

Moroni City  
**Codes and Ordinances**

**Title 10 – Zoning and Subdivision Regulations**

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## General Provisions

### Section

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#### 10-1-1: Short Title

This Title shall be known as The Planning and Zoning Ordinance of Moroni and may be so cited and pleaded. Said Title shall be referred to herein as “this Title”. (Ord.2000-4-12, 4-1 2-2000)

#### 10-1-2: Purpose

The purpose of this Title is designed and enacted to promote the health, safety, morals, convenience and general welfare of the inhabitants of the City and to:

1. Encourage and facilitate the orderly growth and development of the City.
2. Provide adequate light and air, to prevent overcrowding and congestion of the land and streets and avoid undue concentration of population.
3. Secure economy in Municipal expenditures.
4. Create and facilitate adequate provisions for transportation, water, sewerage, schools, parks, land use and other public requirements.
5. Promote the security of home life, foster the improvement of morals, develop and preserve a more favorable environment for citizens and visitors.
6. Stabilize and improve property values by preventing obsolescence and degeneration of buildings.
7. Secure safety from fire, floods, panic, traffic hazards and other dangers.
8. Foster an economic, cultural and social environment which will enhance the well-being of all citizens.

Promote beauty in City development which is the desired result of recognition and enforcement of this Title as well as the result of an orderly and planned use of resources. (Ord. 2000-4-12, 4-12-2000)

10-1-3: Conflicting Provisions

This Title shall not nullify the more restrictive provisions of covenants, agreements, other laws or general ordinances of the City, but shall prevail and take precedence over such provisions which are less restrictive. (Ord. 2000-4-12, 4-12-2000)

10-1-4: Interpretation

In interpreting and applying the provisions of this Title the requirements contained herein shall be held to be the minimum adopted for the promotion of public health, safety and welfare. (Ord. 2000-4-12, 4-12-2000)

10-1-5: Amendments

Amendments to this Title or Zone Map may be made by the City Council after the proposed amendment shall first be submitted to the Planning Commission for its recommendation to the City Council. (Ord. 2000-4-12, 4-12-2000)

## Definitions

### Section

- Definitions

10-2-1

#### 10-2-1: Definitions

The words and terms defined in this Chapter shall have the meanings indicated. Words used in the present tense include the future and words in the singular number include the plural, and words in the plural include the singular. Words not included herein but defined elsewhere in the City ordinances shall be construed as termed therein. The word “shall” is mandatory.

- **Access Strip:** A strip of land which is part of a lot and provides access to the part thereof used or to, be used for buildings or structures.
- **Agriculture:** The tilling of the soil, the raising of crops, horticulture and gardening, including keeping or raising of domestic animals and fowl, except household pets, and not any agricultural industry or business, such as food packing or processing plants, fur farms, animal hospital or similar uses.
- **Alley:** A public thoroughfare for the use of pedestrians and vehicles which affords, or is designated or intended to afford, a secondary means of access to abutting properties.
- **Apartment:** A rented room or a suite of two (2) or more rented rooms designated, or intended for, or occupied by, one family for living and sleeping purposes.
- **Area:** The aggregate of the maximum horizontal cross section within given boundaries.
- **Basement:** A story partly underground. A basement shall be counted as a story, for purposes of height measurement, if at least one-half (1/2) its height is above the average level of the adjoining ground.
- **Board of Adjustment:** A group of appointed citizens who hear and rule on any disputations of City and zoning ordinances.
- **Boarding House:** A building with not more than five (5) guest rooms where, for compensation, meals are provided for at least five (5) but not more than fifteen (15) persons.
- **Billboard:** See definition of Sign, Commercial.

- **Building:** Any structure other than a boundary wall or fence:
  - **Accessory:** A detached building or a portion of the main building on a lot, the use of which is clearly incidental to that of a main or principal building.
  - **Attached:** A building or buildings connected by any two (2) of the following:
    - A common wall,
    - A continuous wall,
    - A continuous foundation or a continuous roof line.
    - Wall or fences, patios, terraces or other roofed accessory uses open on at least two (2) sides shall not constitute an attached building.
  - **Detached:** A building surrounded by open space on the same lot.
  - **Façade:** That portion of an exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.
  - **Façade Facing:** A resurfacing of an existing façade with approved material, illuminated or non-illuminated.
  - **Height of:** The vertical distance from the grade elevation to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to a point midway between the lowest part of the eaves or cornice and ridge of a pitch or hip roof.
  - **Line:** A line parallel to the front lot line and at a distance there from equal to the required depth of the front yard and extending across the entire width of the lot.
  - **Main:** A building in which is conducted the principal use of the lot on which it is located.
  - **Public:** A building owned and operated or owned and intended to be operated by a public agency of the United States of America, of the State of Utah, or any of its political subdivisions.

- **Car Wash:**
  - **Laundry Type:** A structure or portion thereof containing facilities for washing passenger automobiles, using production line methods such as, but not limited to, chain conveyer, moveable or revolving cleaning brushes, blower, steam cleaning or other mechanical devices.
  - **Manual Spray:** A structure or portion thereof containing facilities for washing passenger automobiles, limited to using only hand operated manual spray cleaning equipment and techniques.
- **Carport:** A covered automobile parking space not completely enclosed by walls or doors. A carport shall be subject to all regulations described in this Title for a private garage.
- **Cellar:** A story having more than one-half (1/2) its height below the average level of the adjoining ground. A cellar shall not be counted as a story for the purpose of height measurement.
- **Center Line of Street:** That line designated as “center line” in any street in the City of Moroni by the records of the County Recorder.
- **Common Open Space:** The land area in a planned unit development (PUD) reserved and set aside for recreational uses, landscaping, open green areas, parking and driveway areas for the common use and enjoyment of the residents of the PUD.
  - **Easement:** A required right of way granted to Moroni City by the owner of a planned unit development(PUD) on and over land in a PUD designated as common open space, which easement guarantees to the City that the designated common open space and recreation land is permanently reserved for access, parking and recreation, and open green space purposes in accordance with the plans and specifications approved by the Planning Commission and City Council at the time of approval of the PUD or as such plans are amended from time to time.
- **Conditional Use:** A non-approved use of land which is allowed by the Planning Commission. Conditional uses cannot adversely affect the surrounding area. Conditional uses generally have conditions placed upon the use.
- **Condominium Project:** A real estate condominium project where ownership of a single unit in a multi-unit project, together with an undivided interest in common in the common areas and facilities of the property, is transferred; a plan or project whereby four

(4) or more apartments, rooms, office spaces or other existing and proposed apartments or commercial or industrial buildings or structures are separately offered or proposed to be offered for sale and meeting all requirements of the Condominium Ownership Act of the State of Utah. Structures shall conform to all area, yard, frontage and height regulations of the zone district in which they are located.

- **Convalescent Home:** An institution other than a hospital wherein people may gradually recover from an illness (see definition of Hospital, Nursing and Rest Home).
- **Corral:** A space, other than a building, used for the confinement of animals.
- **Dairy:** A commercial establishment for the manufacture, processing or sale of dairy products.
- **Dry Cleaner:** An establishment which cleans fabrics with substantially non-aqueous organic solvents. Laundry establishments with self-service, coin-operated dry-cleaning machines shall not be classified as a dry cleaner.
- **Dwelling:** A building or portion thereof designed or used as a living quarters for one or more families:
  - **Multiple-Family:** A building arranged or designed to be occupied by two (2) or more families.
  - **Single-Family:** A building arranged or designed to be occupied by one family, the structure having only one dwelling unit.
  - **Unit:** One or more rooms in a dwelling, apartment, hotel or apartment hotel designed for or occupied by one family for living, sleeping and eating purposes. A dwelling unit may contain more than one set of kitchen facilities, whether temporary or permanent, provided they are used only by members of the family occupying the dwelling unit or their nonpaying guests. A dwelling unit may include up to two (2) persons per unit to whom rooms are rented in addition to a family related by blood, marriage or operation of law, but if the number exceeds two (2) or if they use or are furnished separate cooking facilities, whether temporary or permanent, such additional persons shall be considered a separate dwelling unit.
- **Educational Institution:** A public elementary, secondary school or a private educational institution having a curriculum similar to that ordinarily given in public schools.

- **Family:** One or more persons related by blood, marriage or operation of law, plus domestic servants employed for service on the premises, or a group of not more than four (4) single persons who need not be so related, living together as a single nonprofit housekeeping unit.
- **Fence:** A tangible barrier or obstruction of any material, with the purpose or intent, or having the effect, of preventing passage or view across the fence line. It includes hedges and walls.
- **Flood Plain Area:** An area adjoining a river, stream or watercourse or other body of standing water in which a potential flood hazard exists 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 or watercourses. See ordinance 16 “Flood Damage Prevention” below.
- **Floor Area:** The sum of the gross horizontal area on the same lot, excluding cellar and basement floor areas not devoted to residential use, but including the area of roofed terraces. All dimensions shall be measured from the exterior faces of the exterior walls.
- **Frontage:** All the property fronting on one side of the street between intercepting streets, or between a street and a right of way, waterway, end of dead-end street or political subdivision boundary, measured along the street line. An intercepting Street shall determine only the boundary of the frontage of the side of the street which it intercepts.
- **Garage:**
  - **Home:** An enclosed space or accessory building for the storage of one or more motor vehicles; provided that no business, occupation or service is conducted for profit therein, nor space therein for more than one car is leased to a nonresident of the premises. A garage shall be considered part of a dwelling if the garage and dwelling have a roof or wall in common or are connected structurally by a physical connection such as a wall, trellis or solid fence.
  - **Business:** A building or portion thereof, other than a private garage, designed or used for servicing, repairing, hiring, selling or storing motor vehicles.
- **Grade:** The average level or the finished surface more than five feet (5’) from a Street line. For buildings closer than five feet (5’) to a street line, the grade is the sidewalk elevation at the center of the building. If there is no sidewalk, the City Council may establish the grade.



- **Guest:** Any person or persons staying temporarily within a dwelling unit without payment of compensation to the owners, tenants or full-time inhabitants of said dwelling unit.
  - **House:** A separate dwelling structure located on a lot with one or more main dwelling structures and used for housing of guests or servants and not rented, leased or sold separate from the main building. Guest houses shall conform with all area, yard, frontage and height regulations of the zone district in which they are located.
- **Home Business:** Any use conducted entirely within a dwelling and carried on by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and in connection with which there is no display, nor stock in trade. The home occupation shall not involve the use of any building or yard space or activity outside the main building, not normally associated with residential use. Home occupations shall not use more than twenty five percent (25%) of the ground floor area of the home.
- **Hospital, Nursing or Rest Home:** A building or any portion thereof designed for the housing of sick, injured, convalescent or infirm persons; provided, that this definition shall not include rooms in any family dwelling, hotel, apartment hotel or other building not ordinarily designed nor intended to be occupied by said persons.
- **Hotel:** A building designed for or occupied as the more or less temporary abiding place of sixteen (16) or more individuals who are lodged, for compensation, with or without meals.
- **Household Pets:** Animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats or birds, but not including a sufficient number of dogs or cats to constitute a “kennel”, as defined in this Section.
- **Incombustible Material:** Any material which will not ignite at or below a temperature of one thousand two hundred degrees Fahrenheit (1,200°F) during an exposure of five (5) minutes and will not continue to burn or glow at that temperature. Tests shall be made as specified in the Uniform Building Code.
- **Junkyard or Automobile Wrecking Yard:** The use of any lot, portion of a lot or tract of land for the storage, keeping or abandonment of junk, including scrap metal or other scrap materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles, or machinery or parts thereof; provided, that this definition shall not be deemed to include such uses which are clearly incidental to and accessory to any agricultural use permitted in the zone.

- **Kennel:** The use of any lot, or portion of a lot or tract of land, for the keeping, whether for compensation or not, of non-household pets, or more than the allowed number of household pets per this Title.
- **Kindergarten:** A school or class for children generally under six (6) years of age.
- **Kitchen:** Any room and/or other place used, intended or designed to be used for cooking or preparation of food.
- **Laundromat:** A self-service laundry establishment where clothes are cleaned in a coin-operated machine. Laundromats may include self-service, coin-operated dry-cleaning machines.
- **Lodge:** A building for the temporary occupancy of guests, without cooking facilities in each unit. Accessory facilities may include any or all things customarily associated with lodges.
- **Lot:** A parcel of land occupied or to be occupied by a main building or group of buildings (main or accessory), together with such yards, open spaces, lot width and lot area as are required by this Title and having frontage upon a street. Except for group dwellings and a guest house, not more than one dwelling structure shall occupy any one lot.
  - **Corner:** A lot abutting on two (2) intersecting streets where the interior angle of intersections or interception does not exceed one hundred thirty-five degrees (135°).
  - **Coverage:** The total horizontal area of a lot, parcel or building site covered by any building or occupied structure which extends above the surface of ground level and including any covered automobile parking spaces. Covered patios, covered walkways and covered recreation areas shall not be considered as lot coverage; provided, that said areas are not more than fifty percent (50%) enclosed.
  - **Depth:** The horizontal length of a straight line connecting the bisecting points of the front and rear lot lines.
  - **Interior:** Any lot other than a corner lot.

- **Front Line:** A line separating an interior lot from a street. In the case of a corner lot, the side bordering on the Street which has the smallest dimension shall be the front lot line.
- **Rear Line:** The recorded lot line most distant from the front lot line, except that in the case of an interior triangular or core-shaped lot, it shall mean a straight line ten feet (10') in length which is:
  - Parallel to the front lot line or its chord; and
  - Intersects the two (2) other lot lines at points most distant from the front lot line.
- **Side Line:** Any lot boundary line which is not a front lot line or a rear lot line.
- **Through (Double Frontage Lots):** Any lot having a frontage on two (2) parallel or approximately parallel streets. Said lots, for purpose of this Title, shall have two (2) street frontages and two (2) front yards.

**Width:** The distance across a lot or parcel of property measured along a line parallel to the front lot line, or parallel to a straight line connecting the ends of an arc which constitutes the front lot line. The distance between the side lot lines at the distance back from the front lot line required for the depth of the front yard.

- **Maintain:** Includes, but is not limited to, the following: service, repair, alter, remodel, re-letter, redecorate, repaint, move or remove. It does not include the removal of signs by a licensed wrecking contractor. Owner or leasee of a sign may repaint, redecorate and/or change letters or panels on his own sign.
- **Manufactured Home or Building:** A home or other building of new construction without attached axles or wheels which has been assembled fully or in part, upon another site, or in a "factory" and moved to the site upon which it is to be permanently assembled and placed upon a permanent foundation in compliance with the provisions of the Uniform Building Code.
- **Map, Official:** Any map adopted by the City Council under the provisions of Utah Code Annotated section 10-9-103, as amended.
- **Mobile Home Park:** A parcel of land which has been planned and improved for the exclusive placement of mobile homes for residential use.
- **Motel:** Any building or group of buildings containing sleeping rooms designed for temporary use by automobile tourists or transients, with garage attached or parking space conveniently located to each unit.

- **Natural Waterways:** Those areas, varying in width, along streams, creeks, gullies, springs or washes which are natural drainage channels as determined by the Chief Building Official and in which areas no buildings shall be constructed.
- **Nightclub:** A place of entertainment open at night usually serving food and liquor, having a floor show and providing music and space for dancing.
- **Non-Conforming Building:** A building or structure or portion thereof lawfully existing at the time any applicable zoning regulation becomes effective, the design, erection, use, height, area or yard dimensions of which do not conform to the provision of such regulations.
- **Non-Conforming Use:** The prior lawful use of land or of a building or structure which subsequently is prohibited by zoning regulations pertaining to the zone in which the building or land is situated.
- **Nursery for Children:** A building or structure where six (6) or more children are regularly cared for during the day for compensation.
- **Nursery, Greenhouse:** A place where young plants are raised for experimental purposes, for transplanting or for sale.
- **Nursing Home:** See definition of Hospital, Nursing or Rest Home.
- **Offices:** A building, room or department wherein a business or service for others is transacted, but not including the storage or sale of merchandise on the premises.
- **Open Green Space:** An open space suitable for relaxation or landscaping. It shall be unoccupied and unobstructed by buildings and/or hard surfaces such as asphalt cement and packed gravel, except that such open green space may be transversed by necessary sidewalks.
- **Parcel of Land:** A contiguous quantity of land in the possession of or owned by, or recorded as the property of, the same claimant or person.
- **Parking Lot:** An open area, other than a street, used for parking of more than four (4) automobiles and available for public use, whether free, for compensation or as an accommodation for clients or customers.
- **Parking Space:** Space for parking or storage for one automobile.

- **Paying Guest:** Any person hiring a room in a dwelling unit for living, eating or sleeping purposes.
- **Person:** One or more persons, an association, a co-partnership or a corporation or firm, either by themselves or by an agent, employee, guardian or trustee.
- **Planned Unit Development (PUD):** A development in which the regulations of the zone in which the development is situated are waived to allow flexibility and initiative in site and building design and location in accordance with an approved plan and imposed general requirements.
- **Planning Commission:** A group of appointed citizens who review and recommend planning and zoning ordinances to the City Council.
- **Private Drive:** Non-dedicated thoroughfare or road use exclusively for private access to and from private land/or developments.
- **Projections into Yards:** Any projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building but shall not include signs.
- **Public Use:** A use operated exclusively by a public body, or quasi-public body, such use having the purpose of serving the public health, safety or general welfare, and including uses such as public schools, parks, playgrounds and other recreational facilities, administrative and service facilities, and public utilities.
- **Recreation:**
  - **Commercial:** Recreation facilities operated as a business on private or public property and open to the public for a fee, such as a golf course, ski lift, tennis court, etc., and support facilities customarily associated with the development.
  - **Private:** Recreation facilities operated on private property and not open to the public.
  - **Public:** Recreation facilities operated by a public agency and open to the public with or without a fee.
- **Recreational Coach:** A vehicle such as a recreational trailer, tent, camper trailer, truck camper, travel trailer, camp car or other vehicle with or without motive power, designed and/or constructed to travel on the public thoroughfare in accordance with the provisions of the Utah Vehicle Code, designed for the use of human habitation.

- **Separate Ownership:** A lot or parcel which is not adjacent or contiguous to other property owned by the same owner or owners. Ownership by a husband, wife or other immediate family member or a combination of the same shall not be considered separate.
- **Sign:** A presentation or representation of words, letters, figures, designs, pictures or colors publicly displayed so as to give notice relative to a person, a business, an article or merchandise, a service, an assemblage, a solicitation or a request for aid; also the structure or framework or any natural object on which any sign is erected or is intended to be erected or exhibited or which is being used or is intended to be used for sign purposes.
  - **Commercial:** A sign that is erected to promote a commercial use.
  - **Temporary:** A sign that is erected for a short time. Temporary signs are constructed so that they may be erected or removed quickly. Public announcements, yard sale, for sale, rent and political signs are examples of temporary signs.
- **Site Development Standards:** Established regulations concerning lot areas, yard setbacks, building height, lot coverage, open green space and any other special regulations deemed necessary to accomplish the purpose of this Title.
- **Stable, Private:** A detached, accessory building for the keeping of animals owned by the occupants of the premises, and not kept for remuneration, hire or sale.
- **Stable, Public:** A stable other than a private stable.
- **Story:** The space within a building, other than a cellar, included between the surface of any floor and the surface of the ceiling next above.
- **Street:** A public thoroughfare, dedicated, abandoned or condemned for public use accepted by proper public authority, which affords the principal means of access to abutting property and is more than twenty-six feet (26') wide.
- **Structural Alterations:** Any change in supporting members of a building, such as bearing walls, columns, beams or girders.
- **Structure:** Anything constructed or erected, the use of which requires location on the ground.
- **Swimming Pool:** Any artificial or semi-artificial container, whether indoors, and whether above or below the surface of the ground, or both, used or intended to be used to contain

a body of water for swimming by any person or persons, together with all permanent structures, equipment, appliances and other facilities used or intended for use in and about the operation, maintenance and use of such pool.

- **Family:** A swimming pool used and to be used solely by the owner, operator or lessee thereof and his family and by guests invited to use it without payment of any fee or consideration.
- **Theater:**
  - **Indoor Picture:** A building or part of a building devoted to the showing of moving pictures on a paid admission basis.
  - **Outdoor Drive-In:** An open lot or part thereof, with its appurtenant facilities devoted primarily to showing of moving pictures, on a paid admission basis, to patrons seated in automobiles.
- **This Title:** The combined chapters of zoning ordinances.
- **Trim, Non-Structural:** The molding, battens, caps, nailing strips, latticing, cutouts or letters and walkways which are attached to a sign structure.
- **Uniform Building Code (UBC):** The current edition of the Uniform Building Code as adopted by the City of Moroni.
- **Use:** The specific purposes for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.
  - **Accessory:** A subordinate use customarily incidental to and located upon the same lot occupied by the main use and devoted exclusively to the main use of the premises.
  - **Conditional:** A use or occupancy of a building, or use of land, permitted only when authorized upon issuance of a conditional use permit, and subject to the limitations and conditions specified therein. A conditional use permit is intended to allow compatible integration of uses which may be suitable only in certain locations within a particular zone, or only upon certain conditions and/or design criteria being achieved.
  - **Permitted:** Any use lawfully occupying land or buildings as authorized in the zone regulations and for which no conditional use permit is required.

- **Variance:** A deviation from the established zoning code.
- **Yard:** An open space on a lot, other than a court, unoccupied and unobstructed from the ground upward by buildings, except as otherwise provided herein.
  - **Front:** An open space on the same lot with a building between the front line of the building (exclusive of steps) and the front lot line and extending across the full width of the lot. The “depth” of the front yard is the minimum distance between the front lot line and the front line of the building.
  - **Rear:** An open, unoccupied space on the same lot with a building between the rear line of the building (exclusive of steps) and the rear lot line and extending the full width of the lot.
  - **Side:** An open, unoccupied space on the same lot with a building between the side line of the building (exclusive of steps) and the side lot line and extending from the front yard to the rear yard.
- **Zone:** The geographical area of the City within which the zoning regulations are uniform.
- **Zoning Officer:** The official or other person charged with the administration and enforcement of this Title or his duly authorized representative or enforcement officer.
- **Zoning Ordinance or Ordinance:** The Zoning Ordinance of Moroni, Utah. (Ord, or 2000-4-12, 4-12-2000; amd. 2000 Code)



## Administration

### Section

- Enforcement 10-3-1
- Zoning and Building Permits, Plans 10-3-2
- Licensing 10-3-3
- Amendments to this Title or Zone Map 10-3-4
- Penalty 10-3-5

#### 10-3-1: Enforcement

1. **Zoning Officer:** The City Council may by assignment entrust administration of this Title in whole or in part to the Zoning Officer without amendment to this Title. The Zoning Officer shall enforce all provisions pertinent to City zoning.
2. **Building Inspector:** The Sanpete County Building Inspector is authorized by County/City agreement as the Administrating Officer for this Title as it pertains to the Uniform Building Code. The County Building Inspector shall enforce all provisions pertinent to the Uniform Building Code.
3. **Enforcement:** Any of the aforesaid duties performed by County/City officials shall enforce provisions, entering actions in court, if necessary, and their failure to do so shall not legalize any violations of such provisions. (Ord. 2000-4-1 2, 4-12-2000)

#### 10-3-2: Zoning and Building Permits, Plans

1. **Required:** Construction, alteration, repair or removal of any building or structure or any part thereof, as provided for or as restricted in this Title and the Uniform Building Code shall only be commenced except after clearance and issuance of a:
  - a. Zoning permit cleared and issued by the Zoning Officer.
  - b. Building permit cleared and issued by the County Building Inspector.
2. **Inspection:** The County Building Inspector and/or Zoning Officer shall, upon presentation of evidence of authority, have the right of access to any premises at any reasonable hour for the purpose of inspecting all buildings during the course of their construction, modification or repair, as well as to inspect land uses to determine compliance with the provisions of this Title.

### 3. **Occupancy Permits:**

- a. A permit of occupancy shall be issued by the Zoning Officer to the effect that the use, building or premises shall conform to all provisions of this Title, prior to occupancy.
- b. A permit of occupancy shall be issued by the County Building Inspector to the effect that any building erected, enlarged or altered structurally shall conform to the Uniform Building Code, prior to occupancy.
- c. Occupancy permits are needed whenever the use or character of any building or land is to be changed.
- d. This Title may be enforced by withholding an occupancy permit.

### 4. **Zoning Permit:** Building projects in all zones require a completed and approved zoning permit before applying for a County building permit

- a. Date of application.
- b. Name, address and phone number of applicant.
- c. Address of property (or approximate) if different than above.
- d. Serial number of building property.
- e. Name of legal owner.

**Note:** *Applicant will complete items 1 through 6. Remaining items will be completed by the City.*

- f. A detailed description of building project and plot plan.
- g. Setbacks, which indicate measurement required by the City,
- h. Actual measurements of property setbacks.
- i. Setbacks refer to north, south, east and west and also front and street.
- j. Notation of fees received for City services: sewer and water. (City fees schedule is set by ordinance or resolution.)
- k. Zoning permit may not be issued without payment of fees.

1. City Water and Sewer Superintendents shall indicate needs for new installations, replacements and/or repairs. The applicant shall be informed of related fees.
  - m. All fees shall be paid to the City Recorder/Clerk prior to installations, replacements and/or repairs.
  - n. Information regarding flood zone, checking plot plan and retaining copies for City file will be included.
5. **Site Plan and Plot Map Required:** Site plan and plot map approval is required by the Planning and Zoning Commission for all building projects (residential, commercial and manufacturing), unless otherwise stated by the Planning and Zoning Commission, before applying for a County building permit. (Ord. 2000-4-12, 4-12-2000)
  6. **Property Survey Required:** An official survey of the property on which building is to occur, is required prior to meeting with the Planning and Zoning Commission to seek a zoning and building permit.
  7. **Building Site Sanitary Condition:** All building sites are required to be operated in a sanitary condition at all times, including but not limited to:
    - a. Appropriate trash collection, such as the placement of a dumpster for the duration of the construction.
    - b. Appropriate bathroom facilities, such as the placement of a porta-potty for the duration of the construction.

10-3-3: Licensing

All departments, officials and public employees of the City who are vested with duty or authority to issue permits or licenses shall conform to the provision of this Title and shall issue no permit or license for uses, buildings or purposes where the same would be in conflict with the provisions of this Title, and any such permit or license, (if issued in conflict with the provisions of this Title, shall be null and void. (Ord. 2000-4-1 2, 4-12-2000)

10-3-4: Amendments to this title or Zone Map

Amendments to this Title or the Official Zone Map are made by the City Council after recommendation from the Planning Commission. Any citizen of the City may request amendments to this Title or Zone Map. An applicant shall first submit to the Planning Commission an application for amendment.

1. **Application:** Applications made to the Planning Commission for any amendments shall contain the following:
  - a. Date and designation of the specific zone change or Title amendment desired.
  - b. The reason and justification for such zone change or Title amendment, and a statement setting forth the manner in which a proposed amendment or zone change would further promote the objectives and purposes of this Title.
  - c. A complete and accurate legal description of the area proposed to be rezoned, or a draft of the proposed Title amendment.
  - d. An accurate plat, drawn to scale, showing all areas to be included within the proposed rezoning, designating the present zoning of the property subject of the petition, and properties immediately adjacent thereto.
  - e. A list of all property owners within a radius of three hundred feet (300') of the requested amendment. The City shall send by registered mail a letter which states the purpose of requested zone change which would extend an invitation to attend and participate in the scheduled public hearing.
  - f. A nonrefundable filing fee set by resolution as listed in the City fee schedule.
2. **Procedure:**
  - a. The applicant shall submit the application for zone change or amendment to the Planning Commission.
  - b. The application, together with all pertinent information, shall be considered by the Planning Commission at its next regularly scheduled meeting.
  - c. The Planning Commission may call a specific public hearing on any application after adequate notice if it is deemed in the public interest.
  - d. The Planning Commission shall take action on the application by the second meeting of the Planning Commission after the application filing date.
  - e. The Planning Commission shall recommend a) approval; b) modification and approval; or c) denial of the amendment to this Title or Zone Map to the City Council.

- f. The Planning Commission shall submit their recommendations on proposed changes and amendments to the City Council for its consideration within thirty (30) days after the public hearing, unless an agreement is reached by the applicant and the Planning Commission to table the matter until the next regular decision making meeting of the Planning Commission. Failure of the Planning Commission to table or submit its recommendation within the prescribed time shall be deemed a recommended approval by such Commission of the proposed change or amendment.
- g. The City Council shall, within fifteen (15) days of a public hearing which has been posted and published accordingly to Utah Code section 10-3-71 1: a) approve; b) modify and approve; or c) deny the amendment to this Title or Zone Map. (Ord. 2000-4-12, 4-12-2000)

10-3-5:           Penalty

Any person, firm or corporation (as principal, agent, employee or otherwise) violating, causing or permitting violation of the provisions of this Title shall be guilty of a Class C misdemeanor and subject to penalty as provided in Section 1-4-1 of this Code. (Ord. 2000-4-12, 4-12-2000; amd. 2000 Code)

## **Residential Zoning**

### **Article A. Residential Zone (R)**

#### Section

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#### 10-4A-1: Purpose: 10-4A-1

The Residential Zone (R) is established to provide areas for the encouragement and promotion of an environment for family life by providing for the establishment of single-family dwellings on individual lots and Multiple-family dwellings under certain restrictions. This Zone is characterized by landscaped lots and open spaces with lawns, shrubs, small gardens and the

keeping of minimal number of farm animals and fowl for noncommercial use. (Ord. 2000-4-12, 4-12-2000)

#### 10-4A-2: Permitted and Conditional Uses

The following uses or categories, including but not limited to, are permitted in the R Zone.

1. **Permitted Principal Uses:** The following principal uses and structures are permitted in the R Zone.

- Agriculture and agricultural related activities as limited herein.
- Communication systems.
- Mobile home park (as now existing).
- Nursery, primary and secondary education facilities,
- Religious Facilities.
- Animals (noncommercial as limited herein).
- Schools (Elementary, Junior High and High School)
- Multiple-family dwellings, as limited herein.
- Public parks.
- Single-family dwellings.

- a. Animal Keeping: The limitations on the keeping and maintenance of animals and fowl permitted in the R Zone are described below. The mixing of animal types (i.e. a cow and a sheep on the same property) is only permitted as long as the one (1) or more property requirements noted below are both met (i.e. for a cow and sheep on the same property, 1/4 an acre must be available for both animals (1/2 acre) dedicated space).

i. **Farm Animals**

1. Horses, Cattle and Oxen:

- a. **Property Requirements:** one (1) horse, cow or ox per dedicated (free of residential space) one quarter (1/4) acre of property. No other farm animals are allowed on property dedicated for a horse, cow or ox. For additional farm animals, additional dedicated space per the requirements of this section, is required.

All animals kept prior to the modification of this ordinance (3/2018) are hereby grandfathered.

- b. **Care and Maintenance:** All horses within city limits must be properly cared for and the property which is dedicated to their care must meet constant and proper hygiene requirements in conjunction with Moroni City Code 4 – Public Health and Safety.

2. Swine:

- a. **Property Requirements:** One (1) swine per dedicated (free of residential space) one quarter (1/4) acre of property. Maximum number of swine allowed within city limits is set at two (2), following the property requirements stated here. No other farm animals are allowed on property dedicated for swine. For additional farm animals, additional dedicated space per the requirements of this section, is required.
- b. **Care and Maintenance:** All pet swine within city limits must be properly cared for and the property which is dedicated to their care must meet constant and proper hygiene requirements in conjunction with Moroni City Code 4 – Public Health and Safety.

3. Sheep and Goats:

- a. **Property Requirements:** five (5) sheep or goats per dedicated (free of residential space) one quarter (1/4) acre of property. No other farm animals are allowed on property dedicated for sheep or goats. For additional farm animals, additional dedicated space per the requirements of this section is required.

All animals kept prior to the modification of this ordinance (3/2018) are hereby grandfathered.

- b. **Care and Maintenance:** All sheep / goats within city limits must be properly cared for and the property which is dedicated to their care must meet constant and proper hygiene requirements in conjunction with Moroni City Code 4 – Public Health and Safety.



- ii. **Small animals:** there shall be no more than twenty-five (25) such animals per dwelling unit with the minimum of ¼ acre lot. Small animals include, but are not limited to, the following:

- 1. Poultry (3/5/2015)
- 2. Ducks
- 3. Birds
- 4. Rabbits

Any such animals must be maintained in an enclosure appropriate to the animal and maintained in the side or back portions of lots. **Keeping of such animals is prohibited in the front of the home.**

iii. **Household Pets:**

- 1. Large: there shall be no more than three (3) large pets over the age of four (4) months per dwelling unit with the minimum of ¼ acre lot.
- 2. Small: there shall be no more than six (6) small pets over the age of four (4) months per dwelling unit with the minimum of ¼ acre lot.

iv. **Violation of Ordinance:** A violation of this section follows the resulting progressive penalties:

- 1. A warning letter will be issued with thirty (30), from the time of issuance, to resolve the violation.
- 2. If the violation is not appropriately resolved within the required thirty (30) days, a misdemeanor class B citation may be issued.

b. Multiple-Family Dwellings: Limitations of the development of multiple-family dwellings permitted in the R Zone:

- i. Multiple-family dwellings to a maximum of four (4) units per structure may be placed on a single lot.
- ii. Minimum density created by development of a multiple-family structure shall be five (5) units per acre block (430 feet by 430 feet).

2. **Permitted Accessory Uses:** Accessory uses, and structures are permitted in the R Zone, provided they are incidental to, and do not substantially alter, the character of the permitted principal use or structure. Such permitted accessory uses, and structures include, but are not limited to, the following:
  - a. Accessory buildings such as garages, carports, greenhouses, gardening sheds recreation rooms and similar structures which are customarily used in conjunction with and incidental to a principal use or structure.
  - b. Swimming pools and incidental bath houses.
  - c. Storage of materials used for the construction of a building, including a temporary contractor's office and/or tool shed; provided, that such uses are on the building site or immediately adjacent thereto; and provided further, that such shall be for only the period of construction and thirty (30) days thereafter.
  - d. Buildings or structures required for the housing, nurture, confinement or storage of animals permitted in this Zone, or equipment required for the care and keeping thereof.
  - e. Home occupations, subject to the conditions of this Title.
3. **Conditional Uses:** The following uses and structures are permitted in the R Zone only after a conditional use permit has been approved by the City Council and subject to the terms and conditions thereof:
  - a. Animal hospital services.
  - b. Communications facilities.
  - c. Convalescent and rest home services.
  - d. Governmental services.
  - e. Public recreation activities.
  - f. Utilities.
  - g. Veterinarian services. (Ord. 2000-4-12, 4-12-2000)

10-4A-3: Lot Area

The minimum area for any lot or parcel of land in the R Zone shall be ten thousand (10,000) square feet. (Ord.2000-4-12, 4-12-2000)

10-4A-4: Lot Width

1. **Interior:** Each lot or parcel of land in the R Zone, except corner lots, shall have an average width of not less than one hundred feet (100').

2. **Corner:** Each corner lot or parcel in the A Zone shall be ten feet (10') wider than the minimum required for interior lots. (Ord. 2000-4-12, 4-12-2000)

10-4A-5: Lot Frontage

Each lot or parcel of land in the R Zone shall abut a public street for a minimum distance of thirty five feet (35') on a line parallel to the center line of the street or along the circumference of a cul-de-sac improved to City standards. Frontage on a Street end which does not have a cul-de-sac improved to City standards shall not be counted in meeting this requirement. (Ord. 2000-4-12, 4-12-2000)

10-4A-6: Prior Created Lots

Lots or parcels of land which were created prior to the application of the Zone shall not be denied a building permit solely for reason of nonconformance with the parcel requirements of this Article. (Ord. 2000-4-12, 4-12-2000)

10-4A-7: Lot Area per Dwelling

Not more than one single-family dwelling or multiple-family structure to a maximum of four (4) units may be placed on a lot or parcel of land in the R Zone. (Ord. 2000-4-12, 4-12-2000)

10-4A-8: Yard Requirements

The following minimum yard requirements shall apply in the R Zone:

1. **Front Yard:** Each lot or parcel in the R Zone shall have a front yard of not less than twenty-five feet (25').
2. **Side Yard:** Except as provided in subsection C of this Section, each lot or parcel of land in the R Zone shall have a side yard of not less than ten feet (10') and the combined sum of the two (2) side yards shall not be less than twenty four feet (24').
3. **Side Yard; Corner Lot:** On corner lots, the side yard continuous to the street shall not be less than twenty feet (20') and shall not be used for vehicle parking except such portion as is devoted to driveway use for access to a garage or carport.
4. **Side Yard; Driveway:** When used for access to a garage, carport or parking area, a side yard shall be wide enough to provide an unobstructed twelve-foot (12') driveway.
5. **Side Yard; Accessory Building:** An accessory building may be located on a side property line if, and only if, all of the following conditions are met:
  - a. The accessory building is located more than six feet (6') to the rear of any main building on the same lot or the lot adjacent to the property line on which said building is being placed.

- b. It has no openings on the side, which is contiguous to the property line, and is of one-hour fire resistant construction on said side.
- c. It has facilities for the discharge of all roof drainage onto the subject lot or parcel of land.

An accessory building which is more than six feet (6') to the rear of a main building, but which does not conform to the above conditions, shall have a side yard of at least five feet (5'). All other accessory buildings shall maintain the same side yard as a main building.

6. **Rear Yard:** Each lot or parcel shall have a rear yard of not less than thirty feet (30').

7. **Rear Yard; Accessory Building:** An accessory building may be located on the rear property line so long as:

- a. It has no openings on the side which is contiguous to the rear property line.
- b. It has one-hour fire resistant construction in the wall adjacent to said property line.
- c. It provides for all roof drainage to be retained on the subject lot or parcel.

An accessory building which does not meet the above conditions shall be at least five feet (5') from the rear property line. (Ord.2000-4-12, 4-1 2-2000)

#### 10-4A-9: Projections into Yards

1. **Permitted:** The following structures may be erected on or projected into any required yard:

- a. Fences and walls in conformance with City codes or ordinances.
- b. Landscape elements, including trees, shrubs, agriculture crops and other plants.
- c. Necessary appurtenances for utility services.

2. **Conditional:** The structures listed below may project into a minimum front or rear yard not more than four feet (4') and into a minimum side yard not more than two feet (2'):

- a. Cornices, eaves, belt courses, sills, buttresses or other similar architectural features.
- b. Fireplace structures and bays; provided, that they are not wider than eight feet (8'), measured generally parallel to the wall of which they are part.

- c. Stairways, balconies, door stoops, fire escapes and awnings.
- d. Planting boxes of masonry planters not exceeding twenty-four inches (24") in height.
- e. Carports and other similar structures over a driveway in a side yard, providing such structure is not more than one story in height and twenty-four feet (24') in length, and is entirely open on at least three (3) sides, except for necessary supporting columns and customary architectural features. (Ord. 2000-4-12, 4-12-2000)

10-4A-10: Building Height

No lot or parcel of land in the A Zone shall have a building or structure used for dwelling or public assembly which exceeds a height of two (2) stories or thirty-five feet (35'), whichever is higher. Roofs above the square of the building, chimneys, flagpoles, church towers and similar structures not used for human occupancy are excluded in determining height. (Ord. 2000-4-12, 4-12-2000)

10-4A-11: Distance between Buildings

The distance between any accessory buildings and a dwelling shall not be less than six feet (6'). (Ord. 2000-4-12, 4-12-2000)

10-4A-12: Parking, Loading and Access

Each lot or parcel in the R Zone shall have on the same lot or parcel off-street parking sufficient to comply with Chapter 11 of this Title. Required parking spaces shall not be provided within a required front yard. (Ord. 2000-4-12, 4-12-2000)

10-4A-13: Site Plan Approval

As required by the Uniform Building Code. (Ord. 2000-4-12, 4-12-2000)

10-4A-14: Other Requirements

1. **Landscaping:** All open areas between the front lot line and the rear line of the main building, except driveways, parking areas, walkways, utility areas, improved decks, patios, porches, etc., shall be maintained with suitable landscaping.
2. **Trash Storage:** No trash used materials or wrecked and abandoned vehicles or equipment shall be stored in an open area. All such materials must be screened from public streets and adjacent properties with an opaque material or must be stored within an enclosed building.
3. **Walls and Fences:**

- a. No wall, fence or opaque hedge or screening material higher than thirty-six inches (36") shall be maintained within a required front yard or side yard adjacent to a public street in an R Zone.
- b. An exception to 10-4A-14a is a masonry privacy wall may be erected, upon approval of the Planning Commission, if said wall:
  - i. Does not extend more than eighteen feet (18') into the required front yard,
  - ii. Does not exceed six feet (6') in height, and
  - iii. Does not extend closer to a side property line than the forward extension of the line of the required side yard.
- c. In no case shall such a privacy wall extend into the clear vision area of a corner lot as defined by Section 10-7-8 of this Title; nor shall it be a sight distance hazard to vehicular or pedestrian traffic.
- d. All other walls, fences or opaque hedges shall not exceed six feet (6') in height. (Ord. 5-4-2017)

## **Residential Zoning**

### **Article B. Subdivision Regulations**

#### Section

- Subdivision Plats Required 10-4B-1
- Sub-divider To Contact City Officials 10-4B-2
- Simple Lot Subdivisions 10-4B-3
- Subdivisions (4 or more lots) 10-4B-4

#### 10-4B-1: Subdivision Plats Required

1. From the effective date hereof, no person shall subdivide any tract of land which is located wholly or in part within the limits of the City; nor shall any person sell, exchange or offer for sale or purchase, or offer to purchase any parcel of land which is divided into three (3) or more parcels of land within the City; nor shall any person offer for recording any deed conveying such a parcel of land or any interest therein, unless he shall first make or cause to be made a final plat thereof, which plat shall conform to all requirements of this Title and shall have been approved by the Planning Commission and City Council and recorded in the office of the Sanpete County Recorder.
2. All divisions of land require compliance with this Chapter before the issuance of a building permit. (Ord. 2000-4-1 2, 4-12-2000)

#### 10-4B-2: Sub Divider to Contact City Officials

Any person desiring to subdivide land within the City shall secure from the Planning Administrator and/or the Zoning Officer and/or City Recorder/Clerk, all necessary information pertaining to the City's plan of streets, parks, drainage, zoning and other General Plan requirements affecting the proposed subdivision. (Ord. 2000-4-1 2, 4-12-2000)

#### 10-4B-3: Simple Lot Subdivisions

1. **State Code:** This section follows Utah State Code, Title 10, Chapter 9a, Part 6.
2. **General:** Subject to section 10-4B-2, an applicant may subdivide property by metes and bounds into four (4) or less lots or parcels without the necessity of recording a plat, provided that all proposed lots or parcels front a dedicated public street and comply with the applicable zone standards. This process should be completed in the following manner:

- a. An applicant will submit an application to the Planning & Zoning Commission for a simple lot subdivision that includes at a minimum:
    - i. The name of applicant or authorized agent and contact information;
    - ii. A property address and parcel number;
    - iii. The address for the subdivision;
    - iv. The metes and bounds description of the property proposed to be split;
    - v. Any other information that may be requested by the Planning and Zoning Commission.
  - b. The applicant will meet with the Planning and Zoning Commission at their next scheduled meeting to review and discuss the proposed and presented subdivision.
  - c. All other zoning ordinances related to the zone in which the property will be subdivided will be followed and adhered to.
  - d. The proposed subdivided property will be reviewed by the City Public Works department to determine if the subdivided property can be properly serviced by city services, prior to official approval being granted.
3. **Exemptions from Plat Necessity:** An applicant may submit to the Sanpete County Recorder's Office for recording a document that subdivides property by metes and bounds into less than four (4) lots, without the necessity of recording a plat, if:
- a. The Planning and Zoning Commission has given the City Council its recommendation, whether favorable or not; and
  - b. The document contains a certificate or written approval from the City Council.
  - c. By indicating its approval on the document subdividing the property into less than four (4) lots, the City Council certifies that:
    - i. The Planning Commission has given its recommendation to the City Council;
    - ii. The subdivision is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for street or other public purposes; and
    - iii. If the subdivision is located in a zoned area, each lot in the subdivision meets the frontage, width and area requirements of the zoning ordinance



or has been granted a variance from those requirements by the Board of Adjustment.

- d. Documents recorded in the Sanpete County Recorder's Office that divide property by metes and bounds description do not create a subdivision allowed hereunder unless the certificate of written approval required by Subsection 1, above, is attached to the document.
- e. The absence of the certificate or written approval from the City Council does not affect the validity of the recorded document.
- f. A document which does not meet the requirements of this section may be corrected to comply with this section by recording an affidavit to which the required certificate or written approval is attached.
- g. For purposes of this section:
  - i. Document includes, but is not limited to, a deed or other written conveyance that transfers the property creating a simple lot or minor subdivision;
  - ii. Certificate or Written Approval means a stamp or other writing on or attached to the document indicating that the subdivision has been approved by the City Council.
- h. The certificate or written approval required herein will be in substantially the following format:

“The Moroni City Council hereby represents and acknowledges that the property described herein is part of a simple lot/minor subdivision, consisting of less than ten lots, and as such, negates the necessity of recording a subdivision plat. The Moroni City Council certifies that the Moroni City Planning Commission has given its recommendation to the City Council; that the subdivision is not traversed by the mapped lines of a proposed street as shown in the General Plan and does not require the dedication of any land for street or other public purposes; and that each lot in the subdivision meets the frontage, width and area requirement of the Moroni City Zoning Ordinance or has been granted a variance from those requirements by the Board of Adjustment.”

10-4B-4: Subdivisions (4 or more lots)

1. **Sketch Plan:** Any person or firm wishing to obtain approval to develop any tract of land is strongly encouraged to comply with the following procedure:

- a. Layout, Features: The sketch plan shall consist of a simple layout of existing and proposed streets, lots, major buildings (planned residential developments), utilities, drainage channels and other features including existing utilities, drainage and watercourses, including irrigation supply and waste ditches, in relation to the existing and planned streets within one-fourth (1/4) mile of the development. The plan may be a pencil sketch or may be made directly on an aerial photograph. The plan shall be prepared at a scale of not smaller than one inch to four hundred feet (1" = 400').
- b. Presentation to Planning Commission: After compiling the necessary data, the developer shall contact the City Recorder/Clerk and request permission to make a presentation to the Planning Commission concerning plans and objectives of the developer. The Planning Commission and the developer shall discuss the procedures, ordinance requirements and standards as they relate to the proposed development.

## **2. Approval by Planning Commission:**

- a. In no way shall the meeting with the Planning Commission be construed as to constitute approval of the development. The primary purpose of the sketch plan review process is to permit the petitioner to review with the Planning Commission the general concept of the proposed development and to receive informal feedback from the Planning Commissioners as to whether the development appears feasible, whether there appears to be obvious defects in the development scheme, and if the proposed development is in harmony with the General Plan and this Title. This meeting is intended to aid the developer in the preparation of the plans and documents before incurring potentially unnecessary expenses of detailed plat and plan preparation.
- b. At the conclusion of the sketch plan meeting with the Planning Commission, if it is determined that a zone change is necessary, an application for the zone change will be filed by the petitioner, together with the fee determined by resolution.
- c. Upon receiving approval for a zone change, the developer shall submit a preliminary plan application to the secretary the Planning Commission. Said preliminary plan application shall be attached to all maps, statements, documents and other information required in this Title, along with the submittal fee as required by resolution. (Ord. 2000-4-12, 4-12-2000)

### 3. Preliminary Plan

- a. Developer Submits Application for Preliminary Plan Review: The developer shall submit six (6) copies of the application with all maps, charts, statements, documents and other information required on the preliminary plan application to the City Recorder/Clerk, together with the required fee.
- b. Planning Commission Meeting; Consideration; Notice: Consideration of the preliminary plan shall not be placed on the Planning Commission agenda for a given meeting unless the application was submitted no fewer than fourteen (14) days prior to said regularly scheduled meeting. Coincident with placing consideration of the preliminary plan on the Planning Commission agenda, written notice of the proposed development shall be mailed to all property owners within three hundred feet (300') of the proposed development. The cost of mailing the notice, along with a reasonable administrative fee as established by motion or resolution of the City Council, shall be borne by the developer.
- c. Review, Action by Planning Commission: Following receipt of the City Council and/or the City Engineer's recommendations, the Planning Commission shall review with the developer the report submitted by the City Council and/or the City Engineer. The Commission shall either approve or disapprove the preliminary plan, documents and statements or refer them back to the developer for the following reasons:
  - i. The development has been found to be inconsistent with the City's General Plan; or
  - ii. The Planning Commission requires that certain specific changes be made to the plan in order to bring the plan into compliance with City standards; or
  - iii. The plans or documents and statements are incomplete; or
  - iv. Other reasons as indicated on preliminary plan application.
- d. City Council and/or City Engineer Review: At least seven (7) days prior to the Planning Commission meeting at which the preliminary plan will be considered, the City Council and/or the City Engineer shall review and return to the Planning Commission the preliminary plans accompanied by recommendations pertaining to corrections, additions and deletions necessary to bring the same into compliance with City standards.

e. Preliminary Plan Approval:

- i. **Planning Commission Approval:** Preliminary approval of plans and documents by the Planning Commission shall not constitute approval of the final plan but shall be deemed as an expression of tentative approval of the layout of the preliminary plan which the developer may use as a guide in preparing the final plan and documents. Final approval shall only be accorded by the City Council. Following approval of the preliminary plans by the Planning Commission, two (2) copies of the plans shall be submitted for review by the City Council.
- ii. **Action of City Council:** The City Council shall review the preliminary plan and shall approve or disapprove the preliminary plan or refer it back to the Planning Commission for further study. Before taking action on the plan, the City Council may, but shall not be required to, hold a public hearing. Said hearing shall be called by, making legal notice, in a newspaper having general circulation in the City, not more than thirty (30) nor less than fifteen (15) days prior to the date of the hearing and/or by posting in three (3) public places within the City. The legal notice shall contain the date, place and time of the hearing. Upon approval of the preliminary plan by the City Council, the developer shall be authorized to prepare and submit the final plan to the Planning Commission and City Council, which shall be in compliance with all procedures, requirements and standards relating to final approval.
- iii. **Limitation of Preliminary Plan Approval:** The preliminary plans and documents shall be valid for six (6) months from the date of action by the City Council. The said time period may be extended for an additional six (6) months upon approval by the Planning Commission and the City Council. Any such extension of time shall be requested in writing and submitted to the Planning Commission no less than thirty-one (31) days prior to the expiration of the preliminary approval period. No construction shall be permitted until final approval has been obtained. (Ord. 2000-4-12, 4-12-2000)

4. **Final Plat**

- a. Submittal: After receiving the preliminary plan approval or authorization to proceed (as applicable), the developer shall prepare and submit to the Planning Commission secretary:
  - i. Six (6) copies of the final plans.

- ii. Six (6) copies of the final plat.
  - iii. Three (3) copies of the final documents.
  - iv. Three (3) copies of an itemized estimate of the cost of constructing the required improvements.
- b. Fees Required: The final plat shall be accompanied by the engineering review fee, as provided by resolution by the City Council, plus the actual cost of recording the final plat and documents. In order for the development to be placed on the agenda, the application for the final approval with final plans, plat, documents and fees must be submitted to the Planning Commission secretary at least fourteen (14) days prior to the meeting at which the plans are to be considered.
- c. City Council and/or City Engineer Reviews Final Plat: Before the final plat is presented to the Planning Commission for consideration, the City Council and/or the City Engineer shall:
  - i. Review the final plans, plats, documents and cost estimate in detail to finally verify compliance with all of the provisions of City ordinances and standards and with the approved preliminary plans, plat and documents.
  - ii. Communicate with the developer regarding any changes that are required on the final plans, plat, documents and cost estimates to bring the same into compliance with all of the provisions of City codes and standards and with the preliminary plans, plat and documents.
- d. Planning Commission Approval of Final Plat: When the plans, plat, documents and cost estimates are complete and have been reviewed by the City Council and/or the City Engineer as required above, the Planning Commission shall approve the final plat after reviewing and ascertaining that:
  - i. The final plans conform to those given preliminary approval.
  - ii. The final plat and documents comply with the requirements and standards relating to the applicable zone.
  - iii. The estimates of cost of constructing the required improvements are realistic.
  - iv. Tax liabilities of the common space (wherever a planned residential development involves the reservation of common open space) have been determined.

- e. City Council Approval of Plat: Following approval by the Planning Commission of the final plans, plat, documents, cost estimates and tax liabilities of the common open space, where applicable, a copy of the same shall be submitted to the City Council by the Planning Commission for its final approval. A bond satisfactory in form to the City Attorney shall be submitted with the final plat, and the plat shall be approved as to legal form by the City Attorney. The City Council will review said plans, plat, documents and cost estimates and if found to be consistent with the approved preliminary plan, the City Council shall grant final approval of said plans, plats and documents; execute all documents, agreements and the final plat; and accept all public dedications. (Ord. 2000-4-1 2, 4-12-2000)
5. **Performance Guarantee**: Before final approval of a subdivision is given by the City Council, a bond conforming to the requirements set forth herein and, in this Chapter, shall be furnished to the City.
- a. Type of Bond: Every bond required or allowed by this Chapter shall be approved by the City Attorney as to form and shall be in the form of a cash escrow bond:
    - i. The value of the bond shall be one hundred percent (100%) of estimated cost of improvements plus a contingency factor of ten percent (10%) additional or reasonable addition for projected inflation, whichever is the greater.
    - ii. The bond shall be signed by the developer and a bank, savings and loan or Mortgage Company and shall commit the said parties to faithful performance, or in lieu thereof, payment to the City as set forth in the bond. There shall be a specific commitment not to release any of the said sums without specific approval of the City Council and/or the City Engineer. The City Attorney shall have discretion as to such other terms as may be required from time to time to adequately protect the City and assure final completion of all public improvements.
  - b. Duration and Terms: Every bond authorized by this Chapter shall have an express irrevocable term of two (2) years from the date of approval of the final plat of the subdivision to which it applies. Further, such bond shall contain language unconditionally guaranteeing the performance of the developer. A provision shall be provided for unconditional payment of the face amount of the bond within thirty (30) days from the City's declaration of default by the developer.
  - c. Default: Two (2) years after the completion of the required improvements, such improvements shall be inspected by the City Council and/or the City Engineer and if found to be in satisfactory condition, the City Engineer will certify the same to

the City Council. In the event the sub divider is in default or fails or neglects to satisfactorily install the required utilities and improvements within two (2) years from the date of approval of the final plat by the City Council, the City shall declare the bond forfeited and the City may install or cause the required improvements to be installed, using the proceeds of the bond to defray the expense thereof.

- d. Preliminary Report of Title: In pursuant of the normal subdivision process, final linen is required of a sub divider upon which signatures of numerous persons and agencies appear, and which is subsequently recorded under the authority of the City. Upon the said final linen, the owners of the property described thereon dedicate for the public use certain portions of the property such as streets, right of ways and the like, and to assure proper formality, a preliminary report of title shall be submitted for review by the City Attorney, City Council and/or the City Engineer. In addition, the following provisions shall be met by the sub divider:
    - i. No final linen shall be signed or executed in any manner by the City Council unless there shall have first been presented to the City Attorney, City Council and/or the City Engineer a preliminary title report from an authorized agent licensed to issue policies of title insurance in the State, which preliminary report shall describe the property included within the subdivision.
    - ii. The said preliminary report shall set forth with specificity each and every owner or interested party in and to the real property contained within the subdivision, according to the usual custom and practice where the preliminary report is made pursuant to the issuance of a policy of title insurance.
    - iii. The said preliminary report shall become the property of the City and shall be filed with the review papers of the subdivision. Upon tentative approval of the final plat by the City Council, the subdivider shall post a performance guarantee, acceptable to the City Council, with the Planning Administrator as required by this Chapter. (Ord. 2000-4-12, 4-12-2000)
6. **Final Acceptance**: Within two (2) years after final approval of plans by the City Council, all required improvements shall be completed by the developer and inspected by the City Engineer. The City Engineer shall then certify to the City Council that all requirements have been completed by the developer, at which time the City Council shall give final acceptance to the subdivision. Bond requirements continue for two (2) years after final acceptance. (Ord. 2000-4-12, 4-12-2000; amd. 2000 Code)

7. **Design and Documentation Requirements:** The layout and design of all subdivision and engineering plans and the content of all required documentation shall be in accordance with the minimum City standards and specifications which are provided for by this Title. (Ord. 2000-4-12, 4-12-2000)
8. **Improvement Requirements:** After the sub divider's final plan has been approved, he shall construct the required improvements under the direction of the City Council and/or the City Engineer as herein specified. The sub divider shall also submit a bond or certified check to the City guaranteeing the quality of the material and workmanship of the improvements. The amount of the bond shall be set by the City Council upon recommendation from the City Engineer, which recommendation shall be based upon one hundred ten percent (110%) of the estimated cost of the required improvements, plus reasonable addition for estimated inflation of costs for the next twenty four (24) months. Before final acceptance of any subdivision lying within the City shall be approved, the following improvements shall be constructed in accordance with City specifications and under the inspection of the City Council and/or the City Engineer:
- a. Permanent Markers: All subdivisions boundary corners, all points tangent and street intersections shall be definitely marked with metal monuments approved by the City Council and/or the City Engineer.
  - b. Streets: All streets shall be graded, graveled and hard-surfaced in accordance with City specifications. Traffic regulatory, safety and street identification signs shall be erected.
  - c. Curbs, Gutters and Sidewalks: In subdivisions in which one or more lots have frontage along a public street, curbs, gutters and sidewalks shall be installed on both sides of all streets (except on streets bonding the subdivision, curbs, gutters and sidewalks shall be required only on the subdivision side); however, required sidewalks may be waived by the City Council upon recommendation of the Planning Commission.
  - d. Water Lines and Fire Hydrants: In all subdivisions, a culinary water supply, water lines and fire hydrants shall be required as follows:
    - i. The sub divider shall have prior approval for connections to system or other source and shall make such water available to each lot within the subdivided area. Sizes of water mains shall be subject to the approval of the City Council and/or the City Engineer and shall be based upon fire protection requirements, but in no case shall they have a diameter of less than six inches (6"). Workmanship and details of construction shall be in



accordance with City specifications and with the State Board of Health requirements.

- ii. Fire hydrants shall be installed at intervals within the subdivision in such a manner that no lot will be a distance greater than five hundred feet (500') from the closest hydrant, measured along the streets.

- e. Sewers: Sewer connections, subdivision sewer systems and individual sewage facilities shall be installed in accordance with specifications set by the State Department of Health. Sub dividers shall make necessary provisions by installing sewer mains and laterals to the property line of each lot, in accordance with requirements established by the Planning Commission, City Council and/or the City Engineer, so that a minimum of roadway excavation will be required to connect said subdivision to a the City sewer system.
- f. Gas, Electricity, Telephone Services and any Other Utility: The sub divider shall make natural gas, electricity, telephone services and any other utility available to each lot in the subdivision area. These improvements shall be complete before the streets are hard-surfaced. Installation shall be approved by the utility company providing the service and the City Council. (Ord. 2000-4-12, 4-1 2-2000)

- 9. **Subdivision Costs and Charges:** Except as may otherwise be provided in this Chapter, all costs and charges for the development and planning of subdivisions shall be borne and paid by the sub divider and shall not be paid by the City. (Ord. 2000-4-12, 4-12-2000)

#### 10. **Standards and Specifications:**

- a. Compliance Required: All subdivisions in the City shall be subject to the design criteria as set forth by the Sanpete County Development Committee, hereby adopted for the use in the City by reference, or the Sanpete County General Plan. These standards shall be strictly followed in the design and construction of all improvements, including asphalt paving, curbs, gutters, sidewalks, utilities, storm drainage and any other improvements related to the development of a subdivision. All subdivision plats submitted to the Planning Commission for approval will be reviewed by the City Council and/or the City Engineer to determine compliance with these standards. The City Engineer, Building Official or other authorized personnel will inspect the installation of improvements to assure compliance to these standards during construction.
- b. Conflicting Provisions: If there are any conflicts or inconsistencies between the requirements as set forth in this Chapter, the General Plan and the standards set by

the Sanpete County Development Committee, whichever is more stringent shall prevail. (Ord. 2000-4-12, 4-1 2-2000)

**11. Street Design:** Street design must conform to chapters one and two of title seven (Public Ways and Property). Additional requirements are, but are not limited to, the following:

- a. Intersect Right Angles: Streets shall intersect each other as nearly at right angles as topography and other limiting factors of good design will permit.
- b. Service from Dedicated Public Street: Every subdivided property shall be served from a dedicated public street.
- c. Center Line Radius: On arterial and collector streets, the center line radius and curvature shall not be less than five hundred feet (500’).
- d. Dead-End Streets: Streets shall not be designed to have one end permanently closed.
- e. Street Numbers: Proposed streets shall bear a number (#), not a name, and any existing street to which it is in obvious alignment must have the same number (#).
- f. Block Length: Blocks shall not be less than four hundred ninety-five feet (495’) in length.
- g. Sidewalks, Curb and Gutter: Sidewalks, curb and gutter are required on all subdivision lots developed after the passage date hereof.
- h. Surfacing: Streets shall be hard-surfaced from curb to curb. (Ord. 2000-4-12, 4-1 2-2000)

**12. Lots:**

- a. Side Lot Lines: Insofar as practical, side lot lines shall be at right angles to street lines. Each lot shall front on a public street or road that is on the State highway system or that is dedicated to the City.
- b. Lot Sizes: Residential lots shall conform to the zoning as established in this Title and the adopted Zoning Map.
- c. Lot Abutting Two Parallel Streets: Lots which abut on two (2) parallel streets shall be avoided, except when one Street is an arterial street, the lots may have the rear yard abutting, without access, on the arterial street.

- d. Actual Measurements: Lot size measurements will be considered as actual measurements. It is not intended that all lot sizes in an area be of identical size. Lot size denotes the minimum allowable under the zoning ordinances. (Ord. 2000-4-12, 4-12-2000)

### 13. Public Use and Service Areas

- a. Easements: The Planning Commission may require easements not exceeding ten feet (10') in width for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains or other utility lines along the rear lot lines and alongside lot lines.
- b. Ditches, Canals: No irrigation ditches, canals or other waterways shall be located within a dedicated public street except to cross such Street in a location approved by the City Engineer and/or the City Council.
- c. Dedicated Streets: All streets within the subdivision must be dedicated to the City.
- d. Fencing and Protection of Water Areas: All canals and major ditches shall be fenced on both sides for public safety, health and welfare with a six-foot (6') chain link fence as specified by the City Engineer and/or the City Council. All irrigation ditches running contiguous or within a property or subdivision shall be piped and covered. Pipe size and quality shall be determined by the City Engineer and/or the City Council in consultation with serving Irrigation Company. Developers of any parcel of land must give due consideration in their development plan to the location of any existing legally established irrigation supply or wastewater ditch, either company or private owned, and provide for the continued supply of irrigation water to downstream users and disposal of wastewater. Written approval by irrigation companies of alterations to irrigation systems within proposed developments shall be submitted by developers to the City Engineer and/or the City Council prior to recording the final plat.
- e. Dedication of Open Space: Dedication of all parks, school grounds and other public open space within the subdivision will be required in accordance with the General Plan. Where this Plan calls for larger amount of public open space than the subdivider's fair amount, as established by the Planning Commission, the additional land is to be reserved for acquisition by a public body, provided such acquisition is made within one year from the date of final approval. It will be the responsibility of the City Council to determine appropriate legislation in relation to this subsection. (Ord. 2000-4-12, 4-12-2000)

**14. Suitability of Land:** No land shall be subdivided for residential use which is held by the Planning Commission to be unsuitable for such use by reason of flooding or bad drainage, or any feature likely to be harmful to the health, safety or welfare of the future residents in the proposed subdivision or of the community unless and until such land is rendered suitable for residential use. (Ord. 2000-4-12, 4-12-2000)

**15. Access to Lots:** Access to each and every lot shall be provided by a public street that has been dedicated to the City. The Street layout for any proposed development must give due consideration to the future development of adjacent parcels of ground. Reasonable access to adjacent properties must be provided. No parcel of ground may be landlocked as a result of the development of any other parcel of ground. (Ord. 2000-4-1 2, 4-1 2-2000)

**16. Processing Fees:** The following provisions and standard fees shall be required and collected with respect to new subdivisions:

- a. Sketch Plan Fee: A sketch plan fee shall be paid prior to submission of the said sketch plan to the Planning Commission.
- b. Subdivision Plat Submittal Fee: For the preliminary plat presented to the Planning Commission for consideration, with respect to each subdivision, there shall be a fee paid in the amount set forth in the City resolution for fees and charges. The said fees shall provide for the following services:
  - i. Review and verification of meets and bounds, conformity of lots to zoning code and planning standards.
  - ii. Planning review of layout and site planning placement of parks and common area, if any, and verification of conformance of subdivision with planning policy of the City, including General Plan conformity.
  - iii. Legal review of plat, bonding instrument, dedication of public area, preliminary title report and conformity to ordinance.
  - iv. Written notice of preliminary review of the proposed development to owners of properties located within three hundred feet (300') of the proposed development.
- c. Engineering Review Fees: Engineering review fees shall be collected for each lot shown upon the preliminary plan approved by the Planning Commission in such amount as set forth in the City resolution of fees and charges. The fees collected pursuant to this subsection shall pay for the following regulatory services:

- i. Flood control, topographical and drainage review.
  - ii. Traffic review (pattern and scope).
  - iii. Review of public improvements design as to adequacy and placement.
  - iv. Review of capital impact of subdivision, including revenue projection and estimated costs of services.
  - v. Calculations and verification of public improvement bond estimates and final amount.
- d. Zone Change and Annexation Fees: Each application for a zone change for any parcel of land regardless of size shall be accompanied by a fee to pay for legal notices and preliminary staff review of request. Annexation fees shall be based on a flat fee, plus a fee per acre of area annexed, plus fee for preparing impact statement. These fees are as established by the City resolution of fees and charges.
- e. Payment of Fees. The fees set forth and required by this Section shall be paid as follows:
- i. Subsection A fees; prior to submission of the sketch plan to the Planning Commission.
  - ii. Subsection B fees; prior to submission of the preliminary plat to the Planning Commission.
  - iii. Subsection C fees; prior to submission of the final plat to the Planning Commission secretary immediately prior to consideration of the same by the City Engineer and/or the City Council.
  - iv. Subsection D fees; concurrent with the filing of the petition.
- f. Refunds; Modifications: Fees once paid are not to be refunded. The fees herein charged may be modified from time to time hereafter by resolution of the City Council. (Ord. 2000-4-1 2, 4-12-2000)

17. **Drawings Required:** Plans showing the locations, size, grade and depth of all water and sewer mains, water and sewer laterals, valves, manholes and other subsurface utility and service lines and facilities shall be submitted to the City by the sub divider prior to the release of any performance guarantees. The location of required survey monuments shall

be approved by the City Council and/or the City Engineer, at the request of the sub divider to the City Council, before the release of any performance guarantees. (Ord. 2000-4-1 2, 4-12-2000)

18. **Variances:** Where the sub divider can show that a provision of these general requirements and minimum standards of design would cause unnecessary hardship if strictly adhered to and where, because of topographical or other conditions peculiar to the site, in the opinion of the Planning Commission, a departure may be made without destroying the intent of the provisions, the Planning Commission may recommend to the Board of Adjustment that it authorize a variance. Any variance so authorized shall be stated on the final plat and the reasons for such departure shall be entered in writing in the minutes of the Board of Adjustment. (Ord. 2000-4-12, 4-1 2-2000)
19. **Park Fees and Park Development:** The City Council is responsible for the establishment and adjustment of park fees. These fees are to be used for the procurement, development and maintenance of parks in the community. One-half (1/2) of the fees are to be collected at the time of final plat and one-half (1/2) at the time of issuance of a building permit. The City Council may accept property as outlined in Section 10-14-21 of this Chapter in lieu of payment of fees. (Ord. 2000-4-12, 4-12-2000)
20. **Donation, Gifting or Procurement of Land for Parks:** A developer or a landowner may propose a park incorporated into his development plat for purposes of donation or gifting, or for future sale to the City. It will be the option of the City Council to determine the need and feasibility for such a design. When a park or recreational facility has been designated in the City's General Plan and is to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the neighborhood within which the sub division is located, the sub divider or developer may donate, gift or sell land for a local park sufficient in size and topography to serve the residents of the neighborhood within which the subdivision is located. Donated, gifted or sold land for parks will not be in the computation of the lots allowable in their development. Such donation, gifts or procurement are at the option and discretion of the City Council and they may place conditions to the acceptance of such property. It is the intent of this Section to encourage incentives and cooperation with developers in the implementation of the City's General Plan as it relates to parks and recreation properties. It will be the responsibility of the City Council to establish criteria for park development. (Ord. 2000-4-1 2, 4-12-2000)
21. **Administrative Responsibilities:** All administrative officials of the City shall refrain from issuing building permits or from opening, accepting, grading or paving a street or authorizing the laying of sewers and water mains, making connections from the mains to such lines in a street which has: a) not received the status of a public street; or b) does not correspond with a street on a subdivision plat tentatively approved by the Planning

Commission; or c) having been submitted to the Planning Commission and disapproved by it, has not been accepted by the City Council by a favorable vote of not less than a majority of their membership. (Ord. 2000-4-12, 4-12-2000)

## **22. Enforcement, Penalty**

- a. It shall be unlawful to record any plan or plat of a subdivision in the office of the County Recorder unless the same shall bear thereon the approval of the City Council and the Planning Commission. Whoever, being the owner or agent of the owner of any land located within a subdivision in the incorporated area of the City, transfers or sells any land in such subdivision before the plan thereof has been approved by the City Council and the Planning Commission and recorded in the office of the County Recorder, or parcel within the outermost bounds of a recorded subdivision which does not conform to the approved and recorded lot lines of the plat without first following the procedure of amending the subdivision plat as required by State law (Utah Code Annotated section 10-9-808), shall be guilty of a Class C misdemeanor for each lot or parcel of land transferred or sold, subject to penalty, as provided in Section 1-4-1 of this Code. The description of lots or parcels of land by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from the penalties in Utah Code Annotated section 10-9-1003, or from the remedies herein provided; except that in subdivisions of less than ten (10) lots, land may be sold by metes and bounds without the necessity of recording a plat if all of the following conditions are met: (Ord. 2000-4-1 2, 4-12-2000; amd. 2000 Code)
- b. The subdivision layout or preliminary plan shall have first been approved in writing by the Planning Commission.
- c. The subdivision is not traversed by the mapped lines of a proposed street as shown on road plans as approved by the City Council and does not require the dedication of any land for street or other public purposes.
- d. If each lot in the subdivision complies with the frontage, width and area requirements of these subdivision regulations.
- e. The City may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover said penalty by civil action in any court of competent jurisdiction.
- f. Each person, persons, firm or corporation found guilty of violation shall be deemed guilty of a separate offense for every day during which any violation of

any provision of this Chapter is committed, continued or permitted by such person, persons, firm or corporation and shall be punished as provided in this Chapter. (Ord. 2000-4-12, 4-12-2000)

**23. Type and Amount of Guarantee:** The performance guarantee shall be one of the following, at the discretion of the City Council:

- a. Cash Deposit: A deposit of cash in a separate escrow account in an amount not less than one hundred ten percent (110%) of the estimated cost of constructing the required improvement or improvements, as determined by the City. Said account shall be made with a financial institution acceptable to the City Council and shall be established in such a manner that any release there from shall require the advance written consent of the City. All interest earned from the account shall be the property of the sub divider.
- b. Performance Bond: A performance bond in an amount not less than one hundred ten percent (110%) of the estimated cost of constructing the required improvement or improvements as determined by the City with such sureties as are acceptable to the City Council. (Ord. 2000-4-12, 4-12-2000)

**24. Final Disposition and Release:** The sub divider, or other person giving the performance guarantee provided for by this Chapter, shall be responsible for all materials and workmanship of the improvement At the completion of the work, or not less than ten (10) days prior to the release date of the bond or other assurance, the person giving the guarantee shall submit to the City Engineer one copy of the drawings of record of the improvement and a certificate of completion. The City Engineer shall then make an inspection of the improvements and shall submit a report to the Mayor and City Council setting forth the condition thereof. If the condition of said improvements is found to be satisfactory and all liens are paid, the Mayor and City Council shall issue a final approval of the improvements. If the condition of material or workmanship shows unusual depreciation or does not comply with the acceptable standards of durability, or if the outstanding liens are not paid, the matter shall be referred to the City Council; and in accordance with Section 10-14-28 of this Chapter, the City Council may declare the person giving the guarantee in default. (Ord. 2000-4-12, 4-12-2000; amd. 2000 Code)

**25. Partial Release Permitted:** The City Council may, upon recommendation of the City Engineer and application of the person giving the guarantee, authorize from time to time a partial release of the performance guarantee in accordance with the following schedule:

Percent of Work Complete	Maximum Percentage Guarantee Of Performance Eligible For Release (Percent Of Total Bond)
50%	40%



75%	60%
100% and a satisfactory final inspection	80%
(Ord. 2000-4-12, 4-12-2000)	

## **26. Duration of Guarantee; Durability Retaining**

- a. Duration: The duration of the performance guarantee covering the construction of the required improvements shall be for a period of two (2) years, unless a different time period is prescribed by a particular section of this Title which requires such guarantee to be posted. The time period shall begin on the date of final approval of the guarantee by the City Council.
- b. Retaining: A retaining of not less than twenty percent (20%) of the total amount of the guarantee shall be retained by the City for a period of not less than two (2) years following the date of final acceptance of the improvements by the City. Such retaining shall be a guarantee of the durability of all improvements. If after the two (2) year period the durability of said improvements is found to be satisfactory, the City Council shall authorize release of said retaining. If, however, after said period the condition or material or workmanship of the improvement or improvements fails or shows unusual depreciation, or if it becomes evident that certain work was not completed, or that said improvements do not otherwise comply with accepted standards of durability, said condition shall be corrected by the person giving the performance guarantee. If the corrections are not made within a reasonable time, the City Council may, in accordance with Section 10-14-28 of this Chapter, declare such person in default and use the retaining to defray the cost of any required work. (Ord. 2000-4-12, 4-12-2000)

## **27. Default**

- a. When the City Council shall determine that the person posting the performance guarantee has failed or neglected to satisfactorily install the required improvements or make required corrections, or to pay all liens in connection with said improvements, the City Council may, after a public hearing on the matter, declare the performance guarantee, or any unreleased portion thereof, forfeited and thereafter may install or cause the required improvements to be installed or repaired using the proceeds of the guarantee to defray the expense thereof.
- b. In the event that the unreleased portion of the guarantee is not sufficient to pay all the cost and expense of such installation or repair, the City may maintain an action against the person giving the guarantee for the excess. (Ord. 2000-4-12, 4-12-2000)

## **Residential Zoning**

### **Article C. Planned Unit Development (PUD)**

#### **Section**

- Purpose and Intent 10-4C-1
- Use Regulations 10-4C-2
- Area Regulations 10-4C-3
- General Requirements 10-4C-4
- Submission of Application 10-4C-5
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- Building Permit Issuance 10-4C-9
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#### **10-4C-1: Purpose and Intent**

1. The Planned Unit Development Overlay Zone (PUD) is established to allow for diversification in the relationship of various uses and structures, to permit more flexibility and to encourage new and imaginative concepts in the design of neighborhood and housing projects. To this end, the development should be planned as one complex land use rather than an aggregation of individual unrelated buildings located on separate unrelated lots.
2. Substantial compliance with zone regulations and other provisions of this Title in requiring adequate standards related to the public health, safety and general welfare shall be observed, without unduly inhibiting the advantages of large site planning for residential and related purposes. (Ord. 2000 4-12-2000)

#### **10-4C-2: Use Regulations**

1. **Zone Permitted:** A PUD shall be permitted in the R Zone, and notwithstanding any other provisions as hereinafter set forth, shall be applicable if any conflict exists.

2. **Development Plan:** An overall development plan for a PUD showing building types, locations, sizes, height, number of residential units, access roads, open spaces, parking and landscaping may be approved by the Planning Commission and City Council, and building permits issued in accordance with such plan, even though the residential uses, housing types and the location of the building proposed differ from the residential uses, housing types and regulations governing such uses in; provided, that the provisions of this Article are complied with.
3. **Accessory Uses:** Accessory nonresidential uses may be included in the development to provide a necessary service to the residents of the development as determined by the Planning Commission. (Ord.2000-4-12, 4-1 2-2000)

10-4C-3: Area Regulations

1. **Minimum Area:** The minimum area for a PUD shall be ten (10) acres.
2. **Density:** The basic number of dwelling units in a PUD shall be the same as the number permitted by the lot area requirements of the R Zone. Land used for schools, churches, other nonresidential service-type buildings, for streets and exclusively for access to the usable area of a PUD, shall not be included in the area for determining the number of allowable dwelling units.
3. **Increase In Density:** The basic number of dwelling units in a PUD may be increased by up to ten percent (10%) if the Planning Commission in its judgment determines that the concept, site layout and design, the, residential groupings and the aesthetic and landscaping proposals, will provide a superior residential development to that which would result through the normal land subdivision process.
4. **Applicability:** All proposed residential developments, with the exception of normal land subdivision, that is equal to or in excess of the minimum area requirements for a PUD as set forth in this Section shall comply with the provisions of this Article and be developed as a PUD. Land to be developed as a normal subdivision will be subject to the provisions of Chapter 14 of this Title. (Ord.2000-4-12, 4-1 2-2000)

10-4C-4: General Requirements

1. **Ownership:** The development shall be in a single or corporate ownership or the application filed jointly by the owners of the property.
2. **Adjacent Property not Adversely Affected:** The property adjacent to the PUD shall not be adversely affected. The Planning Commission may require in the absence of appropriate physical boundaries the use of walls of the least intensity or greatest compatibility be arranged around the boundaries of the project. Yard and height requirements of the adjacent zone shall apply on the periphery of the project.

3. **Site Development Standards; Signs:** Site development standards and sign regulations shall be determined by approval of the site development plan.
4. **Open Space:** The City Council, upon recommendation of the Planning Commission, shall require the preservation, maintenance and ownership of open space utilizing, at the City's option, one of the following methods:
  - a. Dedication of the land as a public park; or
  - b. Granting to the City a permanent open space easement on and over the said private open spaces to guarantee that the open space remains perpetually in recreation use, with ownership and maintenance being the responsibility of a homeowners' association established with articles of association and bylaws which are satisfactory to the City; or
  - c. Complying with the provisions of the Condominium Ownership Act of 1963, Utah Code Annotated title 57, chapter 8, as amended, which provides for the payment of common expenses for the upkeep of common areas and facilities. Recreation uses and facilities may be developed within the common opens space areas in compliance with a recreation and landscaping plan approved as part of the approved final development plan of the PUD.

If the method prescribed in subsection D2 or. D3 of this Section is utilized to maintain the open spaces, but the organization established fails to maintain the open spaces in reasonable order and condition, the City may, at its option, do or contract to have done the required maintenance and shall assess ratably the open space and individually owned properties within the PUD. Such assessment shall be a lien against the property and shall be filed with the Sanpete County Recorder, or the City may bring suit to collect the maintenance fees, together with a reasonable attorney fee and cost.

5. **Bond Required:** The developer shall be required to provide a bond, as determined by the Planning Commission, to the City guaranteeing the completion of the development of the open space, or a phase thereof. When completed in accordance with the approved plan, the bond shall be released. If uncompleted at the end of two (2) years, the City will review the progress and may proceed to use the bond funds to make the improvements to the open space.
6. **Access Roads Creating Corner Lots:** Where access roads create corner lots of adjoining parcels of land, the location of the paved area of the access road shall be located so as to maintain the minimum corner lot side yard requirements of the zone in which the corner lot is located, plus an additional ten foot (10') planting and walking area.

7. **Division Boundaries:** If the PUD is to be subsequently divided either as a “subdivision” or into a phase development parcel of separately owned and operated units, such division boundaries shall be indicated in the development plan and preliminary subdivision approval concurrently obtained in the case of a “subdivision”.
8. **Subdivision Regulations; Applicability:** Chapter 14 of this Title, as it now or hereafter may exist, applies to all development.
9. **Adaptability of Area:** The area shall be adaptable to a unit-type development and shall not contain within or through it any ownership or physical barrier which would tend to impair the unit cohesiveness.
10. **Changes, Alterations:** Once the overall development plan showing details of buildings, structures, and uses has been approved by the City Council after recommendation of the Planning Commission, no changes or alterations to such development plans or uses shall be made without first obtaining approval of the Planning Commission.

Major revisions require City Council approval. (Ord. 2000-4-12, 4-12-2000)

10-4C-5: Submission of Application

An application for a PUD shall be submitted to the Planning Commission and shall be accompanied by an overall development plan showing uses, dimensions and locations or proposed structures, areas reserved for public uses such as schools, playgrounds, landscaping, recreational facilities and open spaces, areas reserved and proposals for accommodating the design and character of the proposed development. Such other information shall be included as may be necessary to determine that the contemplated arrangement of uses make it desirable to apply regulations and requirements differing from those ordinarily applicable under this Title. Revisions to the plan shall be reviewed and approved by the Planning Commission, with City Council approval on major revisions required. (Ord.2000-4-12, 4-12-2000)

10-4C-6: Planning Commission Consideration

In considering the proposed PUD, the Planning Commission shall consider:

1. **Design:** The design of buildings and their relationship on the site and their relationship to development beyond the boundaries of the development.
2. **Streets; Traffic; Parking:** Which streets shall be public, and which shall be private; the entrances and exits to the development and the provisions for internal and external traffic circulation and off-street parking.
3. **Landscaping:** The landscaping and screening as related to the several uses within the development and as a means of its integration into its surroundings.

4. **Signs:** The size, location, design and nature of signs.
5. **Density:** The residential density of the proposed development and its distribution as compared with the residential density of the surrounding lands, either existing or as indicated on the Zoning Map or General Plan proposals of the City as being a desirable future residential density.
6. **Ability of Proponents to Carry Out Project:** The demonstrated ability of the proponents of the PUD to financially carry out the proposed project under total or phase development proposals within the time established. (Ord. 2000-4-12, 4-12-2000)

10-4C-7: Planning Commission Action

The Planning Commission, subject to the requirements of this Article, may recommend approval or denial or approval with conditions, of the proposed PUD to the City Council. (Ord. 2000-4-12, 4-12-2000)

10-4C-8: City Council Action

The City Council, after holding a public hearing thereon, may approve or disapprove the application for a PUD. In approving an application, the City Council may attach such conditions, including a limitation of time during which the permit remains valid, as it may be deemed necessary to secure the purpose of this Article. Approval of the City Council, together with any conditions imposed, constitutes approval of the proposed development as a “permitted use”.(Ord. 2000-4-12, 4-12-2000)

10-4C-9: Building Permit Issuance

The Building Official shall not issue a building permit for the proposed building or use within the project unless such building or use is in accordance with approved development plan and any condition imposed. Approved development plans shall be filed with the Planning Commission, Building Official and City Clerk/Recorder. (Ord. 2000-4-12, 4-12-2000)

10-4C-10: Time Limit

Unless there is substantial action leading toward completion of a PUD or an approved phase thereof within a period of eighteen (18) months from the date of approval, as determined by the City Council, such approval shall expire unless an application for extension is requested and approved. (Ord. 2000-4-12, 4-12-2000)

## Commercial Zoning

### Section

- Purpose and Objectives 10-5-1
- Permitted and Conditional Uses 10-5-2
- Lot Area 10-5-3
- Lot Width 10-5-4
- Lot Frontage 10-5-5
- Prior Created Lots 10-5-6
- Yard Requirements 10-5-7
- Projections into Yards 10-5-8
- Building Height 10-5-9
- Distance between Buildings 10-5-10
- Permissible Lot Coverage 10-5-11
- Park, Loading and Access 10-5-12
- Site Plan Approval 10-5-13
- Other Requirements 10-5-14

### 10-5-1: Purpose and Objectives

1. The Commercial Zone (C) is established to provide a district primarily for the accommodation of retail commercial and service uses to serve the needs of the citizens of the City.
2. The C Zone is applied to the existing commercial area which has a variety of characteristics. The provisions contained herein should be used to encourage greater integrity and aesthetic improvement as the area is redeveloped and improved. Integrated and coordinated landscaping, parking, ingress and egress, signing and building design

should be encouraged and coordinated through the Planning Commission. New construction should be in harmony with the character of the surrounding structures. (Ord. 2000-4-12, 4-12-2000)

**10-5-2: Permitted and Conditional Uses**

The following uses or categories, including but not limited to, are permitted in the C Zone:

1. **Permitted Principal Uses:** The following principal uses and structures, are permitted in the C Zone:

- Apartment or multiple-family dwelling (maximum 4 units per structure).
- Bank or financial institution.
- Barber shop or Beauty culture school, beauty shop
- Bowling alley
- Clinics, medical or dental
- Employment agency
- Hotel
- Restaurant
- Automobile, new or used, sales and service. Automobile parts sales. Automobile repair,
- Bakery manufacture.
- Boarding or lodging house.
- Car wash
- Clothing and accessory store.
- Hardware store
- Insurance agency
- Pawnshop

2. **Permitted Accessory Uses:** Accessory uses and structures are permitted in the C Zone, provided they are incidental to, and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

- a. Accessory buildings such as garages, carports, equipment storage buildings and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in C Zone.
- b. Storage of materials used for construction of buildings, including the contractor's temporary office; provided, that such use be located on the building site or immediately adjacent thereto; and provided further, that such use shall be permitted only during the construction period and thirty (30) days thereafter.

3. **Conditional Uses:** The following, including but not limited to, uses and structures are permitted on the C Zone only after a conditional use permit has been issued by the Planning Commission, and subject to the terms and conditions thereof:



- Amusement enterprises
- Circus, carnival or other transient amusement
- Liquor store
- Miniature golf
- Parking lot or garage for passenger automobiles
- Rest home
- Animal hospital, small animals only and provided it is conducted within completely enclosed buildings
- Dance hall
- Lumber yard
- Nightclub or social club.
- Public utilities substation
- Theater, outdoor

(Ord. 2000-4-12, 4-12-2000)

#### 10-5-3: Lot Area

There shall be no minimum lot area requirements in the C Zone, except as may be dictated by off-street parking requirements, adequate circulation and proper site utilization, and provisions of the Uniform Building Code. (Ord. 2000-4-12, 4-12-2000)

#### 10-5-4: Lot Width

There shall be no lot width requirement, except as required by the Uniform Building Code. (Ord. 2000-4-12, 4-12-2000)

#### 10-5-5: Lot Frontage

Each lot or parcel of land in the C Zone shall have frontage on a public Street for a minimum distance of thirty-five feet (35'). (Ord. 2000-4-12, 4-12-2000)

#### 10-5-6: Prior Created Lots

Lots or parcels of land which were created prior to the application of this Zone shall not be denied a building permit solely for reasons of nonconformance to the parcel requirements of this Title. (Ord. 2000-4-12, 4-12-2000)

#### 10-5-7: Yard Requirements

The following minimum yard requirements shall apply in the C Zone:

1. **Front Yard:** Each lot or parcel of land in the C Zone shall have a front yard of not less than five feet (5'), except that in areas developed prior to the establishment of this Zone, the front yard shall be equal to the average of existing front yards on all parcels of property along the block face in which a building or structure is to be located.
2. **Side Yard:** Except as provided in subsections C, D and E of this Section, each lot or parcel of land in the C Zone shall have a side yard of at least ten feet (10') when located adjacent to a residential zone.

3. **Side Yard; Corner Lot:** On corner lots, the side yard contiguous with the Street shall be not less than five feet (5') in width and shall not be used for vehicular parking. Said area shall be appropriately landscaped except those portions devoted to access and driveway use.
4. **Side Yard; Driveway:** When used for access to any garage, carport or parking area having less than five (5) parking spaces, a side yard shall be wide enough to accommodate an unobstructed twelve foot (12') paved driveway. When used for access to a garage, carport or parking area having six (6) or more parking spaces, a side yard shall be wide enough to provide an unobstructed twelve foot (12') paved driveway for one-way traffic, or a sixteen foot (16') paved driveway for two-way traffic.
5. **Side Yard; Accessory Building:** An accessory building may be located on a side property line if, and only if, all of the following conditions are met:
  - a. An accessory building has no openings on the side which is contiguous to the property line, and the wall of said building adjacent to the property line has a four (4) hour fire resistant rating.
  - b. The accessory building has facilities for the discharge of all roof drainage onto the lot or parcel on which it is erected.
6. **Rear Yard:** There shall be no rear yard requirements except as may be dictated by provision of the Uniform Building Code.
7. **Rear yard; Accessory Building:** There shall be no requirements except as may be dictated by provision of the Uniform Building Code. (Ord. 2000-4-1 2, 4-12-2000)

10-5-8: Projections into Yards

1. **Permitted:** The following structures may be erected on or project into any required yard, except into a required driveway:
  - a. Fences and walls in conformance with City codes and ordinances.
  - b. Landscaping elements, including trees, shrubs and other plants.
  - c. Necessary appurtenances for utility service.
2. **Conditional:** The structures listed below may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two feet (2'), except that required driveways shall remain unobstructed from the ground upward:

- a. Cornices, eaves, belt courses, sills, buttresses or other similar architectural features.
- b. Stairways, balconies, door stoops, fire escapes and awnings.
- c. Planter boxes or masonry planters not exceeding twenty-four inches (24") in height.
- d. Carports and loading docks in a side yard or rear yard; provided that such a structure is not more than one story in height and is entirely open on at least three (3) sides, except for necessary supporting columns and customary architectural features. (Ord.2000-4-12, 4-12-2000)

10-5-9: Building Height

In the C Zone, the height of every building or structure hereinafter designed, erected or structurally altered or enlarged shall be regulated by conformance to the requirements of the most recent edition of the Uniform Building Code as adopted by action of the City Council. (Ord. 2000-4-12, 4-12-2000)

10-5-10: Distance Between Buildings

No requirements, except as required by the Uniform Building Code. (Ord. 2000-4-12, 4-12-2000)

10-5-11: Permissible Lot Coverage

No requirements, except as may be dictated by yard requirements, landscaping requirements and compliance with off-street parking provisions. (Ord.2000-4-12, 4-12-2000)

10-5-12: Parking, Loading and Access

Each lot or parcel in the C Zone shall have, on the same lot or parcel, automobile parking sufficient to meet the requirements as set forth in Chapter 12 of this Title. All parking spaces shall be paved with asphaltic cement or concrete and shall be provided with adequate drainage which shall not run across a public sidewalk. Parking spaces shall not be provided within a required front yard or side yard adjacent to a public street. (Ord. 2000-4-12, 4-12-2000)

10-5-13: Site Plan Approval

Prior to the construction of any building in the C Zone, a site plan shall be submitted to and be approved by the Planning Commission. Said site plan shall be drawn to scale and shall contain the following information:

1. **Building, Structure Location:** The location of all existing and proposed buildings and structures on the site, with full dimensions showing distances between buildings and distances from buildings to adjacent property lines.

2. **Parking Space Location:** The location of all parking spaces, driveways, loading and dock areas, and points of vehicular ingress and egress.
3. **Landscaping:** A landscaping plan showing the location, types and initial sizes of all planting materials to be used, together with the location of fences, walls, hedges and decorative materials.
4. **Elevations:** Preliminary elevations of all main buildings showing the general appearance and types of external materials. (Ord.2000-4-12, 4-1 2-2000)

10-5-14: Other Requirements

1. **Signs:** All signs erected in the C Zone shall be in conformance with the sign provisions of this Title.
2. **Uses within Buildings:** All uses established in the C Zone shall be conducted entirely within a fully enclosed building, except those uses deemed by the Planning Commission to be customarily and appropriately conducted in the open. Such uses may include, but would not be limited to, service stations, ice skating, miniature golf, plant nurseries, etc.
3. **Landscaping:** Parking areas shall be landscaped where possible around the periphery and at the ends of parking rows in accordance with the landscaping plan approved by the Planning Commission.
4. **Trash Storage:** No trash used materials or wrecked or abandoned vehicles or equipment shall be stored in an open area. Containers for storage of trash of a size, type and quantity approved by the City shall be maintained in a location approved by the Planning Commission in conjunction with approval of the development plan.
5. **Walls and Fences:**
  - a. No wall, fence or opaque hedge or screening material higher than thirty-six inches (36") shall be maintained within a required front yard in a C Zone.
  - b. A decorative wall or fence at least six feet (6') in height shall be erected along all property lines which lie adjacent to a residential zone, (Ord. 2000-4-12, 4-12-2000)

## **Manufacturing Zoning**

### Section

- Purpose and Objectives 10-6-1
- Permitted and Conditional Uses 10-6-2
- Lot Area 10-6-3
- Lot Width 10-6-4
- Lot Frontage 10-6-5
- Prior Created Lots 10-6-6
- Area of Zone 10-6-7
- Yard Requirements 10-6-8
- Projections into Yards 10-6-9
- Building Height 10-6-10
- Distance between Buildings 10-6-11
- Permissible Lot Coverage 10-6-12
- Parking, Loading and Access 10-6-13
- Site Plan Approval 10-6-14
- Other Requirements 10-6-15

### 10-6-1: Purpose and Objectives

1. The Manufacturing Zone (M) is established to provide areas in the City where light manufacturing firms can engage in processing, assembling, manufacturing, warehousing and storage; and for incidental service facilities and public facilities to serve the manufacturing area. The Zone is intended to encourage sound development, subject to regulations necessary to assure the orderly growth of the City and the protection of residential and commercial land uses from noise and other disturbances.

2. This Zone is to be characterized by relatively flat, open land suited for industrial uses because of proximity to major transportation routes and the availability of utilities necessary for successful manufacturing or processes. The area in which this Zone will be applied may provide for land reserves for industrial and manufacturing uses.
3. Representative of the uses within the Zone are light manufacturing, fabrication, processing, storage warehousing and wholesale distribution. Uses which generate excessive noise, vibration, smoke, odor, dust, fumes or danger of explosion have been excluded from this Zone.
4. The basic objectives of the M Zone are:
  - a. To provide space for light manufacturing and processing uses within the City in an appropriate location and to discourage uses from locating within this Zone which will tend to deteriorate the light manufacturing environment and thwart the use of the land for light industrial purposes.
  - b. To broaden the tax base and improve the economic base of the community.
  - c. To promote new industry, to the end that the economic and social well-being of the City and its inhabitants shall be enhanced.
  - d. To discourage the undesirable mixture of incompatible commercial, industrial and residential uses. (Ord. 2000-4-12, 4-12-2000)

10-6-2: Permitted and Conditional Uses

The following uses or categories, including but not limited to, are permitted in the Manufacturing Zone (M):

1. **Permitted Principal Uses:** The following principal uses and structures, are permitted in the M Zone:
 

• Carpenter, cabinet shop	• Garage, public
• Laboratory	• Machine shop
• Manufacture/maintenance	• Motor vehicles shop/business
• Office, business and/or professional	• Parking lot
• Veterinary	• Warehouse and storage
• Wholesale business	
2. **Permitted Accessory Uses:** Accessory and uses and structures are permitted in the M Zone, provided they are incidental to and do not substantially alter the character of the

permitted principal uses or structures. Such permitted accessory uses, and structures include, but are not limited to, the following:

- a. Accessory buildings such as garages, carports, equipment storage buildings and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in the M Zone.
  - b. Temporary storage of materials used for the construction of a building, including a contractor's office; provided, that such use be located on the building site or immediately adjacent thereto; and provided further, that such use shall be permitted only during the construction period and thirty (30) days thereafter.
3. **Conditional Uses:** The following, including but not limited to, uses and structures are permitted in the M Zone only after a conditional use permit has been issued by the Planning Commission, and subject to the terms and conditions thereof:
- |  |  |
|--|--|
| • Building material sales yard   | • Coal, fuel, wood yards   |
| • Construction of buildings to be sold and moved off the premises                    | • Contractor's equipment storage yard  |
| • Draying, freighting or trucking yard/terminal                                      | • Manufacture, compounding, assembling and treatment of articles of merchandise from the following previously prepared materials |
| • Foundry, casting light-weight nonferrous metal without causing noxious odors/fumes | • Manufacture, compounding, processing, packaging and treatment of products:   |
| • Public and quasi-public use  | • Tire retreading/vulcanizing  |
| • Welding shop   | • Accessory uses and buildings customarily incidental to the above uses  |

(Ord. 2000-4-12, 4-1 2-2000)

10-6-3: Lot Area

The minimum area of any lot or parcel of land in the M Zone shall be ten thousand (10,000) square feet. (Ord.2000-4-12, 4-12-2000)

10-6-4: Lot Width

Each lot or parcel of land in the M Zone shall have an average width of not less than seventy feet (70').(Ord. 2000-4-1 2, 4-12-2000)

10-6-5: Lot Frontage

Each lot or parcel of land in the M Zone shall abut on a public Street for a minimum distance of thirty-five feet (35') on a line parallel to the center line of said street or along the circumference of a cul-de-sac improved to City standards. (Ord. 2000-4-1 2,4-1 2-2000)

10-6-6: Prior Created Lots

Lots or parcels of land which were created prior to the application of this Zone shall not be denied a building permit solely for reason of nonconformance to the above parcel requirement of this Article. (Ord. 2000-4-12, 4-12-2000)

10-6-7: Area of Zone

No requirement, except that an orderly development pattern following good planning principle shall be used. (Ord. 2000-4-12, 4-12-2000)

10-6-8: Yard Requirements

The following minimum yard requirements shall apply in the M Zone:

1. **Front Yard:** Each lot or parcel in the M Zone shall have a front yard of not less than ten feet (10'). Said front yard is not to be used for vehicular parking and shall be appropriately landscaped.
2. **Side Yard:** Except as provided in subsections C, D and E of this Section, there shall be no side yard requirements in the M Zone.
3. **Side Yard; Corner Lot:** On corner lots, the side yard contiguous to the street shall be not less than ten feet (10') in width and shall not be used for vehicular parking. Said area shall be appropriately landscaped except those portions devoted to access and driveway use.
4. **Side Yard; Driveway:** When used for access to any garage, carport or parking area having less than five (5) parking spaces, a side yard shall be wide enough to accommodate an unobstructed twelve foot (12') paved driveway. When used for access to a warehouse area, loading dock or parking area having six (6) or more parking spaces, a side yard shall be wide enough to provide an unobstructed twelve foot (12') paved driveway for one-way traffic, or a sixteen foot (16') paved driveway for two-way traffic.
5. **Side Yard; Accessory Building:** An accessory building may be located on a side property line if, and only if, all of the following conditions are met:



- a. The accessory building has no openings on the side which is contiguous to the property line, and the wall of said building adjacent to the property line has a four (4) hour fire retardant rating.
- b. The accessory building has facilities for the discharge of all roof drainage onto the lot or parcel upon which it is erected.

All accessory building which do not meet the above requirements shall be located at least six feet (6') from the side property line.

6. **Rear Yard:** As dictated by the provisions of the Uniform Building Code.

7. **Rear Yard; Accessory Building:** An accessory building may be placed on a rear property line if, and only if, all of the following condition are met:

- a. The accessory building has no openings on the side which is contiguous to the property line, and the wall of said building adjacent to the property line has a four (4) hour fire retardant rating.
- b. The accessory building has facilities for the discharge of all roof drainage onto the lot or parcel upon which it is erected.

All accessory buildings which do not meet the above requirements shall be located at least six feet (6') from the rear property line. (Ord.2000-4-12, 4-1 2-2000)

10-6-9: Projections into Yards

1. **Permitted:** The following structures may be erected on or project into a required yard:

- a. Fences and walls in conformance with City codes and ordinances.
- b. Landscape elements, including trees, shrubs, agricultural crops and other plants.
- c. Necessary appurtenances for utility service.

2. **Conditional:** The structures listed below may project into a minimum front yard or side yard adjacent to a street not more than four feet (4') and into a minimum side yard not more than two feet (2'), except that required driveways shall remain unobstructed from the ground up:

- a. Cornices, eaves, belt courses, sills, buttresses or other similar architectural features.

- b. Stairways, balconies, door stoops, fire escapes, awnings and planter boxes or masonry planters not exceeding twenty-four inches (24”) in height. (Ord. 2000-4-12, 4-12-2000)

10-6-10: Building Height

As dictated by the provisions of the Uniform Building Code. (Ord. 2000-4-12, 4-12-2000)

10-6-11: Distance Between Buildings

As dictated by the provisions of the Uniform Building Code. (Ord. 2000-4-12, 4-12-2000)

10-6-12: Permissible Lot Coverage

No requirement, except as may be necessitated by required parking and yard requirements. (Ord. 2000-4-12, 4-12-2000)

10-6-13: Parking, Loading and Access

1. Each lot or parcel of land in the M Zone shall have, on the same lot or parcel, automobile parking sufficient to meet the requirements set forth in this Title. All parking spaces shall be paved with asphaltic cement or concrete and shall be provided with paved access form a public street. Said spaces shall be provided with adequate drainage which shall not run across a public sidewalk.
2. Parking spaces shall not be provided within a required front yard or a side yard adjacent to a public street.
3. Loading spaces shall be provided as required by the Planning Commission, using as a guide a requirement of one such space per ten thousand (10,000) square feet of gross building area. (Ord. 2000-4-12, 4-12-2000)

10-6-14: Site Plan Approval

Prior to the construction of any building in the M Zone, a site plan shall be submitted to and be approved by the Planning Commission. Said site plan shall be drawn to scale and shall contain the following information:

1. **Building, Structure Location:** The location of all existing and proposed buildings and structures on the site, with full dimensions showing distances between buildings and distances from buildings to adjacent property lines.
2. **Parking Space Location:** The location of all parking spaces, driveways, loading and dock areas, and points of vehicular ingress and egress.
3. **Landscaping Plan:** A landscaping plan showing the location, types and initial sizes of all planting materials to be used, together with the location of fences, walls, hedges and decorative materials.

4. **Elevations:** Preliminary elevations of all main buildings showing the general appearance and types of external materials. (Ord.2000-4-12, 4-1 2-2000)

10-6-15: Other Requirements

2. **Signs:** All signs erected in the M Zone shall be in conformance with the sign provisions of Chapter 13 of this Title.
3. **Uses within Buildings:** All uses in the M Zone shall be conducted entirely within a fully enclosed building, except those uses deemed by the Planning Commission to be customarily and appropriately conducted in the open. Open storage of materials and equipment permitted in this Zone may be accomplished only when fully screened from public view by an opaque fence or wall approved by the Planning Commission in conjunction with the issuance of a conditional use permit for said use.
4. **Landscaping:** The following landscaping provisions shall apply in the M Zone:
  - a. The front yard area and side yard areas adjacent to a public street, except those portions devoted to driveways, shall be maintained with suitable landscaping of plants, shrubs, trees, grass and similar landscaping materials.
  - b. All parking areas which are open to public view shall be landscaped where possible around the periphery and at the ends of parking rows in accordance with the landscaping plan approved as part of the site plan approval procedure.
5. **Trash Storage:** No trash used materials or wrecked or abandoned vehicles or equipment shall be stored in an open area. Containers for trash storage of the size, type and quantity approved by the City shall be maintained at a location approved by the Planning Commission in conjunction with the approval of the site development plan.
6. **Walls and Fences:**
  - a. No wall, fence or opaque hedge or screening material higher than thirty-six inches (36") shall be maintained within a required front yard or side yard adjacent to a public street in an M Zone.
  - b. A decorative masonry wall shall be erected along all property lines which lie immediately adjacent to any residential zone.
  - c. The clear vision area as defined in Section 10-7-8 of this Title shall be maintained clear to the extent set forth in that Section. (Ord.2000-4-12, 4-1 2-2000)

## Supplementary Development Standards

### Section

- Purpose 10-7-1
- Establishment of Uses Not Specified 10-7-2
- Clarification of Ambiguity 10-7-3
- Public Utilities; Exception 10-7-4
- Use and Storage of Travel Trailers, Boats and Boat Trailers 10-7-5
- Abandoned, Wrecked or Junked Vehicles 10-7-6
- Height Limitation; Exceptions 10-7-7
- Clear Vision Area; Corner Lots 10-7-8
- Minimum Yard Area to be Preserved 10-7-9
- Side Yard Modifications; Combined Lots 10-7-10
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- Minimum Lot Area; Portion for Public Use 10-7-13
- Lot Area Reduction; Public Use 10-7-14
- Double Frontage Lots; Two Front Yards 10-7-15
- Storage of Commercial Vehicles; Residential Zone 10-7-16
- Effect of Street Plan 10-7-17
- Swimming Pools 10-7-18
- Adult Entertainment Businesses Prohibited 10-7-19

10-7-1: Purpose:

The purpose of this Chapter is to provide for the several miscellaneous land development standards which are applicable throughout the City. The requirements of this Chapter shall be in addition to the property development standards contained within the provisions of each respective zone. The provisions of this Chapter shall prevail over conflicting provisions of any other chapters herein. (Ord.2000-4-12, 4-1 2-2000)

10-7-2: Establishment of Uses Not Specified:

1. **Findings By Planning Commission:** When use is not specifically contained in the list of permitted uses in any nonresidential zone, but is of the same character and intensity as other uses listed, the Planning Commission makes the following findings:
  - a. That the establishment of the use will be in accordance with the purposes of the zone in which that use is proposed.
  - b. That the use will be an appropriate addition to the zone because it has the same basic characteristics as the other uses permitted in the zone.
  - c. That the use will not be detrimental to the public health, safety or welfare.
  - d. That the use shall not adversely affect the character of that zone in which it is proposed to be established.
  - e. That the use will not create more traffic, odor, dust, dirt, smoke, noise, vibration, illumination, glare, unsightliness or any other objectionable influence than the amount normally created by any of the uses listed as permitted uses in that zone.
  - f. That the use will not create any greater hazard of fire or explosion than the hazard normally created by any of the uses listed as uses in that zone.
2. **Public Hearing:** The Planning Commission shall, at the same regular meeting in which they have allowed the establishment of a use in accordance with the above provisions, set a public hearing in accordance with this Title at which the Planning Commission shall determine whether the use should be recommended to the City Council as an amendment to this Title for addition to the list of permitted uses in the respective zone in which said use has been established. (Ord. 2000-4-12, 4-1 2-2000)

10-7-3: Clarification of Ambiguity

If ambiguity arises concerning, the appropriate classification of a particular use within the meaning and intent of the Title, or with respect to matters to height, yard requirement, area requirements or zone boundaries, as set forth herein and as they may pertain to unforeseen

circumstances, including technological changes and processing of materials, it shall be the duty of the Planning Commission to ascertain all pertinent facts and set forth its findings and its interpretations, and thereafter such findings and interpretations shall govern. (Ord. 2000-4-1 2, 4-12-2000)

10-7-4: Public Utilities; Exceptions

The provisions of this Title shall not apply to structures or facilities used or usable by any utility company solely for the purpose of distributing electricity or communication services, and shall not be construed to limit or interfere with the installation, maintenance and operation of public irrigation ditches, pipelines and electric or telephone distribution and transmission lines, or railroads, when located in accordance with the applicable rules and regulations of local and State agencies; except that all transmission lines, electric substations, storage yards and public utility buildings shall be subject to site plan approval if required by the provisions of the applicable zone. (Ord. 2000-4-12, 4-12-2000)

10-7-5: Location of Boats, Boat Trailers and Travel Trailers

Boats, boat trailers or travel trailers may not be placed, kept or maintained within the front yard area of the Residential Zone (R). Boats or trailers may be located anywhere on the lot, except in a clear vision zone of a corner lot, for a temporary period not to exceed twenty four (24) hours for loading and unloading purposes, or for temporary storage not to exceed seven (7) days, if such facility is owned by a bona fide guest of the occupants of the premises. (Ord. 2000-4-12, 4-12-2000)

10-7-6: Abandoned, Wrecked or Junked Vehicles

1. **Prohibited:** It shall be unlawful to park, store or leave or to permit the parking, storing or leaving of any licensed or unlicensed motor vehicle of any kind, or part thereof, which is in a wrecked, junked, partially dismantled, inoperative or abandoned condition, whether attended or not, upon any private property within the City limits for a period of time in excess of seventy two (72) hours, except that such vehicles or parts thereof may be stored, if within a building, or placed behind an opaque screening fence; and except that said vehicles and parts may be within a junkyard or automobile wrecking yard lawfully established pursuant to the provisions of this Title.
2. **Nuisance Declared:** The accumulation and storage of more than two (2) such vehicles or part thereof, as defined above, on private property, except as set forth in subsection A of this Section, shall constitute a nuisance detrimental to the health, safety and welfare of the inhabitants of the City. It shall be the duty of the owner of such vehicle, or part thereof, or lessee or other person in possession of private property upon which such vehicle or part thereof is located, to remove the same from such property. (Ord. 2000-4-12, 4-12-2000)

10-7-7: Height Limitation; Exceptions:

1. **Measurement from Finished Grade:** Where doubt exists as to height of fences, hedges, buildings, structures, etc., provided for in this Title, height limitations shall be measured from the average finished grade of the front yard for buildings, or from the average finished grade of the yard in which fences, hedges or other such structures are located.
2. **Exceptions:** The height limitation of this Chapter shall not apply to church spires, belfries, cupolas or domes not used for human occupancy, nor to chimneys, ventilators, skylights, water tanks, silos, cornices without windows, antennas, radio towers or properly screened mechanical appurtenances usually carried above the roof level of a building. (Ord. 2000-4-12, 4-12-2000)

10-7-8: Clear Vision Area; Corner Lots

In all zones which require a front yard, no obstruction to view in excess of three feet (3') in height shall be placed on any corner within a triangular area formed by the street property lines and the line connecting them at points twenty five feet (25') from the intersection of street lines, except that street trees are permitted which are pruned at least seven feet (7') above the established grades of the curb so as not to obstruct clear view by motor vehicle drivers. (Ord. 2000-4-12, 4-12-2000)

10-7-9: Minimum Yard Areas to be Preserved

1. Except as provided in this Title, every required front, side and rear yard shall be open and unobstructed from the ground to the sky.
2. No lot or parcel of land shall be divided or reduced in area or dimension so as to cause any required yard or open space to be reduced below that existing at the time of the adoption of the Ordinance codified herein. No required yard or open space provided around any building for the purpose of complying with provisions of this Title shall be used or considered as a yard or open space for any other building. (Ord, 2000-4-12, 4-12-2000)

10-7-10: Side Yard Modification; Combined Lots

When the common boundary separating two (2) or more contiguous lots is covered by a building or a permitted group of buildings, such lots shall constitute a single building site, and the side yard as required by this Title shall not apply to such common boundary line. The side yard requirements of this Title shall apply only to the exterior boundaries of the contiguous lots so joined. (Ord. 2000-4-12, 4-12-2000)

10-7-11: Front Yard Modifications; Developed Areas

In blocks with more than fifty percent (50%) of the buildable lots already developed, the minimum front yard requirement for new construction shall be equal to the average front yards existing on said developed lots; provided, however, this regulation shall not be interpreted to require a front yard of more than thirty feet (30') in depth. (Ord. 2000-4-12, 4-12-2000)

10-7-12: Minimum Lot Area to be Preserved

1. No portion of a minimum lot area prescribed in this Title shall be used or considered as part of another lot or parcel of land for purposes of establishing or determining applicable property development standards.
2. No lot or parcel of land shall be reduced in size by conveyance or otherwise so that the area thereon is less than the prescribed minimum. (Ord. 2000-4-12, 4-1 2-2000)

10-7-13: Minimum Lot Area; Portion for Public Use

If a portion of a lot or parcel of land which meets the minimum lot area requirements of a respective zone is acquired for public use in any manner, including dedication, condemnation or purchase, and such acquisition reduces the area below such minimum requirements, the remainder of such lot or parcel shall nevertheless be considered as having the required minimum lot area if all of the following conditions are met:

1. Such lot or parcel contains a rectangular space of at least thirty feet by forty feet (30' x 40'), exclusive of applicable front and side yard requirements, and exclusive of one-half (1/2) of the applicable rear yard requirements, and such rectangular space is usable for a principal use or structure.
2. The remainder of such lot or parcel of land has an area of at least one-half (1/2) of the required lot area of the zone in which the lot or parcel is located.
3. The remainder of such lot or parcel of land has access to a public street with a width of not less than twenty feet (20'). (Ord. 2000-4-12, 4-1 2-2000)

10-7-14: Lot Area Reduction; Public Use

A reduction in the minimum required area for a lot or parcel of land which is owned by the City, County, State or other public entity or public utility may be granted by a variance issued by the Board of Adjustment, provided such lot or parcel is used exclusively for public purposes and provided that no living quarters are located upon such lot or parcel. (Ord. 2000-4-12, 4-12-2000)

10-7-15: Double Frontage Lots; Two Front Yards

A double frontage or through lot shall have a front yard as required by the respective zone on each street on which it abuts, (Ord.2000-4-12, 4-1 2-2000)

10-7-16: Storage of Commercial Vehicles; Residential Zone

No commercial trucks, motor vehicles or trailers which exceed the rated capacity of two (2) tons shall be stored or parked on any lot or parcel within the residential zone, nor shall any contracting and/or earth moving equipment be stored or parked on any lot or parcel in the residential zone. (Ord. 2000-4-1 2, 4-12-2000)

10-7-17: Effect of Street Plan



Whenever a front or side yard is required for buildings abutting on a proposed street which has not been dedicated or constructed, but which has been designated by the Planning Commission as a future street on the Official Map, the depth of such front or side yards shall be measured from the nearest line of the planned street. (Ord. 2000-4-12, 4-12-2000)

10-7-18:       Swimming Pools

Swimming pools of permanent construction which are not enclosed within a building shall beset back at least five feet (5') from all property lines and shall be completely surrounded by a fence or wall having a height of at least six feet (6'). There shall be no openings larger than thirty-six (36) square inches except for gates which shall be equipped with self-closing and self-latching devices. (Ord. 2000-4-12, 4-12-2000)

10-7-19:       Adult Entertainment Businesses Prohibited

No shop, retail business store, drugstore or other premises licensed or permitted to do business within any district may be located within a five (5) block radius of any school, church, park or playground if said business establishment, or any portions thereof, caters exclusively to adult persons to the advertised exclusion of minors under the age of eighteen (18) years. (Ord. 2000-4-12, 4-12-2000)

*See also Section 3-7-13 of this Code for location restrictions.*

## Conditional Use Permits

### Section

- Purpose 10-8-1
- Definition 10-8-2
- Policies, Procedures and Considerations 10-8-3  
Generally Described
- Permit Required 10-8-4
- Application 10-8-5
- Procedure 10-8-6
- Appeals 10-8-7
- Issuance of Building Permit 10-8-8
- Expiration 10-8-9
- Modification or Revocation of Permit 10-8-10

#### 10-8-1: Purpose

To allow the proper integration of suitable and desirable land use within a certain location which is related to the permitted uses in the zone. (Ord. 2000-4-1 2, 4-12-2000)

#### 10-8-2: Definition

Certain uses which are harmonious under conditions as specified but improper under general conditions are classed as conditional uses and require special review and consideration. (Ord. 2000-4-12, 4-1 2-2000)

#### 10-8-3: Policies, Procedures and Consideration Generally Described

1. **Conform to General Plan:** The proposed use shall conform to the goals, policies, governing principles and land use of the General Plan.
2. **Use Not Detrimental:** The proposed use shall not lead to the deterioration of the environment or ecology of the general area, and the proposed use shall not produce conditions or emit pollutants of such quantity so as to detrimentally effect, to any

appreciable degree, public or private property, including the operation of existing uses thereon, in the immediate vicinity or the zone, or community as a whole.

3. **Recommendation by Planning Commission:** The Planning Commission shall recommend approval of the proposed use by the City Council if evidence is presented establishing that the proposed use will provide a service or facility which will contribute to the general well-being of the zoning district and community.
4. **Policies Set by City Council:** The City Council shall promote and establish policies as set forth in this Title in regard to: landscaping, fencing, lighting, ingress/egress, parking, building size and location, and signs, when considering the following zones:

- a. Residential Zone:

- i. Will the proposed use generate detrimental traffic?
- ii. Will the proposed use overload street capacity?
- iii. Will internal traffic adversely affect adjacent residences?
- iv. Will parking facilities be screened from adjacent residences?
- v. Will parking facilities be effectively screened?
- vi. Will landscaping and watering system be sufficiently enhancing?

- b. Commercial Zone:

- i. Will ingress/egress adversely affect general traffic patterns?
- ii. Will parking area adversely affect internal or access flow to public street circulation?
- iii. Will building location create blind approaches to sidewalks for pedestrians?
- iv. Will building design be compatible/complimentary to already established structures?
- v. Will building location, lighting, parking or traffic adversely affect any adjacent residential use or zone?
- vi. Will signage be complimentary to overall aesthetic nature of the immediate area?
- vii. Will project have any adverse effect on water or sewer system?
- viii. Will parking be adequate for numbers of employees, clients, loading, unloading and other business functions?
- ix. Will landscaping, watering system and parking area be aesthetically satisfactory as stated in site plan?
- x. Are there provisions for storage?

- xi. Will there be hazardous material or chemicals of concern used? (The City reserves the right to deny the permit after studying the potential impact which may result from any diverse findings.)

c. Manufacturing Zone:

- i. Will heavy vehicle traffic adversely affect adjacent residential or commercial properties?
- ii. Will prevailing winds or breezes direct intolerable pollution of any type toward residential or commercial properties in the immediate area?
- iii. Will landscaping add aesthetic acceptance to the proposed development?
- iv. Will proposed signs be inoffensive or unimposing, not creating adverse effects on adjacent residential or commercial properties?

5. **Revocation:** A conditional use permit may be revoked by the City Council after review and recommendation by the Planning Commission, upon failure to comply with the conditions imposed with the original approval of the permit. (Ord. 2000-4-1 2, 4-12-2000)

10-8-4: Permit Required

An approved conditional use permit shall be required for each conditional use listed in this Title. All uses in any particular zone will comply with regulations and conditions specified in this Title. No building permit, other permits or license shall be issued for a use requiring conditional use approval until a conditional use permit has been approved for all parties. (Ord. 2000-4-1 2, 4-12-2000)

10-8-5: Application

Application made to the Planning Commission shall contain the following:

1. **Site Plan:** A site plan and elevations (as may be necessary) which are drawn to scale, showing how all existing and proposed buildings will occupy the site.
2. **Reason, Justification:** The reason and justification for such conditional use and how adjacent properties will be affected by the conditional use.
3. **List of Property Owners:** A list of all property owners within a radius of three hundred feet (300') of the requested conditional use. The City shall send by registered mail a letter which states the purpose of requested zone change which would extend an invitation to attend and participate in the scheduled public hearing.
4. **Fee:** A nonrefundable filing fee set by resolution as listed in the City fee schedule. (Ord. 2000-4-12, 4-12-2000)

10-8-6: Procedure

1. **Submit Application:** The applicant shall submit the application for a conditional use permit (which is available at City Hall) for a zone change to the Planning Commission.
2. **Consideration:** The application together with all pertinent information shall be considered by the Planning Commission at its next regularly scheduled meeting.
3. **Public Hearing:** The Planning Commission may call a specific public hearing on any application after adequate notice if it is deemed in the public interest.
4. **Action by Planning Commission:** The Planning Commission shall take action on the application by the second regularly meeting of the Planning Commission after the filing date.
5. **Recommendation to City Council:** The Planning Commission shall submit recommendation along with application to the City Council for its consideration within thirty (30) days after the public hearing (if one is held), unless an agreement is reached by the applicant and the Planning Commission to table the matter until the next regular decision making meeting of the Planning Commission. Failure of the Planning Commission to table or submit its recommendation within the prescribed time shall be deemed a recommended approval by such Commission of the proposed change or amendment.
6. **City Council Decision:** The City Council, after fifteen (15) days' notice for a public hearing which has been posted and published according to Utah Code Annotated section 10-3-711, may approve or deny a conditional use permit. The City Council may overrule the Planning Commission's recommendation by a majority vote of its members. (Ord. 2000-4-12, 4-1 2-2000)

10-8-7: Appeals

The decision of the Planning Commission may be appealed, by the applicant, to the City Council by filing such appeal within fifteen (15) days after the date of the notice of decision. The City Council may uphold or reverse the decision of the Planning Commission and impose any additional conditions that it may deem, necessary in granting an appeal. The decision of the City Council shall be final. (Ord. 2000-4-12, 4-1 2-2000)

10-8-8: Issuance of Building Permit

Upon receipt of a conditional use permit, the developer/applicant shall take such permit to the Zoning Officer who will review the permit and conditions attached. Based on this review and compliance with any other items that might develop in the pursuance of duty, the Zoning Officer may approve an application for a zoning permit and shall send the applicant to the County Building Inspector for a building permit. Both the Zoning Officer and Building Official shall

ensure that building and/or development is undertaken and completed in compliance with said permits and conditions pertaining thereto. (Ord. 2000-4-12, 4-12-2000)

10-8-9: Expiration

All permits under a conditional use permit shall be good for six (6) months after approval by the City Council. At the end of six (6) months, it shall become null and void unless a request is made for extension by the applicant. In recommending an extension, the Zoning Officer may give a six (6) month extension, if he shall find that substantial work shall have been accomplished toward its completion or that through no fault of the applicant, it has been impossible to diligently pursue the completion of the project. A second extension may be given by the City Council. No more than two (2) extensions may be given (total of 18 months). Once construction has been completed, the permit shall require no further renewal unless stipulated by the Planning Commission and City Council at the time the conditional use permit was granted. (Ord. 2000-4-12, 4-12-2000)

10-8-10: Modification or Revocation of Permit

The Planning Commission on its own motion, or upon the direction of the City Council, shall after adequate notice hold a public hearing upon the question of modification or revocation of a conditional use permit granted under or pursuant to the provisions of this Title. A conditional use permit may be modified or revoked if any of the following are found:

1. That the conditional use is detrimental to the public health, safety or welfare or is a nuisance.
2. That the conditional use permit was obtained by fraud.
3. That the conditional use for which the permit was granted is not being exercised.
4. That the conditional use for which the permit was granted has ceased or has been suspended for six (6) months or more.
5. That the conditions imposed by the Planning Commission upon said conditional use permit have not been complied with. (Ord.2000-4-12, 4-12-2000)

## Temporary Uses

### Section

- Purpose 10-9-1
- Uses Allowed 10-9-2
- Permit, Prior Approval Required 10-9-3
- Action of Planning Commission 10-9-4

#### 10-9-1: Purpose

The following regulations are provided to accommodate those uses of land or within existing buildings which are temporary in nature and are not, therefore, listed as regular permitted or conditional uses, and any improper conditions imposed on adjacent properties which negatively affect the general health, safety and welfare of the citizens of the City. (Ord. 2000-4-12, 4-12-2000; amd. 2000 Code)

#### 10-9-2: Uses Allowed

Uses allowed on a temporary basis in accordance with the provisions of this Chapter may include, but will not be limited to, the following:

Carnivals, circuses, fireworks stands, Christmas tree lots, flower stands, rummage sales, promotional displays, tents for religious services, revivals, retreats, trailers or vehicles for temporary sales and political rallies, or campaign headquarters. (Ord. 2000-4-12, 4-12-2000)

#### 10-9-3: Permit, Prior Approval Required

Prior to the establishment of any of the above uses, or temporary uses similar thereto, a temporary use permit must be obtained from the Planning Commission. In granting said permit, the Planning Commission shall make the following findings:

1. That the conduct of the requested use will not have any detrimental effects on adjacent properties and will be in general harmony with surrounding uses.
2. That the requested use will not create excessive traffic hazards on adjacent streets and that traffic control, if necessary, shall be provided at the expense of the applicant.
3. That the applicant shall have sufficient liability insurance for the requested use or event.
4. That the applicant shall provide, at this own expense, for the restoration of the site of said use to its original condition, including such cleanup, washing and replacement of facilities as may be necessary.

5. That said use shall occupy the site for a period not to exceed ten (10) days, except for Christmas tree lots which shall not exceed a period of thirty (30) days, and campaign headquarters which may be established for a maximum period to be determined by the Planning Commission. (Ord. 2000-4-12, 4-12-2000)

10-9-4: Action of Planning Commission

The Planning Commission may approve a use which they deem to have satisfactorily met the above requirements, may deny a use which does not meet said requirements, or may approve the establishment of a use with such additional conditions as the Planning Commission may deem appropriate to assure the use will be compatible and will not pose any detriment to persons or property. Said conditions may include a limitation upon hours of operation and/or a time limitation which is less than the maximum established by this Chapter. (Ord. 2000-4-12, 4-12-2000)



## Non-Conforming Uses

### Section

- Non-Conforming Use Defined 10-10-1
- Non-Conforming Use of Open Land 10-10-2
- Non-Conforming Buildings 10-10-3
- Non-Conforming Use of Conforming Buildings 10-10-4
- Non-Conforming Use of Non-Conforming Buildings 10-10-5
- Change in Status of Non-Conforming Use 10-10-6
- Reconstruction of Non-Conforming Building Partially Destroyed 10-10-7
- Non-Conformance Limited to Zone Groups 10-10-8
- Non-Conforming Uses Detrimental to Health and Safety not included 10-10-9

### 10-10-1: Non-Conforming Use Defined

As used in this Title, a “non-conforming use” is the use of any building, structure or land which is prohibited by any zoning, building or other regulatory ordinances, but which lawfully existed prior to the effective date of such ordinance. Residential uses and residential structures occupied for residential purposes or vacant at the time of adoption of these provisions shall be exempted from the provisions of this Chapter. This shall not be construed to allow new residential construction except as provided by the provisions of the respective zone. (Ord. 2000-4-12, 4-1 2-2000)

### 10-10-2: Use of Open Land

A non-conforming use of land lawfully existing on the effective date of such ordinance may be continued, provided such nonconforming use shall not be expanded or extended into any other portion of a conforming building or open land, and no structures, additions, alterations or enlargements thereto shall be made thereon, except those required by law. If said non-conforming use is discontinued for a continuous period of more than six (6) months, any future

use of such land shall conform to the provisions of the zone in which it is located. (Ord. 2000-4-12, 4-12-2000)

#### 10-10-3: Non-Conforming Buildings

A non-conforming building in any zone may be continued for the period described in this Chapter, provided no additions or enlargements are made thereto and no structural alterations are made therein, except those prescribed by law. If any such nonconforming building is removed, every future use of the land on which the building was located shall conform to the provisions of this Title. (Ord. 2000-4-12, 4-12-2000)

#### 10-10-4: Non-Conforming Use of Conforming Buildings

The non-conforming use of any conforming building lawfully existing on the effective date of this Title may be continued, provided such nonconforming use shall not be expanded or extended into any other portion of the conforming building, nor shall any structural alterations except those required by law be made, and if such nonconforming use is discontinued for a continuous period of more than six (6) months, any future use of such building shall conform to the provisions of the zone in which it is located. (Ord. 2000-4-12, 4-12-2000)

#### 10-10-5: Non-Conforming Use of Non-Conforming Buildings

The non-conforming use of a non-conforming building lawfully existing on the effective date of this Title may be continued for the period prescribed in this Title. If such non-conforming use is discontinued for a continuous period of more than six (6) months, any future use of the said building shall conform to the provisions of the zone in which it is located. (Ord. 2000-4-12, 4-12-2000)

#### 10-10-6: Change in Status of Non-Conforming Use

If a non-conforming use is vacated, it may be succeeded by an equally restrictive or more restrictive use, provided such change is affected within six (6) months. After a change to a more restrictive use is in effect, that change shall be evidence that the less restrictive non-conforming use had been abandoned and thereupon loses any vested right as such, and the degree of non-conformity may not subsequently be increased by changing back to a less restrictive use. (Ord. 2000-4-12, 4-12-2000)

#### 10-10-7: Reconstruction of Non-Conforming Building Partially Destroyed

A non-conforming building destroyed to the extent of not more than fifty percent (50%) of its reasonable replacement value at the time of its destruction by fire, explosion or other casualty or act of God, or public enemy, may be restored and the occupancy or use of such building or part thereof which existed at the time of such partial destruction may be continued, subject to all of the provisions of this Chapter. (Ord. 2000-4-12, 4-12-2000)

#### 10-10-8: Non-Conforming Limited to Zone Groups

Notwithstanding any other provisions of this Title, no uses permitted in the Residential (R) Zone and lawfully existing in the Residential(R) Zone at the time of the effective date of this Chapter

shall be considered nonconforming in the Residential (R) Zone; no uses permitted in the Commercial (C) Zone and lawfully existing in the Commercial (C) Zone at the time of the effective date of this Chapter shall be considered nonconforming in the Commercial (C) Zone; no uses permitted in the Manufacturing (M) Zone and lawfully existing in the Manufacturing (M) Zone at the time of the effective date of this Chapter shall be considered nonconforming in the Manufacturing (M) Zone. This Section shall be applicable only to nonconforming uses. (Ord. 2000-4-12, 4-12-2000)

10-10-9: Non-Conforming Detrimental to Health and Safety not included

No provisions of this Chapter shall be construed to allow the continuance of any nonconforming use when, in the opinion of the Planning Commission after consultation with the City Attorney and other authorized officials relating to a specific nonconforming use, it is deemed to be detrimental to the health, safety and welfare of the general public. (Ord. 2000-4-12, 4-12-2000)

## Off Street Parking Standards

### Section

- Off Street Parking 10-11-1
- Permanent Parking to be Provided 10-11-2
- Continuing Obligation 10-11-3
- Non-Conforming Facilities 10-11-4
- Parking Spaces Required 10-11-5
- Parking Requirements for Uses Not Specified 10-11-6
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- Exemptions from Parking Requirements 10-11-8
- Required Improvements and Maintenance 10-11-9
- Parking Design Standards 10-11-10

#### 10-11-1: Off Street Parking

The number of off-street spaces required in connection with any particular land use shall not be less than that set forth in this Chapter. (Ord. 2000-4-12, 4-12-2000)

#### 10-11-2: Permanent Parking to be Provided

Every building structure, improvement or use hereafter constructed, reconstructed or enlarged, shall be provided with permanent maintained parking spaces as specified in the Chapter for the area of said construction, reconstruction or enlargement. (Ord. 2000-4-12, 4-12-2000)

#### 10-11-3: Continuing Obligation

The required off-street parking facilities shall be a continuing obligation of the property owner so long as the use requiring vehicle parking or vehicle loading facilities continues. It shall be unlawful for any owner of any building or use to discontinue or dispense with the required vehicle parking facilities without providing some other vehicle parking area which meets the requirements of the Chapter (Ord. 2000-4-12, 4-12-2000)

10-11-4: Non-Conforming Facilities

Any use of property which on the effective date hereof, or of any subsequent amendment thereto, is nonconforming only as to the regulations relating to off-street parking facilities may continue in the same manner as if the parking facilities were conforming. Such existing parking facilities shall not be further reduced, however. (Ord. 2000-4-1 2, 4-12-2000)

10-11-5: Parking Spaces Required

Except as otherwise provided in the Title, the minimum number of off-street parking spaces for various uses will be as follows:

<b>Use</b>	<b>Required Parking</b>
1. Automobile courts	1 space for each sleeping unit or dwelling unit.
2. Banks, business or professional office	1 space per employee on maximum shift, plus 1 space for each 400square feet of gross floor area.
3. Bowling alleys	4 spaces for each alley.
4. Churches and accessory uses	1 space for each 6 seats in the chapel or assembly area, or if there are no fixed seats, then 1 space for each 100 square feet of floor space used for assembly purposes.
5. Dwelling, single-family and two-family	2 parking spaces for each dwelling unit, plus 1 off-street parking space for each roomer, boarder or baching tenant on the premises owning and/or possessing a motor vehicle which is being parked on the premises or operated within the City.
6. Dwelling, three- and four-family	1 1/2 spaces for each dwelling unit, (families only) plus 1 off-street parking space for each roomer or boarder on the premises owning and/or possessing a motor vehicle which is being parked on the premises or operated within the City.
7. Food establishment for the sale and consumption of food and beverage on premises	1 parking space for each 4 seats, including stools, benches and booths, or 1 for each 100 square feet of floor area when number of seats is unknown.

8. Furniture and appliance store, hardware store, household equipment, service shop, clothing or shoe repair, or similar personal shops	1 parking space for each 600 square feet or gross floor area.
9. Hospitals	1 parking space for every 2-bed capacity.
10. Libraries	At least 20 parking spaces, or as determined by the Planning Commission.
11. Manufacturing uses, research and testing laboratories, creameries, bottling establishment, bakeries, canneries, printing and engraving shops, etc.	1 parking space per each employee on the maximum shift
12. Museums and similar non assembly cultural facilities	At least 20 parking spaces, or as determined by the Planning Commission
13. Medical and Dental clinics, offices	4 parking spaces per each professional staff, plus 1 for each employee on maximum shift
14. Mortuaries	At least 20 parking spaces or as determined by the Planning Commission
15. Motels (see automobile courts)	
16. Motor Vehicle and Machinery Repair, sales or wholesaling	1 parking space for each employee on maximum shift, plus 4 client spaces
17. Offices not providing customer services or sales on the premises	1 parking space for each employee on maximum shift
18. Professional offices for attorneys, CPA's, Architects, Engineers, etc	1 parking space for each employee on maximum shift, plus 3 client spaces
19. Restaurant (see food establishments)	
20. Retail Stores, except as otherwise	1 parking space for each 200 square feet of

specified herein

gross floor area on the ground floor

- |   |   |
|---|---|
| 21. Rooming and boarding houses   | 1 parking space for each 2 sleeping rooms   |
| 22. Sanitariums, children homes, homes for the aged, asylums, nursing homes, etc.   | 1 parking space for each 2 sleeping beds.   |
| 23. Non-Residential Schools, Private, Vocational, Etc.  | 1 parking space for each employee and 1 space for each 3 students of driving age  |
| 24. Stadiums, sports arenas, auditoriums (including school auditoriums) and places or public assembly, and clubs and lodges having no sleeping quarters | 1 parking space for each 6 seats and/or 1 space for each 100 square feet of gross floor area used for assembly and not contained fixed seats. |
| 25. Swimming pools, commercial and public   | 1 parking space for each 10 persons based on capacity load  |
| 26. Theaters  | 1 parking space for each 6 seats  |
| 27. Transportation terminals and facilities   | Adequate number as determined by the Planning Commission  |
| 28. Warehouse and wholesale storage guiding (dead storage or high-volume distribution)<br><br>(Ord. 2000-4-12, 4-12-2000)                               | 1 parking space for each employee on the maximum shift.   |

10-11-6: Parking Requirements for Uses not specified

The parking requirements for land uses which are not specified in this Chapter shall be determined by the Planning Commission. Said determination shall be based upon the requirements for the most comparable use specified herein. (Ord. 2000-4-12, 4-12-2000; amd. 2000 Code)

10-11-7: General Provisions

The following general provisions shall apply to off-street parking requirements in this Chapter:

1. **Separate Lots:** If a building, structure or improvement from that upon which the required parking is provided, whether in the same or separate ownership, there shall be a recording in the office of the County Recorder of Sanpete County, of a covenant by such owner or owners for the benefit of the City, in the form, first approved by the City, that such owner

or owners will continue to maintain such parking space so long as said building, structure or improvement is maintained within said City. The covenant herein required must stipulate that the title to said right to use the lot or lots upon which the parking facilities are to be provided will be subservient to the title to the premises upon which the building is to be erected, and that said lot or lots are not and will not be made subject to any other covenant or contract for use without prior written consent of the City.

2. **Location:** Off-street parking facilities shall be located as hereinafter specified. Where distance is specified, such distance shall be walking distance measure from the nearest point of the building that such facility is required to serve:
  - a. For any type of dwelling, including hospitals, sanitariums, rest homes, asylums, orphanages and club rooms, parking facilities shall be located on the same lot or building site as the buildings which they are required to serve.
  - b. For uses other than those specified above, parking spaces shall not be over two hundred feet (200') from the building they are required to serve. All parking areas are to be located in the same block they are to serve with a direct access way that does not cross a public street.
  - c. No required off-street parking shall be permitted in any residential front yard or street side yard area.
3. **Illumination:** Any lights provided to illuminate any parking area permitted by this Chapter shall be arranged so as to reflect the light away from adjacent premises
4. **Mixed Occupancies in Building:** In the case of mixed uses in the building or on a lot, the total requirements for off-street parking facilities shall be the sum of the requirements of the various uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use, except as hereinafter specified for joint use.
5. **Joint Use:** The Planning Commission may, upon application by the owner or lessee of any property, authorize the joint use of parking facilities by the following uses or activities under conditions specified herein:

Up to fifty percent (50%) of the parking facilities required by this Chapter for a use considered to be primarily a daytime use may be provided by the parking facilities of a use considered to be primarily a nighttime use, and vice versa, provided such reciprocal parking area shall be contiguous, and the joint use of such facilities is assured by recording, in the office of the County Recorder of Sanpete County, a covenant by such owner or owners of properties jointly used as prescribed by subsection A of this Section.



6. **Common Facilities:** Common parking facilities may be provided in lieu of the individual requirements contained herein, provided the total of such off-street parking spaces, when used together, shall not be less than the sum of the various uses computed separately. If the common facilities are located on more than one lot, a covenant for the preservation of said parking facilities must be filed in accordance with the provisions of subsection A of this Section.
7. **Submission of Plans:** The plans for any proposed parking area shall be submitted to the Planning Commission at the time of the application for a zoning permit for the building to which the parking area is accessory. The plan shall clearly indicate the proposed development, including location, size, shape, design, curb cuts, lighting, landscaping and other features and appurtenances of the proposed parking lot. (Ord. 2000-4-12, 4-12-2000)

10-11-8: Exemptions from Parking Requirements

None of the requirements of the Chapter for off-street parking spaces shall apply to a building in existence at the time of the effective date of this Chapter. No building, as it existed at the time of the effective date of this Chapter, shall be deemed to be nonconforming solely by reason of the lack of off-street parking spaces; provided, that any portion of the premises being used for off-street parking in connection with any such building shall not be reduced below existing parking levels or the requirements of this Chapter. (Ord. 2000-4-12, 4-12-2000)

10-11-9: Required Improvements and Maintenance

Every lot or parcel used as a public parking area shall be paved with concrete or asphaltic material and maintained. The grade shall be such as to dispose of all surface water. Said surface water drainage shall not cross a public sidewalk. (Ord. 2000-4-12, 4-12-2000)

10-11-10: Parking Design Standards

All off-street parking facilities shall be built in conformance with the following standards of design:

1. **Space Size:** All parking spaces shall have minimum dimensions of nine feet by twenty feet (9' x 20').
2. **Garage, Carport Size:** A garage or carport must have inside dimensions of not less than ten feet by twenty feet (10' x 20').
3. **Backing Space:** Backing space must be provided for parking areas which are composed of four (4) or more spaces so that cars need not back into a public street or alley. Public sidewalks shall not be permitted to be used as part of the required backing area.
4. **Angle Parking:** Acute angle parking, one degree to eighty-nine degrees (1° to 89°) shall be designed for one-way traffic only.

5. **Exits:** Separate exits shall be provided for acute angle and one-way parallel parking of four (4) or more spaces so that cars need not exit by backing into a street or alley.

6. **Driveway Width:**

a. When providing access to a garage, carport or parking area having less than five (5) parking spaces, a driveway shall be a minimum of twelve feet (12') in width. Said driveway shall provide paved access to a public street.

b. When used for access to a garage, carport or any other residential parking area having six (6) or more parking spaces, a driveway shall be a minimum of twelve feet (12') in width for one-way traffic or sixteen feet (16') in width for two-way traffic.

7. **Tandem Parking:** Tandem parking (front to rear) shall not be permitted, except for single-family and duplex dwellings when the front and back spaces are both designated to serve the same dwelling unit. (Ord. 2000-4-12, 4-12-2000)

## Sign Regulations

### Section

- Purpose 10-12-1
- Residential (R) Zone 10-12-2
- Commercial (C) and Manufacturing (M) Zones 10-12-3

#### 10-12-1: Purpose

The purpose of this Chapter is to standardize the size and limits placed on signs in the City. No sign in the City may display anything that is illegal, obscene or morally degrading. Because safety and aesthetics are of major importance when placing signs, all signs erected must be approved by the Planning Commission before applying for a zoning application and building application. (Ord. 2000-4-12, 4-12-2000; amd. 2000 Code)

#### 10-12-2: Residential (R) Zone

Unless otherwise prohibited by law, signs of the type and description listed below, may be placed and maintained in the R Zone:

1. **Nameplate Signs:** Signs or nameplates not exceeding two (2) square feet in area and displaying only the name and address of the occupant.
2. **Temporary Signs:** Two (2) temporary signs with a maximum area of six (6) square feet each. Temporary signs may be erected no more than thirty (30) days prior and must be removed within thirty (30) days after the event they pertain to.
3. **Identification Signs:** Signs or monuments identifying points of interest or sites of historic significance. The size of said signs or monuments shall be specifically approved by the Zoning Officer. (Ord. 2000-4-1 2,4-1 2-2000)

#### 10-12-3: Commercial (C) and Manufacturing (M) Zones

Unless otherwise prohibited by law, signs of the type and description listed below, but no others, may be placed and maintained in the C or M Zones:

Commercial signs with the following limitations:

1. No animation or sounds;
2. No exterior lighting;
3. Must meet the Uniform Building Code;

4. Sign must be on the property that it represents. No off-site signs;
5. Sign may not project into or over any public property;
6. Signs attached to a building may not extend higher than the highest point of the building;
7. Freestanding signs must maintain an open vision; (Ord. 2000-4-1 2, 4-12-2000)
8. Two hundred (200) square feet maximum; (Ord. 2000-4-12, 4-12-2000; amd. 2000 Code)
9. Two (2) temporary signs with a maximum of sixteen (16) square feet each. Temporary signs may be erected no more than thirty (30) days prior and must be removed within thirty (30) days after the event they pertain to. (Ord. 2000-4-12, 4-12-2000)

## Business in the Home

### Section

- Permit Required 10-13-1
- Procedure 10-13-2
- Conditions 10-13-3
- Duration and Renewal 10-13-4
- Fees 10-13-5
- Non-Compliance 10-13-6
- Appeal 10-13-7
- Business License Required 10-13-8

#### 10-13-1: Permit Required

To assure compliance with provisions of this Title and to protect the character of residential neighborhoods in the City, a home business permit shall be obtained from the Planning Commission before a dwelling unit in a residential zone may be used for business purposes. (Ord. 2000-4-12, 4-12-2000)

#### 10-13-2: Procedure

The Planning Commission may, upon application, issue a home occupation permit which shall state the home occupation permitted, the conditions attached thereto, and any time limitations imposed thereon. The permit shall not be issued unless the Planning Commission is satisfied that the application will meet all of the conditions listed in Section 10-15-3 of this Chapter and that the applicant has agreed in writing to comply with all of said conditions. (Ord. 2000-4-1 2, 4-1 2-2000)

#### 10-13-3: Conditions

Each and every one of the following conditions must be observed at all times by the holder of a home business permit:

1. **Area Allowed:** The home occupation shall be conducted wholly within the structure on the premises and shall not exceed twenty five percent (25%) of the total floor area of said

structure. The home business shall not occupy any area within said structures which is required for off-street parking by the provisions of this Title.

2. **Inventory, Supplies:** Inventory and supplies for the home business shall not occupy more than fifty percent (50%) of the permitted area.
3. **Goods, Wares, Merchandise Display:** There shall be no display, customer services or sales of goods, wares or merchandise made upon said premises.
4. **Signs, Advertising:** No sign or advertising shall be displayed on the premises, except as may be expressly permitted by this Title.
5. **Display:** No display of any kind shall be visible from the exterior of the premises.
6. **Mechanical or Electrical Apparatus:** No mechanical or electrical apparatus, equipment or tools shall be permitted except those items which are commonly associated with a residential use or as are customary to home crafts.
7. **Vehicles and Equipment:** All maintenance or service vehicles and equipment, or any other similar vehicle, shall be garaged or stored entirely within a building or structure.
8. **Excessive Traffic:** The home business shall not generate pedestrian or vehicular traffic in excess of that customarily associated with the zone in which the use is located.
9. **Code Regulations:** There shall be complete conformity with fire, building, plumbing, electrical and health codes and to all State and City laws and ordinances.
10. **Demand for Municipal Services:** The home business shall not cause a demand for Municipal or utility services or community facilities in excess of those usually and customarily provided for residential uses.
11. **Alteration of Character:** The home business shall not alter the residential character of the premises or unreasonably disturb the peace and quiet, including radio and television reception, of the neighborhood by reason of color, design, materials, construction, lighting, sounds, noises or vibrations.

**Special Conditions Met:** Any special condition established by the Planning Commission and made of record in the home business permit, as the Commission deems necessary to carry out the intent of this Chapter, shall be met. (Ord. 2000-4-1 2, 4-12-2000)

10-13-4: Non-Compliance

Any home business permit shall be revoked by the Planning Commission upon violation of any requirements of this Chapter, or upon failure to comply with any of the conditions or limitations of the permit, unless such violation is corrected within three (3) days of receipt of written notice thereof. A permit may be revoked for repeated violations of the requirements of this Chapter, notwithstanding compliance to the violation notice. (Ord. 2000-4-12, 4-1 2-2000)

10-13-5: Appeal

In the event of denial of any permit, or of the revocation thereof, or of objection to the limitations placed thereon, appeal may be made to the Board of Adjustment. (Ord. 2000-4-12, 4-1 2-2000)

10-13-6: Business License Required

A home occupation permit is not a business license, and the granting of said permit shall not relieve the applicant of any other license requirement of the City or any other public agency. (Ord. 2000-4-12, 4-12-2000)

## **Flood Damage Prevention**

### Section

- Statutory Authorization, Findings of Fact, Purpose and Methods 10-14-1
- Definitions 10-14-2
- General Provisions 10-14-3
- Administration 10-14-4
- Provisions for Flood Hazard Reduction 10-14-5
- Certification 10-14-6

#### 10-14-1: Statutory Authorization, Findings of Fact, Purpose and Methods

1. **Statutory Authorization:** The Legislature of the State of Utah has in Utah Code Unannotated 10-3-701 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of Moroni City Corporation does or has delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses.
2. **Findings of Fact:**
  - a. The flood hazard areas of Moroni City Corporation 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.
  - b. 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 hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood proofed or otherwise protected from flood damage.
3. **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:



- a. Protect human life and health;
- b. Minimize expenditure of public money for costly flood control projects;
- c. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d. Minimize prolonged business interruptions;
- e. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains
- f. 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
- g. Insure that potential buyers are notified that property is in a flood area.

#### **4. Methods of Reducing Flood Losses:**

- a. In order to accomplish its purposes, this ordinance uses the following methods:
  - i. 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;
  - ii. Require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
  - iii. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
  - iv. Control filling, grading, dredging and other development, which may increase flood damage;
  - v. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters, or which may increase flood hazards to other lands.

#### **10-14-2: 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 it's most reasonable application.

- **Alluvial Fan Flooding:** 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:** 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:** 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:** 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:** The flood having a one percent chance of being equaled or exceeded in any given year.
- **Basement:** Any area of the building having its floor sub-grade (below ground level) on all sides.
- **Critical Feature:** 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:** 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:** A non-basement building (i) 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 flow of the water and (ii) 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:** 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:** 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:** 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:** A general and temporary condition of partial or complete inundation of normally dry land areas from:
  - The overflow of inland or tidal waters.
  - The unusual and rapid accumulation or runoff of surface waters from any source
- **Flood Insurance Rate Map (FIRM):** 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:** 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:** Any land area susceptible to being inundated by water from any source (see definition of flooding).
- **Floodplain Management:** 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:** 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:** 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:** 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):** 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:** 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:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- **Historic Structure:** Any structure that is:
  - 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;
  - 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
  - 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
  - Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: by an approved state program as determined by the Secretary of the Interior or; directly by the Secretary of the Interior in states without approved programs
- **Levee:** A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or diverts the flow of water so as to provide protection from temporary flooding.

- **Levee System:** 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:** 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:** 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:** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- **Mean Sea Level:** 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:** 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:** 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:** A vehicle which is:
  - Built on a single chassis;
  - 400 square feet or less when measured at the largest horizontal projections;
  - Designed to be self-propelled or permanently towable by a light duty truck; and
  - 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:** 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:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- **Substantial Improvement:** 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:
  - 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
  - Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."
- **Variance:** 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:** 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:** 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.

#### 10-14-3: General Provisions

1. **Lands to which this Ordinance Applies:** The ordinance shall apply to all areas of special flood hazard within the jurisdiction of Moroni City.
2. **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 Moroni City, dated May 29, 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.
3. **Establishment of Development Permit:** A Development Permit shall be required to ensure conformance with the provisions of this ordinance.
4. **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.
5. **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.
6. **Interpretation:** In the interpretation and application of this ordinance, all provisions shall be:
  - a. Considered as minimum requirements;
  - b. Liberally construed in favor of the governing body; and
  - c. Deemed neither to limit nor repeal any other powers granted under State statutes
7. **Warning and Disclaimer or 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 hereunder.

10-14-4: Administration

1. **Designation of the Floodplain Administrator:** The Councilmember Luke R. Freeman 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.
2. **Duties and Responsibilities of the Floodplain Administrator:** Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:
  - a. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.
  - b. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding
  - c. Review, approve or deny all applications for development permits required by adoption of this ordinance.
  - d. 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
  - e. 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.
  - f. Notify, in riverine situations, adjacent communities and the State Coordinating Agency, which is Utah NFIP Coordinator, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
  - g. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
  - h. 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.



3. **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:
- a. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
  - b. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
  - c. 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);
  - d. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development
  - e. 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:

- f. The danger to life and property due to flooding or erosion damage;
- g. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- h. The danger that materials may be swept onto other lands to the injury of others
- i. The compatibility of the proposed use with existing and anticipated development;
- j. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- k. 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;
- l. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
- m. The necessity to the facility of a waterfront location, where applicable;
- n. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

- o. The relationship of the proposed use to the comprehensive plan for that area.

#### **4. Variance Procedures:**

- a. The appeal Board as established by the community shall hear and render judgment on requests for variances from the requirements of this ordinance.
- b. 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
- c. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.
- d. 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.
- e. 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.
- f. 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.
- g. 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).
- h. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- i. 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.
- j. Prerequisites for granting variances:
  - i. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - ii. Variances shall only be issued upon:

1. Showing a good and sufficient cause;
  2. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
  3. 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.
- iii. Any application as 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.
  - k. 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:
    - i. The criteria outlined in Article 4, Section D(1)-(9) are met, and
    - ii. 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.
5. **Automatic Adoption (Optional):** Effective FEMA Flood Insurance Rate Maps and effective FEMA Flood Insurance Studies are automatically adopted.

10-14-5: Provisions for Flood Hazard Reduction

1. **General Standards:** In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:
  - a. 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;
  - b. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
  - c. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

- d. 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.
  - e. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
  - f. 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 floodwaters; and,
  - g. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
2. **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:
- a. Residential Construction: New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or 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)a., is satisfied.
  - b. Non Residential Construction: New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor(including basement) elevated to 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.
  - c. Manufactured Homes: 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.

### 3. Standards for Subdivision Proposals:

- a. 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.
- b. 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.
- c. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is 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.
- d. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- e. 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.

#### 10-14-6: Certification

It is hereby found and declared by Moroni City that severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program; and in order to effectively remedy the situation described herein, it is necessary that this ordinance become effective immediately.

Therefore, an emergency is hereby declared to exist, and this ordinance, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

## Bee Keeping

### Section

- Definitions 10-15-1
- Certain Conduct Unlawful 10-15-2
- Hives on Residential Lots 10-15-3
- Beekeeper Registration 10-15-4
- Hives 10-15-5
- Flyways 10-15-6
- Water 10-15-7
- Beekeeping Equipment 10-15-8
- Conflict with County or Health Department Regulations 10-15-9
- Violations 10-15-10

### 10-15-1: Definitions:

1. **Apiary:** Any place where one (1) or more colonies of bees are located.
2. **Beekeeper:** A person who owns or has charge of one (1) or more colonies of bees.
3. **Beekeeping Equipment:** Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards, and extractors.
4. **Colony:** Bees in any hive including queens, workers, or drones.
5. **Hive:** A frame hive, box hive, box, barrel, log, gum skep, or other artificial or natural receptacle which may be used to house bees.
6. **Honeybee:** The common honeybee, *Apis mellifera* species, at any stage of development, but not including the African honeybee, *Apis mellifera scutellata* species, or any hybrid thereof.

10-15-2: Certain Conduct Unlawful: Notwithstanding compliance with the various requirements of this ordinance, it shall be unlawful for any person to maintain an apiary or to keep any colony on any property in a manner that threatens public health or safety or creates a nuisance.

10-15-3: Hives on Residential Lots:

1. As provided in this ordinance, an apiary, consisting of not more than five (5) hives or an equivalent capacity may be maintained in a side yard or the rear yard of any residential lot. On a residential lot which is larger one-half (0.5) acre or larger, the number of hives located on the lot may be increased to ten (10) hives. The placement of any more hives than indicated here will be considered a use beyond basic residential and requires a review by the city council and a Conditional Use Permit.
2. A person shall not locate or allow a hive on property owned or occupied by another person without first obtaining written permission from the owner or occupant.
3. Hive placement must be at least fifteen (15) from any road or sidewalk.
4. Hives may not be placed within fifty (50) yards of any school.
5. Proposed hive placement will be made to the City Planning and Zoning commission, showing the proposed location in accordance with item two (2) above. Upon commission review, if the hives meet the requirements of the items above, the commission will grant the application and the applicant may place the hives.

10-15-4: Beekeeper Registration: Each beekeeper shall be registered with the Utah Department of Agriculture and Food as provided in the Utah Bee Inspection Act set forth in Title 4, Chapter 11 of the Utah Code, as amended.

10-15-5: Hives:

1. Honeybee colonies shall be kept in hives with removable frames which shall be kept in sound and usable condition.
2. Hives shall be placed at least five (5) feet from any property line (in addition to the requirements of section 10-15-3, above) and six (6) inches above the ground, as measured from the ground to the lowest portion of the hive; provided, however, that this requirement may be waived in writing by the adjoining property owner.
3. Hives shall be operated and maintained as provided in the Utah Bee Inspection Act.
4. Each hive shall be conspicuously marked with the owner's name, address, telephone number, and state registration number.
5. No open feeding is permitted.

10-15-6: Flyways: A hive shall be placed on property so the general flight pattern of bees is in a direction that will deter bee contact with humans and domesticated animals. If any portion of a hive is located within fifteen (15) feet from an area which provides public access or from a property line on the lot where an apiary is located, as measured from the nearest point on the hive to the property line, a flyway barrier at least six (6) feet in height shall be established and maintained around the hive except as needed to allow access.

Such flyway, if located along the property line or within five (5) feet of the property line, shall consist of a solid wall, fence, dense vegetation, or a combination thereof, which extends at least ten (10) feet beyond the hive in each direction so that bees are forced to fly to an elevation of at least six (6) feet above ground level over property lines near the apiary.

10-15-7: Water: Each beekeeper shall ensure that a convenient source of water is available to the colony continuously between March 1 and October 31 of each year. The water shall be in a location that minimizes any nuisance created by bees seeking water on neighboring property.

10-15-8: Beekeeping Equipment: Each beekeeper shall ensure that no bee comb or other beekeeping equipment is left upon the grounds of an apiary site. Upon removal from a hive, all such equipment shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.

10-15-9: Conflict with County or Health Department Regulations: In the event of a conflict between any regulation set forth in this ordinance and honeybee management regulations adopted by the county or health department, the most restrictive regulations shall apply.

10-15-10: Violations: A violation of this section follows the resulting progressive penalties:

1. A warning letter will be issued with thirty (30), from the time of issuance, to resolve the violation.
2. If the violation is not appropriately resolved within the required thirty (30) days, a misdemeanor class B citation may be issued.



## Storage Containers

### Section

- Definition 10-16-1
- Use 10-16-2
- Violation of Ordinance 10-16-3

10-16-1: Definition: a large receptacle or enclosure for holding materials either temporarily or for long term storage, i.e. shipping containers.

10-16-2: Use

1. **General:** Storage containers must conform to the standards of the zone in which they reside, including, but not limited to, placement, fire rating and maintenance. Storage containers are to be used for their defined purpose only (storage) and not for other uses (i.e. dwellings, etc.)
2. **Quantity:** The number of containers permitted to each lot will be in accordance with the zone in which they reside and the size of the lot. In general, one (1) up to forty (40) foot storage container is allowed per ¼ acre lot.

Containers are not allowed to be stacked one (1) on top of another.

3. **Location:** Storage containers are to be placed on side or back areas of lots.
4. **Condition:** The area around storage containers must be kept in a suitable manner (i.e. free of weeds, garbage, etc. in accordance with Moroni City Code, Title 4 – Public Health and Safety), in accordance to the zone in which they reside.

10-16-3: Violation of Ordinance: A violation of this section follows the resulting progressive penalties:

1. A warning letter will be issued with thirty (30), from the time of issuance, to resolve the violation.
2. If the violation is not appropriately resolved within the required thirty (30) days, a misdemeanor class B citation may be issued.