) zoning districts are to provide areas in appropriate locations where light manufacturing, industrial processes and warehousing not producing objectionable effects may be established, maintained and protected. The regulations of this district are designed to protect environmental quality of the district and adjacent areas.

17-2-2. Purpose of Manufacturing General (M-G) zoning districts.

The purpose of Manufacturing General (M-G) zoning districts are to provide areas in appropriate locations where heavy industrial processes necessary to the economy may be conducted. The regulations of this district are designed to protect environmental quality of the district and adjacent areas.

17-2-3. Development restrictions to manufacturing zoning districts generally.

In manufacturing zoning districts:

(1) Minimum yard setback requirements shall be established in the conditional use permit or planned unit development approval, except that no commercial building shall be located closer than 50 feet to any

COMMERCIAL, INDUSTRIAL, AND HAZARDOUS INDUSTRIES ZONING DISTRICTS

residential district boundary line or to any street line which continues as frontage into a residential district, and providing they do not encroach on any easement.

(2) Buildings and structures shall cover no more than 50% of the lot area except as may otherwise be allowed through planned unit development approval.

(3) Improvements required by the planning commission may include:

- (a) street grading;
- (b) street base;
- (c) curb and gutter;
- (d) sidewalk;
- (e) on-site surface drainage facilities;
- (f) culinary water facilities;
- (g) wastewater disposal;
- (h) street monuments; and
- (i) any other infrastructure deemed necessary.

(4) The following provisions apply to Solar Energy Systems:

(a) No above-ground Solar Energy System facility or structure (other than access roads, gates and fences) shall be located closer than one mile to any Residential District boundary line (not including Agricultural Zoning Districts) unless otherwise approved by the Zoning Administrator through the site plan review process.

(b) Except as set forth in 4(a) above, no minimum lot size, maximum lot coverage or building height, or other side yard or setback requirements apply to Solar Energy Systems.

(c) No minimum off-street parking or open space requirements apply to Solar Energy Systems.

(d) The installation of sidewalks along the entire property line abutting a public street is not required unless the Zoning Administrator determines that a sidewalk is necessary to serve a public need or the public health, safety and welfare.

(e) Rooftop Mounted Solar Arrays located on industrial buildings in any (M-G and M-D) Zoning District are exempt from the one-mile buffer requirement.

17-2-4. Development restrictions specific to M-D zoning districts.

(1) Any area outside of a building used for any activity other than off-street parking and loading shall be completely enclosed within a solid fence or wall of a height sufficient to completely screen such activity from the street or from adjoining parcels.

(2) All uses shall be free from objectionable noise, hazards and nuisances.

17-2-5. Maximum building heights.

The maximum building height in M-D zoning districts shall be 35 feet. There is no maximum building height in M-G zoning districts.

PART 17-4 EXEMPTION FROM AREA REQUIREMENTS

Section

17-4-1. Uses conditionally exempt from frontage, width, and area requirements of the zoning district.

17-4-1. Uses conditionally exempt from frontage, width, and area requirements of the zoning district.

COMMERCIAL, INDUSTRIAL, AND HAZARDOUS INDUSTRIES ZONING DISTRICTS

In commercial, industrial and hazardous industries zoning districts, a bona fide division or partition of land for the purpose of siting an unmanned facility appurtenant to a pipeline, electrical service, telecommunications, transmission line, radio transmission, regeneration, or fiber optic equipment owned or operated by a public or private utility service regulated by the Public Utility Commission or Federal Communications Commission may be sited on a parcel less than that required with no frontage subject to the following:

- (1) The parcel shall have a legal access to it.
- (2) A conservation easement or deed restriction shall be given to Erda that will prohibit any use or structure from being placed on the property than those listed in this section.
- (3) The site shall be fenced and approved through a conditional use permit.
- (4) Where a residential or manned structure is within 800 feet, the site shall be large enough that the height of the tallest structure placed in a vertical position from its base, plus ten feet, will mark the minimum property edge.
- (5) The site shall be fenced with chain link fencing, and screened by drought resistant landscaping and trees.
- (6) The applicant or landowner shall comply with the subdivision ordinance.

PART 17-5 USE TABLES, CODES, SYMBOLS AND RESTRICTIONS

Section

- 17-5-1. Codes and symbols.**
- 17-5-2. Uses.**
- 17-5-3. Use tables.**
- 17-5-3.1 Agriculture, forestry and keeping of animals.**
- 17-5-3.2 Automobile, truck and recreational vehicle sales and service.**
- 17-5-3.3 Commercial sales and service.**
- 17-5-3.4 Dwellings, living quarters and long- or short-term residences.**
- 17-5-3.5 Industrial uses.**
- 17-5-3.6 Manufacturing, curing, compounding, processing, packaging, production and treatment.**
- 17-5-3.7 Public and quasi-public uses.**
- 17-5-3.8 Recreation, camping and amusement.**
- 17-5-3.9 Storage, shipping, transporting and warehousing.**
- 17-5-3.10 Utilities and utility services.**

17-5-1. Codes and symbols.

(1) In this Part are tables describing uses of land or buildings that are allowed in the various districts as shown. Permitted uses are indicated by a "P" in the appropriate column. Uses that may be permitted by a conditional use permit issued by a planning commission are indicated by a "C" in the appropriate column. Uses that may be permitted by a conditional use permit issued by the zoning administrator are indicated by a "C1" in the appropriate column.

(2) If a use is not allowed in a given district, it is either not named in the use list or it is indicated in the appropriate column by a dash, "-".

(3) If a regulation applies in a given district, it is indicated in the appropriate column by an alphanumeric character that will show the linear feet or square feet or acres required or by the letter "A". If the regulation does not apply, it is indicated in the appropriate column by a dash, "-".

17-5-2. Uses.

COMMERCIAL, INDUSTRIAL, AND HAZARDOUS INDUSTRIES ZONING DISTRICTS

No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained in the commercial, industrial or hazardous industries zoning districts except as provided in this Part.

17-5-3. Use tables.

Table 17-5-3.1. Agriculture, forestry and keeping of animals.							
#	Use	Commercial (C-)				Industrial (M-)	
		N	S	H	G	D	G
a	Accessory buildings and uses customarily incidental to conditional uses	C	C	C	C	C	C
b	Accessory buildings and uses customarily incidental to permitted uses	P	P	P	P	P	P
c	Agricultural industries	-	-	-	-	P	-
d	Beauty shop for pets, dog grooming	-	P	P	P	-	-
e	Rooftop mounted solar arrays	P	P	P	P	-	-
f	Tilling of the soil, raising of crops, horticulture and gardening	-	-	-	-	P	-

Table 17-5-3.2. Automobile, truck and recreational vehicle sales and services.							
#	Use	Commercial (C-)				Industrial (M-)	
		N	S	H	G	D	G
a	Accessory buildings and uses customarily incidental to conditional uses	C	C	C	C	C	C
b	Accessory buildings and uses customarily incidental to permitted uses	P	P	P	P	P	P
c	Automatic car wash	-	P	P	P	C	C
d	Automobile or recreation vehicle sales, service, lease, rental and repair, new or used, conducted entirely within an enclosed building	-	P	P	P	-	P
e	Automobile service station	C	C	C	C	C	C
f	Body and fender shop; tire recapping; motor vehicle, bicycle, and recreation vehicle assembling, painting, upholstering and rebuilding.	-	-	-	C	P	P
g	Dismantling or wrecking of used motor vehicles and storage or sale of	-	-	-	-	-	C

COMMERCIAL, INDUSTRIAL, AND HAZARDOUS INDUSTRIES ZONING DISTRICTS

Table 17-5-3.2. Automobile, truck and recreational vehicle sales and services.							
#	Use	Commercial (C-)				Industrial (M-)	
		N	S	H	G	D	G
	dismantled, inoperative or wrecked vehicles or their parts						
h	Indoor auto parts sales	-	P	P	P	P	P
i	Parking lot incidental to a use conducted on the premises	P	P	P	P	P	P
j	Parking lot not incidental to a use conducted on the premises	C	C	C	C	C	C
k	Recreation vehicles, rentals, leases, sales and service, outdoor and indoor	-	P	P	P	P	P
l	Truck and heavy equipment service station and repair facility	-	-	P	C	P	P
m	Truck wash	-	-	P	C	P	P

Table 17-5-3.3. Commercial sales and service.							
#	Use	Commercial (C-)				Industrial (M-)	
		N	S	H	G	D	G
a	Accessory uses buildings customarily incidental to conditional uses	C	C	C	C	C	C
b	Accessory buildings and uses customarily incidental to permitted uses	P	P	P	P	P	P
c	Addressograph shop	-	-	-	P	P	P
d	Animal hospital	-	C	-	P	P	-
e	Art needlework shop; art shop; art supply	P	P	P	P	C1	C1
f	Awning sales/repair	-	P	-	P	-	-
g	Baby formula service; baby diaper service; sitter agency	P	P	P	P	-	-
h	Bakery, retail sales	P	P	P	P	-	-
i	Bank	P	P	P	P	P	-
j	Barber shop	P	P	P	P	-	-
k	Bath and massage (not part of medical or health spa)	-	-	C1	C1	-	-
l	Beauty shop	P	P	P	P	-	-

COMMERCIAL, INDUSTRIAL, AND HAZARDOUS INDUSTRIES ZONING DISTRICTS

Table 17-5-3.3. Commercial sales and service.							
#	Use	Commercial (C-)				Industrial (M-)	
		N	S	H	G	D	G
m	Beer outlet, Class A, Class B	-	C	C	C	-	C
n	Bookstore	P	P	P	P	-	-
o	Building material sales, enclosed area	-	P	-	P	P	P
p	Building material sales yard, outside, with sale of rock, sand, gravel and the like as an incidental part of the main business, but excluding concrete mixing	-	C	-	C	P	P
	Business incubator						
q	Café, cafeteria, catering establishment, restaurant (not a drive-thru)	P	P	P	P	P	P
r	Candy, confectionery, nut shop	P	P	P	P	-	-
s	Carbonated and purified water sales	P	P	P	P	-	-
t	Carpet and/or rug cleaning	-	C1	-	P	P	-
u	Child or adult day care facility	C	C	-	C	C	-
v	China and/or silver shop	P	P	P	P	-	-
w	Clothes cleaning, dyeing, pressing, dry cleaners	P	-	P	P	P	-
x	Clothing store	P	P	P	P	-	-
y	Coal/fuel sales office	-	-	-	C	C	P
z	Convenience store with gasoline sales	C	C	C	C	P	P
A	Copy store, blueprinting, photostating, duplicating	-	P	-	P	-	-
B	Costume rental	-	P	P	P	-	-
C	Delicatessen	P	P	P	P	-	-
D	Department store	P	P	P	P	-	-
E	Dramatics school	P	P	-	P	-	-
F	Drapery-curtain store	P	P	P	P	-	-
G	Dressmaking	P	P	-	P	P	-
H	Drive-ins; refreshment stand, eating and/or drinking place	C1	P	P	P	C1	C1
I	Drugstore	P	P	P	P	-	-
J	Dry goods store	P	P	P	P	-	-

COMMERCIAL, INDUSTRIAL, AND HAZARDOUS INDUSTRIES ZONING DISTRICTS

Table 17-5-3.3. Commercial sales and service.							
#	Use	Commercial (C-)				Industrial (M-)	
		N	S	H	G	D	G
K	Electrical, appliances and fixtures, electronic instruments sales, repair and/or service	C1	P	P	P	P	-
L	Employment agency or employment office	-	P	P	P	-	-
M	Fix-it shop, repair shop, for household items	P	P	-	P	-	-
N	Flooring, carpet repair and sales	-	P	-	P	-	-
O	Florist shop	P	P	P	P	-	-
P	Fountain equipment supply, restaurant supply	-	-	-	P	P	-
Q	Frozen food lockers	-	C1	-	P	P	-
R	Frozen food locker incidental to a main grocery store or food business	P	P	P	P	P	P
S	Fruit/fruit juice store; fruit and/or vegetable stand, or store; natural foods/health store	P	P	P	P	-	-
T	Fur sales, storage, repair	-	P	-	P	-	-
U	Furniture sales, and/or repair	-	P	-	P	-	-
V	Gift shop; hobby or crafts shop	P	P	P	P	-	-
W	Greenhouse, nursery; plant materials; soil & lawn service	-	P	-	P	C1	-
X	Grocery; meat sales	P	P	-	P	-	-
Y	Gunsmith	-	P	-	P	C1	-
Z	Hardware store, not including the sale of lumber	P	P	P	P	P	-
1	Hardware store, including the sale of lumber providing all lumber storage is in completely enclosed in a building	-	P	P	P	P	-
2	Heating, ventilating, air conditioning; equipment (HVAC), sales/repair	C1	C1	C1	C1	C1	C1
3	Hospital supplies	-	-	-	C	P	-
4	Household cleaning/ repair, house equipment displays	-	P	-	P	-	-
5	Ice cream shop; ice sales, retail sales and rentals	P	P	P	P	-	-

COMMERCIAL, INDUSTRIAL, AND HAZARDOUS INDUSTRIES ZONING DISTRICTS

Table 17-5-3.3. Commercial sales and service.							
#	Use	Commercial (C-)				Industrial (M-)	
		N	S	H	G	D	G
6	Ice manufacture, storage, and wholesale sales	-	-	-	C1	P	P
7	Ice vendor units and/or reach-in ice merchandise units, electric ice-maker; ice storage, not more than five (5) tons capacity	P	P	P	P	P	P
8	Insulation sales	-	-	-	P	P	P
9	Interior decorating store	P	P	-	P	-	-
10	Jewelry store	P	P	P	P	-	-
11	Kennel, conducted entirely within a soundproof and air conditioned building	-	C1	-	C1	C1	-
12	Laundry, automatic self-help; laundry agency	P	P	P	P	-	-
13	Leather goods	-	P	-	P	-	-
14	Linen shop	P	P	-	P	-	-
15	Liquor and beer sales; places for the drinking of liquor or beer	-	C	C	C	-	C
16	Lithographing, including engraving, photo engraving	-	P	-	P	P	-
17	Luggage sales	-	P	P	P	-	-
18	Lumber yard	-	C	-	C	P	P
19	Manufactured home sales and storage	-	C	-	P	P	C
20	Medical/dental clinic, laboratories, infirmary, immediate care facility	-	P	P	P	P	-
21	Military store	-	-	-	C	C	C
22	Milk distributing station; sale of dairy products, excluding processing/bottling	P	P	P	P	-	-
23	Mobile home sales and storage	-	C	-	P	P	C
24	Monument sales, retail	-	-	-	P	P	P
25	Mortuary, undertaking or funeral establishment	-	C	-	P	-	-
26	Motorboat sales	-	P	P	P	P	-
27	Music store	P	P	P	P	-	-
28	News stand; magazine shop; book store	P	P	P	P	-	-

COMMERCIAL, INDUSTRIAL, AND HAZARDOUS INDUSTRIES ZONING DISTRICTS

Table 17-5-3.3. Commercial sales and service.							
#	Use	Commercial (C-)				Industrial (M-)	
		N	S	H	G	D	G
29	Notions, variety store	P	P	P	P	-	-
30	Novelty shop, variety store	P	P	P	P	-	-
31	Nurses' agency	P	P	-	P	-	-
32	Office, business or professional	C1	P	C1	P	P	P
33	Office, supply; office machines sales, repair	-	P	-	P	P	-
34	Oil burner shop	-	P	-	P	P	-
35	Optometrist; oculist	P	P	-	P	-	-
36	Ornamental iron, sales only	-	P	-	P	-	-
37	Package agency	-	C	C	C	-	C
38	Painter/paint store	-	P	P	P	P	-
39	Pest extermination and control office	-	-	-	P	P	P
40	Pet shop	P	P	-	P	-	-
41	Photographer or photography shop, sales and service	P	P	P	P	-	-
42	Plumbing shop	-	P	P	P	P	-
43	Popcorn and/or nut shop	P	P	P	P	-	-
44	Printing, including engraving, photo engraving	-	P	-	P	P	-
45	Printing and small paper reproduction service	P	P	P	P	P	-
46	Radio and television sales and repair	P	P	-	P	-	-
47	Radio and television station	-	-	-	C1	C1	P
48	Reception center and/or wedding chapel	C1	C1	-	C1	-	-
49	Roofing sales	-	P	-	P	P	-
50	Second-hand shop, antiques, conducted within a building or enclosure	P	P	P	P	-	-
51	Seed/feed store	-	-	-	C1	P	P
52	Sewing machine shop	P	P	-	P	-	-
53	Sexually oriented businesses	-	-	-	-	-	C
54	Shoe shop; shoeshine; shoe repair	P	P	P	P	-	-
55	Sign painting shop	-	C1	-	P	P	-

COMMERCIAL, INDUSTRIAL, AND HAZARDOUS INDUSTRIES ZONING DISTRICTS

Table 17-5-3.3. Commercial sales and service.							
#	Use	Commercial (C-)				Industrial (M-)	
		N	S	H	G	D	G
56	State store	-	C	C	C	-	-
57	Stationary and greeting card sales	P	P	P	P	-	-
58	Tailor shop	P	P	-	P	-	-
59	Taxidermist	-	P	-	P	P	-
60	Technical office for research and development, laboratory & research facility subject to the restrictions below: Limited manufacturing activity shall be considered an allowed accessory use to a technical research and development office, laboratory or research facility in a nonindustrial district provided that the following requirements are satisfied: 1. Such manufacturing activity is related to research and development activities of the principal use. 2. No manufacturing activity customarily occurs within 50 feet of a residence or residential district. 3. All manufacturing activity customarily occurs inside of buildings; however, outside research work and incidental outside fabrication of equipment to conduct outside experimentation shall be permitted. 4. Outside research in nonindustrial districts should not customarily involve noxious activity which creates disturbances off of the premises. 5. Manufacturing activity, excluding incidental fabrication of outside experiments, shall not occupy an area in excess of 60 percent of the gross floor area of a building or group of associated buildings owned by the same establishment.	-	-	C1	C1	C1	C1
61	Tire shop, sales and repair	-	P	P	P	-	-
62	Tobacco shop* *Use may not be established within six-hundred feet (600'), measured from the parcel(s) perimeter(s), of	-	-	-	-	-	C

COMMERCIAL, INDUSTRIAL, AND HAZARDOUS INDUSTRIES ZONING DISTRICTS

Table 17-5-3.3. Commercial sales and service.

#	Use	Commercial (C-)				Industrial (M-)	
		N	S	H	G	D	G
	any public or private schools, churches, libraries, public parks, or public recreational facilities.						
63	Towel and linen supply service	-	-	-	P	P	-
64	Travel bureau	-	P	P	P	-	P
65	Upholstery shop	-	-	-	-	P	P
66	Variety store, notions	P	P	P	P	-	-
67	Veterinary	-	-	-	C	C	-
68	Veterinary – providing operations are completely enclosed within an air-conditioned and soundproof building	-	C1	C1	C1	C1	-
69	Wallpaper store	-	P	P	P	-	-
70	Weather-stripping shop	-	P	-	P	P	P
71	Wholesale business	-	-	-	P	P	P

Table 17-5-3.4. Dwellings, living quarters and long or short-term structures.

#	Use	Commercial (C-)				Industrial (M-)	
		N	S	H	G	D	G
a	Accessory uses buildings customarily incidental to conditional uses	C	C	C	C	C	C
b	Accessory buildings and uses customarily incidental to permitted uses	P	P	P	P	P	P
c	Bed and breakfast, providing: 1. The owner must reside in the residence. 2. The site must be maintained and landscaped so as to minimize the impact on neighboring properties and in order to retain the character of the neighborhood. 3. The establishment shall not contain cooking facilities in guest rooms for preparation of meals by guests. 4. Meals are served only to residents and overnight guests.	C1	C1	C1	C1	C1	C1

COMMERCIAL, INDUSTRIAL, AND HAZARDOUS INDUSTRIES ZONING DISTRICTS

Table 17-5-3.4. Dwellings, living quarters and long or short-term structures.							
#	Use	Commercial (C-)				Industrial (M-)	
		N	S	H	G	D	G
	5. The establishment shall conform to all applicable fire, building and health codes. 6. The establishment shall be open to inspection by the Erda Engineer, Tooele Sheriff, Tooele Health Department Director and their authorized personnel. 7. The establishment shall obtain and maintain an Erda business license.						
	Bed and breakfast inn, providing: 1. The owner must reside in the residence. 2. The site must be maintained and landscaped so as to minimize the impact on neighboring properties and in order to retain the character of the neighborhood. 3. The establishment shall not contain cooking facilities in guest rooms for preparation of meals by guests. 4. The establishment shall conform to all applicable fire, building and health codes. 5. The establishment shall be open to inspection by the Erda Engineer, Tooele Sheriff, Tooele Health Department Director and their authorized personnel. 6. The establishment shall obtain and maintain an Erda business license.	C1	C1	C1	C1	C1	C1
e	Construction equipment and supply trailer, temporary	C1	C1	C1	C1	C1	C1
f	Construction field office, temporary	C1	C1	C1	C1	C1	C1
g	Hotel, motel, inn	-	C	P	P	P	C
h	Recreational vehicle park	-	C	C	C	-	P
i	Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work	C1	C1	C1	C1	C1	C1

COMMERCIAL, INDUSTRIAL, AND HAZARDOUS INDUSTRIES ZONING DISTRICTS

Table 17-5-3.5. Industrial uses.							
#	Use	Commercial (C-)				Industrial (M-)	
		N	S	H	G	D	G
a	Accessory uses buildings customarily incidental to conditional uses	C	C	C	C	C	C
b	Accessory buildings and uses customarily incidental to permitted uses	P	P	P	P	P	P
c	Bag cleaning	-	-	-	-	P	P
d	Baking, ice cream making, and/or candy making	P	P	P	P	P	P
e	Blacksmith shop	-	-	-	-	P	P
f	Boiler works	-	-	-	-	P	P
g	Bookbinding	-	-	-	P	P	P
h	Bottling works	-	-	-	-	P	P
i	Breweries	-	-	-	-	C	C
j	Central mixing plant, related to construction industry for cement, mortar, plaster, or paving materials	-	-	-	-	-	C
k	Construction of building to be sold and moved off the premise	-	-	-	P	P	P
l	Dairy	-	-	-	P	P	P
m	Egg candling, sales, or processing	-	-	-	C1	P	P
n	Fertilizer and soil conditioner manufacture, processing and/or sales, providing only non-animal products and by-products are used	-	-	-	-	C	C
o	Forage plant	-	-	-	-	P	P
p	Foundry, casting light-weight non-ferrous metal	-	-	-	-	-	C
q	Hatchery	-	-	-	-	P	P
r	Honey extraction	-	-	-	P	P	P
s	Incinerator, non-accessory	-	-	-	-	C	C
t	Knitting mill	-	-	-	-	P	P
u	Laboratories	-	-	C	C	C	C
v	Laundry	P	-	P	P	P	-
w	Machine shop	-	-	-	C	P	P

COMMERCIAL, INDUSTRIAL, AND HAZARDOUS INDUSTRIES ZONING DISTRICTS

Table 17-5-3.5. Industrial uses.							
#	Use	Commercial (C-)				Industrial (M-)	
		N	S	H	G	D	G
x	Mobile lunch service	-	P	P	P	P	P
y	Monument works	-	-	-	C	P	P
z	Motion picture studio	-	-	-	-	P	P
A	Planning mill	-	-	-	-	C	C
B	Power generation (electrical) for on-site use:						
C	1. solar	P	P	P	P	P	P
D	2. wind under 5.9 kva	-	-	-	C	P	P
E	3. auxiliary, temporary, wind, with more than 6 kva, but less than 10 kva output	C1	C1	C1	P	P	P
F	4. steam, hydro, or reciprocating engine with more than 10.05 kva, but less than 150 kva output	-	C1	C1	C1	P	P
G	5. steam, hydro, or reciprocating engine with more than 150 kva	-	-	-	-	-	C
H	Printing – convenience for drop-in customers	P	P	P	P	P	P
I	Production of salts in solid or liquid form by the collection, pumping and evaporation of naturally occurring brines and the processing of salts into salt products	-	-	-	-	-	P
J	Publishing and contract printing	-	-	-	P	P	P
K	Recycling, reformation, refinement and utilization of salts, and its byproducts, in solid or liquid form, to produce other materials, chemicals or products	-	-	-	-	-	C1
L	Rooftop mounted solar arrays	-	-	-	-	P	P
M	Sandblasting	-	-	-	-	C	C
N	Saw mill	-	-	-	-	-	C
O	Solar energy systems	-	-	-	-	C	C
P	Storage, treatment and disposal of wastes classified as “hazardous wastes”	-	-	-	-	-	-
Q	Tire, recycling into fuels and useable products	-	-	-	-	C	C

COMMERCIAL, INDUSTRIAL, AND HAZARDOUS INDUSTRIES ZONING DISTRICTS

Table 17-5-3.5. Industrial uses.

#	Use	Commercial (C-)				Industrial (M-)	
		N	S	H	G	D	G
R	Tire disposal, long term storage or landfilling not incidental to recycling facilities located in Erda	-	-	-	-	-	-
S	Tire retreading, or vulcanizing	-	-	-	-	C	P
T	Treatment of materials from sand and grease interceptors, resulting in inert materials	-	-	-	-	-	C
U	Upholstering, including mattress manufacture rebuilding or renovating	-	-	-	P	P	P
V	Weaving	-	C1	-	C1	P	P
W	Welding shop	-	-	-	C	P	P

Table 17-5-3.6. Manufacturing, curing, compounding, processing, packaging, production and treatment.

#	Use	Commercial (C-)				Industrial (M-)	
		N	S	H	G	D	G
a	Accessory uses buildings customarily incidental to conditional uses	C	C	C	C	C	C
b	Accessory buildings and uses customarily incidental to permitted uses	P	P	P	P	P	P
c	Acetylene gas	-	-	-	-	-	C
d	Acid	-	-	-	-	-	C
e	Airplane and associated parts	-	-	-	-	-	C
f	Alcohol	-	-	-	-	-	C
g	Ammonia	-	-	-	-	-	C
h	Animal by-products, offal or dead, reduction or dumping, fat rendering, grease or lard located at least 300 feet from any district boundary	-	-	-	-	-	C
i	Automobiles and their associated parts	-	-	-	-	-	C
j	Bakery goods	-	-	-	-	C	C
k	Batteries	-	-	-	-	C	C
l	Billboards and commercial advertising structures	-	-	-	C	P	P

COMMERCIAL, INDUSTRIAL, AND HAZARDOUS INDUSTRIES ZONING DISTRICTS

Table 17-5-3.6. Manufacturing, curing, compounding, processing, packaging, production and treatment.							
#	Use	Commercial (C-)				Industrial (M-)	
		N	S	H	G	D	G
m	Blast furnace or foundry located at least 300 feet from any district boundary	-	-	-	-	-	C
n	Bleaching powder	-	-	-	-	-	C
o	Boats	-	-	-	C	P	P
p	Bone	-	-	-	C	C	C
q	Brass	-	-	-	-	-	C
r	Business machines	-	-	-	C	P	P
s	Cameras and photo equipment, film	-	-	-	C	P	P
t	Candles	-	-	-	-	-	C
u	Candy	-	-	-	-	C	C
v	Canvas, cloth, textiles, wool or yarn	-	-	-	C	C	C
w	Cast stone, cement, cinder, terra cotta; tile, brick, synthetic cast stone, pumice stone and gypsum products	-	-	-	-	-	C
x	Cellophane	-	-	-	C	C	C
y	Celluloid	-	-	-	-	-	C
z	Cereal	-	-	-	-	C	C
A	Chemicals of an objectionable or dangerous nature	-	-	-	-	-	C
B	Chlorine	-	-	-	-	-	C
C	Coal	-	-	-	-	-	C
D	Copper	-	-	-	-	-	C
E	Cork	-	-	-	C	C	C
F	Cosmetics	-	-	-	-	C	C
G	Creosote	-	-	-	-	-	C
H	Dairy products	-	-	-	-	C	C
I	Detergents	-	-	-	-	-	C
J	Disinfectants	-	-	-	-	-	C
K	Dyestuffs	-	-	-	-	-	C
L	Electric or neon signs	-	-	-	C	P	P
M	Electrical, electronic and communication instruments	-	-	-	C	C	C

COMMERCIAL, INDUSTRIAL, AND HAZARDOUS INDUSTRIES ZONING DISTRICTS

Table 17-5-3.6. Manufacturing, curing, compounding, processing, packaging, production and treatment.							
#	Use	Commercial (C-)				Industrial (M-)	
		N	S	H	G	D	G
N	Emery cloth	-	-	-	-	-	C
O	Engineering, laboratory and scientific instruments, temperature controls	-	-	-	C	C	C
P	Excelsior	-	-	-	-	-	C
Q	Explosives and fireworks	-	-	-	-	-	C
R	Feathers	-	-	-	C	C	C
S	Fertilizer and soil conditioner located at least 300 feet from any district boundary	-	-	-	-	-	C
T	Fish, sauerkraut, pickles, vinegar, yeast and the rendering of fat	-	-	-	-	-	C
U	Food products (excluding fish, sauerkraut, pickles, vinegar, yeast, and rendering of fat)	-	-	-	-	C	C
V	Gasoline and petroleum	-	-	-	-	-	C
W	Gelatine	-	-	-	-	-	C
X	Glass	-	-	-	-	-	C
Y	Glucose	-	-	-	-	-	C
Z	Glue	-	-	-	-	-	C
1	Hair and horn	-	-	-	C	C	C
2	Hardware	-	-	-	-	-	C
3	Ink	-	-	-	-	-	C
4	Insecticides	-	-	-	-	-	C
5	Iron	-	-	-	-	-	C
6	Lampblack	-	-	-	-	-	C
7	Leather or hides	-	-	-	C	C	C
8	Lime	-	-	-	-	-	C
9	Linoleum	-	-	-	-	-	C
10	Lubricating grease, oil, oilcloth and coiled rubber goods	-	-	-	-	C	C
11	Machinery	-	-	-	-	-	C
12	Malt	-	-	-	-	-	C
13	Matches	-	-	-	-	-	C

COMMERCIAL, INDUSTRIAL, AND HAZARDOUS INDUSTRIES ZONING DISTRICTS

Table 17-5-3.6. Manufacturing, curing, compounding, processing, packaging, production and treatment.							
#	Use	Commercial (C-)				Industrial (M-)	
		N	S	H	G	D	G
14	Meat products	-	-	-	-	C	C
	Medical and dental instruments and supplies, optical instruments and lenses						
15	Musical instruments	-	-	-	C1	P	P
16	Novelties	-	-	-	C1	P	P
17	Office machines, including cash registers, computing machines and typewriters, scales and balances	-	-	-	C	C	C
18	Oxygen	-	-	-	-	-	C
19	Paint	-	-	-	C	C	C
20	Paper and paperboard products	-	-	-	C	C	C
21	Pharmaceuticals	-	-	-	C	C	C
22	Pickles	-	-	-	-	-	C
23	Pipe for use in building construction or for sewer or drainage purposes (excluding rock or gravel crushing of raw materials except that which is incidental to the manufacture or fabrication of the above-described products) provided that such crushing facilities be located not closer than 200 feet to any property line	-	-	-	-	C	C
24	Plastics	-	-	-	C	C	C
25	Pottery, plaster, incidental plaster, plaster of paris, ceramic, and clay	-	-	-	-	-	C
26	Pyroxylin	-	-	-	-	-	C
27	Roofing or water proofing material	-	-	-	-	-	C
28	Rubber and metal stamps	-	-	-	C	P	P
29	Rubber or gutta-percha	-	-	-	C	C	C
30	Sheet metal products, light, (including heating and ventilation ducts and equipment, cornices and eaves, venetian blinds, window shades, awnings)	-	-	-	C1	P	P
31	Sheet metal heavy	-	-	-	-	-	C
32	Shell	-	-	-	C	C	C
33	Shellac, shoddy; and shoe polish	-	-	-	-	-	C

COMMERCIAL, INDUSTRIAL, AND HAZARDOUS INDUSTRIES ZONING DISTRICTS

Table 17-5-3.6. Manufacturing, curing, compounding, processing, packaging, production and treatment.							
#	Use	Commercial (C-)				Industrial (M-)	
		N	S	H	G	D	G
34	Soap	-	-	-	-	-	C
35	Soda	-	-	-	-	-	C
36	Starch	-	-	-	-	-	C
37	Steel or metal crushing	-	-	-	-	-	C
38	Straw	-	-	-	C	C	C
39	Tallow	-	-	-	-	-	C
40	Tar	-	-	-	-	-	C
41	Tobacco* *Use may not be established within six-hundred feet (600'), measured from the parcel(s) perimeter(s), of any public or private schools, churches, libraries, public parks, or public recreational facilities.	-	-	-	-	-	C
42	Toiletries	-	-	-	-	C	C
43	Toys	-	-	-	C	P	P
44	Turpentine and varnish	-	-	-	-	-	C
45	Vinegar	-	-	-	-	-	C
46	Wood	-	-	-	C1	C1	C1
47	Yeast	-	-	-	-	-	C

Table 17-5-3.7. Public and quasi-public uses.							
#	Use	Commercial (C-)				Industrial (M-)	
		N	S	H	G	D	G
a	Accessory uses buildings customarily incidental to conditional uses	C	C	C	C	C	C
b	Accessory buildings and uses customarily incidental to permitted uses	P	P	P	P	P	P
c	Cemeteries	-	-	-	C	C	-
d	Churches	C	C	C	C	-	-
e	College or university not exempt by statute	-	C	C	C	C	C
f	Correctional facilities (public and private) providing	-	-	-	-	-	C

COMMERCIAL, INDUSTRIAL, AND HAZARDOUS INDUSTRIES ZONING DISTRICTS

Table 17-5-3.7. Public and quasi-public uses.							
#	Use	Commercial (C-)				Industrial (M-)	
		N	S	H	G	D	G
	1. they are located at least 600 feet from any district boundary; 2. they are located at least 600 feet as measured from the property line on which the correctional facility is located to the property line of the following: a. Schools; b. Churches; c. Day care and preschools; d. Establishments that sell beer or liquor for on or off premise consumption; e. Motels or hotels; f. Residential (dwellings, lodging houses, dormitory, congregate residences, etc.)						
g	Dams and reservoirs	-	-	-	C	C	P
h	Hospital, public or private	-	-	C	C	C	C
i	Noncommercial research facility	-	C	C	C	C	C
j	Parks, golf courses, swimming pools and other recreation areas	P	P	P	P	-	-
k	Private road	C	C	C	C	C	C
l	Private schools	C	C	C	C	C	-
m	Public buildings	C	C	C	C	C	C
n	Radio/television transmitting towers	-	-	-	-	C1	P
o	Vocational or other schools not exempted by statute	-	C	C	C	C	C

Table 17-5-3.8. Recreation, camping and amusement.							
#	Use	Commercial (C-)				Industrial (M-)	
		N	S	H	G	D	G
a	Accessory uses buildings customarily incidental to conditional uses	C	C	C	C	C	C
b	Accessory buildings and uses customarily incidental to permitted uses	P	P	P	P	P	P

COMMERCIAL, INDUSTRIAL, AND HAZARDOUS INDUSTRIES ZONING DISTRICTS

Table 17-5-3.8. Recreation, camping and amusement.							
#	Use	Commercial (C-)				Industrial (M-)	
		N	S	H	G	D	G
c	Archery shop/range, if conducted in enclosed building	-	P	P	P	-	-
d	Athletic club; health club; athletic goods store; gymnasium	-	P	P	P	P	-
e	Bicycle shop	P	P	P	P	-	-
f	Billiards or pool hall; commercial skating rink	-	P	P	P	-	-
g	Bowling alley	P	P	P	P	-	-
h	Boxing arena	-	-	C1	C1	-	-
i	Campground	-	-	C	C	-	C
j	Dance hall; dancing	-	C1	C1	C1	-	-
k	Drag strip racing; auto racing; go-cart racing	-	-	-	-	C	C
l	Golf course; commercial miniature golf course	-	P	P	P	-	-
m	Night club/social club	-	C	C	C	-	C
n	Private non-profit locker club or private club	-	C	C	C	-	-
o	Recreational center, facilities or area that is private and/or commercial	-	C	C	C	C	C
p	Recreational coach parks	-	-	C	C	-	C
q	Swimming pool, commercial	-	C1	C1	P	-	-
r	Theater, indoor	P	P	P	P	-	-
s	Theater, outdoor, providing: 1. A solid fence or masonry wall with a minimum height of six feet shall be constructed on all sides; 2. Driveways and parking areas shall be provided with properly maintained dustless surfaces; 3. Automobile off-street storage areas for automobiles awaiting entrance to theater shall have a capacity of at least fifteen percent of the number of auto parking spaces provided inside the theater;	-	-	C	C	-	-

COMMERCIAL, INDUSTRIAL, AND HAZARDOUS INDUSTRIES ZONING DISTRICTS

Table 17-5-3.8. Recreation, camping and amusement.

#	Use	Commercial (C-)				Industrial (M-)	
		N	S	H	G	D	G
	4. Minimum area for single screen theater shall be ten acres, and the minimum area for a two screen theater shall be twelve acres.						

Table 17-5-3.9. Storage, shipping, transporting and warehousing.

#	Use	Commercial (C-)				Industrial (M-)	
		N	S	H	G	D	G
a	Accessory uses buildings customarily incidental to conditional uses	C	C	C	C	C	C
b	Accessory buildings and uses customarily incidental to permitted uses	P	P	P	P	P	P
c	Bus terminal and railroad passenger station, intermodal terminal, public transit hub	-	C1	C1	P	P	-
d	Coal, fuel and wood yards	-	-	-	-	C	C
e	Contractors' equipment storage yard	-	-	-	C1	-	P
f	Distribution center, parcel delivery center, delivery warehouse	-	-	-	-	P	P
g	Drive-it-yourself agency, car, equipment rental	-	-	P	P	C1	-
h	Explosives, class a, b, and c	-	-	-	-	-	C
i	Express office	-	P	P	P	P	-
j	Freight or trucking yard or terminal	-	-	-	C1	C1	P
k	Garage, public	-	C1	-	P	P	C
l	Hazardous material within the threshold planning qualities of SARA Title III	-	-	-	C	C	C
m	Hazardous material over the threshold planning qualities of SARA Title III, CERCLA, RCRA	-	-	-	-	-	-
n	Impound lot with the following minimum conditions: 1. A fence shall be constructed using non-view obscuring materials except if any side abuts a residential or	-	-	C	C	C	P

COMMERCIAL, INDUSTRIAL, AND HAZARDOUS INDUSTRIES ZONING DISTRICTS

Table 17-5-3.9. Storage, shipping, transporting and warehousing.							
#	Use	Commercial (C-)				Industrial (M-)	
		N	S	H	G	D	G
	rural-residential zoning district then a block wall is required; 2. Minimum height of the fence shall be eight feet with a maximum height of 12 feet; 3. All vehicles stored in impound lots shall be maintained on hard surfaces that are dustless and permanent; and 4. Temporary storage of a vehicle shall be 6-months or less, except for the temporary storage of a vehicle being held by a law enforcement agency or the State Tax Commission.						
o	Junk yard with the following minimum conditions: 1. Every junkyard shall be enclosed by a continuous masonry wall on the street sides and a view obscuring fence on all other sides thereof; 2. Minimum height of the wall eight feet with maximum height of 12 feet; 3. No scrap or junk automobiles or other scrap or junk materials shall be stacked, stored, or piled to a height greater than the height of the wall enclosing the junkyard; 4. Any openings in a fence or wall shall be fitted with a view-obscuring gate or door equipped with at least a key lock, or a combination padlock, or sliding bar, accessible only from inside the enclosure, located so as to lock the gate or door completely when not in use; 5. No exterior display or storage of material or salvage parts or wrecked vehicles; 6. There shall be no storage of tires except for tires that are on cars; 7. No junkyard shall be used as a dumping area for refuse or as a place for the burning or disposal of trash; 8. No hazardous wastes shall be stored within any junkyard;	-	-	-	-	-	C

COMMERCIAL, INDUSTRIAL, AND HAZARDOUS INDUSTRIES ZONING DISTRICTS

Table 17-5-3.9. Storage, shipping, transporting and warehousing.							
#	Use	Commercial (C-)				Industrial (M-)	
		N	S	H	G	D	G
	9. No oil, grease, or gasoline, over ten gallons, shall be stored at any time; 10. All fuels and other liquids shall be drained from any vehicle prior to storage or disposal; 11. There shall be at least two off-street loading areas of no less than 14 feet x 40 feet located within the walls; and 12. A fire access with compacted gravel surface shall be around the entire perimeter within the fenced area of the junkyard with a clearance of at least 20'.						
p	Railroad yards; shop and/or roundhouse for railroads	-	-	-	-	P	P
q	Storage units, self-service storage	-	-	-	-	P	P
	1. Without outside storage	-	-	-	-	P	P
	2. With off-premises outside self-service storage	-	-	-	-	C1	C1
	3. Dwelling unit for on-site manager with stipulations. a. The manager/caretaker must reside in the residence. b. The site must be maintained and landscaped so as to minimize the impact on neighboring properties and in order to retain the character of the neighborhood. c. The establishment shall conform to all applicable fire, building, and health codes. d. The establishment shall be open to inspection by the Erda representative, Tooele sheriff, Tooele Health Department Director and their authorized personnel. e. The housing shall be attached to the main structure and the exterior design shall be compatible with the existing main structure through architectural use of building forms, construction materials, colors, landscaping, and other methods	-	-	-	-	C	C

COMMERCIAL, INDUSTRIAL, AND HAZARDOUS INDUSTRIES ZONING DISTRICTS

Table 17-5-3.9. Storage, shipping, transporting and warehousing.							
#	Use	Commercial (C-)				Industrial (M-)	
		N	S	H	G	D	G
	that conform to acceptable construction practices. f. The housing unit shall have the same address as the main structure. g. The housing unit shall not be sold separately. h. The maximum height restriction shall not exceed thirty-five (35) feet. i. Two parking spaces shall be provided for the manager and caretaker. No off-site parking will be accepted for parking requirements. j. No entrance/exit can lead directly into the manager/caretaker dwelling unit.						
r	Taxi stand	P	P	P	P	P	P
s	Terminal, parking and maintenance facilities	C1	C1	C1	C1	C1	C1
t	Transfer company	-	-	-	C1	P	P
u	Warehouse	-	-	-	C1	P	P

Table 17-5-3.10. Utilities and utility services.							
#	Use	Commercial (C-)				Industrial (M-)	
		N	S	H	G	D	G
a	Accessory uses buildings customarily incidental to conditional uses	C	C	C	C	C	C
b	Accessory buildings and uses customarily incidental to permitted uses	P	P	P	P	P	P
c	Essential service facilities	P	P	P	P	P	P
d	Large wind energy systems (i.e., wind turbine farms)	-	-	-	-	-	C
e	Power plant for the non-nuclear production, generation, and distribution of electricity or steam	-	-	-	-	-	C

COMMERCIAL, INDUSTRIAL, AND HAZARDOUS INDUSTRIES ZONING DISTRICTS

Table 17-5-3.10. Utilities and utility services.							
#	Use	Commercial (C-)				Industrial (M-)	
		N	S	H	G	D	G
f	Substations	C	C	C	C	C	C
g	Transmission lines of 50 KV or greater capacity	C	C	C	C	C	C

Permanent/temporary generators shall be a permitted use in the above districts subject to the following restrictions:

- (i) the generator shall meet all front, side, and rear setbacks for the residing zoning district.
- (ii) the generator's exhaust shall, as much as practically feasible, be vented upwards or directed away from neighboring properties.
- (iii) the generator shall be used only during periods of emergency situations or for periodic testing and necessary maintenance operation.
- (iv) the generator shall be operated for routine testing and maintenance purposes not more than one time in any seven-day (7) period and no test shall exceed a total of thirty (30) minutes.

DRAFT

CHAPTER 20

RESIDENTIAL FACILITIES FOR ELDERLY AND DISABLED PERSONS

Section

20-1. Purpose.

20-2. Residential facilities for elderly persons.

20-3. Residential facilities for persons with a disability.

20-1. Purpose.

The purposes of this section are:

- (1) to comply with Federal and Utah law; and
- (2) establish an administrative process for the approval of permits to operate residential facilities for elderly and disabled persons that balances the need to prevent discrimination against elderly and disabled persons in the interests which are rationally related to legitimate land-use concerns. The county commission finds these equally valid and competing interests can be best accommodated and balanced by adopting an administrative process ensuring legitimate governmental interests are protected while guarding against discrimination and providing flexibility in residential facilities for elderly and disabled persons which do not cause undue hardship, fiscal or administrative burden on the County and do not undermine the basic purposes that the land use ordinance seeks to achieve.

20-2. Residential facilities for elderly persons.

- (1) A "residential facility for elderly persons" shall not include any facility:
 - (a) operated as a business; provided, that such facility may not be considered to be operated as a business solely because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility;
 - (b) where persons being treated for alcoholism or drug abuse are placed;
 - (c) where placement is not on a strictly voluntary basis or where placement is part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution;
 - (d) which is a health care facility as defined by section 26-21-2 of the Utah Code; or
 - (e) which is a residential facility for persons with a disability.
- (2) "Elderly person" means a person 60 years or older who desires or needs to live with other elderly persons in a group setting but who is capable of living independently.
- (3) A residential facility for elderly persons shall:
 - (a) meet all applicable building, safety, land use, and health ordinances applicable to similar dwellings;
 - (b) be subject to the same minimum site development standards as those for a single-family dwelling or dwelling unit in the zone in which the facility is located; and
 - (c) be capable of use as such facility without structural or landscaping alterations that would change the structure's residential character.
- (4) The use granted and permitted by this section is nontransferable and terminates if the structure is devoted to a use other than as a residential facility for the elderly, or if the structure fails to comply with the applicable health, safety, and building codes. (Ord.2005-30, 11/22/05)

20-3. Residential facilities for persons with a disability.

- (1) As used in this chapter, "Disability" is defined in Section 57-21-2 UCA.
- (2) "Residential facility for persons with a disability" means a residence in which more than one person with a disability resides and which is:
 - (a) licensed or certified by the department of human services under Title 62A, Chapter 2 of the Utah Code, licensure of programs and facilities; or
 - (b) licensed or certified by the department of health under Title 26, Chapter 21 of the Utah Code, Health Care Facility Licensing and Inspection Act.

(3) A residential facility for persons with a disability shall be a permitted use in any zoning district where a dwelling is allowed. Each such facility shall conform to the following requirements:

(a) The facility shall comply with all building, safety, and health regulations applicable to similar structures. As part of this requirement the following site development standards and parking standards shall be applicable:

(i) Each facility shall be subject to minimum site development standards applicable to a single-family dwelling or other similar dwelling in the zone in which the facility is located; and

(ii) The minimum number of parking spaces required for a residential facility for persons with a disability shall be the same as those for a single-family dwelling located in the same zoning district in which the facility is located.

(b) No facility shall be made available to an individual whose tenancy would:

(i) constitute a direct threat to the health or safety of other individuals, or

(ii) result in substantial physical damage to the property of others. It is not the intention of this subsection to establish any legal basis for tort liability on the part of the facility operator.

(c) Prior to the occupancy of any facility, the person or entity licensed or certified by the department of human services or the department of health to establish and operate the facility shall provide to the zoning administrator:

(i) a copy of such license or certification; and

(ii) a sworn affidavit that no person will reside or remain in the facility whose tenancy would likely:

(a) constitute a direct threat to the health or safety of other individuals, or

(b) result in substantial physical damage to the property of others.

(d) the use permitted by this section is nontransferable and shall terminate if:

(i) the facility is devoted to a use other than a residential facility for persons with a disability;

(ii) the license or certification issued by the department of human services, or the department of health terminates or is revoked, or

(iii) the facility fails to comply with this section.

(4) None of the foregoing conditions shall be interpreted to limit any reasonable accommodation necessary to allow the establishment or occupancy of a residential facility for persons with a disability.

(5) Any person or entity who wishes to request a reasonable accommodation shall make application to the zoning administrator and articulate in writing the basis for the requested accommodation.

(6) Each application for a reasonable accommodation shall be decided within 30 days.

(7) If a request for a reasonable accommodation is denied, such decision may be appealed to the board of adjustment in the manner provided for appeals of administrative decisions.

CHAPTER 24

SIGN REGULATIONS

24-1-1 Adoption by Reference.

Chapter 24 of the Tooele County Land Use Ordinance that existed on July 1, 2022, is adopted by this reference. Such regulations and diagrams shall be construed to apply only to the area located within the City's incorporated boundaries, and such regulations shall be interpreted and construed where necessary to mean the City, the Council, the Council Chair, and the City's other officers, employees, appointed bodies, and contract providers, as determined by the Council to carry out the intent of this Ordinance. Any reference to a zone or a use in a zone that does not exist in the Erda shall be deemed null and void and without effect. Without limiting the generality of the foregoing, certain terms in the portions of the County Code adopted hereby shall be replaced wherever appropriate by the following substitute terms: "city" shall be substituted for and shall replace the term "county," "Erda" shall be substituted for and shall replace the term "Tooele County," "city council" shall be substituted for and shall replace the terms "county council," "board of county commissioners" or similar terms, and land use authority shall be substituted for and shall replace the term "board of adjustment."

DRAFT

CHAPTER 25

DRINKING WATER SOURCE PROTECTION OVERLAY ZONE

Section

25-1. Purpose.

25-2. Application.

25-3. Zone 1.

25-4. Zone 2.

25-5. Zone 3.

25-6. Zone 4.

25-7. Public drinking water systems data.

25-1. Purpose. The purpose of this chapter is to minimize negative effects on the limited ground-water resources in areas that have drinking water sources being used by public water systems. Once an aquifer has been contaminated, it may take innumerable years to be purified and there would be great potential for contamination to be distributed to a large number of people.

25-2. Application.

The Drinking Water Source Protection Overlay Zone shall encompass the four delineated zones as described in Utah Administrative Code R309-600-9. Each zone shall have regulations that afford protection to that zone. The regulations of uses in this chapter shall supersede those conflicting of the underlying zone.

25-3. Zone 1.

The area for Zone 1 for all public drinking water sources is a 100-foot radius. Permitted uses in Zone 1 shall be the well or margin of the collection area and all accessory structures and equipment that are appurtenant to the operation and maintenance of the public drinking water source protection overlay zone. All building permit applications located within Zone 1 of all public drinking water sources shall also be reviewed by the Tooele County Health Department.

25-4. Zone 2.

(1) For areas where an approved sewer system is not available or utilized, Zone 2 development shall be limited to single family residential uses, if allowed in the underlying zone. Single family dwellings will be a permitted use provided the lot is no smaller than five acres and is located over a “protected aquifer”, as defined in Utah Administrative Code R309-600-6. All single-family residential uses not connected to an approved sewer system shall be limited to shallow on site wastewater drain fields having a depth of no more than five feet. All septic systems shall have an effluent filter approved by the Tooele County Health Department on the discharge of the tank.

(2) On-site wastewater disposal is prohibited in Zone 2 if the underlying aquifer is classified as an “unprotected aquifer” as defined in Utah Administrative Code R309-600-6.

(3) Where an approved sewer connection is incorporated into the development or construction of a site, commercial, multi-family, and cluster housing and lots less than five acres may be permitted by conditional use, if allowed in the underlying zoning district. No conditional use permit for commercial or industrial uses shall be issued unless it is demonstrated that the use is connected to an approved sewer system, overlays a protected aquifer, and the intended handling, storage, and disposal of all chemicals on the site does not permit leaching into groundwater aquifers. The proposed use shall demonstrate the best management practices that are to be employed on the site to contain any spills, drips or seeps that present a conduit for potential groundwater contamination. All containment systems shall be designed with a 25% higher capacity than the total volume of materials on the property. Any change in use from a previously approved or nonconforming use shall require a new conditional use permit or amendment to an existing conditional use permit.

(4) All conveyances, recordable documents, or titles pertaining to plats, parcels, or properties located within Zone 2 shall contain the following disclosure:

(a) "This property is located within Zone 2 of a Drinking Water Source Protection Overlay Zone. This zone mandates that all septic systems shall: have a drain field no deeper than five feet from the surface; and be installed with an effluent filter on the discharge of the tank."

(5) All conditional use permits, subdivision, planned unit development and rezone applications in Zone 2 will be reviewed by the Tooele County Health Department. A conditional use permit, subdivision or planned unit development may be approved only when it is determined that under best management practice the use mitigates any danger that may contaminate ground-water resources. A rezone application may have a Recommendation only when it is determined that the density of contaminating ground-water resources.

25-5. Zone 3.

All commercial and industrial uses in the underlying zone are conditional uses in Zone 3. Single family or multi-family residential uses may be permitted or conditional as is determined in the underlying zone. Cluster subdivisions, mobile home parks, multi-family or other groups of dwellings that have an actual lot size of less than one acre are a conditional use and restricted to be located where a sanitary system can be made and approved by the Tooele County Health Department and which will not contaminate the aquifer. All conditional use permits, subdivision, planned unit development and rezone applications in Zone 3 will be reviewed by the Tooele County Health Department. A conditional use permit, subdivision or planned unit development may be approved only when it is determined that under best management practice the use mitigates activities that are a contamination of ground-water resources. A rezone application may have a favorable recommendation only when it is determined that the density will not present any danger that may contaminate ground-water resources. A geotechnical, hydro-geologic and chemical evaluation study by licensed and qualified firms or persons may be required by the planning commission, Tooele County Health Department, or engineering staff to assess the effects of a potential spill in reaction to geologic conditions.

25-6. Zone 4

All uses in Zone 4 shall be governed by the underlying zone, except that any commercial or industrial use that has a storage, discharge or disposal of material onsite shall be a conditional use. A conditional use permit shall only be approved on the provision that such storage or disposal methods shall not permit any waste to leach into the aquifer. The planning commission, zoning administrator or health department may have the applicant conduct a study to show the neutralization or long-term effect by retention of such material in the geologic and hydrologic conditions of the site and/or aquifer.

25-7. Public drinking water systems data.

All public drinking water systems shall provide to the Department of Engineering the most current data, maps and electronic files which show the location of the four delineated zones as described in Utah Administrative Code R309-600. The Drinking Water Source Protection Overlay Zone shall not be placed, sized or altered except to comply with the public drinking water delineations as described in Utah Administrative Code R309-600.

MINING, QUARRY, SAND, AND GRAVEL EXCAVATION ZONE (MG-EX)

Section 27-1.
27-2.

Purpose.
Permitted and conditional uses.
Application. Operation categories.
Minimum Requirements.
Codes and symbols.
Uses.
Mining, quarry, sand, and gravel excavation and support uses table.
Manufacturing, curing, compounding, processing, packaging, production and treatment table.

27-3.
27-4.
27-5.
27-6.
27-7.
27-7.1.

27-7.2.

operation may be approved by the zoning administrator with the minimum requirements. If it is determined by the zoning administrator that the minimum requirements do not adequately mitigate potential or actual impacts to surrounding properties, it shall then be submitted to the planning commission. All commercial pit operations shall work under an approved five year operation plan. Upon expiration of the previous plan, a new five year plan shall be submitted; otherwise closure and reclamation operations shall begin within six months. The conditional use permit shall remain in effect until such time that full reclamation has been made on the site.

(2) Temporary project specific operations supply material for specific projects, the termination of which shall also terminate the

27-1. Purpose.

(1) The mining, quarry, sand, and gravel excavation zone (MG-EX) is a zoning district which allows and protects the mining, quarry, sand, and gravel excavation industry while protecting the environment. This zone is to assure that the operations of such sites do not impact adjoining uses, and are not encroached upon by surrounding non-compatible land uses.

that supply materials to the public on a continual basis. A permanent commercial

(2) This chapter regulates the location, operations and reclamation of mining, quarries, and gravel pits to provide safe conditions and protection of the environment in Erda. These regulations are to protect the owner, employees and the public at large.

27-2. Permitted and conditional uses.

The conditional use permit required by this chapter shall be obtained prior to the commencement of use of any sand or gravel pit, mine or quarry within Erda. No presumption of approval shall be made regarding an application. All applications for conditional use permits made to the Department of Engineering shall include all drawings, maps, specifications, statements and records as required by Chapters 7, 12 and this chapter. All applications that are incomplete upon submission shall be returned to the submitter. The land owner and operator shall be responsible to insure all conditions are complied with.

27-3. Operation categories.

All mining, quarry, sand, and gravel excavation operations shall fit into one of the two following categories:

(1) Permanent commercial operations are those

conditional use permit and the use of the pit. A temporary project may be approved by the zoning administrator with the minimum requirements. If it is determined by the zoning administrator that the minimum requirements do not adequately mitigate potential **or** actual impacts to surrounding properties, **it** shall then be submitted to the planning commission. A temporary project shall be allowed to operate for a period up to six months and may be extended in six month intervals for a period not to exceed two years. It is the responsibility of the land owner or operator to make application for an extension before the expiration of the current permit. Once the project is completed, the owner or operator shall begin closure and reclamation operations within six months.

27-4. Application.

(1) All applications for conditional use permits shall be accompanied by the following materials:

(a) application form for a conditional use permit;

(b) evidence of ownership or control over the land and a legal description of the property where the pit will be located;

(c) evidence of capability to complete the project, which includes:

(i) a statement of the applicant's ability to post performance bonds or other financial assurance;

(ii) cost estimates for reclamation costs to include removal of roads, buildings, overburden, etc;

(iii) liability insurance coverage;

(d) a site plan showing:

(i) all prominent man made

DRAFT

and geologic features within the surrounding areas that will be affected by the operation;

- (ii) dimensions;
- (iii) locations, clearances, and rights-of-ways, easements, utility lines; and
- (iv) property lines and names of adjoining property owners;
- (v) ingress and egress;
- (vi) general geologic and top soils data from a qualified source as approved by the Department of Engineering; and
- (vii) a contour map in intervals of five feet showing existing water courses, drainage and calculations.

(e) a reclamation plan addressing:

- (i) types of existing dominant vegetation;
- (ii) segregation and stock piling of materials capable of supporting vegetation as determined by soils analysis or practical revegetation experience;
- (iii) figures outlining depths of and volumes of topsoil to be stockpiled, measures to protect topsoil from wind and water erosion, and pollutants;
- (iv) method of depths, volumes, removal and storage of overburden, plus a description of the procedures to be used in overburden replacement and stabilization and high wall elimination, including:
 - (a) slope factors;
 - (b) lift heights;
 - (c) terracing; and
 - (d) any testing procedures employed.
- (v) methods of processing and disposing of waste and reject material, including toxicity analysis explaining in detail means for containment and long range stability;
- (vi) existing site and post-contour cross sections typical of re-grading designs;
- (vii) redistribution of topsoil and subsoil on the re-graded area, indicating final depth of soil cover;
- (viii) re-seeding types or

species to be used, the rate of application per acre, the season planting will occur, fertilizers or soil amendments required to aid re-vegetation, providing, however, that seed types, rates of

application and suitability of area to re-seeding shall be based upon recommendations from the Soil Conservation District;

(x) a list all parties responsible for various stages of reclamation.

(f) an operations plan that outlines:

- (i) proposed hours of operation;
- (ii) traffic safety measures proposed on existing roads and streets adjoining the site;
- (iii) the location, arrangement and dimensions of loading and processing facilities;
- (iv) projected figures for quantities of materials to be removed from specified locations;
- (v) a open and closure plan stating the phasing, acreage and duration of the operation involved, with the maps and narratives that describe the expected sequence of disturbed areas, processing and material treatment;
- (vi) the extent of the land previously disturbed as well as the proposed extent of land disturbance;
- (vii) areas of overburden and/or topsoil removal and storage areas, also the location of disposal and stockpile areas for reject materials, waste, and useable materials;
- (viii) information on known test drilling, locations and status. and plans for any future test drilling and areas where that will occur;
- (ix) appropriation and use of necessary water rights;
- (x) the design, construction and maintenance of access and haul roads, including cross sections showing drainage, erosion control, and profiles of road grades, and
- (xi) on-site control of surface and storm water drainage.
- (xii) evidence that all required federal and state requirements for environmental health, occupational safety, and reclamation are complete and approved, as required, the each of the following entities:

(a) Tooele County Health Department;

(c) OSHA, State of

Soil

(ix) a description of the reclamation which shall include reasoning for the leaving of roads , pads or other similar structures and features;

and

(d) Utah
Department of Transportation; and

(e) the
State archeologist and paleontologist.

(xiii) a statement identifying
mitigation of hazards to the public safety and
welfare, including test hole closures, fencing,

DRAFT

slopes, disposal of trash, scrap metal, wood, extraneous debris, waste oil, solvents, fuels, chemicals, explosives and sewage;

(xiv) access to county or state road design, to include acceleration, deceleration and left turn lanes; and

(xv) methods of fugitive dust suppression for processing and site operations.

(2) Applications for conditional use permits shall have a design review by the Department of Engineering completed before being placed on the Planning Commission agenda. The Department of Engineering shall schedule a meeting with the applicant, roads, and planning department. The Department of Engineering may make a site visit with the applicant as part of the review.

27-5. Minimum Requirements.

All operations shall comply with the following requirements:

(1) warning signs, fences, trees, and berms shall be placed on the perimeter of the property to protect the public and act as barriers to access, fugitive dust, noise, glare, and/or view shall be indicated;

(2) no adverse drainage which would create soil instability or erosion shall be permitted. All drainage shall be contained on site;

(3) maximum slopes shall be in accordance MSHA;

(4) the applicant shall post a reclamation guarantee for the area of disturbance giving financial assurance in a form approved by Erda; guaranteeing the satisfactory reclamation of all disturbed areas. The amount of reclamation shall not be less than \$1,000.00 per acre, with a \$10,000.00 minimum and shall be adjusted upon the renewal of the operations plan to meet projected costs of reclamation based upon time, material and equipment needed to clean-up and remove structures, backfill, slopes (to include mine dumps) shall be graded to no greater than 3:1 finished slope or in relation to the contour of adjacent undisturbed land, contour redistribute and stabilize topsoil, re vegetate, monitor, and reseed, if necessary. The release of the financial assurance obligations for reclamation shall not be made until the Department of Engineering consults with the Soil Conservation, Erda Attorney and approves the release in writing.

(5) all facilities and activities shall comply with applicable land use, health, building, plumbing, mechanical, and electrical codes. All structures erected, placed, built, or installed shall have a building permit;

(6) all fuel tanks and flammable materials

shall be located above ground, in such locations, with containment, and under such conditions as to conform to the requirements of the national fire codes (NFPA);

(7) all crossing of state and county roads shall be done in such a manner as to hold Erda harmless from any and all legal proceedings as a result of the applicant's use of such roads. The applicant shall make provisions to place suitable road signs, restraints and flagging personnel at work-sites and road crossings as approved by the Manual on Uniform Traffic Control Devices and the Department of Engineering;

(8) all damage to state and county roads shall be repaired at the applicant's expense under the direction of the Department of Engineering;

(9) the applicant shall maintain on file, proof of liability insurance for the operation in the Department of Engineering;

(10) Erda reserves the right to limit and restrict the time activities of the operation should the planning commission deem those activities are a public nuisance;

(11) the owner or operator shall install such improvements to access county or state roads, to include acceleration, deceleration and left turn lanes as approved prior to operation;

(12) all activities shall be maintained and operated in such a way as to minimize fumes, dust, and smoke emissions;

(13) sufficient restroom facilities shall be provided at each location for employee use; and

(14) the applicant shall not begin operations until such time that they enter into a mitigation agreement with Erda addressing the upgrade, construction and maintenance of infrastructure.

27-6. Codes and symbols.

(1) In this part are tables describing uses of land or buildings that are allowed in the various districts as shown. Permitted uses are indicated by a "P" in the appropriate column. Uses that may be permitted by a conditional use permit issued by a planning commission are indicated by a "C" in the appropriate column. Uses that may be permitted by a conditional use permit issued by the zoning administrator are indicated by a "C1" in the appropriate column.

(2) If a use is not allowed in a given district, it is either not named in the use list or it is indicated in the appropriate column by a dash,

(3) If a regulation applies in a given district, it is indicated in the appropriate column by an

alphanumeric character that will show the linear feet or square feet or acres required or by the letter "A." If the regulation does not apply, it is indicated in the appropriate column by a dash,

No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained in the commercial, industrial or hazardous industries zoning districts except as provided in this part.

27-7. Uses.

Table 27-8.1. Mining, quarry, sand, and gravel excavation and support uses.		
	Use	(MG-EX)
a	Accessory uses buildings customarily incidental to conditional uses	C1
b	Agriculture, grazing of animals, raising of crops	p
c	Automobile and truck service station	C1
d	Cast stone, cement, cinder, terra cotta; tile, brick, synthetic cast stone, brick, block, pumice stone and gypsum products	C1
e	Coffee shop	p
f	Construction equipment and supply trailer, temporary	C1
g	Construction field office, temporary	C1
h	Convenience store with gasoline sales	C1
i	Gravel and sand excavation	
	commercial operations	C1
	temporary project specific operations	C1
j	Machine shop	C1
k	Mines	C
	Non-hazardous landfill	C
l	Quarries	C
m	Parking lot incidental to a use conducted on the premises	C1
n	Parking lot not incidental to a use conducted on the premises	C1
o	Pottery, plaster, incidental plaster, plaster of paris, ceramic, and clay	C1
p	Power generation (electrical) for on-site use:	
	solar	p
	Wind under 5.9 kva	p
	auxiliary, temporary, wind, with more than 6 kva, but less than 10 kva output	C1
	fuel cells, steam, hydro, or reciprocating engine with more than 10.05 kva, but less than 100 kva	C1

Table 27-8.1. Mining, quarry, sand, and gravel excavation and support uses.

	steam, hydro, or reciprocating engine with more than 150 kva	C1
q	Rock crusher / concrete batch plant	C1
r	Truck and freighting operation	C1
s	Truck and heavy equipment service station and repair facility	C1
t	Truck wash	C1

Table 27-8.2. Manufacturing, curing, compounding, processing, packaging, production and treatment. Such uses are to be located no closer than 1,300 feet from a zoning district boundary.

	Use	(MG-EX)
a	Accessory uses buildings customarily incidental to conditional uses	C
b	Asphalt plant	C
e	Coal	C
f	Gasoline and petroleum	C
g	Iron	C
h	Lime	C
i	Lubricating grease, oil, oilcloth and oiled rubber goods	C
j	Ore smelting	C
	Precious or semiprecious stones or metals	C
m	Tar	C

Table 27-8.3. Utilities and utility services.

	Use	(MG-EX)
a	Essential service facilities	p
b	Substations	C
c	Transmission lines of 50 kV or greater capacity	C
d	Large wind energy systems (i.e., wind turbine farms)	C

CHAPTER 28

SITING OF WIRELESS TELECOMMUNICATIONS FACILITIES

Section 28-1.

Purpose and scope.

28-2. Definitions.

28-3. Applicability.

28-4. Site location master plan.

28-5. Facility types and standards.

28-6. Collocation of antennas.

28-7. Location on residential lots prohibited.

28-8. Color.

28-9. Sites in foothills and canyons.

28-10. Interference with other communications.

28-11. Notice to neighboring jurisdictions.

28-12. Additional requirements.

28-13. Accessory buildings.

28-14. Non-maintained or abandoned facilities.

28-15. Building permit required.

28-1. Purpose and scope.

(1) The purpose of this chapter is to establish general requirements for the siting of wireless telecommunications facilities. The intent of this chapter is to:

- (a) promote the location of facilities in nonresidential areas;
- (b) minimize the total number of monopole facilities throughout the community;
- (c) encourage joint use and collocation as a primary option rather than construction of additional facilities;
- (d) promote the functional delivery of low power radio communications service with lower costs and increased efficiency by promoting competition between providers of low-power radio communications service;
- (e) encourage facilities providers to use innovative design to minimize adverse visual impact, promoting careful placement and siting, and requiring landscaping, screening, and camouflage techniques;
- (f) promote the long-term viability and adequacy of low-power radio communications service by requiring development plans showing the anticipated number of facilities required to provide service for the near future;
- (g) enhance telecommunication service providers' ability to provide such services to the community quickly, effectively, and efficiently.

(2) This chapter addresses planning issues brought on by the rapid growth, continuing development, and increasing demand of low power radio communications. This chapter distinguishes low-power radio from other broadcast type telecommunication technologies and establishes provisions that deal with issues of demand, visual mitigation, noise, engineering, residential impacts, safety and facility siting. (Ord.2005-30, 11/22/05)

28-2. Definitions.

As used in this chapter:

- (a) "Applicant" means any individual person, group of persons, business entity or government unit applying for a permit to locate communications towers within the incorporated areas of Erda.
- (b) "Antenna" means a transmitting or receiving device used in telecommunications that radiates or captures radio signals.
- (c) "Lattice tower" means a self supporting multiple-sided, open steel frame structure used to support telecommunications equipment.

(d) "Monopole facility" means an antenna or series of individual antennas mounted on a single cylindrical pole, including associated equipment. For the purposes of this chapter, if a facility does not fit the definition of a roof- or wall mounted facility it shall be considered a monopole facility.

(e) "Quantifiable detrimental impacts" means specific problems attributable to the location of the facility that affect adjoining properties, including, but not limited to, reduced visibility for commercial signs, restricted access, or interference with utility service.

(f) "Roof-mounted facility" means an antenna or series of individual antennas mounted on a flat or pitched roof, mechanical room or penthouse of a building or structure. This facility includes associated equipment.

(g) "Stealth facility" means a wall, roof, or monopole facility which is disguised as another object or otherwise concealed from view. Examples of stealth facilities include, but are not limited to, trees, synthetic rocks, or architectural elements such as dormers, steeples, and chimneys.

(h) "Wall-mounted facility" means an antenna or series of individual antennas mounted against the vertical wall of a building or structure. This facility includes associated equipment.

(i) "Wireless telecommunications facility" means an unmanned structure which consists of equipment used primarily for the transmission, reception or transfer of voice or data through radio-wave or wireless transmissions. Such sites typically require the construction of transmission support structures to which antenna equipment is attached. (Ord.2005-30, 11/22/05)

28-3. Applicability.

(1) The requirements of this chapter apply to both commercial and private wireless telecommunications services such as "cellular" or "PCS" (personal communications services) communications and paging systems. This chapter does not pertain to commercial 2 way radios that are not open to use by the public, public safety radio, amateur radio (ham radio), or citizen band radio facilities. All "cellular" or "PCS" facilities shall comply with the following regulations of this chapter and all other ordinances of the county and any pertinent regulations of the Federal Communications Commission and the Federal Aviation Administration.

(2) All sites and facilities for commercial and private wireless telecommunications services are a conditional use in any zone. (Ord.2005-30, 11/22/05)

28-4. Site location master plan.

(1) (a) Each person or company desiring to locate wireless telecommunication facilities or other telecommunications facilities within the incorporated areas of Erda shall submit a site location master plan to the planning commission. The site location master plan shall be submitted and accepted by the planning commission prior to any application for a permit for wireless telecommunication facilities or other telecommunications facilities.

(b) Applications to locate wireless telecommunication facilities may be considered by the planning commission prior to submission of a site location master plan, on condition that the plan is submitted within 120 days following the date of application. If the site location master plan is not submitted within 120 days, any approvals granted shall be automatically revoked and all operations of facilities granted permission under this condition shall cease. Erda, its employees and agents shall be held harmless for costs incurred and loss of revenue if an order is issued to discontinue service for failure of the applicant/operator to submit the site location master plan within the 120 days. The planning commission may grant one extension to the 120- day period, provided the extension does not exceed 60 days.

(2) Each site location master plan shall identify existing locations of facilities and approximate proposed locations of new facilities. The plan shall indicate area coverage, if known, location, antenna height above existing grade, and antenna type for each site and be updated upon request from the planning commission. The existing facilities identified in the plan shall be updated at least annually, and no permit for new wireless telecommunication facilities shall be allowed unless the plan has been updated at least once during the 12 months preceding the permit application date. The applicant shall provide Erda with the current name and address of the facility owner and an emergency telephone number for each wireless telecommunication facility.

(3) The site location master plan shall include a reasonable estimate of the number and general location of facilities necessary to provide service within the incorporated areas of Erda for the ten years following the date the plan is originally submitted. These estimates shall be based on projected population growth and anticipated development. The estimates required by this chapter do not need to be updated on an annual basis, but should be updated at least every five years.

28-5. Facility types and standards.

(1) Wireless telecommunications facilities are characterized by the type and location of the antenna structure. There are four general types of antenna structures: wall-mounted; roof-mounted; monopoles; and lattice towers. Standards for the installation of each type of antenna are as follows:

(a) Wall-mounted Antenna. The following provisions apply to wall-mounted antennas:

(i) Wall-mounted antennas shall not extend above the wall line of the building or structure or extend more than four feet horizontally from the face of the building or structure.

(ii) Antennas, equipment and the supporting structure shall be painted to match the color of the building or structure or the background against which they are most commonly seen. Antennas and the supporting structures on buildings should be architecturally compatible with the building.

(iii) Antennas mounted directly on existing parapet walls, penthouses, or mechanical equipment rooms, with no portion of the antenna extending above the roof-line of such structures, shall be considered a wall-mounted antenna.

(iv) Wall-mounted antennas shall be located not lower than 30 feet from the ground level of the wall on which the antenna is located.

(v) The total area for wall mounted antennas and supporting structures combined shall not exceed a total of 100 square feet on each exterior wall of the building. The total area shall be the sum of the areas of all antennas and support structures located on that wall. The antenna area shall be determined as the area of each individual antenna face and the visible portion of the supporting structure as viewed looking directly at the wall.

(vi) A maximum of three carriers may located antennas on one building wall. For each additional carrier a separate conditional use permit must be obtained.

(vii) No permit to install a wall mounted antenna shall be issued unless the owner of the building grants written permission to install the antenna.

(viii) Non-stealth wall-mounted antennas may not be installed on a building wall or walls facing a public street or on a wall or walls constituting the building's front or main entrance.

(ix) Stealth wall-mounted antennas are encouraged and shall be allowed to vary from the provisions of this section as determined by the planning commission. Stealth wall-mounted antennas are not required to be located with public or quasi-public uses in Multiple Use (MU), Agricultural (A), Commercial (C), and Manufacturing (m) zones.

(b) Roof-mounted Antenna. The following provisions apply to roof-mounted antennas:

(i) Roof-mounted antennas shall be allowed on top of existing penthouses or mechanical equipment rooms providing the antennas and antenna mounting structures shall not extend more than eight feet above the existing roof-line of the penthouse or mechanical equipment room.

(ii) For antennas not mounted on a penthouse or mechanical equipment room and on a flat roof:

(a) Setback. The antennas shall be mounted at least five feet from the exterior wall or parapet wall of a building or structure.

(b) Height. The height shall be measured from the top of the antenna to the roof-line of the building or structure, or to the top of the parapet wall if a parapet wall exists. For antennas mounted between five and 14 feet from the exterior wall or parapet wall, the maximum height of the antenna is set back from the exterior wall or parapet wall. For antennas setback more than 14 feet, the maximum height shall be 14 feet.

(iii) Roof-mounted antennas on a pitched roof shall be allowed provided the antennas and antenna support structures do not extend higher than the peak of the roof measured by a horizontal line from the peak extending over the roof.

(iv) Antennas not mounted on a penthouse or mechanical equipment room shall be mounted at least five feet from the exterior wall of a building.

(v) For antennas mounted between five and ten feet from the exterior wall, the maximum height of a roof-mounted antenna is equal to the distance the antenna is set back from the exterior wall up to a maximum height of ten feet above the roof-line of the building to which the antenna is attached.

(vi) Antennas shall be mounted at least five feet behind any parapet wall. For antennas mounted between five and ten feet behind a parapet wall, the maximum height of the antenna is equal to the distance the antenna is set back from the wall up to a maximum of ten feet as measured from the top of the parapet wall.

(vii) Roof-mounted antennas shall be constructed and/or colored to match the surroundings in which they are located.

(viii) No permit to install a roof mounted antenna shall be issued unless the owner of the building grants written permission to install the antennas.

(ix) Non-stealth roof-mounted antennas shall not exceed a total of eight carriers for a single building's roof, including penthouses or mechanical rooms.

(x) Stealth roof-mounted antennas are encouraged and shall be allowed to vary from the provisions of this section as determined by the planning commission. Stealth roof-mounted antennas are not required to be located with public or quasi-public used in all Multiple Use (MU), Agricultural (A), Commercial (C), and Manufacturing (m) zones.

(c) Monopole. The following provisions apply to monopoles:

(i) The height limit for monopoles is 60 feet in all Rural Residential (RR), Residential (R-1) and Residential Multifamily (RM) zones, except the planning commission may allow a monopole up to 120 feet in the Multiple use (MU), Agriculture (A), Commercial (C), and Manufacturing (M) zones if it finds:

(a) that the monopole will blend in with surrounding structures, poles, or trees and is compatible with surrounding uses,

(b) the monopole will be available for co-location with other wireless telecommunications facilities, and

(c) the monopole will be set back at least 300 feet from any residential zone boundary. The height shall be measured from the top of the structure including antennas, to the original grade directly adjacent to the monopole.

(ii) In all Rural Residential (RR), Residential (R-1) and Residential Multifamily (RM) zones, monopoles will only be allowed in conjunction with an existing public or quasi-public use. Such uses include but are not limited to churches, schools, utilities, and parks.

(iii) No monopoles shall be allowed in the front yard setback of any lot.

(iv) Monopole towers shall only be located in the rear yard of a lot.

(v) Monopole towers shall only be located in the rear yard of a lot.

(vi) Monopoles shall be set back from any residential structure a distance equal to its height plus ten feet.

(vii) No permit to install a monopole facility shall be issued unless the owner of the property grants written permission to install the facility.

(viii) Stealth monopole facilities are encouraged and shall be allowed to vary from the provisions of this section as determined by the planning commission. Stealth monopoles are not required to be located with public or quasi-public uses in Multiple use (MU) and Agricultural (A) zones.

(d) Lattice Tower. The following provisions apply to lattice towers:

(i) The planning commission may permit a height limit for lattice towers up to 300 feet in the Multiple use (MU), Agriculture (A), Commercial (C), and Manufacturing (M) zones if it finds:

(a) that the lattice tower will blend in with surrounding structures, poles, or trees and is compatible with surrounding uses,

(b) the lattice tower will be available for co-location with other wireless telecommunications facilities, and

(c) the lattice tower will be set back at least 500 feet from any residential zone boundary. The height shall be measured from the top of the structure including antennas, to the original grade directly adjacent to the lattice tower.

(ii) Lattice towers are prohibited in all Rural Residential (RR), Residential (R-1) and Residential Multifamily (RM) zones.

(iii) No lattice tower shall be allowed in the front yard setback of any lot.

(iv) Lattice towers shall be set back from any residential structure a distance equal to its height plus ten feet.

(v) No permit to install a lattice tower facility shall be issued unless the owner of the property grants written permission to install the facility.

(vi) Stealth lattice tower facilities are encouraged and shall be allowed to vary from the provisions of this section as determined by the planning commission.

(2) Free-standing wireless telecommunications facilities shall be surrounded by a fence that is at least six feet high and constructed out of a material appropriate to the location of the facility, as approved by the Department of Engineering. Antennas that are roof or wall-mounted shall be secured from access in a manner appropriate to the location.

(3) Climbing pegs shall be removed from the lower 20 feet of all communications towers.

(4) All wireless telecommunication facilities shall comply with applicable laws, regulations, and approvals regarding aircraft and airport operations.

(5) No application for a building permit to construct or install a facility, and no application for a conditional use permit for a wireless telecommunication facility, shall be processed unless the applicant provides proof of each proposed carrier's current license from the Federal Communications Commission to operate as a telecommunications carrier.

(6) No wireless telecommunication facilities shall overhang, encroach upon, or block a public right-of-way or public sidewalk. (Ord.2005-30, 11/22/05)

28-6. Collocation of antennas.

(1) It is the policy of Erda that location of two or more antennas on a single wireless telecommunication facility should be encouraged as the primary option for applicants, rather than installation of single use wireless telecommunication facilities.

(2) Collocation of an antenna on an existing wireless telecommunication facility shall be addressed as part of the conditional use permit application. The applicant shall also submit proof of each proposed carrier's current license from the Federal Communications Commission to operate as a telecommunications carrier.

(3) All applications for new wireless telecommunication facilities submitted after the effective date of this chapter shall be for facilities designed and constructed to be of sufficient size and capacity to accommodate two or more antennas, unless otherwise approved by the planning commission for conditional uses. Conditional use approval may include a condition that the applicant allows collocation for other personal wireless providers on such terms as are common in the industry.

(4) Each applicant shall make a good faith effort to seek collocation on existing antenna structures. All applications for new wireless telecommunication facilities submitted after the effective date of this chapter shall provide the reason or reasons why collocation on an existing structure is not feasible.

(5) (a) An application for a conditional use permit to construct a wireless telecommunication facility with a single antenna shall not be approved by the planning commission, unless the applicant presents evidence showing that collocation is not feasible, or that the applicant undertook reasonable efforts seeking collocation.

(b) A wireless telecommunication facility capable of supporting two or more antennas may be approved with a single antenna, provided the applicant shows that there is a reasonable likelihood that other antennas will be located on that facility in the future. (Ord.2005-30, 11/22/05)

28-7. Location on residential lots prohibited.

No wireless telecommunication facility may be located on a lot upon which a residential structure is located, notwithstanding the zoning designation for the lot. (Ord.2005-30, 11/22/05)

28-8. Color.

Monopoles, lattice towers, antennas, and any associated buildings or equipment shall be painted to blend with the surroundings which they are most commonly seen. The color shall be determined on a case-by-case basis by the planning commission. Within six months after the wireless telecommunication facilities have been constructed, the planning commission may require the color be changed if it is determined that the color does not blend with the surroundings. (Ord.2005-30, 11/22/05)

28-9. Sites in foothills and canyons.

(1) Any grading for wireless telecommunication facilities, including access roads and trenching for utilities, shall comply with the Uniform Building Code. Wireless telecommunication facilities in the foothills and canyons shall utilize the natural grade, vegetation and existing utilities. Disturbance of the natural environment shall be minimized.

(2) A computer-generated visual simulation of the proposed structures is required for all sites in the foothills and canyons. The simulation shall show all structures including but not limited to monopoles, lattice towers, antennas, and equipment buildings.

(3) Disturbance of the visual environment shall be minimized. Site placement and color should be carefully considered to blend in with the surroundings.

(4) Continuous outside lighting is prohibited unless required by the Federal Aviation Administration for the monopole. (Ord.2005-30, 11/22/05)

28-10. Interference with other communications.

(1) No permit to construct a wireless telecommunication facility shall be approved if the operation of the facility will interfere with emergency or airport communications.

(2) Wireless telecommunication facilities shall be located and shall operate in such a manner as to minimize or eliminate interference with communications other than emergency or airport. Such communications include commercial, private, amateur and governmental communications. (Ord.2005-30, 11/22/05)

28-11. Notice to neighboring jurisdictions.

In order to promote efficient delivery of low-power radio communications service and to avoid duplication or overlap of service, applicants shall inform the planning and zoning departments of neighboring jurisdictions when a proposed wireless telecommunication facility is intended to provide service in the neighboring jurisdiction's boundaries. For the purposes of this chapter, "neighboring jurisdictions" means municipal or county units whose boundaries are contiguous to the County. (Ord.2005-30, 11/22/05)

28-12. Additional requirements.

(1) The following shall be considered by the planning commission for telecommunication sites:

(a) compatibility of the proposed structure with the height and mass of existing buildings and utility structures;

(b) locating the antenna on other existing structures in the same vicinity such as other monopoles, lattice towers, buildings, water towers, utility poles, athletic field lights, parking lot lights, etc. where possible without significantly impacting antenna transmission or reception;

(c) whether co-location of the antenna on existing structures in the same vicinity has been sought by the applicant, but installation of a new tower without co-location is necessary to provide service;

(d) whether the facility creates quantifiable detrimental impacts to adjoining properties;

(e) location of the antenna in relation to existing vegetation, topography including ridge lines, and buildings to obtain the best visual screening;

(f) spacing between monopoles and lattice towers which creates detrimental impacts to adjoining properties;

(g) the impact of the proposed tower on future development in the area, according to the County's general plan; and

(h) installation of curb, gutter, sidewalk, landscaping, and fencing.

(2) In considering a conditional use application for a communications facility, the planning commission shall not consider evidence that the electromagnetic or microwave radiation used by low-power radio communications services detrimentally affects public health or the environment. The planning commission may, however, consider other valid health and safety concerns raised by the location and operation of the communications facility, such as structural integrity, and electrical safety.

(3) No conditional use application shall be considered unless the application fee is paid and the following information is provided by the applicant:

(a) the applicant's and property owner's name, address, and telephone number, as well as an emergency telephone number;

(b) a written statement signed by all owners of the property where the facility is proposed to be located, stating that the owners have reviewed the plans for the proposed facility, understand the type of facility that is being installed and the obligations the owners are undertaking, and granting permission for the applicant to install and maintain the facility;

(c) the site location master plan, as required by this chapter;

(d) a site-specific plan showing in reasonable detail the location of the proposed facility, required fencing and landscaping, and the design plans for the proposed facility;

(e) certification from the Federal Communications Commission and the Federal Aviation Administration, if necessary, that the proposed facility meets all applicable laws and regulations;

(f) a permit from the Army Corps of Engineers if the facility will affect wetlands;

(g) statements, when appropriate, from the owners of underground utility facilities, such as water, electrical, or natural gas delivers, that the installation of the facility will not directly interfere with the operation of the utility; and

(h) notice to neighboring jurisdictions, as required by this chapter.

(4) The planning commission may require landscaping or other screening to mitigate the visual impact of a proposed communications facility.

(5) The planning commission may reduce the required setback from a residential zone if practical difficulties are demonstrated by the applicant, such as public park location or public building. (Ord.2005-30, 11/22/05)

28-13. Accessory buildings.

Accessory buildings to antenna structures must comply with the required setback, height and landscaping requirements of the zoning district in which they are located. All utility lines on the lot leading to the accessory building and antenna structure shall be underground. (Ord.2005-30, 11/22/05)

28-14. Non-maintained or abandoned facilities.

The zoning administrator may require each non maintained or abandoned wireless telecommunication facility to be removed from the building or premise when such a facility has not been repaired or put into use by the owner or agent within 90 calendar days after notice of non maintenance or abandonment is given to the owner or agent. The applicant shall post a site specific bond when a permit is issued to guarantee removal of the facility and site restoration. The type of bond and amount shall be determined upon review by county staff. No bond shall be required for roof or wall-mounted facilities. (Ord.2005-30, 11/22/05)

28-15. Building permit required.

A building permit from the Erda is required for all wireless telecommunication facilities.

Chapter 30

Regulation of all mining, quarry, sand and gravel excavation operations, including both those currently permitted and legal nonconforming uses

30-1 Purpose and Intent.

A. As residential development is near or anticipated to be near excavated or potential excavated land, it is the purpose and intent of this ordinance to establish reasonable and uniform limitations, safeguards, and controls on excavation activities, both as a regulated land use category and under the police power, within the incorporated areas of the City. These provisions are deemed necessary in the public interest to affect practices which recognize nearby residential land and will provide protection of the tax base, provide for the economical use of vital materials necessary for our economy and give due consideration to the present and future use of land in the interest of promoting the public health, comfort, safety, community character and general welfare. It is the intent of this ordinance that excavated land be rehabilitated as soon as possible to prevent conditions detrimental to neighboring property and residents, and to provide for the subsequent beautification and beneficial use of the lands affected by excavation.

B. It is also the intent of this ordinance to avoid unnecessary, duplicative, overlapping or conflicting regulations to the extent reasonably practicable by incorporating herein the requirements of DOGM so far as they are not in conflict with City requirements.

C. It is the intent to not apply this ordinance to those provisions listed as exceptions in section 30-2(E)(1).

30-2 Definitions and General Provisions

A. Appellant. Appellant means any person adversely affected by any final decision made regarding the issuance of an Excavation Permit or other final decisions under the provisions of this Chapter.

B. Applicant. Applicant means an Owner or Operator submitting an Application in accordance with the requirements of section 30-4 for the purpose of obtaining an Excavation Permit as required by this Chapter.

C. Application. Application means the Operation and Reclamation Plan and other required plans, drawings, or materials submitted by an Applicant in accordance with the requirements of section 30-4.

D. Community Development Director or CDD. Community Development Director or CDD means the Community Development Director of the City or his or her designee.

E. DOGM. DOGM means the Utah Division of Oil, Gas and Mining. 2

F. Excavation. For the purposes of this ordinance, Excavation refers to any type of mining operation including, but not limited to, the removal of rock, sand, gravel, clay and any other soil by digging, leveling, scraping, blasting, screening, processing, and operating, maintaining and repairing equipment, marketing, advertising and selling aggregate products and services to the general public, or any other process, together with all other types of mining operations where material is removed from the earth.

1. Exceptions. The provisions of this ordinance shall not apply to any or all of the following:

(a) The removal of sod, provided such removal will not adversely affect the drainage, stability, and/or vegetation of the area.

(b) Ditching and land leveling for agricultural, personal residences, or public recreational uses (parks or trails), or other improvements associated with residential dwellings.

(c) Site preparations for an approved development project or for building a structure for which a building permit has been issued.

(d) Installation or maintenance actions for utility purposes, or City capital improvement projects.

(e) Excavation Operations conducted on federal, tribal or state land or within the incorporated limits of a municipality.

G. Excavation Permit. Excavation Permit means that permit approved by the City pursuant to section 30-3.

H. Land. Land means the surface and subsurface of an area within the incorporated areas of the City where excavation operations are being or will be conducted, including but not limited to: on-site private ways, roads, the excavation site itself, exploration sites, drill sites or working areas, parking or storage areas; and includes areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in such operation, are situated.

I. Off-site. Off-site means the land areas that are outside or beyond the area proposed or approved for an Excavation Permit.

J. On-site. On-site means the land within which excavation operations are or will be conducted, which is bounded by continuous property lines dividing the surface or land ownership, control, or right that is invested in the Operator. A series of related properties under the control of a single Operator, including properties separated by small parcels of land controlled by others, may, at the election of the Operator, be considered a single site.

K. Operation and Reclamation Plan. Operation and Reclamation Plan means the Operation and Reclamation Plan approved as part of the Excavation Permit under the provisions of this Chapter. 3

L. Operator. Operator means any person, firm, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, agent, or other organization or representative of any kind either public or private, owning, leasing, controlling, or managing excavation operations or proposed excavation operations.

M. Owner. Owner means any person, corporation, association, partnership, or other legally deeded organization or representative of any kind, whether public or private, owning, controlling or managing a mineral deposit or the lands employed in excavation operations.

N. Public Road. Public road means any road, street, alley, lane, court, place, viaduct, tunnel, culvert, or bridge laid out or erected as such by the public, or dedicated or abandoned to the public, or made such in an action for the partition of real property and includes the entire areas within the right-of-way.

O. Reclamation. Reclamation means actions performed during and after excavation operations as specified in section 30-9.

30-3 Applicability, Excavation Permit and Notification Required.

A. All facilities engaged in the mining or quarrying of sand and gravel, whether operating under current permits from the City or as a legal nonconforming use, shall be required to obtain an excavation permit from the City and comply with the applicable provisions of this Chapter, which may vary depending on the proximity of the operation to existing residential areas or property zoned for residential uses as set forth below. All extractive operations are considered a part of excavation activities, but the operation of a concrete batch plant or a hot mix asphalt plant is not permitted except as otherwise allowed and approved as provided in the MG-EX Zone or on a temporary basis under the provisions of section 30-11. Those excavation operations located more than one thousand feet (1000') as measured from property line to property line from existing residential areas or property zoned for residential uses, not including agricultural zoning designations, at the time an Operator first commences excavation activities on the property or submits an application for an Excavation Permit, whichever is earlier, an Excavation Permit shall be required but such operations shall not be required to comply with the requirements of sections 30-8(B) and (E) of this Chapter.

B. If an Owner or Operator submits an application to DOGM, whether for a modification of an existing permit or a new permit, the Owner or Operator shall give written notice within thirty (30) days of such application to the CDD.

C. For those excavation operations that have existing and valid conditional use permits or a written agreement between the City and the Owner or Operator acknowledging the existence of a legal nonconforming use, such conditional use permits and written agreements shall remain in full force and effect. The provisions of this Chapter shall only apply to such operations to the extent that they are not inconsistent with or otherwise covered by a current, valid conditional use permit or a written agreement with respect to a legal nonconforming use.

30-4 Application Contents and Review Procedures.

In order to ensure that the existing or proposed excavation operation is conducted in a manner that will mitigate the effects on the community and provide for reclamation of the land to a state that enables meaningful use and respects aesthetic values, the Owner or Operator shall, prior to the commencement of any phase of operation, submit to the CDD an Application containing, among other things, a proposed Operation and Reclamation Plan which addresses the following:

A. General Information. The following shall be provided:

1. The name, permanent business mailing address, and telephone number, including a cell phone number, of the Operator responsible for the mining operations and reclamation of the site.
2. The name, permanent mailing address, and telephone number of the Owner(s) of all land to be included as a part of the operations.
3. The name, permanent business mailing address, and telephone number, including a cell phone number, of the initial representative designated or appointed by the Owner or Operator to serve as the initial representative to act as a liaison between the City and its various departments and the Owner or Operator. The Owner or Operator may change its designated representatives by notice. The representatives shall be available at all reasonable times to discuss and review the Excavation Permit
4. The name and mailing address of the surface landowner(s) and mineral owner(s) as set forth in the public property tax records available from the City of all land directly adjacent to the operations.

5. The DOGM Notice of Intent Application approval, if subject to DOGM oversight.
6. Proposed starting date and the anticipated period of operation.
7. Preliminary reclamation plan as described in section

30-9. B. Plans, Drawing, Materials Required.

The Application shall also include site plan application fees paid in full, a completed application form as provided by the City, one hard copy and an electronic copy of all items submitted to or required by DOGM for the Notice of Intent Application approval (including surety), or equivalent information if not subject to DOGM oversight. In addition, one hard copy and an electronic copy of the following items demonstrating the then-existing conditions shall also be submitted:

1. A regional vicinity analysis describing other land uses within one thousand feet (1000') of the site, the possible impacts of the proposed excavation on surrounding land and, if necessary, any proposed measures to mitigate these impacts;
2. A description of the hauling routes anticipated to be employed by the Operator in hauling material from the excavation site to roads maintained by the City or State; 5
3. A description of the visual characteristics, with particular attention given to the potential use of existing natural topography and vegetation, and, if necessary, to shield site operations from nearby properties, roadways, and the general public;
4. The most currently available aerial photograph of the proposed excavation site and adjacent properties;
5. All maps, drawings or cross sections as found in the DOGM application, if applicable;
6. Planned phases of excavation and anticipated amount of material to be removed at each phase, depicted on an appropriate map;
7. Number, type and kinds of machinery and equipment to be used;
8. Operational processes to be used, including crushing, stockpiling, milling, etc.;
9. The water to be used in operations, its source, control and disposal;
10. Electrical power requirements, source and control;
11. Accessory facilities, such as scales and buildings;
12. Sanitary facilities and disposal system;
13. Proposed techniques to be used for control of dust and noise;
14. Storm Water Management Plan (SWPPP).

15. Proposed lighting plan.

16. A proposed Operation and Reclamation Plan.

17. Division of Air Quality Permit.

C. Authorization of Permit. All Operation and Reclamation Plans, maps, plans and documents submitted as part of the Application shall be considered part of the final approval and shall be signed and dated by the CDD following approval of an Excavation Permit as set forth below. DOGM requirements, if applicable, are considered a part of City approvals. However, to the extent DOGM requirements are applicable, only DOGM shall have authority to enforce such DOGM requirements. With respect to issues not addressed by DOGM, City provisions shall apply.

D. Application Review.

1. Once an Application has been submitted, the CDD shall review the Application.

2. The CDD shall, within thirty (30) days of receipt, make a determination of Application completeness or if further information is necessary for review.

a. Incomplete Application. If an Application is determined to be incomplete, the CDD shall provide the Applicant with a listing of all deficiencies in the Application or additional materials needed and the Applicant shall have thirty (30) days to remedy the deficiencies and/or provide additional materials after which the Application shall be considered null and void. The Applicant may appeal a determination by the CDD that an Application is incomplete in accordance with the requirements of section 30-17.

b. Complete Application. Once an Application is determined to be complete, the CDD shall post a copy of the Application on the City's website and send notice of the Application to all property owners located within one thousand feet (1000') of the property which is the subject of the Application and may distribute copies of the Application and accompanying plans and statements to other interested City or state agencies, service providers, or others as determined by the CDD and shall ask for comments and recommendations. Following adequate time for response from interested parties, which shall not be less than ten (10) days, the CDD shall make a written decision regarding the Application.

c. Denial or Conditioned Approval of Application. If an Application is denied by the CDD or if the CDD imposes any conditions on the approval beyond those proposed in the Application, the Applicant may appeal the denial or the imposition of conditions by the CDD in accordance with the requirements of section 30-17.

3. The Owner, the Owner's authorized representative, or the Operator shall be given an opportunity to meet with the CDD to review the Application.

4. The CDD shall post a copy of the decision regarding an Application on the City's website and send notice of the decision to all property owners within one thousand feet (1000') of the property which is the subject of the Application.

30-5 Notice of Issued Permit.

Upon the approval of an Application and issuance of an Excavation Permit in accordance with section 30-4, the City shall provide a note on all future plats recorded within one thousand feet (1000') of the property which is subject of the Excavation Permit indicating that an excavation operation exists on the Property and an Excavation Permit has been issued. Additionally, the City shall require any owner(s) of property within one thousand feet (1000') to adhere to the requirements of Chapter 1 of Title 13 of the Erda Code in the development of that property.

30-6 Transfer to Successor Operator.

Whenever an Operator succeeds to the interest of another Operator by sale, assignment, lease or other means, the City may release the first Operator from his responsibilities under his approved Excavation Permit as described above, including surety, provided the successor assumes all of the responsibilities of the former Operator under the approved Operation and Reclamation Plan, including the posting of surety. Upon satisfactory assumption of such responsibilities by the successor Operator, 7 under conditions approved by the CDD, the responsibility of the total excavation site shall be transferred to the successor Operator.

30-7 Filing of an Annual Progress Report.

At the end of each calendar year, unless waived by the CDD for good cause, the Owner or Operator shall submit a report of the status of the operations in regards to compliance with the Excavation Permit requirements to the CDD on a form or a checklist to be prepared and distributed to each Operator by the CDD. The CDD will review, or cause to be reviewed, the report and if necessary, make an onsite visit and review the excavation operation and will report the findings to the Council. The report will summarize compliance with the Excavation Permit and the requirements of this Chapter. The Operator shall be responsible for all commercially reasonable costs of reviews, investigations and reports as reflected in the City fee schedule for review of Annual Progress Reports.

30-8 Operations.

All excavation operations conducted or carried on that are subject to the requirements as found in applicable DOGM rules, including plans and practices, shall continue to comply with those requirements as provided in section 30-4 (C) above. Because of the potential impact on adjacent properties, the following additional limitations, restrictions, and controls shall also apply except as otherwise specified in this Chapter:

A. Dust, Noise, Vibration, Smoke, Lights and Odor. All equipment and machinery operation on the site and in the transportation of products through the City shall be conducted in compliance with the approved Operation and Reclamation Plan and other applicable requirements of the City Code. Such operations must meet applicable City standards as adopted or amended including, but not limited to, the noise requirements contained in Chapter 6-21 of the City Code. Soil berming, landscaping and other techniques may be used to accomplish the objective of reducing the impact of noise, vibration and other operation factors on adjacent property. All state and federal emission guidelines and regulations must be adhered to, including compliance with any regulations or with any permit issued by the State Divisions of Air or Water Quality. On site access and haulage roads shall be maintained by the Owner/Operator, including surfacing or other treatment as approved by the CDD, in such a manner as to minimize dust.

B. Fencing and Barriers. Fencing or other suitable barriers shall be created and maintained on the excavation site or on any portions of the site where such fencing is necessary because of dangerous conditions as approved as part of the Operation and Reclamation Plan. Fencing, monuments or other

means of identification shall be placed and maintained around the perimeter of the excavation site so as to enable reasonable identification of the property line separating the excavation property from adjoining land owners.

C. Washing Operations and Run-off Water Detention. The Operator or Owner shall maintain a Storm Water Management Plan (SWPPP) for the excavation operation.

D. Mitigating Impacts on Public Roads and Highways. In order to mitigate the impact of gravel operations and related activities on public roads and highways, including fugitive dust, the conditions of an Excavation Permit may include a requirement to apply a liquid magnesium chloride or similar product on all access roads owned or leased by the Owner from the subject property where gravel operations will be conducted, to the closest adjoining public road. In addition, all such accesses used for gravel operations and related activities shall be periodically swept, cleaned and treated as deemed necessary for safety purposes at the expense of the Owner and/or Operator.

E. Hours, Days and Limits of Operation.

1. Hours of Operation.

a. Aggregate Crushing Operations. Rock crushing and related operations shall be limited to the hours of 7:00 a.m. to 7:00 p.m. from April 1 to November 30; and from 8:00 a.m. to 6:00 p.m. from December 1 to March 31.

b. Hauling. The activities of hauling product shall be limited to the hours of 6:00 am to 8:00 pm from April 1 to November 30; and from 8:00 am to 6:00 pm from December 31 to March 31. No trucks used in hauling operations shall be allowed to enter the site before the specified time or permitted to leave the site loaded with material after the specified time.

c. Washing Equipment. The washing of equipment shall be limited to the hours of 6:00 am to 9:00 pm; and all permanent yard lighting shall be turned off other than during those hours.

d. Maintenance, Repair and Related Work. Notwithstanding the foregoing, an Operator shall have the right to perform maintenance, repair and related work during hours beyond those specified for other activities above but shall make reasonable efforts to reduce noise and light by using low impact mobile lighting as needed for such maintenance work.

2. Designated Hauling Routes. All commercial vehicles utilizing the excavation site shall use the designated hauling routes as determined pursuant to the Excavation Permit.

3. Use of Processing Equipment. Rock crushing and all other operations may be conducted only under appropriate conditions consisting of a combination of buffering, berming, screening, landscaping, and other mechanisms, including limitations on noise as found in Chapter 6-21 of the City Code, to reduce or mitigate potential adverse impacts on neighboring landowners and City residents. No processing shall be permitted on Sundays.

4. No excavation operations shall take place on Sunday or the following legal holidays: New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. 9

5. The limitations herein may be modified as found in sections 30-11 and 30-12.

F. Operation Boundaries. To protect neighboring residents and properties from the potentially adverse effects of dust, noise, vibration, smoke, welding and other lights, orders, and soil erosion and to provide for the future development of the property, extractive operations are prohibited within ten (10) feet of the outside boundary of the permitted property. In situations where gravel excavation operations or extractive activities as defined and regulated under the provisions of this Chapter are being conducted on two adjoining properties, by agreement of those adjoining property owners, extractive operations may be conducted up to the property line between those adjacent properties with written notice to the City of not less than 30 days before such extractive operations are conducted within that adjacent boundary area between such properties.

G. Cessation of Operations. Within eighteen months (18 months) after the cessation of any excavation operations as defined in this Chapter, the Operator shall implement the approved Operation and Reclamation Plan for the disturbed areas. This includes the reclamation of the last area to be excavated. An Operator may file a written notice with the CDD informing the City that they are temporarily ceasing excavation operations for commercial reasons and in that case, the provisions of this section shall not apply and the temporary cessation of excavation operations shall not be considered as evidence of an intent to abandon any nonconforming use of the property for excavation operations. An Operator shall provide written notice to the City when it intends to resume excavation operations.

H. Blasting. Any blasting or related explosive detonation proposed to be conducted as part of excavation operations as part of an Excavation Permit, and any such activities, if approved, shall be limited to the hours of 8:00 a.m. to 5:00 p.m. Monday through Friday if the excavation operation is within one thousand feet (1000') of existing residential areas and shall be responsible to provide written notification (including email) to the CDD and County Sheriff at least twenty-four hours in advance of any blasting.

30-9 Reclamation.

The Owner or Operator shall adhere to an approved Operation and Reclamation plan as provided in this Chapter. It is understood that initial or preliminary reclamation plans are subject to revision and specificity as areas are taken out of production and such revisions will be duly considered by the City. In the case of an operation that has a reclamation plan that has already been approved by DOGM, that plan shall be submitted to the City as its reclamation plan. For those operations not subject to the regulations of DOGM, the following requirements shall apply:

A. Progressive Reclamation by Phase. The Owner or Operator shall incorporate progressive reclamation, meaning that reclamation will commence and be carried on during excavation operations as specified in the Reclamation Plan. When an area is completed per the Operation and Reclamation Plan or has been left inactive for eighteen (18) months 10 or more per the Operation and Reclamation Plan, subject to the provisions of §30-8(l) above, that area shall be reclaimed. Reclamation shall proceed after completion of a phase, or site if there are no phases, as set forth in the approved Operation and Reclamation Plan. The Applicant shall provide an overall preliminary reclamation plan. Final reclamation plans (at an appropriate scale for adequate review) with the use of maps, imagery, and renderings for each phase or site shall be submitted as such area is taken out of production.

B. Backfilling. Where backfilling is required, the excavated area shall be graded and backfilled with uncontaminated materials or topsoil only. This backfill must be of such material as to support vegetation

and grass growth. The graded or backfilled area shall not be contoured so that it will collect and permit stagnant water to remain thereon. Peaks and depressions in the excavation area shall be reduced to a surface which will result in level or gently sloping topography in substantial conformity to the land area immediately surrounding and which will minimize the possibility of erosion.

C. Final Grading Plan. The Operator/Applicant shall provide a final grading plan, designed by a licensed engineer, surveyor or landscape architect, indicating the areas excavated, existing and design contours, and proposed final grades and elevations.

1. To help control storm water run-off and erosion, to increase potential for vegetation growth, to improve slope stability and lateral support due to potential seismic activity (recognizing that fault lines exist on or near the properties), and to generally improve safety for future residential or commercial structures above and at the base of excavations, all finished slopes (including cuts and fills) shall be graded according to a geotechnical report or engineering study supplied by the Owner/Operator for stability based on the expected subsequent use of the property. Such slope engineering shall be approved by the CDD with the assistance of an engineer if deemed necessary by the CDD based on horizontal to vertical ratios, and may be varied across the site. Such ratios shall not exceed a two to one ratio (2H:1V) in those areas where no future development will occur, except in limited areas as approved by the City based on the engineering study referenced above. For areas expected to be utilized for any future residential, commercial or similar future land use purposes, other than as open space or to satisfy setback or similar requirements, the ratio shall not exceed three to one (3H:1V).

2. For any future development of the property after the cessation of excavation operations and completion of the reclamation process, the owner at the time of the development of the property shall be required to comply with the applicable land use regulations of the City then in effect.

D. Grading, Stockpiling, Seeding, Phases, Etc. Excavations shall be planned so as to progressively develop the proposed final land forms by grading and by stockpiling overburdened materials in areas designated for future land forms or in excavations where the material will be spread over the excavation floor where no future excavation is anticipated. Such areas are to be seeded and planted within a reasonable time after grading is completed or within appropriate planting seasons, but in any case, the grading and planting shall be complete within one year. The reclamation plan shall contain a description of the phased reclamation process throughout the anticipated life of the excavation.

E. Final Reclamation of Entire Site. Final reclamation shall begin within a reasonable time and be pursued diligently until completed for any site where operations authorized under an Excavation Permit have been completed. The final reclamation shall conform to the approved Operation and Reclamation Plan (including approved modifications) in the Excavation Permit. All reclamation plans shall conform at least to the below listed minimum standards and requirements listed elsewhere in this chapter. The Council may require more stringent standards where special hazards exist in order to protect the health, safety, or general welfare of the public, and to prevent injury to property or improvements:

1. Grading. Slopes, overburdened stockpiles, and abandoned soil piles shall be graded and smoothed so as to control erosion and prevent the creation of potentially dangerous areas in accordance with the direction of the CDD.

2. Water-filled Areas. All excavations which create permanent standing water or ponds shall be filled with uncontaminated materials. This requirement shall not apply, however, to any water filled

excavations scheduled to become an integral part of the final reclamation plan. The reclamation of these areas shall be done in such a manner that the groundwater is not polluted. Fill material shall be porous to allow for water dispersion unless otherwise specified in the reclamation plan.

3. Landscaping. Unless inconsistent with the final proposed use of the reclaimed land, the excavated areas and all other disturbed areas shall be replanted and maintained with trees, shrubs, grasses, or other vegetative ground cover, preferably native to the area, in order to minimize erosion and to restore the land to a natural appearance, or to an appearance previously approved by the CDD.

4. Removal of Buildings and Equipment. As soon as excavation has been permanently terminated, all building, including temporary structures (except fences), equipment, rock piles, rubble, or other debris (including electrical conduits) used in the administration of the operations, shall be removed unless deemed necessary to the approved final use of the reclaimed site.

5. Securing of property. The Operator shall secure, in a manner approved by the CDD, any and all areas determined by the CDD to be a dangerous condition and shall provide adequate fencing around the perimeter of the entire property as deemed necessary and appropriate by the CDD.

F. Reclamation Verification. After excavation operations have been completed and reclamation of the excavation site has been completed according to the approved Operation and Reclamation Plan, the CDD shall verify that the permit area has been reclaimed in compliance with the requirements of this Chapter and the approved 12 Operation and Reclamation Plan previously submitted and approved under the provisions of this Chapter.

30-10 Provision of Surety.

An operation shall have an approved provision of surety and the following requirements shall apply:

A. Provision of Surety before Operations Begin. After receiving notification that the application for an Excavation Permit has been approved, but prior to commencement of such operation, the Operator shall provide surety to the City, in a form and amount to be approved by the CDD and City Attorney based on an estimate of an engineer retained by the Operator that is sufficient to secure compliance with requirements of the approved Operation and Reclamation Plan. If the scope of the operation or area changes, the surety may be adjusted, as determined by the CDD and City Attorney upon further review not to exceed five (5) years. The surety required by DOGM, if applicable, shall satisfy this requirement.

B. Amount of Surety. If no surety bond is provided per DOGM requirement, the City may require a bond in an amount determined by the CDD. In determining the amount of the surety, the CDD shall consider factual information as to the magnitude, type and costs of approved reclamation activities planned for the land affected and the nature, extent and duration of operations under the approved Operation and Reclamation Plan. The CDD shall determine the amount of the surety reasonably related thereto, to protect the City and ensure compliance with the requirements with the Excavation Permit; however, the amount of surety shall not exceed one hundred percent of the estimated cost of reclaiming the excavation site provided by an engineer retained by the Operator as set forth above. The surety shall be periodically reviewed to ensure that the amount of the surety is capable of insuring adequate rehabilitation and shall be adjusted accordingly.

C. Form of Surety. In determining the form of surety to be provided, the CDD and City Attorney shall approve a method acceptable to the Owner or Operator that is consistent with the requirements of this Chapter.

D. Release of Surety. The liability under surety provisions shall continue until such time as released in part, or in its entirety, by the CDD based on the report verifying compliance with the provisions of this Chapter and the approved Operation and Reclamation plan.

E. Forfeiture of Surety. If the Operator fails to or refuses to carry out the necessary land reclamation as outlined in the approved Operation and Reclamation Plan, the City may, after providing Operator with notice, reasonable opportunity to cure and hearing, declare default and assert a claim against the surety or corporate bond, including filing suit against the Owner or Operator and its bonding company.

30-11 Emergencies and Short Term Contractual Obligations.

The City may modify the provisions relative to the nature and scope of excavation activities, hours of operations and days of operations consistent with the intent of these regulations to address the following circumstances subject to review and approval based on the criteria set forth below. 13

A. Bona Fide Emergencies. The Operator of any excavation operations may obtain approval from the CDD for any temporary change to the conditions of an Excavation Permit relating to hours of operation, days of operation and hauling routes in order to respond to bona fide emergencies or emergent circumstances. Each such request shall be promptly reviewed and may be approved subject to the imposition of reasonable conditions to reduce or mitigate potential adverse impacts on neighboring landowners and the City such as dust control, noise reduction and traffic control requirements. Any emergency beyond thirty days must be further reviewed and approved by the CDD.

B. Temporary Short Term Contractual Obligations.

1. If an Operator has obligations under a contract that require, as a condition to entering into such contract, that the Operator deliver or otherwise provide aggregate products (including hauling and processing) on days and hours of operation not normally otherwise allowed under the provisions of this Chapter, the Operator may present a copy of the contract to the CDD and request approval from the CDD for a change to the scope and conditions of an Excavation Permit including, but not limited to, hours of operation, days of operation and hauling routes for contractual obligations up to the limits of the contract and according to those contractual provisions.

2. Any contract presented to the CDD as part of a request for a temporary change to the scope and conditions of an Excavation Permit shall be deemed a protected record under Utah Code § 63G-2-305.

3. Within five (5) business days of receiving a request for a temporary change to the scope and conditions of an Excavation Permit, the CDD shall make a determination regarding the request. Unless the CDD can identify specific and reasonable concerns as to why the request should not be approved, the CDD shall approve the request for a temporary change to the scope and conditions of an Excavation Permit.

4. If the CDD denies an Operator's request for a temporary change to the scope and conditions of an Excavation Permit, the Operator may appeal said decision in accordance with section 30-17;

however, said appeal shall be heard by the City Administrative Hearing Officer within ten (10) business days of the Operator's filing a request for an appeal.

30-12 Modification of an Excavation Permit.

Any Excavation Permit issued may be modified in the following manner:

A. Modification of the Excavation Permit Plans. Modification of the Excavation Permit plans may be initiated by the Operator where minor revisions are sought on the approved grading plan, schedule of proposed operation, or proposed reclamation plan. Any modification initiated by the City must be based on a compelling, countervailing public interest as defined under Utah Law.

1. For purposes of this section minor revisions shall mean changes or variances of up to thirty percent (30%) of each parameter of the Operation and Reclamation Plan. 14

2. Consideration of such revisions need not require a public hearing provided that in the judgment of the CDD the proposed revisions would not constitute significant changes, and provided also, that the permittee has not expressly requested that a public hearing be held.

B. Modification Exception. Changes in equipment are not considered a modification of the Excavation Permit and do not require approval by the CDD unless such changes significantly alter the scope of the operation or violate noise or operational limitations, as determined by the CDD.

C. Other Modification to the Excavation Permit Plans. Other amendments or modifications to the Excavation Permit that are not deemed minor revisions as defined in section 30- 12(A)(1) or determined by the CDD shall require compliance with the approval process set forth in section 30-4 above.

30-13 Compliance by Existing Operations.

Within eighteen (18) months after adoption of the ordinance codified in this Chapter, all existing excavation operations shall comply with all applicable provisions set forth herein.

30-14 Enforcement.

A. The CDD is designated and authorized as the officer charged with the enforcement of this Chapter. It shall be the duty of the CDD to inspect or cause to be inspected all excavation operations regulated under the provisions of this Chapter. Where it is determined by the CDD that there are violations of the provisions of this Chapter, the CDD shall enforce the provisions of this Chapter, and in performance of those duties seek the assistance of the City Attorney to file actions in the courts where necessary, and any failure to do so shall not legalize any violation of such provision.

B. Default.

1. Notice. If the Owner or Operator fails to perform their obligations under the Excavation Permit, the City shall provide a notice of default to the Owner or Operator.

2. Contents of the Notice of Default. The notice of default shall:

a. Specific Claim. Specify the claimed event or action resulting in the default;

b. Applicable Provisions. Identify with particularity the provisions of any applicable law, rule, regulation, or provision of the Excavation Permit that is claimed to be in default;

c. Materiality. Identify why the default is claimed to be material; and

d. Mandatory Cure. Provide a time for curing the default which shall be of no less than thirty (30) days duration. 15

3. Meet and Confer, Mediation. Upon the issuance of a notice of default, the parties shall engage in the “Meet and Confer” and “Mediation” processes specified in sections 30-14(C) and 30-14(D).

4. Extended Cure Period. If any default cannot be reasonably cured within thirty (30) days, then such cure period may be extended at the discretion of the party asserting default so long as the defaulting party is pursuing a cure with reasonable diligence.

C. Meet and Confer Requirement. The City and Owner or Operator shall meet within fifteen (15) business days of any notice provided pursuant to section 30-14(B)(1) to resolve the issues specified in the notice.

D. Mediation Requirement.

1. Issues Subject to Mediation. Issues resulting from the City’s issuance of a notice pursuant to section 30-14(B)(1) that the City and the Owner or Operator are not able to resolve by “Meet and Confer” shall be mediated.

2. Mediation Process. If the City and the Owner or Operator are unable to resolve a disagreement subject to mediation, the parties shall attempt within ten (10) business days to appoint a mutually acceptable mediator with knowledge of the legal issue in dispute. If the City and the Owner or Operator are unable to agree on a single acceptable mediator, they shall each, within ten (10) additional business days, appoint their own representative. These two representatives shall, between them, timely choose the single mediator. The Owner or Operator shall pay the fees of the chosen mediator. The chosen mediator shall, within fifteen (15) business days, review the positions of the parties regarding the mediation issue and promptly attempt to mediate the issue between the parties. If the parties are unable to reach agreement, the mediator shall notify the parties in writing of the resolution that the mediator deems appropriate. The mediator’s opinion shall not be binding on the parties, nor shall it be admissible in any subsequent proceedings regarding the dispute.

30-15 Violation.

The City may, by ordinance, establish civil penalties for violations of this Chapter, pursue other civil remedies allowed by law, or revoke the Excavation Permit of any person or corporation violating any provisions of this Chapter after a hearing upon due notice following the procedures set forth in section 30-14 above, which hearing shall be open to the public.

30-16 Repealer.

In the event any part of the ordinance is determined to be invalid or unconstitutional, the portion is deemed stricken from the ordinance, but the remaining provisions shall remain valid.

30-17 Appeals.

A. Any person adversely affected by any final decision made regarding the issuance of an Excavation Permit or other final decisions under the provisions of this Chapter (an Appellant) may file an appeal within ten (10) business days to the City Administrative Hearing Officer. The appeal shall be made in writing and filed with the Community 16 Development Department. The request shall contain the signature of the responsible party and a written justification of such appeal.

B. The appeal shall then be heard by the Country Administrative Hearing Officer on a de novo standard in a public meeting in which only the Appellant and named parties to the appeal shall be entitled to present evidence.

C. In an appeal involving scientific or technical issues, any Appellant may request the City to assemble a panel of qualified experts who have knowledge and experience in excavation and mining operations and the reclamation of the same to serve as the appeal authority for purposes of determining the technical aspects of the appeal.

D. If a request is made under section 30-17(C), the City shall assemble the panel described in section 30-17(C) consisting of, unless otherwise agreed by the person appealing and the City:

1. one expert designated by the City;
2. one expert designated by Appellant; and
3. one expert chosen jointly by the City's designated expert and the Appellant's designated expert.

E. A member of the panel assembled by the City under section 30-17(C) may not be associated with the Excavation Permit or the excavation that is the subject of the appeal.

F. The Appellant shall pay:

1. one-half (1/2) of the cost of the panel; and
2. the City's published appeal fee.

G. Any person adversely affected by any final decision of the City Administrative Hearing Officer may file an appeal, based on and limited to a review of the record of the proceedings, in the State District Court within thirty (30) calendar days after the final decision is rendered by the City Administrative Hearing Officer.