Notice and Agenda

Work Meeting 6:00pm Zoning Overlay Craig Jackson

The Plain City Planning Commission will convene in a regular meeting Thursday, June 8, 2023, in Council Chambers at Plain City Hall - 4160 West 2200 North, which meeting shall begin at 7:00 pm. -This meeting will also be accessible via ZOOM.

The agenda shall be as follows:

Welcome:
Pledge of Allegiance:
Moment of Silence/Invocation:
7:00 PM – Regular Meeting

1. Roll Call
2. Opening Meeting Statement
3. Ex Parte communications or conflicts of interest to disclose
4. Public Comments for items not on the agenda
5. Approval of all Minutes for May 25, 2023
6. Technical Review Report:

7. Legislative Items:
   Discussion/Motion: Set Public Hearing for Assisted Living Facility for Elderly Persons/ Residential Treatment Facility for persons with a disability for July 13, 2023
   Discussion/Motion: Set Public Hearing for Nonresidential Treatment Facilities for July 13, 2023
   Discussion/Motion: Set Public Hearing for Commercial Zone Ordinance on July 13,2023

8. Administrative Items:
   Discussion Site Development Standards/Detached Accessory Dwelling Unit

9. Report from City Council: Commissioner Neil
10. Commission Comments:
11. Adjournment:

City Council Meeting: June 15- Chairman Faulkner

The City of Plain City in compliance with the Americans Disabilities Act provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance. Persons requesting these accommodations for City-sponsored public meetings, services, programs, or events should call Diane Hirschi at 801-731-4908 giving her at least twenty-four (24) hours' notice before the meeting.

The undersigned hereby certifies that a copy of the foregoing Notice and Agenda was posted at the Plain City Hall, Plain City website www.plaincityutah.org and the Utah Public Notice Website at www.utah.gov/pmn on (date).

Join Zoom Meeting
https://us02web.zoom.us/j/81945331790
Meeting ID: 819 4533 1790

+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)

Tammy Folkman

Land Use Specialist

Plain City Commission
Minutes of Meeting
May 25, 2023

Plain City Planning Commission met in a regular meeting at City Hall on Thursday May 25, 2023, also accessible via ZOOM beginning at 7:00p.m.

Present:	Chairman Faulkner Commissioner Neil Commissioner Maw Commissioner Jenkins Commissioner Ortega (arrived at 7:32)
Absent	Commissioner Skeen
Staff:	Tammy Folkman, Dan Schuler-Zoom
Attendees:	Austin Maes, Erin & Shaun Fowers, Shane & Sheila Rusch, Tim & Hannah Rusch, Adam Frei
Zoom Attendees:	Adams Family

Welcome: Chairman Faulkner

Pledge of Allegiance: Commissioner Neil

Moment of Silence/Invocation: Commissioner Jenkins

1. Roll Call: Chairman Faulkner directed roll call. Commissioners Neil, Maw, Jenkins and Chairman Faulkner were all present. Commissioner Ortega arrived at 7:32, Commissioners Skeen was absent.

2. Opening Statement: Chairman Faulkner

3. Ex Parte: Commissioner Maw mentioned having a conversation with the mayor about having relatives on the city council and planning commission. Commissioner Neil said he had a phone call from a resident who was at the public hearing for the detached accessory dwelling unit ordinance. Commissioner Jenkins mentioned talking to Jeff Spencer, Jeff is interested in what is happening with the general plan. Commissioner Jenkins volunteered Jeff to be involved in the discussions.

4. Public Comments: Shaun Fowers said it looks like you are discussing the detached dwelling unit, he thought it was tabled. Chairman Faulkner indicated we are just discussing things that were said in the last meeting. Sheila Rusch has a couple of points to share on property values, she mentioned it looks like property values have increased with a rental on the property she said it did not devalue the home. She also mentioned not having privacy with a two-story detached dwelling in the back yard she doesn't feel this is the case. She also mentioned if this was a concern maybe change from having 50% in the back yard. She also doesn't feel that everyone will build a detached dwelling in their yard, as well as building the detached dwelling flush with your home. She indicated it would be the same if you were just building a garage. Tim Rusch said he liked the draft that was proposed. The reason he wants to have a detached dwelling unit is to save money for his own house in the future.

5. Approval of Minutes for May 11, 2023

Commissioner Jenkins motioned to approve meeting minutes for May 11, 2023. Commissioner Maw seconded the motion. Commissioners Neil, Maw, Jenkins and Chairman Faulkner voted aye. The motion carried.

6. Technical Review Report: none at this time

7. Legislative Items:

8. Administrative Items:

Discussion/Motion: Site Plan Application for FIIZ Drinks 3635 W 2600 N Adam Frei

Chairman Faulkner asked Mr. Frei if he knew what is different from what was proposed on the original. Commissioner Maw indicated the paint finish on the storage, add wood finish to certain areas, add a screen wall around the electrical equipment and an overhang over the sitting area. He feels it doesn't look complete from the drawings he has. Mr. Frei said the south side does have skirting around the air conditioner it was put up on Sunday. There is a visor on the walk-up window. He said the exterior signs are in the packet and there are more things to finish on the north side. Commissioner Maw was wondering if they were going to do the decal. Mr. Frei said he was not going to do that but if the planning commission wanted him to, he would. He indicated the signs just have bulbs in them and the trim piece is backlit. Chairman Faulkner is concerned about the north lights shining into the neighbors houses she is okay with the south sign but would like to see the north side sign backlit. She also mentioned putting up a berm so when cars are going through the drive through, their lights don't shine on the homes to the north. There was also mention of putting up a hedge, to block the car lights. The drawings of FIIZ that were presented in the year 2020 is different from the drawings the commissioners have today, there are a lot of differences. Mr. Frei mentioned that the city council approved the new plans. Chairman Faulkner wondered if we had an updated drawing at the city. Planning Commission is not bothered by where the sign will be, but they are bothered by how the building looks. Chairman Faulkner mentioned that the city council was hesitant to give Mr. Frei a business license because of all the things that needed to be fixed to match the drawings we have here at the city. Mr. Frei said city council had the plans at their last meeting, Tammy went and got the plans for commissioners to see. Tonight, is just to get approval for the sign. Mr. Frei said he is not the owner of the building just the franchise owner. Chairman Faulkner mentioned that to get approval of the business license Mr. Frei needed to fix some of the things on the building to make it look like the plans, his business license renewal for next year depends on what he gets done this year.

Commissioner Jenkins motioned to approve the exterior building signage for FIIZ with the contingence that the north sign is backlit. Commissioner Maw seconded the motion. Commissioners Neil, Maw, Jenkins and Chairman Faulkner voted aye. The motion carried.

Discussion/Motion: Site Plan Application for Outright Auto 2414 N 4350 W Austin Maes

Chairman Faulkner asked Austin Maes what he was going to do on his site. He said he will use the space for an office and have maybe two or three cars for sale, there will be a quick turnaround on the cars. Mr. Maes said he will have three cars maximum there, all other cars will be stored at his home. The hours of operation will be 9-7. Commissioner Neil wanted to know if there will be maintenance on the cars. Mr. Maes said no maintenance will be done off site.

Commissioner Maw motioned to approve site plan for Outright Auto 2414 N 4350 W. Commissioner Jenkins seconded the motion. Commissioners Neil, Maw, Jenkins, Ortega and Chairman Faulkner voted aye. The motion carried.

Plain City Commission
Minutes of Meeting
May 25, 2023

Discussion: Accessory Dwelling Unit Ordinance

Chairman Faulkner mentioned the print off that Tammy gave everyone tonight it is the code 10-8-5 on height regulations so on our detached accessory dwelling ordinance we can put in 10-21-3 (E) we can just put *height subject to 10-8-5 (B) No dwelling shall be erected to a height less than ten feet (10'), and no accessory building in a residential zone shall be erected to a height greater than twenty-five feet (25').* This is the same regulation for a detached garage. Commissioner Neil mentioned 10-9-2 parking spaces for dwellings, he said the phone call he mentioned earlier was in regards to parking. The person he talked to had heard our discussion on parking and he wondered if accommodate would be a better term than adequate. Chairman Faulkner wondered what the exact definition of accommodate was? Commissioner Jenkins said as long as we are not letting people park on grass or mud or the street, he is okay with adequate. Dan feels like adequate supports approved parking. Chairman Faulkner is thinking of referring to *Chapter 9 10-9-2 Parking Spaces for Dwellings.* Commissioner Jenkins would like to talk about setbacks being 25% in the rear yard, Chairman Faulkner indicated it was 50% not 25%. He would like the setbacks to be the same as building a garage to make it easier for people. If building a garage is easier people are going to go that route every time instead of building an accessory dwelling. He feels we need credit for what we are trying to do. He thinks that a detached garage can be flush with your home, but an accessory dwelling unit cannot be flush with your home? Chairman Faulkner feels we would be taking away the frontage that keeps our city rural. Commissioner Maw feels we need to make both the detached garage and the accessory dwelling the same as much as possible. Commissioner Jenkins is wondering if you can have a second story detached accessory dwelling? Commissioner Maw said as long as it meets our code height regulations. Chairman Faulkner would like to change the lot size to 18 thousand 5 hundred square feet. That would make the minimum lot size 18.5. Commissioner Maw felt like if they could meet the requirements on a smaller lot, they should be allowed to do it. Chairman Faulkner said we are still saying they are allowed in any zone but the minimum lot size needs to be 18.5. Chairman Faulkner mentioned a letter that she got that said we should not be limiting the square feet of living space you can build. Commissioner Maw feels they should be able to do what the setbacks dictate. Everyone was in agreement on 10-21-3 (E) 1. take out the word *limited to.* Commissioner Maw said setbacks are done graphically in the ordinance. 10-21-3 (E) 2. add *rear side setbacks are 5 feet and a corner lot setbacks are 30 feet.* Dan is wondering if this ordinance is just for new builds or an existing structure as well. He said some of the older existing structures have different setbacks so they would not be able to build an accessory dwelling legally. He was wondering if we grandfather in this type of structure. Chairman Faulkner's initial reaction was that we don't grandfather them in. Commissioner Jenkins felt like we should. Commissioner Maw mentioned that if they are doing it before this ordinance is in place it is already grandfathered in, but then after the ordinance is in place and it doesn't meet the ordinance, they can't do it. Chairman Faulkner feels like it should be our goal to make an ordinance that is reasonable and makes sense that the neighbors feel good about it and that people want to come in and get a permit and do it the right way. Commissioner Maw feels we need to look at the accessory building ordinance as well and get them done at the same time. Chairman Faulkner would like legal to look at the accessory dwelling unit ordinance before our June 8 meeting, she would like the accessory building ordinance on the agenda for June 8 as well set a public hearing for the accessory building ordinance.

Plain City Commission
Minutes of Meeting
May 25, 2023

Discussion: Commercial Zone Ordinance C1, C2, C3

Chairman Faulkner would like to add rehabilitation center it would be to the commercial zone ordinance it would be C1 -N, C2 -N, C3-C. She mentioned that boarding or lodging house is C1-N, C2-N, C3-N which would seem that Air BBs are not allowed, but we have them in the city right now. She is wondering what we do about it. Commissioner Maw was wondering if we want to add vacation rentals? Commissioner Neil has a vacation rental in a different state and he says there are a lot of things you would need to go through to rent it out. Commissioner Ortega is concerned about the noise to other neighbors, but if they do it quietly and we can police that he is okay with letting people do an Air BB. Chairman Faulkner is asking do we want to do it with conditions or leave it the way it is now. She would like to see if other cities have Air BBs in their cities. Commissioner Maw found a short-term rental in Logan. Commissioner Neil is concerned about a Porta Potty business. Chairman Faulkner wants to add Portable or Mobile Toilet Storage C1-N, C2-N, C3- C also add Dumpster Rental C1-N, C2-N, C3-C. She would also like to change the line on *10-6-1 (A)* to read *If a specific business is not listed these uses apply C-1 not allowed, C2-not allowed, C3-not allowed.* Chairman Faulkner would like a discussion motion on the next meeting agenda on June 8.

9. Report from City Council: Commissioner Maw

Council members talked about budget and the flood plain ordinance. Chairman Faulkner asked if everyone had seen the letter from our engineer supporting the facts on not having an elevation in the ordinance. The city council will get a copy of the letter in their next meeting. Councilman Panunzio would like to see more policing at the new four way stop by Maverick. There was talk about getting a new loader for the landfill, as well as upgrades to the sewer, there was talk about an all-access park for special needs.

10. Commission Comments:

Commissioner Ortega feels we are getting pressure to spend more money, he feels we are doing good as a city to save for a rainy day. He would like to talk more about the parking verbiage in the accessory dwelling unit ordinance, he feels this will cover what is needed *Shall provide adequate off street parking spaces on approved surfaces for all residents on the property such that no on street or unapproved surface parking is needed.* He will send this to Dan to look at. Chairman Faulkner asked Dan, on 3600 West the road is pretty rough she is wondering if we could update the paint so people know where to drive, she knows we are waiting for a grant but it is pretty bad. Also, at the end of 2200 at the northeast corner where there was a water leak, she is wondering what is being done. Dan is going to make Connext who caused the water leak cut the corner out and have them fix it.

11. Adjournment

Commissioner Maw moved to adjourn the meeting. Commissioner Ortega seconded the motion. Vote: Commissioners Neil, Maw, Ortega and Chairman Faulkner voted aye. Motion carried.

Meeting ended 8:46pm

City Council: June 1– Commissioner Neil

2023

SKEEN	JENKINS	ORTEGA	MAW	NEIL	FAULKNER
JAN 5	JAN 19	FEB 2	FEB 16	MAR 2	MAR 16
APR 6	APR 20	MAY 4	MAY 18	JUN 1	JUN 15
JUL 6	JUL 20	AUG 3	AUG 17	SEP 7	SEP 21
OCT 5	OCT 19	NOV 2	NOV 16	DEC 7	DEC 21

If you are unable to attend on your assigned night, please make sure someone goes in your place

Planning Commission Chair

Planning Commission Secretary

CHAPTER 21
DETACHED ACCESSORY DWELLING UNITS

SECTION:

10-21-1: Purpose and Intent

10-21-2: Use Regulations

10-21-3: General Regulations

10-21-4: Submission of Application

10-21-1: PURPOSE AND INTENT:

A. The purpose and intent of Detached Accessory Dwelling Units (DADUs) is to integrate moderate-income housing opportunities with reasonable limitations to minimize the impact on neighboring properties, and to promote the health, safety, and welfare of the property owners and residents.

B. Requests for DADUs must be approved by staff prior to the issuance of a building permit (see section 4 below). (Ord. 2022-10, 7-21-2022, eff. 7-21-2022)

10-21-2: USE REGULATIONS:

A. Definition: for purposes of this code, defined as a subordinate dwelling, which has its own kitchen, living/sleeping area, and sanitation facilities and that is:

1. A detached structure; or
2. Above or behind a detached garage, associated with a single-family dwelling.

B. ~~Zones Allowed: properties already zoned as A-1, A-2, RE-40, RE-30, RE-20, RE-18.5, and RE-15. A detached DADU shall not be permitted on any lot smaller than twenty-one thousand seven hundred and eighty (21,780) square feet.~~ Minimum lot size (18,500) square feet.

C. Not Intended for Sale: DADUs shall not be sold separately from the primary dwelling unit. Neither the primary dwelling unit nor DADU shall be rented on a transient basis (periods less than thirty (30) days).

1. If the detached accessory dwelling unit is a rental unit, a Home Occupation business license is required. (Ord. 2022-10, 7-21-2022, eff. 7-21-2022)

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10-21-3: GENERAL REGULATIONS:

A. Owner Occupied: No DADU shall be created, established, or occupied unless the owner of the property occupies either a portion of the primary dwelling or a detached DADU on the same residential lot. For the purpose of this section, the term "owner occupied" shall be defined as full time residency within the home by the bona fide property owner(s) as shown on the Weber County tax assessment rolls, OR that possesses, as shown by a recorded deed, fifty (50) percent or more ownership in the property, OR that, in the case of ownership by a family trust, "owner occupied" refers to a trustor of the family trust that possesses fee title ownership.

B. Address: The primary dwelling unit and the DADU shall have the same address number, but shall refer to the DADU as unit B.

C. ~~Fire, Building, and Health Codes: An DADU shall comply with all building construction and fire codes in effect at the time the DADU is constructed, created or subsequently remodeled, including the obtaining of required building and other permits.~~ A DADU shall comply with all building construction and fire codes found in the current International Residential Code (IRC) at the time the DADU is constructed, created or subsequently remodeled, including the obtaining of required building and other permits.

D. Utility Meters: A single-family dwelling with a detached accessory dwelling shall have one (1) but no more than two (2) meters for water, gas, and electricity utility service, and each meter shall be in the property owner's name. In the case of septic systems, the applicant must demonstrate the system has sufficient capacity for another dwelling in accordance with County Health Department requirements. Water and sewer impact fees are required when adding an DADU.

E. Development Standards: DADUs shall meet the following height, size, and setback requirements:

1. Detached units shall be ~~limited to~~ one thousand (1,000) square feet
2. Detached units shall have a minimum separation from the primary dwelling of fourteen (14) feet. Rear and side setbacks are five (5) feet, and corner lot side setbacks are thirty (30) feet.

Minimum separation from primary dwelling	Fourteen (14) feet
Rear setback	Five (5) feet
Side setback	Five (5) feet
Corner lot side setback	Thirty (30) feet

DRAFT

3. Shall provide adequate off-street parking space on an approved surface. Additional driveways and curb-cuts are permitted where there is an improved road and shall not be on the same street as an existing driveway or curb-cut on the property unless they are at least fifty (50) feet apart and meet the minimum distance for a driveway from an intersection of thirty (30) feet.

4. Detached units shall be limited to ~~fifty percent~~ twenty-five percent (25%) of the rear yard. ~~and setback a minimum of fourteen (14) feet on sides and thirty (30) feet on rear.~~

5. A minimum of 50% of a ~~detached~~ DADU shall be located in the rear yard.

a. Rear yard shall mean an open space extending the full width of the lot, the depth of which is the minimum perpendicular distance between the rear lot line and the nearest point of the main building footprint. In the case of a corner lot, the rear yard may be opposite either street frontage. (Ord. 2022-10, 7-21-2022, eff. 7-21-2022)

6. Height subject to 10-8-5 (B) No dwelling shall be erected to a height less than ten feet (10') and no accessory building in a residential zone shall be erected to a height greater than twenty -five (25'). (Ord.,11-14-1974)

10-21-4: SUBMISSION OF APPLICATION:

A. Required: An application for a Detached Accessory Dwelling Unit shall be submitted to the City. A concept plan including the following information shall be submitted with the application:

1. Proposed dimensions and location on the property;

2. Utility plan;

3. Off-street Parking for primary dwelling and DADU; and,

4. A description of architectural elevations and floor plans (bedrooms, bathrooms, etc.) demonstrating the general design of the DADU.

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Figure 1. Detached Accessory Dwelling Units Development Standards Example 1

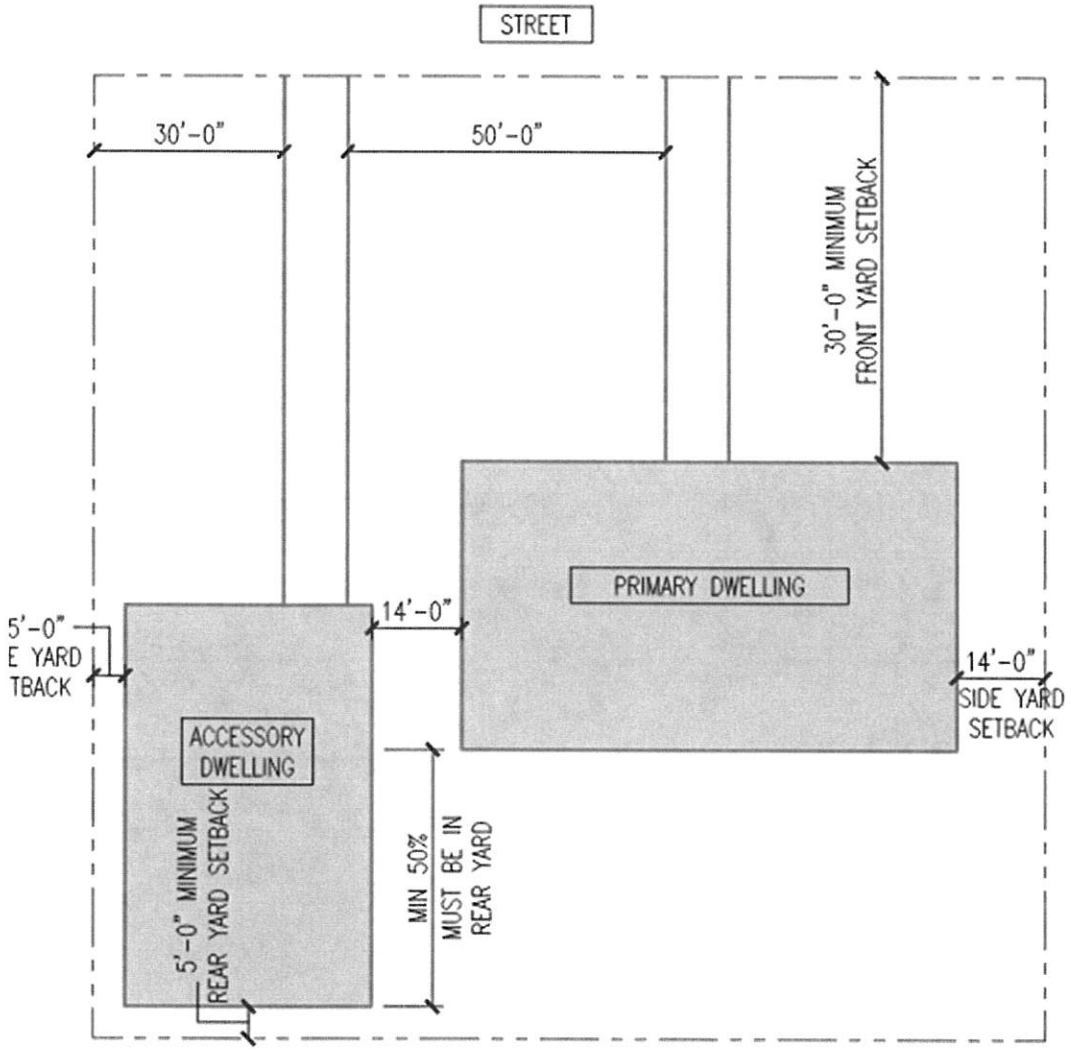


FIGURE 1: DETACHED ACCESSORY DWELLING UNITS EXAMPLE 1

Figure 2. Detached Accessory Dwelling Units Development Standards Example 2

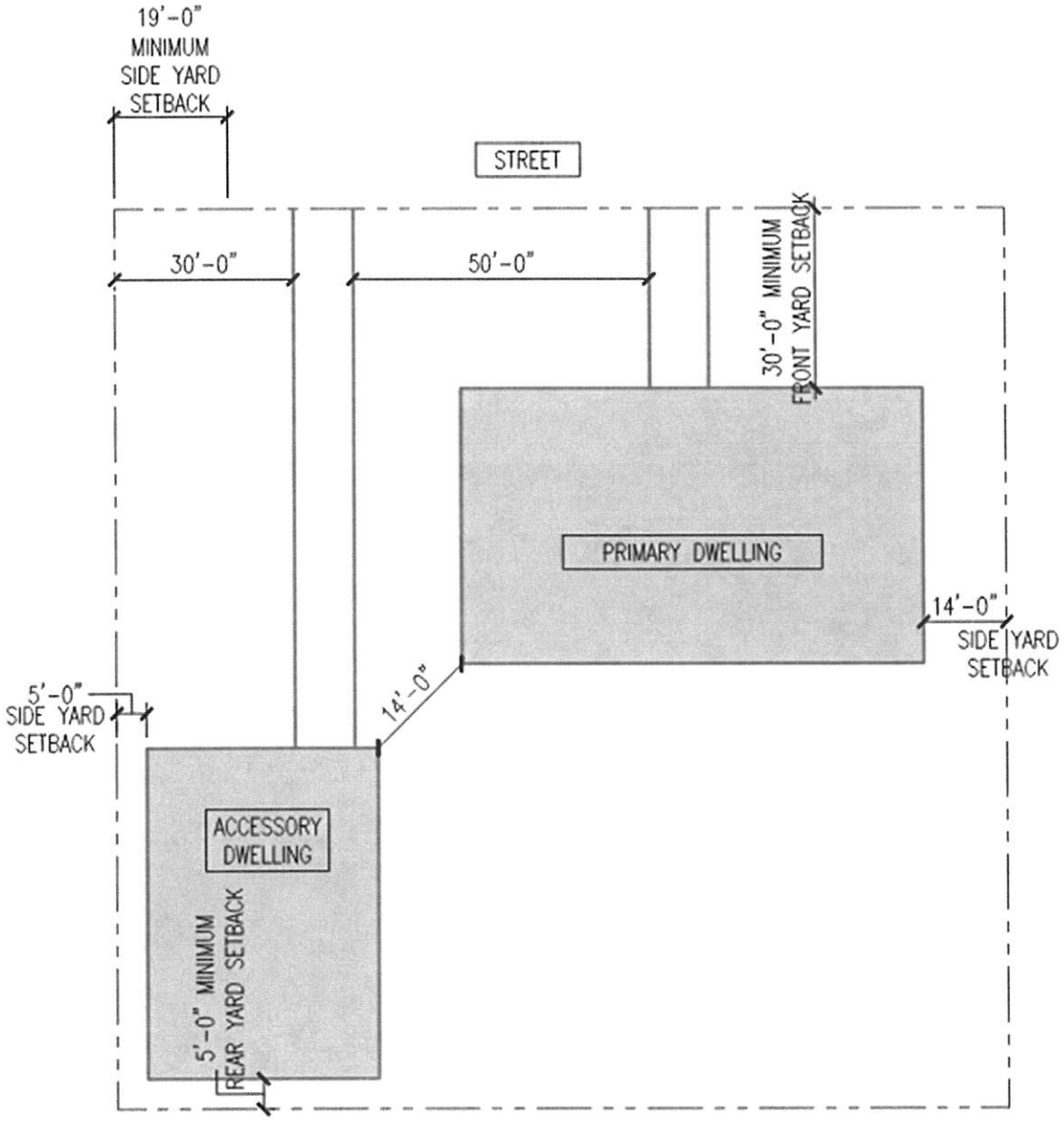
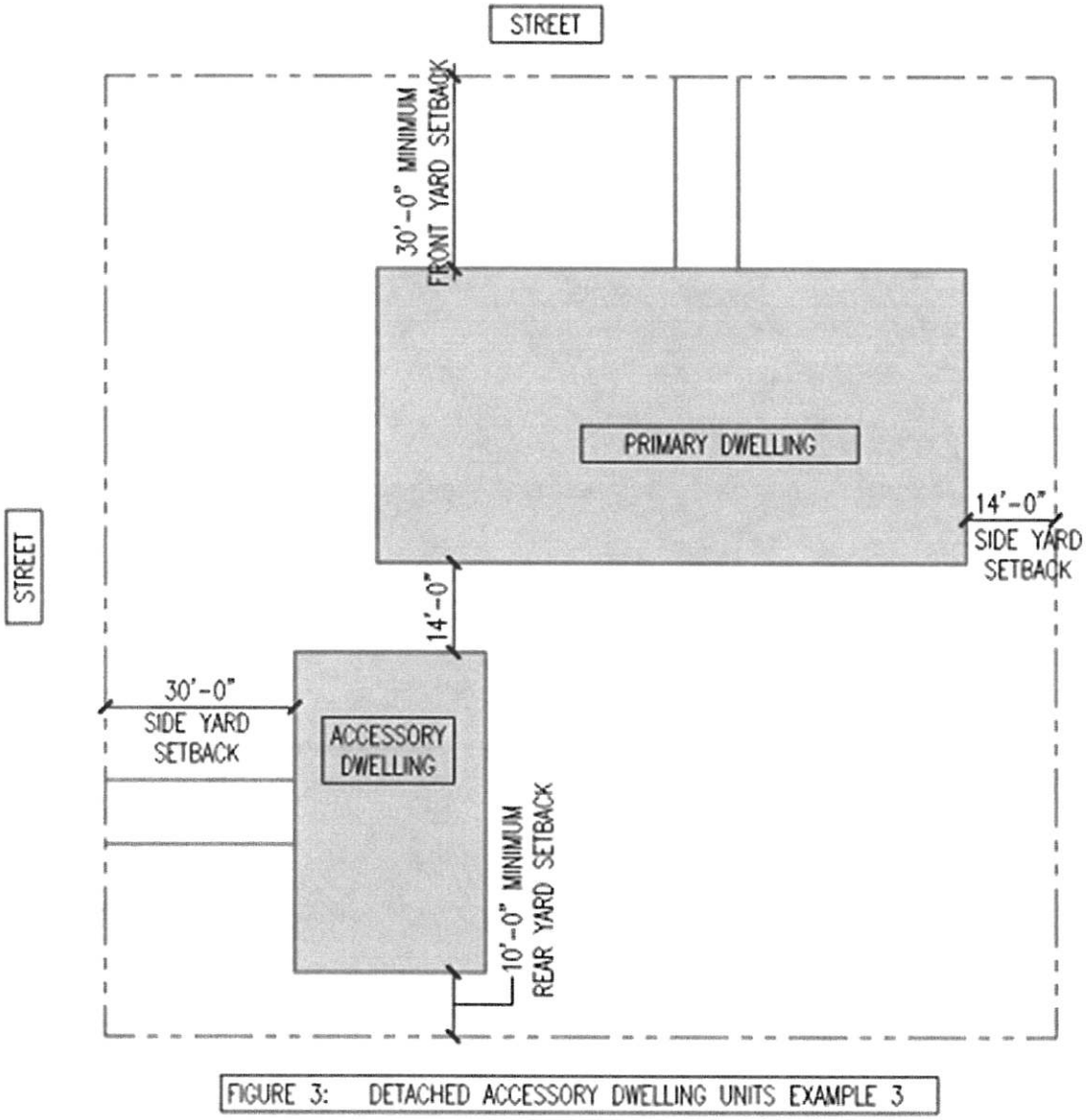


FIGURE 2: DETACHED ACCESSORY DWELLING UNITS EXAMPLE 2

Figure 3. Detached Accessory Dwelling Units Development Standards Example 3 (Corner Lot)



(Ord. 2022-10, 7-21-2022, eff. 7-21-2022)

10-8-14: STANDARDS FOR SINGLE-FAMILY DWELLINGS:

A. Codes And Standards:

1. Any dwelling or other structure which is designed or intended for human habitation must meet the standards of the international residential code (IRC) and other codes as adopted by the city, or if it is a manufactured home, it must meet the standards of, and be certified under the national manufactured housing and standards act of 1974, and must prominently display an insignia approved by the United States department of housing and urban development (HUD) and must not have been altered in violation of such codes.

B. Additional Requirements:

1. In addition to the above codes and standards, the following requirements shall also be met:

a. The dwelling must be permanently connected and attached to a site built permanent foundation and, if a manufactured house, which meets IRC guidelines for manufactured housing installations if a manufactured house. Any enclosure must be secured to the perimeter of the dwelling and constructed of materials that are weather resistant and aesthetically consistent with concrete and masonry foundation materials.

b. The dwelling must be permanently connected to and approved for all required utilities.

c. The dwelling must be taxed as real property. If the dwelling is a manufactured home, an affidavit must be filed with the State Tax Commission pursuant to Utah Code Annotated title 59, chapter 2, and qualified therefor as an improvement to real estate.

d. The dwelling must provide a minimum of seventy two (72) square feet of enclosed storage with the minimum height of six feet (6') and located in a basement or garage area or in an accessory storage structure. Such structure shall conform to all applicable Building Codes.

e. Porches and landings for ingress and egress to the dwelling must be built in accordance with requirements of the IRC as adopted by the State of Utah.

f. At least sixty percent (60%) of the roof must be at least two to twelve (2:12) pitch and shall have a roof surface of wood shakes, asphalt, composition, wood shingles, concrete, metal tiles, slate, built up gravel materials or other materials approved by the Building Code as adopted by the State of Utah.

g. The dwelling shall be exterior siding consisting of wood, masonry, concrete, stucco, masonite or metal or vinyl lap. The roof overhang, including rain gutters, shall not be less than one foot (1'), measured from the vertical side of the building but not including bay windows, nooks, morning rooms, etc.

h. The width of the dwelling shall be at least twenty feet (20') at the narrowest point of its first story for a depth of at least twenty feet (20') exclusive of any garage area. The width shall be considered the lesser of two (2) primary dimensions. If the width of the dwelling faces a street and is less than one-half (1/2) of the length, the required off street parking shall be in a two (2) car garage attached to the length of the dwelling.

i. Required off street parking spaces shall be side by side.

j. The City building inspector, as the Zoning Enforcement Officer, in concert with the Planning Commission, may approve deviations from one or more of the development or architectural standards provided herein on the basis of a finding that the architectural style proposed provides compensating design features and that the proposed dwelling will be compatible and harmonious with existing structure in the vicinity. Together, they may also require other deviations to achieve the overall goals and purposes of this chapter.

k. These requirements may be appealed to the Board of Adjustment. (Ord. 2013-06, 4-18-2013, eff. 4-19-2013)

C. Parking Regulations:

1. Garages: In Residential R-1-11, RE-15, RE-18.5 and RE-20 Zones there shall be provided in a detached or attached garage or in an area located where a future garage could be constructed on the same lot as the dwelling two (2) side by side concrete or asphalt surfaced parking spaces per dwelling unit and paved driveway access leading from the property line or property line when street curb and gutter are not present. Nondwelling permitted uses shall locate the parking for the use on a hard surface of concrete or asphalt behind the setback required for the main building unless otherwise stated in City ordinances. (Ord. 2014-15, 5-15-2014, eff. 5-15-2014; amd. Ord. 2019-01, 1-3-2019, eff. 1-4-2019)

2. Additional Off Street Parking:

a. Parking or storing of additional operational and licensed vehicles in required front yard setback of a dwelling may be allowed provided that the following conditions are complied with:

(1) The dwelling unit has the minimum number of two (2) required off street parking spaces and access to those parking spaces is on a concrete or asphalt driveway.

(2) Any additional parking space must remain open and unobstructed to the sky.

(3) The surface treatment for the additional vehicle parking and the access to the additional parking if located in the side yard is either road base, gravel or a hard surface material of concrete or asphalt.

(4) The additional parking space in the front yard is limited to only the area between the hard surface driveway and the nearest side yard property line. Parking cannot extend into the area between the dwelling and the street nor in the side yard facing a street on a corner lot.

(5) All stormwater runoff must be directed to prevent drainage onto adjacent properties.

(6) No additional parking space or vehicle shall be located in the side yard or front yard setback facing a street on a corner lot.

(7) The surface treatment for vehicle parking in the A-1 and A-2 zones consist of a solid surface thirty feet (30') from the front of the structure with gravel or road base extending to the road. (Ord. 2014-15, 5-15-2014, eff. 5-15-2014)

10-8-4: YARD REGULATIONS:

A. No required yard or other open space around an existing building or which is hereafter provided around any building for the purpose of complying with the provisions of this title, shall be considered as providing a yard or open space for any other 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 whereon a building is to be erected or established.

B. On any lot under a separate ownership from adjacent lots and of record at the time of the initial enactment of the ordinance codified herein and such lot having a smaller width than required for the zone in which it is located, the following regulations shall apply:

1. For interior lots, each side yard may be equal to but not less than the same percentage of the required side yard width as the lot is of the required lot width; provided, that in no case shall the smaller of the two (2) side yards be less than five feet (5') or the larger less than eight feet (8').

2. On corner lots, each side yard may be equal to but not less than the same percentage of the required side yard width as the lot is of the required lot width; provided, that in no case shall the side yard on the street side be less than fifteen feet (15') and the other side yard shall be not less than five feet (5') in all residential zones.

C. On any interior lot where a private attached garage containing a sufficient number of parking spaces to meet the requirements of this title has a side yard equal to the minimum side yard required for a dwelling in the same zone, the width of the other side yard for the dwelling may be reduced to equal that of the minimum required side yard.

D. Every part of a required yard shall be open to the sky unobstructed except for accessory buildings in a rear yard, and except for the ordinary projections of skylights, sills, belt courses, cornices and other ornamental features.

E. Open or lattice enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers may project into a yard not more than five feet (5'), and the ordinary projections of chimneys and flues are permitted.

F. No accessory building nor group of accessory buildings in any residential zone shall cover more than twenty five percent (25%) of the rear yard.

G. No space needed to meet the width, yard, area, coverage, parking or other requirements of this title for a lot or building may be conveyed away from such lot or building, except as permitted by the hearing officer, and any attempted conveyance or lease in violation hereof shall be void.

H. No parcel of land which has less than the minimum width and area requirements for the zone in which it is located may be cut off from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot, except by permit of the hearing officer. (Ord., 11-14-1974; amd. Ord. 2020-09, 5-21-2020)

CHAPTER 4
AGRICULTURAL ZONES A-1 AND A-2

SECTION:

10-4-1: Purpose And Intent

10-4-2: Permitted Uses

10-4-3: Conditional Uses

10-4-4: Site Development Standards

10-4-5: Sign Regulations

10-4-1: PURPOSE AND INTENT:

The purpose of the A-1 and A-2 zones is to designate farm areas which are likely to undergo a more intensive urban development, to set up guidelines to continue agriculture pursuits, including the keeping of farm animals, and to direct orderly low density residential development in a continuing rural environment. (Ord. 2011-01, 1-6-2011, eff. 1-6-2011)

10-4-2: PERMITTED USES:

Accessory building or use customarily incidental to any permitted use.

Agriculture, or agricultural experiment station.

Animals or fowl kept for family food production.

Cemetery.

Chinchilla raising.

Fruit or vegetable storage packing plant or stand for fruit or vegetables produced only on the premises.

Golf course, except miniature golf course.

Greenhouse and nursery limited to sale of materials produced on premises and with no retail shop operation.

Home occupation.

Horses, mules, donkeys, or llamas for private use only, and provided that not more than two (2) of these animals may be kept for the first twenty thousand (20,000) square feet within any lot.

Household pets.

Livestock, horses, mules, donkeys, or llamas or fowl kept as per section 10-8-6 of this title.

Parking lot accessory to uses permitted in this zone.

Private park, playground or recreation area, but not including privately owned commercial amusement business.

Residential facility for elderly persons.

Residential facility for persons with a disability.

Single-family dwelling.

Stable or building for keeping animals or fowl, provided such use shall be located not closer to a public street than thirty feet (30').

Temporary buildings or uses incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work.

Two-family dwellings (duplexes); provided, that:

A. The duplexes are constructed on a minimum lot area of one-half (1/2) acre (21,780 square feet);

B. The minimum frontage of said lot is one hundred fifty feet (150'); and

C. If the duplex is constructed in a subdivision, then lots utilized for the construction of duplexes do not exceed ten percent (10%) of the total lots in the subdivision. (Ord., 11-14-1974; amd. Ord. 81-2, 3-26-1981; Ord. 86-09, 11-13-1986; Ord. 88-01, 4-14-1988; 2003 Code; Ord. 2003-10, 11-20-2003, eff. 11-20-2003; Ord. 2009-08, 9-3-2009, eff. 9-3-2009; Ord. 2011-09, 8-4-2011, eff. 8-5-2011)

10-4-3: CONDITIONAL USES:

The following uses shall be permitted only when authorized by a conditional use permit obtained as provided in chapter 10 of this title:

Church, synagogue, or similar permanent building used for regular religious worship.

Educational institution.

Kennels and catteries.

Private park, playground or recreation area not open to the general public and to which no admission charge is made, but not including privately owned commercial amusement business.

Public building, public park, recreation grounds, and association buildings.

Public utility substation, utility lines, or water storage reservoir, or any other utility facility to be erected on the surface of the ground or over the ground developed by a public or private agency other than those to be located in the right of way of an existing street or highway.

Radio or television station or tower.

Wastewater treatment or disposal facilities meeting the requirements of the Utah state division of health code waste regulations. (Ord., 11-14-1974; amd. Ord. 2008-11, 9-6-2008, eff. retroactive to 9-5-2008; Ord. 2009-08, 9-3-2009, eff. 9-3-2009)

10-4-4: SITE DEVELOPMENT STANDARDS:

A.	Minimum lot area	40,000 square feet
B.	Minimum lot width	150 feet
C.	Minimum yard setbacks:	
	1. Front	40 feet, except average of existing buildings where 50 percent frontage is developed, but not less than 30 feet
	2. Side:	
	a. Dwelling	10 feet with total width of 2 side yards not less than 24 feet
	b. Other main building	20 feet each side
	c. Accessory building	10 feet, except 1 foot if located at least 6 feet in rear of main building
	3. Side facing street on corner lot	30 feet
	4. Rear:	
	a. Main building	30 feet
	b. Accessory building	1 foot, except 10 feet where accessory building rears on side yard of adjacent corner lot
D.	Building height:	
	1. Minimum	1 story
	2. Maximum	21/2 stories or 35 feet

(Ord. 2011-01, 1-6-2011, eff. 1-6-2011)

10-4-5: SIGN REGULATIONS:

The type, height, size and location of signs shall be in accordance with the regulations as set forth in chapter 12 of this title. (Ord., 11-14-1974)

CHAPTER 5
RESIDENTIAL ZONES

ARTICLE A. RESIDENTIAL ESTATE ZONES RE-15, RE-18.5, RE-20

SECTION:

10-5A-1: Purpose And Intent

10-5A-2: Permitted Uses

10-5A-3: Conditional Uses

10-5A-4: Site Development Standards

10-5A-5: Sign Regulations

10-5A-1: PURPOSE AND INTENT:

The major purpose of the RE-15, RE-18.5, and RE-20 Zones is to provide and protect residential development at a low density in a semi-agricultural or rural environment. It is also to provide for certain rural amenities, on larger minimum lots, in conjunction with the primary residential nature of the zone. (Ord. 2019-01, 1-3-2019, eff. 1-4-2019)

10-5A-2: PERMITTED USES:

Accessory building or use customarily incidental to a permitted use.

Agriculture.

Animals and fowl kept for family food production.

Chinchilla raising.

Corral, stable or building for keeping of animals or fowl, provided such building shall be located not less than one hundred feet (100') from a public street.

Golf course, except miniature golf.

Greenhouse and nursery limited to sale of material produced on premises and with no retail shop operation.

Home occupation.

Horses, mules, donkeys, or llamas for private use only, provided that not more than two (2) of these animals may be kept for the first twenty thousand (20,000) square feet within any lot.

Household pets.

Livestock, horses, mules, donkeys, or llamas or fowl kept as per section 10-8-6 of this title.

Parking lot accessory to use permitted in this zone.

Private stables, provided they meet all setback requirements; horses, mules, donkeys, and llamas for private use only and provided that not more than two (2) of these animals may be kept for the first twenty thousand (20,000) square feet within any lot.

Residential facility for elderly persons.

Residential facility for persons with a disability.

Single-family dwelling.

Temporary building or use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.

Two-family dwellings (duplexes); provided, that:

A. The duplexes are constructed on a minimum lot area of one-half (1/2) acre (21,780 square feet);

B. The minimum frontage of said lot is one hundred fifty feet (150'); and

C. If the duplex is constructed in a subdivision, then lots utilized for the construction of duplexes do not exceed ten percent (10%) of the total lots in the subdivision. (Ord., 11-14-1974; amd. Ord. 81-2, 3-26-1981; Ord. 86-09, 11-13-1986; Ord. 88-01, 4-14-1988; 2003 Code; Ord. 2003-10, 11-20-2003, eff. 11-20-2003; Ord. 2009-08, 9-3-2009, eff. 9-3-2009; Ord. 2011-09, 8-4-2011, eff. 8-5-2011)

10-5A-3: CONDITIONAL USES:

The following uses shall be permitted only when authorized by a conditional use permit as provided in chapter 10 of this title:

Church, synagogue, or similar permanent building used for regular religious worship.

Cluster subdivision.

Educational institution.

Planned residential unit development.

Private park, playground or recreation area not open to the general public and to which no admission is made, and not including privately owned commercial amusement business.

Public building, public park, recreation grounds, and association buildings.

Public utility substation, utility lines, or water storage reservoir, or any other utility facility to be erected on the surface of the ground or over the ground developed by a public or private agency other than those to be located in the right-of-way of an existing street or highway. (Ord., 11-14-1974; amd. Ord. 2001-04, 5-3-2001, eff. 5-3-2001; Ord. 2002-13, 11-7-2002, eff. 11-7-2002; Ord. 2008-11, 9-6-2008, eff. retroactive to 9-5-2008; Ord. 2009-08, 9-3-2009, eff. 9-3-2009)

10-5A-4: SITE DEVELOPMENT STANDARDS:

	RE-15	RE-18.5	RE-20
A. Minimum lot area	15,000 square feet	18,500 square feet	20,000 square feet
B. Minimum lot width	100 feet	100 feet	100 feet
C. Minimum yard setbacks:			
1. Front	30 feet, except if 50 percent of approved subdivision/phase is completed, then not less than 40 feet		
2. Side:			
a. Dwelling	10 feet with total width of 2 side yards not less than 24 feet		
b. Other main building	20 feet each side		
c. Accessory building	10 feet, except 1 foot if located at least 6 feet in rear of main building		
3. Side, facing street on corner lot	30 feet	30 feet	30 feet
4. Rear:			
a. Main building	30 feet	30 feet	30 feet
b. Accessory building	1 foot, except 10 feet where accessory building rears on side yard of adjacent corner lot		
D. Building height:			
1. Minimum	1 story	1 story	1 story
2. Maximum	2 1/2 stories or 35 feet		

(Ord. 2019-01, 1-3-2019, eff. 1-4-2019)

10-5A-5: SIGN REGULATIONS:

The type, height, size and location of signs shall be in accordance with the regulations as set forth in chapter 12 of this title. (Ord., 11-14-1974)

ARTICLE B. SINGLE-FAMILY RESIDENTIAL ZONE R-1-11

SECTION:

10-5B-1: Purpose And Intent

10-5B-2: Permitted Uses

10-5B-3: Conditional Uses

10-5B-4: Site Development Standards

10-5B-5: Sign Regulations

10-5B-1: PURPOSE AND INTENT:

The purpose of the R-1-11 zone classification is to provide for single-family residential use at a low density level. (Ord., 11-14-1974)

10-5B-2: PERMITTED USES:

Accessory building and use customarily incidental to any permitted use.

Agriculture.

Golf course, except miniature golf course.

Greenhouse, noncommercial only.

Home occupation.

Household pets.

Livestock, horses, mules, donkeys, or llamas or fowl kept as per section 10-8-6 of this title.

Parking lot accessory to uses permitted in this zone.

Private stables; horses for private use only and provided that not more than two (2) horses may be kept for the first twenty thousand (20,000) square foot lot and no more than one horse for each additional twenty thousand (20,000) square feet within any lot.

Residential facility for elderly persons.

Residential facility for persons with a disability.

Single-family dwelling.

Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.

Two-family dwellings (duplexes); provided, that:

A. The duplexes are constructed on a minimum lot area of one-half (1/2) acre (21,780 square feet);

B. The minimum frontage of said lot is one hundred fifty feet (150'); and

C. If the duplex is constructed in a subdivision, then lots utilized for the construction of duplexes do not exceed ten percent (10%) of the total lots in the subdivision. (Ord., 11-14-1974; amd. Ord. 81-2, 3-26-1981; Ord. 86-09, 11-13-1986; Ord. 88-01, 4-14-1988; 2003 Code; Ord. 2009-08, 9-3-2009, eff. 9-3-2009; Ord. 2011-09, 8-4-2011, eff. 8-5-2011)

10-5B-3: CONDITIONAL USES:

The following uses shall be permitted only when authorized by a conditional use permit as provided in chapter 10 of this title:

Church, synagogue, or similar permanent building used for regular religious worship.

Cluster subdivision.

Educational institution.

Library.

Museum.

Planned residential unit development.

Private park, playground or recreation area, but not including privately owned commercial amusement business.

Public building, public park, recreation grounds, and association buildings.

Public utility substation, utility lines, or water storage reservoir, or any other facility to be erected on the surface of the ground or over the ground developed by a public or private agency other than those to be located in the right of way of an existing street or highway. (Ord., 11-14-1974; amd. Ord. 2002-13, 11-7-2002, eff. 11-7-2002; Ord. 2009-08, 9-3-2009, eff. 9-3-2009)

10-5B-4: SITE DEVELOPMENT STANDARDS:

A. Minimum lot area 11,000 square feet

B. Minimum lot width 100 feet

C. Minimum yard setbacks:

1. Front 30 feet

2. Side:

a. Dwelling 10 feet with total width of 2 side yards not less than 24 feet

b. Other main building 30 feet each side

c. Accessory building 10 feet, except 1 foot if located at least 6 feet from rear of main building but not closer than 10 feet to dwelling on adjacent lot

3. Side facing street on corner lot 30 feet, except average of existing building where 50 percent frontage is developed but not less than 20 feet

4. Rear:

a. Main building 30 feet

b. Accessory building 1 foot, except 10 feet where accessory building rears on side yard of adjacent corner lot

D. Building height:

1. Minimum 1 story

2. Maximum 2 1/2 stories or 35 feet

(Ord., 11-14-1974; amd. Ord. 79-4, 7-26-1979; Ord. 84-2, 2-9-1984; Ord. 89-02, 7-13-1989)

10-5B-5: SIGN REGULATIONS:

The type, height, size and locations of signs shall be in accordance with the regulations as set forth in chapter 12 of this title. (Ord., 11-14-1974)

ARTICLE C. RESIDENTIAL ZONES RE-30, RE-40

SECTION:

10-5C-1: Purpose And Intent

10-5C-2: Permitted Uses

10-5C-3: Conditional Uses

10-5C-4: Site Development Standards

10-5C-5: Sign Regulations

10-5C-1: PURPOSE AND INTENT:

The major purpose of the RE-30 and RE-40 Zones is to support a very low density residential environment within the City which is characterized by large lots, well spaced buildings, well kept lawns, trees and other landscaping with the nature of the environment substantially undisturbed, and quiet residential conditions favorable for family life. Representative of the uses within the RE-30 and RE-40 Zones are single-family dwellings, schools, churches, parks, playgrounds and other community facilities designed in harmony with the characteristics of the zone. Multi-family dwellings, commercial and industrial use areas are strictly prohibited in these zones. (Ord. 94-16, 10-12-1994; amd. Ord. 2019-02, 1-3-2019, eff. 1-4-2019)

10-5C-2: PERMITTED USES:

Accessory building or use customarily incidental to a permitted use.

Agriculture.

Animals and fowl kept for family food production.

Chinchilla raising.

Corral, stable or building for keeping of livestock, horses, mules, donkeys, llamas or fowl, provided such building shall be located not less than sixty feet (60') from a public street.

Golf course, except a miniature golf course.

Greenhouse and nursery limited to sale of material produced on premises and with no retail shop operation.

Home occupation.

Horses for private use only; and provided, that no more than two (2) horses may be kept for each twenty thousand (20,000) square feet within any lot.

Household pets.

Livestock, horses, mules, donkeys, or llamas or fowl kept as per section 10-8-6 of this title.

Parking lot accessory to use permitted in this zone.

Private stables; horses for private use only; and provided, that not more than two (2) horses may be kept for each twenty thousand (20,000) square feet within any lot.

Residential facility for elderly persons.

Residential facility for persons with a disability.

Single-family dwellings.

Small animals; no more than twelve (12) small animals shall be kept per twenty thousand (20,000) square feet of lot area.

Temporary building or use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work. (Ord. 94-16, 10-12-1994; amd. Ord. 2009-08, 9-3-2009, eff. 9-3-2009; Ord. 2011-09, 8-4-2011, eff. 8-5-2011)

10-5C-3: CONDITIONAL USES:

The following uses shall be permitted only when authorized by a conditional use permit as provided in chapter 10 of this title:

Church, synagogue, or similar permanent building used for regular religious worship.

Educational institution.

Kennels and catteries.

Private park, playground or recreation area not open to the general public and to which no admission is made, and not including privately owned commercial amusement business.

Public building, public park, recreation grounds, and association buildings.

Public utility substation, utility lines, or water storage reservoir, or any other utility facility to be erected on the surface of the ground or over the ground developed by a public or private agency other than those to be located in the right-of-way of an existing street or highway. (Ord. 94-16, 10-12-1994; amd. Ord. 2008-11, 9-6-2008, eff. retroactive to 9-5-2008; Ord. 2009-08, 9-3-2009, eff. 9-3-2009)

10-5C-4: SITE DEVELOPMENT STANDARDS:

No lot in the RE-40 Zone may be smaller than forty thousand (40,000) square feet. No lot in the RE-30 Zone may be smaller than thirty thousand (30,000) square feet. Area and width requirements of a building lot in the RE-30 and RE-40 Zones shall be as follows:

	RE-30	RE-40
A. Minimum lot area	30,000 square feet	40,000 square feet
B. Minimum lot width	150 feet	150 feet
C. Minimum yard setbacks:		
1. Front	40 feet	40 feet
2. Side:		
a. Dwelling	10 feet, with total width of 2 side yards not less than 24 feet	10 feet, with total width of 2 side yards not less than 24 feet
b. Other main building	20 feet each side	20 feet each side
c. Accessory building	10 feet, except 1 foot if located at least 6 feet in rear of main building	10 feet, except 1 foot if located at least 6 feet in rear of main building
3. Side, facing street on corner lot	30 feet	30 feet
4. Rear:		
a. Main building	30 feet	30 feet
b. Accessory building	1 foot, except 10 feet where accessory building rears on side yard of adjacent corner lot	1 foot, except 10 feet where accessory building rears on side yard of adjacent corner lot
D. Building height:		
1. Minimum	1 story	1 story
2. Maximum	2 1/2 stories or 35 feet	2 1/2 stories or 35 feet

(Ord. 2019-02, 1-3-2019, eff. 1-4-2019)

10-5C-5: SIGN REGULATIONS:

The type, height, size and location of signs shall be in accordance with the regulations as set forth in chapter 12 of this title. (Ord. 94-16, 10-12-1994)

Chapter 8 Regulations Applicable to all Zones

10-8-5: HEIGHT REGULATIONS; EXCEPTIONS:

A. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain a building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks and water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limits prescribed in the zone height regulations, but no space above the height limit shall be allowed for the purpose of providing additional floor space.

B. No dwelling shall be erected to a height less than ten feet (10'), and no accessory building in a residential zone shall be erected to a height greater than twenty five feet (25'). (Ord., 11-14-1974)

Chapter 9 parking and loading spaces vehicle access

10-9-2: PARKING SPACES FOR DWELLINGS:

In all zones there shall be provided in a private garage or in an area properly located for a future garage:

A. For a single-family dwelling, two (2) side by side, nontandem parking spaces.

B. For a two-family dwelling, four (4) side by side, nontandem spaces.

C. If any dwelling unit is increased by occupant use after the original building permit is issued, the parking requirements shall reflect that increase.

D. In addition to the above parking space requirements, one parking space shall be provided for every two (2) paying guests residing in such dwelling units. Such paying guests refers to the rental of sleeping rooms within the dwelling unit.

E. A hard surface slab may be installed in the required side yard setback for access to permitted parking in the rear yard. (Ord., 11-14-1974)

5-31-23

CHAPTER 6

COMMERCIAL ZONES

SECTION:

10-6-1 : Uses

10-6-2 : Town Center

10-6-1 : USES:

A. Uses In Commercial Zones: In the following list of possible uses in the commercial zones, those designated in any zone as "P" will be permitted use. Uses designated as "C" will be allowed only when authorized by a conditional use permit obtained as provided in chapter 10 of this title. Uses designated "N" will not be allowed in that zone. If a specific business is not listed these uses apply C-1 Not Allowed (N) C-2 Not Allowed(N) C-3 Not Allowed (N)

Business	**Neighborhood C-1**[1]	**General C-2**	**Transitional C-3**
Business	**Neighborhood C-1**[1]	**General C-2**	**Transitional C-3**
Amusement enterprises (i.e., arcades, mini-golf course, batting cage)	N	C	C
Animal hospital, small animals only and provided conducted within completely enclosed building	C	C	C
Antique and import shop	C	P	P
Archery shop and range, provided conducted within completely enclosed building	C	C	C
Art and artists supply store	C	P	P
Athletic and sporting goods store, excluding sale or repair of motor vehicles, motor boats or motors	C	P	P
Athletic and sporting goods store, including sale or repair of motor vehicles, motor boats or motors	N	C	C
Athletic club	N	P	P
Auction establishment	N	P	P
Automobile body repair	N	P	C
Automobile maintenance	N	C	C
Automobile new or used sales and service	N	P	P
Automobile rental	N	C	P
Automobile repair	C	P	P
Awning sales and service	C	P	P
Bakery goods manufacturing	N	N	P
Bakery manufacture limited to goods retailed on premises	C	P	N
Bank or financial institution	C	P	C
Barbershop	C	P	P
Beauty culture school	N	P	P
Beauty shop	P	P	P
Beer parlor, sale of draft beer	N	C	C
Bicycle sales and service	C	P	P
Billiard parlor	N	C	C
Blueprinting or copy center	C	P	P
Boarding or lodging house	N	N	N
Boat building	N	N	P

Boat sales and service	N	C	P
Bookbinding	C	P	P
Bookstore, retail	C	P	P
Bottling and distribution plant	N	N	P
Bowling alley	N	P	P
Building materials sales or yard	N	C	P
Cafe or cafeteria	C	P	P
Camera store	C	P	P
Candy manufacturer	C	P	P
Candy store, confectionery	C	P	P
Car wash - automatic	C	P	P
Car wash - manual	C	P	P
Carbonated water sales	C	P	P
Carpenter and cabinet shop	C	P	P
Carpet and rug cleaning	C	P	P
Carpet, rug, and linoleum service	C	P	P
Catering establishment	C	P	P
Childcare - daycare	P	P	P
Christmas tree sales	C	P	P
Church	C	C	C
Church, temporary revival	N	C	C
Circus, carnival or other transient amusement	N	C	C
Clinics, medical and dental	C	P	P
Clothing and accessory store	C	P	P
Construction of buildings to be sold and moved off of premises	N	N	P
Contractor shop, provided work conducted within a completely enclosed building	C	P	P
Convenience store	C	P	P
Costume rental	C	P	P
Dairy products	C	P	P
Dance hall - studio	C	P	P
Delicatessen	C	P	P
Dental practice	C	P	P
Department store	N	C	C
Drapery and curtain store	C	P	P
Drugstore Dumpster Rental	C N	P N	P C
Educational institution	C	C	C
Electrical and heating appliances and fixtures sales and service	N	P	P
Electronic appliances and/or electronic instruments assembly	N	N	P
Electronic equipment sales and service	C	P	P
Employment agency	N	P	P
Estate sales and one day auctions	C	P	P
Express and transfer service	N	P	P
Fabric and textile store	C	P	P
Farm implement sales	N	C	P
Farmers' market	C	P	N
Five and ten cent notions store	C	P	C
Florist shop	C	P	C

Fruit and vegetable store or stand	P	C	N
Fuel sales office	N	N	C
Furniture sales, repair and upholstery	C	P	P
Garden supplies and plant material sales	N	P	C
Gift store	C	P	C
Glass sales and service	N	P	C
Government buildings or uses, nonindustrial	C	C	C
Graphic designing	N	P	C
Greenhouse and nursery	C	P	P
Grocery	C	P	C
Gunsmith	C	P	P
Gymnasium	C	P	P
Hardware store	N	P	P
Health and fitness club	C	P	P
Health food store	C	P	P
Heating and air conditioning sales and service	N	C	C
Heliport	N	N	C
Hobby and crafts store	C	P	C
Home decor shop	C	P	P
Hospital supplies	N	C	C
Hotel	N	C	C
Household appliance sales and incidental service	N	P	P
Household cleaning and repair	N	P	P
Household pet boarding	N	P	P
Ice cream manufacture	N	C	P
Ice cream parlor	P	P	P
Ice manufacture and storage	N	C	P
Insulation sales	N	C	P
Insurance agency	P	P	P
Interior decorating and designing establishment	N	P	P
Janitor service and supply	N	P	P
Jewelry store sales and service	P	P	C
Knitting mills	N	P	P
Laboratory, dental or medical	C	P	P
Laundry and/or dry cleaning and/or laundromat	C	P	P
Laundry and/or dry cleaning pick up station	P	P	P
Lawn and garden equipment sales and service	C	P	P
Leather goods sales and service	P	P	P
Legal office	P	P	P
Library	P	P	P
Linen supply store	N	P	P
Liquor store	N	C	C
Locksmith	P	P	P
Lodge or social hall	N	N	P
Lounge	N	N	C
Machine shop operations	N	N	P

Manufacture of goods retailed on premises	N	C	C
Meat, fish and seafood store	N	P	P
Medical office	C	P	P
Mobile home sales lot and service	N	N	P
Monument works and sales	N	N	P
Mortuary	N	P	P
Motel	N	C	C
Motorcycle and motor scooter sales and service	N	P	P
Museum	C	C	C
Music store	C	C	C
Nightclub or social club	N	N	C
Novelty store	N	N	C
Office machines sales and service	N	P	P
Office supply	C	P	P
Optometrist, optician or oculist	C	P	P
Ornamental iron sales or repair	N	C	P
Outcall services (sexually oriented)	P	P	P
Paint or wallpaper store	N	P	P
Parking lot or garage for passenger automobiles	N	C	C
Pawnshop	N	C	P
Pest control and extermination	N	C	P
Pet and pet supply store	N	C	P
Pet grooming	C	P	P
Pharmacy	C	C	P
Photo studio	C	C	P
Photographic supplies	N	C	P
Physician or surgeon	C	P	P
Pie manufacture	N	C	P
Plumbing shop	N	C	C
Portable/Mobile Toilet Post Office or supply	N N	N C	C P
Preschool and/or nursery school	P	P	P
Private club	N	C	C
Professional office	C	P	P
Propane retail sales as an accessory use[2]:	N	C	P
1. Be located outside of any required setback;			
2. Not exceed 16 feet in length if tank is horizontal;			
3. Not exceed the primary building height or 10 feet, whichever is lower, if tank is vertical;			
4. Not exceed a volume of 1,100 gallons (or 4,664 lbs);			
5. Be limited to 1 tank per site;			
6. Meet the National Fire Protection Association (NFPA) standards per their title 58 and meet the minimum distance requirements for cylinders locations.			

Real estate agency	N	C	P

Reception center or wedding chapel	N	C	P
Recreational vehicle sales and service	N	N	C
Recreational vehicle storage	N	N	P
Rehabilitation Center	N	N	C
Rental agency for home and garden equipment	N	C	P
Residential dwellings in a Mixed Use Overlay Zone per chapter 19 of this title	P	P	N
Restaurant	C	C	P
Restaurant drive-in	C	C	P
Rollerskating rink	N	C	P
Roofing sales or shop	N	N	P
Sandblasting	N	N	P
Seamstress or tailor	P	P	P
Seed and feed store, retail	N	C	P
Self-storage - enclosed	N	C	C
Service station, automobile	C	C	P
Sewing machine sales and service	N	C	P
Sexually oriented business	N	N	P
Sheet metal shop and retinning, provided all operations conducted within completely enclosed building	N	N	C
Shoe store	N	P	C
Shooting gallery	N	N	C
Sign - graphic design	N	C	C
Sign manufacture or sign painting	N	N	C
Soil and lawn service	N	P	P
Souvenir shop	C	P	P
Spa and massage establishment	C	P	C
Supercenter (groceries and nonfood related items)	N	C	P
Tanning salon	N	P	P
Tavern	N	C	C
Taxicab and shuttle terminal	N	N	C
Taxidermist	N	C	C
Telecommunication tower	C	C	P
Theater, indoor	N	C	C
Theater, outdoor	N	N	P
Thrift store	N	C	P
Tire recapping or retreading sales and service	N	N	P
Tobacco shop	N	C	C
Tool design (precisions) repair and manufacture	N	N	C
Toy store, retail	N	C	C
Trade or industrial school	N	C	C
Travel agency	C	C	P
Ultra light aircraft manufacturing	N	N	P
Used car lot	N	C	C
Utility equipment building	C	P	P
Variety store	N	C	P
Ventilating equipment sales and service	N	N	C
Video arcade	N	C	P

Video shop	C	C	P

Warehouse storage	N	N	P
Welding shop	N	N	P
Wholesale business	N	N	C
Window washing establishment	N	C	P

Notes:

1. See also section 10-6A-4 of this chapter.
2. See subsection B of this section for minimum distance requirements.

(Ord. 2004-12, 8-5-2004, eff. 8-5-2004; amd. Ord. 2009-08, 9-3-2009, eff. 9-3-2009; Ord. 2018-04, 3-1-2018, eff. 3-1-2018; Ord. 2018-12, 10-4-2018, eff. 10-4-2018; Ord. 2019-04, 1-17-2019, eff. 1-17-2019)

B. Minimum Distance Requirements For Cylinder Locations:

DISTANCES FROM CYLINDERS IN STORAGE AND EXPOSURES

Quantity Of LP-Gas Stored	**Horizontal Distance To Notes 1 And 2**	**Horizontal Distance To Notes 3 And 4**	**Horizontal Distance To Note 5**
720 lb (327 kg) or less	0 ft (0 m)	0 ft (0 m)	5 ft (1.5 m)
721 to 2,500 lb (327+ to 1134 kg)	0 ft (0 m)	10 ft (3 m)	10 ft (3 m)
2,501 to 6,000 lb (1134+ to 2721 kg)	10 ft (3 m)	10 ft (3 m)	10 ft (3 m)

Notes:

1. Nearest important building or group of buildings.
2. Line of adjoining property that can be built upon.
3. Busy thoroughfares or sidewalks on other than private property.
4. Line of adjoining property occupied by schools, churches, hospitals, athletic fields or other points of public gathering.
5. Dispensing station.

(Ord. 2018-04, 3-1-2018, eff. 3-1-2018)

10-6-2 : TOWN CENTER:
The Town Center, as indicated on the Future Land Use Map of the General Plan, is established to provide a mix of residential uses and neighborhood (C-1) commercial uses while accomplishing the purpose and intent to design an integral, homogeneous component of the neighborhood, oriented to pedestrian use. The Town Center is an ideal place for mixed use development per chapter 19 of this title and various lots sizes in a Residential Overlay Zone per chapter 20 of this title. (Ord. 2019-04, 1-17-2019, eff. 1-17-2019)

ARTICLE A. NEIGHBORHOOD COMMERCIAL ZONE C-1

SECTION:

10-6A-1: Purpose And Intent

10-6A-2: Site Development Standards

10-6A-3: Sign Regulations

10-6A-4: Special Regulations

10-6A-5: Site Plan Review Required

10-6A-6: Landscaping Standards

10-6A-1: PURPOSE AND INTENT:
A. The neighborhood commercial zone is established to provide locations for convenience shopping facilities which serve a neighborhood oriented market. Such shopping facilities would supply necessities which usually require frequent purchasing with a minimum of consumer travel.

Assisted Living Facility for Elderly Persons

Assisted Living Facility: A residential facility, conforming to the requirements of the State Division of Human Services or successor agency, as a Type I or Type II facility, occupied or intended to be occupied by two or more elderly persons and providing assistance with "Activities of Daily Living" and social care to residents.

Assisted Living Facility for Elderly Persons. Upon application to the Department of Development Services, the Director of Development Services shall grant a permit for the establishment of an assisted living facility for elderly persons ~~(SLU Code 1281)~~ in a residential zone if the applicant meets the following requirements:

1. The facility conforms to all applicable standards and requirements of the Utah State Department of Human Services and the owner/operator has obtained all licenses required by the State to operate such a facility.
2. The facility conforms to all State and local building, safety, health, and zoning requirements applicable to similar structures.
3. The facility is operated for the primary purpose of providing a living arrangement for elderly persons in a group home setting.
4. The facility is occupied only by individuals ~~60~~ 55 years of age or older and paid, professional staff members. Occupancy by any staff member shall only be allowed if such occupancy is primarily for the purpose of serving the elderly persons and not primarily a benefit of employment to the staff member. The facility shall not house more than eight elderly persons.
5. Residency in the facility shall be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility. An assisted living facility for elderly persons shall not include any persons referred by the Utah State Department of Corrections or any court.
6. The facility will not likely create a fundamental change in the character of the residential neighborhood in which it is proposed to be located.
7. No individual who has impairment due to addiction of any controlled substance or alcohol and currently uses such controlled substance or alcohol will be a resident.
8. The facility shall not be made available to or occupied by any individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others. This type of facility would be available to build in Commercial Zone C3.
9. At least three off-street parking stalls are provided to serve the needs of residents, visitors, and staff members.
10. An assisted living facility for elderly persons located in an existing residential dwelling shall be capable of use as an assisted living facility for elderly persons without structural or landscaping alterations that would change the structure's residential character. Any new structure constructed for use as an assisted living facility for elderly persons shall be of a size, scale, and design that is in harmony with other residential uses in the vicinity.
11. The total number of residents permitted in an Assisted Living, Congregate Living, or Nursing Care project (maximum allowed) shall be one resident per ~~1,000~~ 2,000 square feet of lot area.
12. The minimum project size shall be ~~two (2) acres~~ one (1) acre and the maximum project size shall be ~~four (4) acres~~ two (2) acres. ~~The Planning Commission may~~

~~recommend and the City Council may approve an exception to the maximum project size, not to exceed ten (10) acres.~~

13. Setback shall be thirty (30) feet in the front along a public street. The rear and side yard setbacks adjacent to residential properties shall be twenty (20) feet.
14. The facility is not located closer than ~~1320 feet (1/4 mile)~~ 2640 feet (1/2 mile) to any other residential facility for elderly persons or residential facility for disabled persons, as measured in a straight line between the closest property lines of the lots on which they are located.
15. No person convicted of the illegal manufacture or distribution of a controlled substance shall be an occupant in a residential facility for disabled persons.
16. The applicant for a permit provides sufficient documentation and other evidence reasonably required by the City to establish compliance with all of the above criteria.

Any permit issued pursuant to this Section shall be nontransferable and shall terminate if the structure is devoted to a use other than an assisted living facility for elderly persons or the structure fails to comply with all building, safety, health, and zoning requirements of the Plain City Code applicable to similar structures. Violation of the requirements listed above shall be grounds for terminating the permit and the owner/operator shall thereafter be required to discontinue the use of the premises as an assisted living facility for elderly persons.

RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY

A. Notwithstanding any contrary provision in this Title, this section shall govern any facility, residence, or other circumstance that meets the definition of a residential facility for a person with a disability as set forth in this Title.

B. The following requirements shall apply to a residential facility for persons with a disability.

1. The facility shall comply with building, safety, land use, and health codes or ordinances applicable to a similar dwelling, the Americans with Disabilities Act, applicable state core standards and licensing requirements, and any standards set forth in a contract with a state agency.

2. Minimum site development standards shall be the same as those for a dwelling unit in the zone in which the facility is located.

3. ~~In a Residential Single-Family (R) Zone, not more than three (3) unrelated persons shall occupy a residential facility for persons with a disability established in a dwelling unit.~~

4. In a residential ~~single-family~~ zone, a residential facility for persons with a disability shall not be established in a non-conforming two-family or non- conforming multi-family dwelling structure unless it is first converted to a conforming single-family dwelling structure.

5. In a residential ~~multi-family~~ zone, a residential facility for persons with a disability shall not be located within a two-family or multi-family structure unless the entire structure is used for the facility.

6. In a Residential ~~Multi-family~~ zone, not more than three (3) unrelated persons per permitted dwelling unit shall occupy a facility for persons with a disability, based on the existing density standards for the zone in which it is located, and up to a maximum of ~~twelve (12)~~ six (6) persons.

7. The facility shall not be made available to a person who has demonstrated by prior or current behavior, actions, and/or criminal incidents or convictions, that the person's tenancy would:

   a. Be a direct threat to the health or safety of other persons; or

   b. Result in substantial physical damage to the property of others.

8. Prior to occupancy of the facility, the person or entity licensed or certified by the Department of Human Services and/or the Department of Health to establish and operate the facility shall:

   a. Provide a certified copy of such license or certification to the City Recorder;

b. Certify, in a sworn affidavit submitted with the application for a business license, that the facility complies with the Americans with Disabilities Act; and

c. Certify, in a sworn affidavit submitted with the application for a business license, that no person will be placed or remain in the facility who has demonstrated by prior or current behavior, actions, and/or criminal incidents or convictions, that such person's tenancy would be a direct threat to the health or safety of other persons, or result in substantial physical damage to the property of others. Such affidavit shall be supplemented and updated with an application for renewal of the business license.

9. A permit for a residential facility for persons with a disability is nontransferable and shall terminate if:

a. The structure is devoted to a use other than a residential facility for persons with a disability;

b. The structure fails to comply with the requirements set forth in this Section; or

c. The license or certification issued by the Department of Human Services, Department of Health or any other applicable agency, terminates or is revoked.

10. A residential facility for persons with a disability that is a substance abuse facility and is located within five hundred feet (500') of a school, shall provide, in accordance with rules established by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities:

a. A security plan satisfactory to local law enforcement authorities;

b. Twenty-four (24) hour supervision for residents; and

c. Other twenty-four (24) hour security measures.

11. A residential facility for persons with a disability shall not be located within ~~one thousand feet (1,000'~~) two thousand six hundred forty feet 2640 (1/2) mile from another such facility, measured in a straight line between the nearest property lines of each facility.

C. 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. A request for a reasonable accommodation shall be made in accordance with the provisions set forth in Section 14-2-107, ADA and FFHA Accommodations, of this Title.

NONRESIDENTIAL TREATMENT FACILITIES

A. Nonresidential treatment facilities shall not be built ~~within the City of Bountiful~~ in Plain City except when specifically allowed as a permitted or conditional use in a zone established under this Title. Each such facility shall conform to the following requirements:

1. The facility shall comply with applicable building, safety, land use, and health codes or ordinances, the Americans with Disabilities Act, applicable state core standards and licensing requirements, and any standards set forth in a contract with a state agency.

2. The following site development standards and parking standards shall be applicable:

   a. Each facility shall be subject to minimum site development standards applicable to a business in the zone in which the facility will be located; and

   b. The minimum number of parking spaces required shall be the same as the number required for a professional office use building with similar size, occupancy, and density in the same zone.

3. Prior to occupancy of the 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:

   a. Provide a certified copy of such license to the City Recorder; and
   b. Certify, in a sworn affidavit submitted with application for a business license, compliance with the Americans with Disabilities Act.

Certify, in a sworn affidavit submitted with application for a business license, compliance with the Americans with Disabilities Act

4. A permit for a nonresidential treatment facility is nontransferable and shall terminate if:

   a. The facility is devoted to a use other than a nonresidential treatment facility; or

   b. The license or certification issued by the Department of Human Services, Department of Health, or any other applicable agency, terminates or is revoked, or the facility fails to comply with the conditions set forth in this Section.

5. A nonresidential treatment facility shall not be located within seven hundred feet (700') from any of the following facilities, measured in a straight line between the nearest property lines of each facility:

   a. A residential facility for persons with a disability;

b. A residential facility for elderly persons occupied by more than five (5) such persons;

c. A protective housing facility;

d. A transitional housing facility;

e. An assisted living facility;

f. A rehabilitation/treatment facility;

g. A nonresidential treatment facility, or

h. An elementary school.

6. This type of facility would be available to build in Commercial Zone C3. A nonresidential treatment facility shall not be made available to a person who has demonstrated by prior or current behavior, actions, and/or criminal incidents or convictions, that the person's tenancy would:

a. Be a direct threat to the health or safety of other persons; or

b. Result in substantial physical damage to the property of others.

7. To the extent similar requirements to any contained in this Section are contained in a specific zone in which any facility referred to herein may be located, the more restrictive provisions shall apply, and the requirements stated herein shall be considered to be in addition to presently existing Land Use Codes, subject to the conflicts resolution provisions of this ~~Subsection 7.~~

8. This type of facility is not permitted in a residential zone.