

**ENOCH**

**ZONING**

**ORDINANCE**

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# ZONING ORDINANCE

**AN ORDINANCE TO REGULATE BY ZONES THE LOCATION, HEIGHT AND BULK OF BUILDINGS AND OTHER STRUCTURES; THE PERCENTAGE OF LOT WHICH MAY BE OCCUPIED; THE SIZE OF LOTS, COURTS, AND OTHER OPEN SPACES; THE DENSITY AND DISTRIBUTION OF POPULATION; THE LOCATION AND USE OF BUILDINGS AND STRUCTURES FOR TRADE, INDUSTRY, RESIDENCE, RECREATION, PUBLIC ACTIVITIES OR OTHER PURPOSES; AND THE USE OF LAND FOR TRADE, INDUSTRY, RECREATION OR OTHER PURPOSES.**

## CHAPTER 1. GENERAL PROVISIONS

- Section 1-1. SHORT TITLE.
- Section 1-2. PURPOSE.
- Section 1-3. INTERPRETATION.
- Section 1-4. CONFLICT.
- Section 1-5. EFFECT ON PREVIOUS ORDINANCES AND MAPS.
- Section 1-6. DEFINITIONS.
- Section 1-7. BUILDING PERMIT REQUIRED.
- Section 1-8. OCCUPANCY PERMIT REQUIRED.
- Section 1-9. SITE PLANS REQUIRED.
- Section 1-10. INSPECTION.
- Section 1-11. ENFORCEMENT.
- Section 1-12. NUISANCE AND ABATEMENT.
- Section 1-13. PENALTIES.
- Section 1-14. AMENDMENTS.
- Section 1-15. HEARING, PUBLICATION AND NOTICE BEFORE AMENDMENT.
- Section 1-16. LICENSING.
- Section 1-17. FEES.
- Section 1-18. CONDITIONAL USES.

### **1-1 SHORT TITLE .**

This ordinance shall be known as the Zoning Ordinance of Enoch, Utah and may be so cited and pleaded.

### **1-2 PURPOSE .**

This ordinance is designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of Enoch, Utah. This includes, among other things, the lessening of congestion in the streets or roads, securing safety from fires and other dangers, providing adequate light and air, classification of land uses, distribution of land development and utilization,

protection of the tax base, securing economy in governmental expenditures, fostering the City's agricultural and other industries, and the protection of both urban and non-urban development.

**1-3 INTERPRETATION.**

In interpreting and applying the provisions of this ordinance, the requirements contained herein are declared to be the minimum requirements for the purpose set forth.

**1-4 CONFLICT.**

This ordinance shall not nullify the more restrictive provisions of covenants, agreements, or other ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive.

**1-5 EFFECT ON PREVIOUS ORDINANCES AND MAPS.**

The existing ordinances of the City covering zoning, in their entirety, and including the maps heretofore adopted and made a part of said ordinances, are hereby superseded and amended to read as set forth herein. Provided, however, that this ordinance including the attached maps, shall be deemed a continuation of previous ordinances and not a new enactment, insofar as the substance of revisions of previous ordinances is included in this ordinance, whether in the same or different language. This ordinance shall be so interpreted upon all questions of construction, including but not limited to, tenure of officers and boards established by previous ordinances and to question of conforming or nonconforming uses and buildings, and to questions as to the dates upon which such uses or buildings became conforming or nonconforming.

**1-6 DEFINITIONS** .Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this ordinance. Words used in the present tense include the future; the singular number shall include the plural and the plural the singular; the word "**building**" shall include the word "**structure**"; the words "**used**" or "**occupied**" shall include "**arranged, designed, constructed, altered, converted, rented, leased, or intended to be used or occupied**"; the word "**shall**" is mandatory and not directory, and the word "**may**" is permissive; the word "**person**" includes a "**firm, association, organization, partnership, trust, company, or corporation**" as well as "**individual**"; the word "**lot**" includes the words "**plot**" or "**parcel**". Words used in this ordinance but not defined herein shall have the meaning as defined in any other ordinance adopted by the local jurisdiction.

- (1) **Accessory Use or Building.** A use or building, on the same lot, with and of a nature customarily incidental and subordinate to the principal use or building.
- (2) **Accessory Farm Building.** A subordinate use or detached building clearly incidental to and located upon the same lot occupies by the main building; also a building clearly to an agricultural or animal care land use located on a lot in an agricultural zone.
- (3) **Agent of Owner.** Any person who can show written proof that he is acting for the property owner and with the property owner's knowledge and permission.

- (4) **Agriculture.** The tilling of the soil, the raising of crops, horticulture and gardening, commercial greenhouses: breeding, grazing and keeping or raising of domestic animals and fowl, except household pets, and not including any agricultural industry or business, such as fruit packing plants, fur farms, animal hospitals, or similar uses
  
- (5) **Agricultural Industry or Business.** An industry or business involving agricultural products in manufacturing, packing, treatment, sales, intensive feeding, or storage, including but not limited to animal feed yards, fur farms, food packaging or processing plants, commercial poultry or egg production, and similar uses as determined by the Planning Commission.
  
- (6) **Alley.** A public access-way less than twenty-six (26) feet in width, such is designed to give secondary access to lots of abutting properties. An alley shall not be considered a street, for the purposes of this ordinance.
  
- (7) **Alterations – Structural.** Any change in the supporting members of a building, such as bearing walls, columns, beams of girders.
  
- (8) **Altitude.** The angular distance from the horizon to the sun.
  
- (9) **Amusement – Indoor.** An amusement center housed inside a building.
  
- (10) **Amusement --Outdoor.** An amusement center on an unobstructed space on a lot, unoccupied and unobstructed from the ground upward.
  
- (11) **Antiques.** An item belonging to a former time: old-fashioned, a relic of antiquity.
  
- (12) **Animal Clinic.** An establishment for the medical treatment and care of animals, including household pets, livestock, and commercial poultry, and which may include temporary or overnight boarding of animals that are recuperating from treatment, all facilities to be within a completely enclosed building, except for exercising runs and parking of automobiles.
  
- (13) **Apartment House.** A multiple dwelling. (See Dwelling, Multi-family)
  
- (14) **Arcade.** An area or building designed as an amusement center.
  
- (15) **Architectural Projection.** Any building or structure projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building or structure, but not including signs.
  
- (16) **Athletic Club.** A facility used by a group of persons joined by a common interest of performing in athletic activities such as tennis, swimming, exercising, etc.
  
- (17) **Automobile Paint Shop.** A facility for painting of automobiles, trucks, trailers, boats, or other travel or recreation vehicles or units.

- (18) **Automobile Sales Area.** An open area used for display, sale, or rental of new or used motor vehicles, mobile homes, recreational coaches, or recreational vehicles in operational condition.
- (19) **Automobile Service Station.** A place where gasoline or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, and where services performed may include tube and tire repair, battery charging, storage of merchandise, lubricating of automobiles, replacement of spark plugs, lights, fans, and other small parts, but not including major auto repair.
- (20) **Average Percent Slope.** An expression of rise or fall in elevation along a line perpendicular to the contours of the land, connecting the highest point of land to the lowest point of land within an area or within a lot. A vertical rise of one hundred (100) feet between two points one hundred (100) percent slope.
- (21) **Azimuth.** The angular distance between true south and the point on the horizon directly below the sun (also called bearing).
- (22) **Bank or Credit Union.** An institution for receiving and lending money.
- (23) **Barber Shop.** An establishment where hairdressing is performed.
- (24) **Basement.** A story whose floor is more than twelve (12) inches below the average level of the adjoining ground. A basement shall be counted as a story for purpose of height measurement and as a half-story for the purposes of side-yard determination.
- (25) **Basement Home.** A residential structure without a full story structure above grade.
- (26) **Beauty Salon.** An establishment where hairdressing, manicuring, etc., are performed.
- (27) **Bed & Breakfast.** An owner-occupied dwelling containing only one kitchen where a combination of breakfast and overnight lodging is furnished for pay. It shall have no more than five (5) guest rooms.
- (28) **Beginning of Construction.** The pouring of concrete footings for a building structure.
- (29) **Block.** The land surrounded by streets or other right-of-way, other than an alley, or land which is designed as a block on any recorded subdivision plat.
- (30) **Boarding House.** A dwelling where, for compensation, meals are provided for at least three (3) but not more than fifteen (15) persons.
- (31) **Body and Fender Shop.** A facility for major automobile, truck, mobile home, recreational coach or recreational vehicle repairs to body, frame, or fenders, and including rebuilding.

- (32) **Buildable Area.** The portion of a lot remaining after required yards have been provided, except that land with an average grade exceeding fifteen (15) percent shall not be considered buildable area unless it approved by conditional use permit for construction, after study by a geologist, soil engineer, or sanitarian as required by the Planning Commission.
- (33) **Building.** Any structure used or intended to be used for the shelter of enclosure of persons, animals, or property.
- (34) **Building – Accessory.** A building which is subordinate to, and the use of which is incidental to, that of the main building or use on the same lot.
- (35) **Building – Height.** The vertical distance from the average finished grade surface to the highest point of the building roof or coping, but not including roof mounted solar energy systems.
- (36) **Building Inspector.** The official designated as the building inspector for the local jurisdiction by the governing body. The building inspector may also be the zoning administrator, if so designated.
- (37) **Building Material Sales.** A place of business where building materials are stored for retail purchase. Known also as a “Lumber Yard”
- (38) **Bus Station.** A terminal or location where travel buses such as “Greyhound” stop to drop off, and pick up travelers by buss on their way to or from Enoch City to or from a distant location.
- (39) **Campground.** A public area designated by public agency for camping, or a private area licensed by the local governing body for camping.
- (40) **Camping.** A temporary establishment of living facilities such as tents or recreational coaches as regulated by this ordinance and the Enoch Mobile Home Ordinance.
- (41) **Carport.** A private garage not completely enclosed by walls or doors. For the purpose of this ordinance, a carport shall be subject to all the regulations prescribed for a private garage.
- (42) **Car Wash.** A facility for automatic of self-service washing and cleaning of automobiles and small trucks not exceeding one and one-half (1-1/2) tons capacity.
- (43) **Child Nursery.** An establishment for the care and/or the instruction of five (5) or more children, for compensation, other than for members of the family residing on the premises, but not including a public school.
- (44) **Church.** A building, together with its accessory buildings and uses, maintained and controlled by a duly recognized religious organization where persons regularly assemble for worship.

- (45) **Clinic – Dental or Medical.** A building in which a group of dentists, physicians and allied professional assistants are associated for the conduct of their professions. The clinic may include in-patient care or operating rooms for major surgery.
- (46) **Commercial Parking Structure.** A multi-level structure designated for parking automobiles and available for public or private use, whether free, or compensation or an accommodation for clients or customers.
- (47) **Community Center.** Assembly occupancy includes, among others, the use of a building or structure, or a portion thereof, for the gathering of persons for purposes such as civic, social or religious functions; recreation, food or drink consumption; or awaiting transportation.
- (48) **Conditional Use.** A use of land for which a conditional use permit is required, pursuant to this Ordinance.
- (49) **Condominium.** The 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.
- (50) **Convenience Store.** An establishment where goods are kept for retail sale and is conveniently located within or close to a residential zone.
- (51) **Corral.** A space, other than a building, less than one (1) acre in area, or less than one hundred (100) feet in width, used for confinement of animals or fowl.
- (52) **Court.** An open unoccupied space other than a yard, on the same lot with a building or group of buildings, which is bounded on two of more sides by such building or buildings.
- (53) **Coverage – Building.** The percent of the total site area covered by building, but not including solar, wind, or other individual, small scale energy generation equipment.
- (54) **Crosswalk or Walkway.** A right-of-way to facilitate pedestrian access through a subdivision block; designed for the use by pedestrians and not for use by motor vehicles; may be located within or without a street right-of-way, at grade, or separated from vehicular traffic.
- (55) **Cul-de-sac – Width Requirement.** For rectangular lots, lots having side lot lines not parallel, and lots on the outside of the curve of a street, the distance between side lot lines measured at the required minimum front yard line on a line parallel with the street or long chord is the measurement for the minimum width requirement. For lots on the inside of the curve of a street, the distance between side lot lines measured thirty (30) feet behind the required minimum front yard line on a line parallel with the street or long chord is the measurement for the minimum width requirement. (Added 6-7-95).
- (56) **Dairy.** A commercial establishment for the manufacture, processing or packaging of dairy products and their sale. For the purpose of this definition, the production of milk on a farm for wholesale marketing off the premises shall not classify the farm as a dairy.

- (57) **Dance Hall or Night Club.** An establishment for dancing and other social activity.
- (58) **Day Care Center.** Facilities specializing in the education and/or care of children prior to their entrance in the first grade, other than facilities owned and/or operated by public school system.
- (59) **District.** A portion of the territory of the local jurisdiction established as a zoning district by this ordinance, within which certain uniform regulations and requirements or various combinations thereof applying under the provisions of this Ordinance; also includes “zone”, and “zoning district”.
- (60) **Driveway.** A private roadway, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel on which the driveway is located.
- (61) **Duplex.** A dwelling having two apartments with separate entrances for two households. This includes two-story houses having a complete apartment on each floor; and also side-by-side apartments on a single lot that share a common wall.
- (62) **Dwelling.** Any building or portion thereof designed or used as the more or less permanent residence or sleeping place of one or more persons or families, but not including a tent, recreational coach, hotel, motel, hospital or nursing home.
- (63) **Dwelling – Farm or Ranch Housing.** Dwelling units constructed to provide housing for migratory or temporary farm workers; or for persons permanently working on a farm ranch.
- (64) **Dwelling – Mobile Home.** (See “Mobile Home”)
- (65) **Dwelling – Single-family.** A building arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit. The dwelling unit may only be occupied by one family. See “Single-family and Two-family Dwelling Standards” Section 2-21. (Amended 1-8-92 & 1-21-98)
- (66) **Dwelling – Two-family.** A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units. Each dwelling unit may only be occupied by one (1) family. See “Single-family and Two-family Dwelling Standards” Section 2-21. (Amended 1-8-92 & 1-21-98)
- (67) **Dwelling – Three-family.** A building arranged or designed to be occupied by three (3) families, the structure having only three (3) dwelling units. Each dwelling unit may only be occupied by one (1) family. (Amended 1-08-98)
- (68) **Dwelling – Four-family.** A building arranged or designed to be occupied by four (4) families, the structure having only four (4) dwelling units. Each dwelling unit may be occupied by one (1) family. (Amended 1-08-92)

(69) **Dwelling – Multi-family.** A building arranged or designed to be occupied by more than four (4) families, and having more than four (4) dwelling units. Each dwelling unit may only be occupied by one (1) family. (Amended 1-08-92)

(70) **Dwelling – Group.** A group of two (2) or more detached buildings used as dwellings, located on a lot or parcel of land.

(71) **Dwelling Unit.** One or more rooms in a dwelling, apartment hotel, or apartment motel, designed for and occupied by one (1) family for living and sleeping purposes.

(72) **Easement.** That portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner(s) of said property(ies). The easement may be for use under, on, or above said lot or lots.

(73) **Equipment Sales.** A building or yard devoted to the retail sale of Tractors used to transport semi-trailers, also farm and earth moving equipment and other industry equipment.

(74) **Essential Facilities.** Utilities or sanitary and public safety facilities provided by a public utility or other governmental agency for overhead, surface or underground service, excluding and building, electrical sub-station or transmission line of fifty (50) KV or greater capacity, except by conditional permit.

(75) **Family.** An individual; or two (2) or more persons related by blood, marriage, or adoption; or a group of not more than four (4) persons, excluding servants, who are not related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities.

(76) **Family Food Production.** The keeping of domestic animals and fowl for the production of food for the sole use of the family occupying the premises.

(77) **Fast Food Establishment.** An eating/drinking establishment that may be either a freestanding operation; or non-freestanding operation in a building where one or more other compatible and complimentary uses exist, and whose principal business is the sale of pre-prepared or rapidly prepared food to the customer in a ready-to consume state for consumption on or off the premises, and whose design or principal method of operation includes two or more of the following characteristics:

- a. The elimination, in whole or part, of table service, thus requiring customers to place orders to the counter where the orders are filled.
- b. The food is usually served in edible containers of paper, plastic or other disposable containers.
- c. The facilities for on premises consumption of food are insufficient for the volume of food sold by the establishment.
- d. The restaurant provides a drive-up facility for placing and receiving food orders.

(78) **Flood Hazard.** A hazard to land improvements due to inundation or overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage building or erode the banks of water courses.



(79) **Floor Area.** Area included within surrounding walls of a building or portion thereof, exclusive of vents, shafts, and courts.

(80) **Forest Industry.** An industry which uses forest products, such as sawmill, pulp or paper plant, wood products plants and similar uses.

(81) **Foster Care.** Accommodation provided children under the age of 18 in a dwelling unit licensed by the Utah Division of Family Services for either (1) basic (b) specialized, or (c) structured care, standards for the same being known to the City. Accommodation provided children in a dwelling unit licensed by any agency organization other than the Division of Family Services shall not automatically be considered to be foster care, but must obtain a conditional use permit as a group home in order to give the City opportunity to review the placement and applicable standards of the placing organization.

(82) **Frontage – Block.** All property fronting on one (1) side of the street between intersecting or 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 on the side of the street which it intercepts or that common line between a lot and public street.

(83) **Frontage – Line.** The lineal measurement of the front lot line.

(84) **Furniture Manufacturing.** The making and assembly of furniture products to be sold by retail stores.

(85) **Furniture/Appliance Store.** An establishment of retail sales for furniture and appliances for the home or business.

(86) **Garage – Private.** A detached accessory building, or a portion of a main building, used or intended to be used for the storage of motor vehicles, recreational coaches, boats, or other recreational vehicles, but not including the parking or storage of trucks or vans having a capacity in excess of one and one-half (1-1/2) tons, and not including space for more than a total of four (4) such vehicles for each dwelling unit on the premises.

(87) **Garage – Repair.** A structure or portion thereof, other than a private garage, used for repair of self-propelled vehicles, trailers, or boats, including general repair, rebuilding or reconditioning of engines, motor vehicles, recreational coaches and minor collision service, but not including major body, frame or fender repairs or overall automobile or truck painting, except by conditional use permit. A repair garage may also include incidental storage, care, washing or sale of automobiles.

(88) **Garden Shop/Nursery.** An establishment or green house where plants and trees are grown for retail purchase.

(89) **Gasoline Sales.** A building or use devoted to the retail sale of fuels, lubricants, and other supplies for motor vehicles including repair activities which are subordinate to the sale of petroleum products.

(90) **Geological Hazard.** A hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property, or improvements, due to the movement, failure, or shifting of the earth.

(91) **Golf Course.** An extensive field designed to play the game of golf, and is inclusive of all associated facilities.

(92) **Grade.**

- a. For buildings adjoining one (1) street only, the elevation of the sidewalk at the center of the wall adjoining the street is the grade.
- b. For buildings adjoining more than one (1) street, the average of the elevations of the sidewalk at centers of all walls adjoining the streets is the grade.
- c. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the centers of all exterior walls of the building is the grade.
- d. Any wall parallel or nearly parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street.

(93) **Governing Body.** The elected legislative body of the local jurisdiction.

(94) **Grocery Store.** A building where food and household goods are sold.

(95) **Guest House.** A dwelling not to exceed 800 square feet and subject to the setbacks of an accessory building on a single-family dwelling lot. Utilities are not to be metered separately from primary residence. Must meet building codes, including a permanent foundation.

(96) **Hardware Store.** A building where wares such as tools, cutlery, etc., and other household products are sold.

(97) **Habitat conservation.** Real Property that has been set aside, dedicated, reserved, encumbered, declared or restricted for the use of preserving or conserving wild plant or animal habitat for a term of years or in perpetuity.

(98) **Health Studio/Gym.** An establishment where body conditioning is performed.

(99) **Home Occupation Business.** The subordinate use of a residence for financial gain, or in anticipation of financial gain. The home occupation business must be clearly secondary to the residential use of the residence.

(100) **Hospital.** An institution licensed by the State of Utah which provides diagnostic, therapeutic, and rehabilitative services to individuals on both an inpatient and outpatient basis by or under the supervision of one or more physicians. A hospital may include necessary support

services facilities such as laboratories, out-patient units and training and central services, together with staff offices necessary to operate the hospital.

(101) **Hotel.** A building designed for or occupied as the more or less temporary abiding place of sixteen (16) or more individuals who are, for compensation, lodged, with or without meals.

(102) **Household Pets.** Animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, and canaries, but not including a sufficient number of dogs as to constitute a kennel as defined in this ordinance.

(103) **Inundation.** Ponded water or water in motion of sufficient depth of velocity to damage property, due to the presence of the water or to the deposit of silt.

(104) **Junk.** Old scrap copper, brass, rope, rags, batteries, paper trash, rubber debris or other waste or salvage materials; dismantled ferrous or non-ferrous metal materials.

(105) **Junk Yard.** The use of any lot, portion of a lot, or tract of land for the storage, keeping or abandonment of junk, including scrap metals or other scrap material, or for the dismantling, demolition or abandonment of automobiles, or other vehicles, or machinery or parts thereof; provided that this definition shall be deemed not to include such uses which are clearly accessory and incidental to any agricultural use permitted in the district.

(106) **Kennel.** Any premises where three (3) or more dogs older than four (4) months are kept, except that more than three (3) of such dogs may be kept in the rural residential use districts as accessory uses to a use allowed in the district.

(107) **Laboratory.** A room or building equipped for scientific research.

(108) **Laundromat.** An establishment offering coin-operated washing machines and dryers for public use.

(109) **Liquor Store.** An establishment where hard liquor containing alcohol is sold for retail purchase.

(110) **Local Attorney.** The attorney employed by or officially representing the local jurisdiction.

(111) **Local Building Inspector.** The building inspector employed by or officially representing the local jurisdiction.

(112) **Local Engineer.** The engineer employed by or officially representing the local jurisdiction.

(113) **Local Health Officer.** The health officer or department employed by or officially representing the local jurisdiction.

- (114) **Local Planner.** The planner employed by of officially representing the local jurisdiction.
- (115) **Local Jurisdiction.** Enoch City.
- (116) **Lot.** A parcel or unit of land described by metes and bounds and held or intended to be held in separate lease or ownership, or a parcel or unit of land shown as a lot or parcel on a recorded subdivision map, or shown on a plot used in the lease or sale or offer of lease or sale of land resulting from the division of a larger tract into (2) or more smaller units.
- (117) **Lot – Corner.** A lot abutting upon two (2) or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred-five (135) degrees.
- (118) **Lot – Interior.** A lot other than a corner lot.
- (119) **LPG-Liquefied petroleum gas** means any material having a vapor pressure not exceeding that allowed for commercial propane and composed predominately of the following hydrocarbons, either by themselves or as mixtures: propane, propylene, butane, normal butane or isobutene and butylene, including isomers. “Liquefied petroleum gas carburetion system” means any carburetion system using liquefied petroleum gas as a fuel in a motor vehicle. “Liquefied petroleum gas fueling system” means an assembly consisting of compressors, containers, piping and other delivery devices for the purpose of dispensing liquefied petroleum gas for use as a fuel in a motor vehicle.
- (120) **LP Gas Sales and tank refill station:** An assembly consisting of compressors, containers, piping and other delivery devices for the purpose of dispensing liquefied petroleum gas for use by the public in appliances for home and RV consumption, such as BBQ appliances or any other portable tank.
- (121) **Lumber Yard.** A place of business where building materials are stored for retail purchase.
- (122) **Manufacturing.** The making or assembly of goods either by hand or machinery.
- (123) **Manufactured Home.** A manufactured home shall mean a dwelling designed and manufactured after June 14, 1976, by a recognized fabricator of mobile homes to be transported after fabrication on its own wheels or on detachable wheels, and which is ready for occupancy, except for connection to utilities and/or location on a foundation.
- (124) **Medical/Dental Clinic.** An outpatient medical or dental facility.
- (125) **Mini-Storage Units.** A place of business where units such as a garage are used for storing household items, and units are rented to individuals for such storage.
- (126) **Mobile Home.** A detached, single-family dwelling unit with a minimum of four hundred (400) square feet, designed for long term occupancy, and constructed to be transported on its

own wheels, flatbed trailers or detachable wheels. It is designed to be used as a dwelling unit without a permanent foundation and shall have U.S. Department of Housing and Urban Development (HUD) certification. (Amended 1-21-98)

(127) **Mobile Home Lot.** A lot within an approved mobile home subdivision, designed and to be used for the accommodation of one (1) mobile home.

(128) **Mobile Home Park.** Any plot of ground designated and approved by local governing body for occupancy by ten (10) or more mobile homes, to be under a single ownership or management, regardless of whether or not a charge is made for such accommodations, and meeting all requirements of this ordinance.

(129) **Mobile Home Space.** A plot of ground within a mobile home park designed for accommodation of one mobile home together with its accessory structures including carports or other off-street parking areas, storage lockers, verandas, cabanas, patio covers, awnings, or similar apparatus.

(130) **Modular Home.** A structure built from sections which are manufactured in accordance with the construction standards adopted pursuant to Uniform Building Codes and transported to a building site, the purpose of which is for human habitation, occupancy, or use. (Amended 1-21-98)

(131) **Mortuary.** An establishment where the dead are held temporarily in preparation for burial.

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

(133) **Non-conforming Building or Structure.** A building or structure which does not conform to the regulations for height, coverage, or yards of the district in which it is situated, but which was in conformity with applicable regulations, if any, at the time of its erection.

(134) **Non-conforming Use.** The use of a building or structure of land which does not conform to use regulations for the district in which it is situated, if any, at the time of its establishment.

(135) **Nursing Home.** An institution, other than a hospital, for the care of human illness or infirmity in which care, rather than diagnosis or treatment, constitutes the principal function. The term “nursing home” shall also include “rest home” and “convalescent home”.

(136) **On-Street Parking.** Parking along a street where curb and gutter is installed and curb is not painted contrary to, or signage indicating no parking. Parking along a street without curb and gutter is prohibited.

- (137) **Open Space.** Area formally reserved, improved or maintained in parks, trails, courts, playgrounds, sports fields, swimming pools, agricultural production, golf courses, and other similar recreational areas. Open space shall not include Habitat Conservation area.
- (138) **Open Space – Usable.** The area of a lot, which is completely free and unobstructed from any structure constructed on, over or below grade. Walkways, uncovered patio areas, light poles, other ornamental renewable energy resources may be allowed in open space areas.
- (139) **Overnight Park.** Any area or tract of land or a separate designated section within a mobile home park where lots are rented or held out for rent to one or more owners or users of recreational vehicles for a time less than 120 days. Such park may also be designated as “Recreational Vehicle Park”.
- (140) **Passive Solar Energy System.** A solar energy that uses natural and architectural components to collect and store energy without using any external mechanical power.
- (141) **Park Model.** A recreational vehicle model with less than four hundred (400) square feet, designated as a temporary dwelling for recreation or seasonal living.
- (142) **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 accommodation for clients or customers.
- (143) **Pawn Shop.** An establishment where a licensed broker lends money on pledged property.
- (144) **Pedestrian-way.** (See “Cross-walk”).
- (145) **Pet Shop.** An establishment where household pets are kept for retail purchase.
- (146) **Pharmacy.** An establishment where drugs are compounded for prescription then sold to the consumer.
- (147) **Planned District.** A zoning district, the boundaries of which are to be shown on the zoning map, but the regulations for which shall be determined by general development plan to be adopted by governing body as part of the zoning ordinance, after public hearing, as required for other zoning districts.
- (148) **Plot Plan.** A plot of a lot showing its actual measurements, the size and location of any existing building or buildings erected, the location of the lot in relation to abutting streets, and such other information as may be required by the Planning Commission.
- (149) **Pre-School.** Facilities specializing in the education and/or care of children prior to their entrance in the first grade, other than facilities owned and/or operated by the public school system.
- (150) **Professional Offices.** A building where professional businesses are housed.

(151) **Radio/TV Transmission.** A system for transmitting visual images and/or audio by wireless electrical or electronic means.

(152) **Recreational Vehicle or Travel Trailer.** A vehicular portable structure designed as a temporary dwelling for travel, recreation and vacation use. The vehicle is less than forty-five (45) feet in length.

(153) **Recreational Vehicle Park.** Any area or tract of land or a separate designated section within a mobile home park where lots are rented or held out for rent to one or more owners or users of recreational vehicles for a time less than 120 days. Such park may also be designated as “Overnight Park”.

(154) **Recreational Vehicle Space.** A plot of ground within a recreational vehicle park designated and intended for the accommodation of one (1) recreational vehicle.

(155) **Recycling Center.** A location where recycling materials such as aluminium cans, paper, plastic, etc. are gathered for the purpose of recycling.

(156) **Residential Congregate Living Facility.** Buildings within residential zones that shall comply with all building, safety and health regulations, the American with Disabilities Act, fire regulations, and all applicable State core standards and licensing requirements, and any standards set forth in any contract with a state agency. Each facility shall be subject to minimum site development standards applicable to a dwelling unit in the zone in which the facility is located; and the minimum number of parking spaces required shall be the same as the number required for a dwelling with similar occupancy density in the same zone. (Rev. 3-1-17)

(157) **Residential Treatment Center.** A facility in a residential setting that includes a treatment program including room and board and provides for or arranges for the provision of specialized treatment, rehabilitation or habilitational services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies. In residential treatment programs, consumers are assisted in acquiring the social and behavioral skills necessary for living independently in the community. Includes a 24-hour group living environment for four or more individuals unrelated to the owner or provider **OR** a 24-hour group living environment for four or more individuals unrelated to the owner or provider that offers room or board and specialized treatment, behavior modification, rehabilitation, discipline, emotional growth, or habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies. (Rec. 3-1-17)

(158) **Restaurant.** A place of business where food is prepared or cooked, and completed meals or served to the general public for consumption on the premises (primarily indoor dining accommodations).

(159) **Root Cellar.** A room or rooms wholly under the surface of the ground, or having more than fifty (50) percent of its floors to ceiling height under the average level of the adjoining ground. A cellar shall not be counted as a story for the purpose of height measurement.

(160) **School, College or University.** A building built for the express function of providing educational purposes, having 6 or more persons at any time. Religious educational rooms and religious auditoriums, which are accessory to places of religious worship in accordance with education and have 6 or more persons shall be classified as school, college or University.

(161) **Sign.** A presentation or representation of words, letters, figures, designs, picture or colours, publicly displayed so as to give notice relative to a person, a business, on article of merchandise, a service, an assemblage, a solicitation, or a request for aid. Also, the structure of framework of 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.

(162) **Sign – Accessory.** A sign which is located on the premises and which directs attention to a business or profession which is conducted on the premises. An accessory sign may be attached or freestanding.

(163) **Sign – Animated.** A sign which revolves or has rotation of any part, created by artificial means, or which displays flashing, revolving or intermittent lights.

(164) **Sign – Area.** The area in square feet of the smallest rectangle enclosing the total exterior surface of a sign having but one exposed exterior surface. Should the sign have more than one surface, the sign area shall be aggregate of all surfaces measured as above, which can be seen from any on direction or one time. Where a sign consists of individual letters attached to or painted on a building, wall, or window, the area of the sign shall be considered to be that of the smallest rectangle which encompasses all the letters of symbols.

(165) **Sign – Civic.** A sign advertising the affairs and events of the city.

(166) **Sign – Development.** A sign advertising a specific area that is under development.

(167) **Sign – Free-Standing.** A sign that is supported by one or more upright columns, poles, or braces, in or upon the ground and is not attached to or part of a building.

(168) **Sign – Identification and Information.** A sign displayed to indicate the name or nature of a building, or of a use.

(169) **Sign – Illuminated.** A sign in which a source of light is used in order to make the message readable. This definition shall include internally and externally lighted signs.

(170) **Sign – Marquee.** Any sign attached to or made an integral part of a marquee.

(171) **Sign – Monument.** A freestanding sign whose face extends vertically from the curb.

(172) **Sign – Off-premise ( billboard).** An outdoor advertising sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered elsewhere and including businesses located on the premises. [Section 1-6 (118A) added 04-17-02]



- (173) **Sign Ordinance.** The sign ordinance of the local jurisdiction.
- (174) **Sign – Projecting Wall.** A sign which is affixed to an exterior wall or building or structure and which projects more than eighteen (18) inches from the building or structure wall, and which does not extend above the parapet, eaves, or building upon which it is placed.
- (175) **Sign – Real Estate.** A temporary sign placed on real estate property to advertise the sale of said property including contact information.
- (176) **Sign – Temporary.** A sign that is left standing for a total of 90 days or less during and calendar year. [Section 1-6 (120A) added 04-17-02]
- (177) **Single-Family Residential dwelling with rental.** A dwelling with a rental area will be “owner occupied” as a condition of renting another portion of the home.
- (178) **Site Plan.** A plan required by and providing the information required by Section 1-9 herein.
- (179) **Skirting.** A weather-resistant material used to enclose the space from the bottom of a manufactured home to grade. (Added 1-21-98)
- (180) **Solar Energy.** Radiant energy (direct, diffuse and reflected) received from the sun.
- (181) **Solar Energy System.** A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy (to the extent they cannot be used jointly with conventional energy system). Passive solar energy systems are included in this definition but not to the extent that they fulfill other functions such as structural and recreational.
- (182) **Solar Sky Space.** The space between a solar energy collector and the sun, which must be free of obstructions that shade the collector to an extent which precludes its cost-effective operation.
- (183) **Stable – Private.** A detachable accessory building for the keeping of horses owned by the occupants of the premises and not kept for hire, enumeration, or sale.
- (184) **Stable – Public.** Any stable where horses are boarded and/or kept for hire.
- (185) **Storage Yards.** A secure fenced area that is intended for storage of items for safekeeping.
- (186) **Story – Half.** A partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls do not extend more than four (4) feet above the floor of such story, and the ceiling area of which does not exceed two-thirds (2/3) of the floor area of the same half story.

(187) **Structure.** Anything constructed, the use of which requires fixed location on the ground, or attachment to something having a fixed location upon the ground; includes “building”.

(188) **Tavern or Bar.** A place of business where liquor is sold to be drunk on the premises. Liquor by the drink.

(189) **Theater.** A building or room fitted with a stage or screen and tiers of seats for spectators.

(190) **Therapeutic Boarding School.** a residential group living facility for four or more individuals that are not related to the owner of the facility or the primary service provider of the facility; that serves students who have a history of failing to function at home, in a public school, or in a nonresidential private school; and that offers room and board, and academic education integrated with specialized structure and supervision, services and treatment related to a disability, emotional development, behavioral development, familial development, and social development. (Rev. 3-1-17)

(191) **Tire Store.** A building or use devoted to the retail sale of tires, lubricants, and other supplies for motor vehicles including repair activities, which are subordinate to the sale of petroleum products.

(192) **Towing Service.** A service for the towing of vehicles that are temporary out of order, or are not safe to be driven on the roadways.

(193) **Town Home.** A dwelling unit within a building where the owner owns the land upon which his/her unit is located, and each unit ownership is completely independent except for the yard surrounding the building.

(194) **Transmission Towers.** A tower that supports or contains communication antennas (transmitting or receiving) or related communications equipment. “Communication Tower” also includes equipment and facilities are used directly to provide communication service. Communication tower include guyed, lattice or monopole towers.

(195) **Travel Trailer Court.** Any area or tract of land used to accommodate two or more travel trailers or campers for a short period of time thirty (30) days or less.

(196) **Troubled Youth.** A person under the age of 18 years who:

- a. Is dysfunctional as the result of psychological and/or attitudinal conditions evidence by a pattern of social adjustment difficulties, unlawful activities, disruptive behavior, or a combination of each, to a degree that has caused an agency of the State of Utah or iron County to intervene by ordering the physical separation of that person from a previous environment couples with a process of rehabilitation, informal or otherwise; and
- b. Is ordered to reside in a residential care facility or similar residential setting as the consequences of his own actions and behavior and not because of the actions or behavior of parents or others; and

c. Is determined by the Utah Division of Family Services as being in need of “structured care” as defined by the categories and standards of that agency. (Rev. 3-1-17).

(197) **Truck Terminal.** An area, which may include retail business where trucks are gathered for a short-term storage, may include servicing, and may include a fuelling station.

(198) **Twin Home.** Two family dwelling units of separate ownership having zero lot line. Each unit is structurally independent with separate utility connections and a maintenance break. The twin homes will have zero setbacks on adjoining sides and may be offset but not separated from each other up to a distance of six (6) feet. All other setback requirements shall apply. Each side of the twin home shall be considered a single-family dwelling unit; however, one building permit and certificate of occupancy shall be issued for both units.

(199) **Vicinity Plan.** A map or drawing, to scale, showing the physical relationships of the proposed development to existing or proposed streets, buildings and utilities; other relevant information such as special terrain or surface drainage, and existing zoning classifications of all land within three hundred (300) feet of the property proposed for development.

(200) **Wrecking/Salvage Yard.** The use of any lot, portion of a lot, or tract of land for the storage, keeping of abandonment of junk, including scrap metal or other scrap material, or for the dismantling, demolition of abandonment of automobiles or other vehicles, or machinery or parts thereof, providing that this definition shall be deemed not to include such uses which are clearly accessory and incidental to any agriculture use permitted in the zone.

(201) **Yard.** A required open area on a lot, other than a court, unoccupied and unobstructed from the ground upward, except as permitted elsewhere in this ordinance.

(202) **Yard – Front.** A space on the same lot with a building, between the front line of the building 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.

(203) **Yard – Rear.** A space on the same lot with a building, between the rear line of the building and the rear lot line and extending the full width of the lot. The “depth” of the rear yard is the minimum distance between the rear lot line and the rear line of the building.

(204) **Yard – Side.** A space on the same lot with a building, between the side line of the building and the side lot line and extending from the front yard to the rear yard. The “width” of the side yard is the minimum distance between the side lot line and the side line of the building.

(205) **Zone.** (See “District”)

(206) **Zoning Ordinance.** The zoning ordinances of the local jurisdiction.

(207) **Zoning Administrator.** The local official designated by the local governing body to enforce the regulations of this ordinance. The zoning administrator may also be the building inspector. (Section 1-6 amended 5-6-98)

**1-7 BUILDING PERMIT REQUIRED.**

The construction, alteration, repair, or removal of any building, structure, or part thereof as provided or restricted in this Ordinance shall not be commenced except after the issuance of a building permit by the building inspector. Work not started within 120 days will require a new permit.

**1-8 OCCUPANCY PERMIT REQUIRED.**

Land, building or premises in any district shall hereafter be used only for a purpose permitted in such district and in accordance with district regulations. A permit of occupancy shall be issued by the building inspector to the effect that the use, building or premises will conform to provisions of this and related ordinances prior to occupancy, for any building erected, enlarged, or altered structurally, or the occupancy or use of any land, except for permitted agricultural uses. Such a permit is needed whenever use or character of any building or land is to be changed. Upon written request from the owner, a permit shall be issued covering any lawful use of buildings or premises existing on the effective date of this amendment, including non-conforming buildings and uses.

**1-9 SITE PLANS REQUIRED.**

A detailed written site plan, with scale and sheet size determined by the zoning administrator, shall be filed as part of any application, prior to request for a building permit. It shall show, where pertinent:

- (1) Scale of plan and direction of north point.
- (2) Lot lines, adjacent streets, roads, right-of-ways
- (3) Location of all existing structures on subject property and adjoining properties, with utility lines, poles, etc., shown with dimensions.
- (4) Location of proposed construction and improvements, with location and dimension of all signs.
- (5) Motor vehicle access, circulation patterns, with individual parking stalls, curb, gutter, and sidewalk location.
- (6) Necessary explanatory notes.
- (7) Name, address, telephone number of builder and owner.
- (8) All other information required as determined by the zoning administrator.
- (9) Complete compliance with all requirements of Chapter 19 of the Commercial

Zoning Ordinance.

**1-10 INSPECTION.**

The zoning administrator is authorized to inspect or to have inspected all buildings and structures in the course of their construction, modification or repair, and to inspect land uses to determine compliance with zoning ordinance provisions.

The zoning administrator or any authorized employee of the local jurisdiction shall use the right to enter any building for the purpose of determining the use or to enter premises for the purpose of determining compliance with the said Ordinance, provided that such right to entry is to be used only at reasonable hours with owner or tenant permission. In no case shall entry be made to any occupied building in the absence of an owner or tenant thereof without written permission of an owner, or written order of a court of competent jurisdiction.

**1-11 ENFORCEMENT.**

The zoning administrator is authorized as the enforcing officer for this ordinance, and shall enforce all provisions, entering actions in court if necessary, and his failure to do so shall not legalize any violations of such provisions. The governing body may, by resolution or ordinance, from time to time, entrust administration of this Ordinance, in whole or in part, to another officer of the local jurisdiction, without amendment to this Ordinance.

**1-12 NUISANCE AND ABATEMENT.**

Any building or structure erected, constructed, altered, enlarged, converted, moved or maintained contrary to provisions of this Ordinance, and any use of land, building or premises established, conducted or maintained contrary to provisions of this Ordinance shall be, and the same hereby is, declared to be unlawful and a public nuisance. The local attorney shall, upon request of the governing body, at once commence action or proceedings for abatement and removal or enjoinder thereof in a manner provided by law, and take other steps and apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure, and restrain or enjoin any person, firm, or corporation from erecting, building, maintaining, or using said building or structure or property contrary to the provisions of this Ordinance. The remedies provided for herein shall be cumulative and not exclusive.

**1-13 PENALTIES.**

Any person, firm, or corporation (as principal, agent, employed, or otherwise) violating, causing, or permitting violation of the provisions of this Ordinance shall be guilty of a misdemeanor, and punishable as provided by law. (Section 1-13 amended 12-04-91)

**1-14 AMENDMENTS.**

The local governing body may, from time to time, amend the number, shape, boundaries, or areas of any district, or the regulation or other provisions of the Zoning Ordinance. Any proposed changes shall be proposed by or be first submitted to the Planning Commission for its recommendation, which shall be returned within thirty (30) days.

**1-15 HEARING, PUBLICATION AND NOTICE BEFORE AMENDMENT.**

Before finally adopting any such amendment, the governing body shall hold a public hearing thereon, after giving at least a fourteen (14) day notice of the time and place in at least one (1) publication, in a newspaper of general circulation in the local jurisdiction.

**1-16 LICENSING.**

All departments, officials and public employees of the local jurisdiction which are vested with duty or authority to issue permits or licenses shall conform to the provisions of this Ordinance and shall issue no permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this Ordinance, and any such permit or license, if issued in conflict with the provisions of this Ordinance, shall be null and void.

**1-17 FEES.**

Fees may be charged applicants for building, occupancy, and conditional use permits, design, review, Planning Commission and Board of Adjustment hearings, and such other services as are required by this Ordinance to be performed by public officers of agencies. Such fees shall be established by the legislative body and be in amounts reasonably needed to defray costs to the public.

**1-18 CONDITIONAL USES.**

A conditional use permit shall not be granted for the operation of a group home for the elderly, the handicapped, troubled youth and/or foster care under any Chapter of this Ordinance unless the applicant agrees to sign a written commitment, acceptable to both the applicant and the City, whereby the applicant assumes financial responsibility for the reasonable value of any damage shown to have been caused to the property or person of another by a resident of the group home. If a resident of the group home caused the damage, recovery from an applicant to whom a conditional use is granted, shall be in the manner provided for restitution or reparations in the Utah Victim's Bill of Rights, Section 77-37-3, U.C.A., and shall follow the adjudication by any criminal or juvenile court of this State. Responsibility of a conditional use permit holder shall terminate only at such time as the resident is removed there from by the placing agency. (Section 1-18 added 7-17-96)

## **CHAPTER 2. SUPPLEMENTARY AND QUALIFICATION REGULATIONS**

- Section 2-1. EFFECT OF CHAPTER.
- Section 2-2. SUBSTANDARD LOTS AT TIME OF ORDINANCE PASSAGE.
- Section 2-3. LOT STANDARDS.
- Section 2-4. EVERY DWELLING TO BE ON A LOT - EXCEPTIONS
- Section 2-5. YARD SPACE FOR ONE BUILDING ONLY.
- Section 2-6. PRIVATE GARAGE WITH SIDE YARD - REDUCE YARD.
- Section 2-7. SALE OR LEASE OF REQUIRED SPACE.
- Section 2-8. SALE OF LOTS BELOW MINIMUM SPACE REQUIREMENTS.
- Section 2-9. YARDS TO BE UNOBSTRUCTED - EXCEPTIONS.
- Section 2-10. AREAS OF ACCESSORY BUILDINGS.
- Section 2-11. ADDITIONAL HEIGHT ALLOWED.
- Section 2-12. EXCEPTIONS TO HEIGHT LIMITATIONS.
- Section 2-13. MINIMUM HEIGHT OF MAIN BUILDINGS.
- Section 2-14. MAXIMUM HEIGHT OF ACCESSORY BUILDINGS.
- Section 2-15. CLEAR VIEW OF INTERSECTING STREETS.
- Section 2-16. MAXIMUM HEIGHT OF FENCES, WALLS AND HEDGES.
- Section 2-17. WATER AND SEWAGE REQUIREMENTS.
- Section 2-18. CURBS, GUTTERS AND SIDEWALKS.
- Section 2-19. LOTS AND DWELLINGS ON PRIVATE STREETS - SPECIAL PROVISIONS.
- Section 2-20. DIVIDERS BETWEEN DIFFERENT ZONING DISTRICTS.

### **2-1 EFFECT OF CHAPTER.**

The regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the zone regulations appearing elsewhere in this Ordinance.

### **2-2 SUBSTANDARD LOTS AT TIME OF ORDINANCE PASSAGE.**

Any lot legally held in separate ownership at the time of passage of this Ordinance, which lot is below the requirements for lot area or lot width for the district in which it is located, may be used for a single-family dwelling, if such lot is located in a district which permits single-family dwellings. The width of each side yard for such a dwelling may be reduced to a width which is not less than the same percentage of the lot width as the required side yard would be of the required lot width, provided that in no case shall the smaller of the two yards be less than five (5) feet or the total of the two yards be less than thirteen (13) feet.

### **2-3 LOT STANDARDS.**

Except as provided in this Ordinance, every lot, existing or intended to be created, shall have such area, width and depth as is required by this Ordinance for the district in which such lot is located and shall have frontage upon a dedicated or publicly-approved street or upon a private street or right-of-way recommended by the Planning Commission and approved by the local governing body, before a building permit may be issued.

**2-4 EVERY DWELLING TO BE ON A LOT - EXCEPTION.**

Every dwelling structure shall be located and maintained on a separate lot having no less than the minimum area, width, depth and frontage required by this Ordinance for the district in which the dwelling structure is located, except that group dwellings, cluster dwellings, condominiums and other multi-structure dwelling complexes under single ownership and management, which are permitted by this Ordinance and have approval from the local governing body, may occupy one lot for each multi-structure complex.

**2-5 YARD SPACE FOR ONE BUILDING ONLY.**

No required yard or other area, around an existing building which is hereafter provided around any building for the purpose of complying with the provisions of this Ordinance, shall be considered as providing a yard or area for any other building; nor shall any yard or other required area on an adjoining lot be considered as providing a yard or area on a lot whereon a building is to be erected or established.

**2-6 PRIVATE GARAGE WITH SIDE YARD - REDUCED YARD.**

On any interior lot where a private garage, containing a sufficient number of parking spaces to meet the requirements of this Ordinance, has a side yard equal to the minimum side yard required for a dwelling in the same district, the width of the side yard for the dwelling may be reduced to equal that of the minimum required side yard; and on any lot where such garage has such side yard, the rear yard of the dwelling may be reduced to fifteen (15) feet, provided the garage also has a rear yard of at least (15) feet.

**2-7 SALE OR LEASE OF REQUIRED SPACE.**

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

**2-8 SALE OF LOTS BELOW MINIMUM SPACE REQUIREMENTS.**

No parcel of land which has less than the minimum width and area requirements for the district in which it is located may be cut off from a large parcel of land for the purpose, whether immediate or future, of building or development as a lot.

**2-9 YARDS TO BE UNOBSTRUCTED - EXCEPTIONS.**

Every part of a required yard shall be open to the sky, unobstructed except for accessory buildings in a rear yard, the ordinary projections of skylights, sills, belt courses, cornices, chimneys, flues and other ornamental features which project into a yard not more than two and one-half (2 ½) feet, and open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers projecting into a yard not more than five (5) feet. Any apparatus required for the operation of active and passive solar energy systems, including but not limited to, overhangs, movable insulating walls and roofs, detached solar collectors, reflectors and piping may project or locate into the required yard area, upon approval or authorized by the Zoning Administrator.



These exceptions may be granted by the Zoning Administrator for restrictions such as height, setback and accessory use limitations where such exceptions are necessary to allow installations of solar energy systems or to permit unimpaired solar access to a solar energy system during the hours of 9:00 a.m. to 4:30 p.m. local solar time, so long as such exceptions do not interfere with an existing solar energy system or preclude or hinder the construction of a solar energy system on property to the north of the subject property, and are otherwise not injurious to adjacent property. Notice of a proposed exception and a fifteen (15) day opportunity to comment shall be provided to adjacent property owners.

**2-10 AREA OF ACCESSORY BUILDINGS.**

No accessory buildings or group of accessory buildings in any residential district shall cover more than twenty-five (25) percent of the rear yard.

**2-11 ADDITIONAL HEIGHT ALLOWED.**

Subject to conditional use approval, public and quasi-public utility buildings, when authorized in a district, may be erected to a height greater than the district height limit by conditional use permit.

**2-12 EXCEPTIONS TO HEIGHT LIMITATIONS.**

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

**2-13 MINIMUM HEIGHT OF MAIN BUILDINGS.**

No dwelling shall be erected to a height less than one (1) story above grade.

**2-14 MAXIMUM HEIGHT OF ACCESSORY BUILDINGS.**

No building which is accessory to a one-family, two-family, three-family or four-family dwelling shall be erected to a height greater than twenty (20) feet measured from the finished grade to the top plate. (Rev. 7-5-17)

**2-15 CLEAR VIEW OF INTERSECTING STREETS.**

In all districts which require a front yard, no obstruction to view in excess of four (4) feet in height shall be allowed on any corner lot closer to any front street line than the required building set back line, except a reasonable number of trees pruned high enough to permit unobstructed vision to automobile drivers, pedestal type identification signs that do not obstruct vision and pumps at gasoline service stations. (Amended 9-88)

**2-16 MAXIMUM HEIGHT OF FENCES, WALLS AND HEDGES.**

- (1) Fences, walls and hedges may be erected or allowed to the permitted building height when located within the buildable area, provided that any physical structure over six (6) feet in height shall require a building permit.

- (2) Fences, walls and hedges may not exceed six (6) feet in height within any required rear yard, interior side yard, side street side yard (where a street runs along the side yard) or front street side yard (where multiple lots are used as rear yard).
- (3) Fences, walls and hedges may not exceed four (4) feet in height within any required front yard.
- (4) No obstruction in excess of three (3) feet in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points thirty five (35) feet from the intersection of the property line. (Rev. 1-4 on 4-19-17)
- (5) Where a fence, wall or hedge is located along a property line separating two (2) lots and there is a difference in the grade of the properties on the two sides of the property line, the fence, wall or hedge may be erected or allowed to the maximum height permitted on either side of the property line.
- (6) When a fence, wall or hedge is located along a property line separating two (2) lots and there is a difference in the sections governing the allowed fence height on the two lots, the fence, wall or hedge may only be erected or allowed to the maximum height allowed by the most restrictive of the sections.
- (7) The Planning Commission shall review and make a recommendation to the local governing body all requests for any type of fence not specifically identified in this Chapter. The governing body may approve said fence, if the fence does not impair the intent and purpose of this Ordinance. (Amended 9-88)

#### **2-17 WATER AND SEWAGE REQUIREMENTS.**

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

#### **2-18 CURBS, GUTTERS AND SIDEWALKS.**

The installation of curb, gutter and sidewalks of any type approved by the governing body may be required on any existing or proposed street adjoining a lot on which a building is to be constructed or remodeled, or on which a new use is to be established. Such curbs, gutters and sidewalks may be required as a condition of building or use permit approval. (Amended 12-16-92)

#### **2-19 LOTS AND DWELLINGS ON PRIVATE STREETS - SPECIAL PROVISIONS.**

Lots with frontage on private streets shall be allowed only with a conditional use permit, and subject to all applicable requirements of this Ordinance and the Subdivision Ordinance.

**2-20 DIVIDERS BETWEEN DIFFERENT ZONING DISTRICTS.**

A street as a divider will be required between different commercial and residential zoning districts. Where streets cannot be used as a divider, there shall be provided along the adjoining property line a six foot high sight obscuring fence or wall, a ten (10) foot wide planting strip, or any combination of fencing and landscaping. Exception shall be a four (4) foot height in any front yard setback area. (Rev. 7-5-17)

**2-21 SINGLE FAMILY AND TWO FAMILY DWELLING STANDARDS.**

Any detached single family or two family dwelling, located on an individual lot outside of a mobile home park or mobile home subdivision, shall meet the following standards in addition to any others required by law:

1. Each dwelling shall meet the International Building Code or, if it is a manufactured home, it shall be certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 and shall have been issued an insignia and approved by the U.S. Department of Housing and Urban Development (HUD) and shall not have been altered in violation of such codes. A used manufactured home shall be inspected by the city building official or his designated representative prior to placement on a lot to insure it has not been altered in violation of such codes.
2. A manufactured home shall be taxed as real property and an affidavit shall be filed with the State Tax Commission pursuant to Utah Code Annotated 59-2-602.
3. Each dwelling shall be permanently connected to and approved for all required utilities.
4. Each dwelling shall be attached to a site built permanent foundation, which meets the International Building Code. If the dwelling is a manufactured home, the installation shall meet the ICBO Guidelines for Manufactured Housing Installations, including any successors to these standards. The space beneath the structure shall be enclosed at the perimeter of the dwelling by skirting in accordance with said ICBO guidelines and constructed of materials that are weather resistant and aesthetically consistent with concrete or masonry type foundation materials. At each exit door there shall be a landing that is a minimum of thirty-six inches by thirty-six inches and is constructed to meet the requirements of the International Building Code. All manufactured home running gear, tongues, axles, and wheels shall be removed at the time of installation.
5. At least sixty percent (60%) of the roof of each dwelling shall have a minimum pitch of five feet to twelve feet (5:12), except for approved structures for architectural purposes, such as Spanish style and Native American styles. Each

dwelling shall have a roof surface of wood shakes, asphalt, composition, wood shingles, concrete, fiberglass or metal tiles or slate or built up gravel materials or materials which are typical of stick-frame dwellings.

6. Each dwelling shall have exterior siding materials consisting of wood, masonry, concrete, stucco, masonite, metal or vinyl lap or any material meeting the International Building Code or materials of like appearance approved by the city building official. The roof overhang shall not be less than twelve inches, including rain gutters which may account for up to four inches of the overhang, measured from the vertical side of the dwelling. The roof overhang requirement shall not apply to areas above porches, alcoves and other appendages which together do not exceed twenty-five percent of the length of the dwelling.
7. The width of each dwelling shall be at least twenty feet at the narrowest point of its first story. The width shall be considered the lesser of the two primary dimensions. Factory built or manufactured homes shall be multiple transportable sections at least ten feet wide, unless transportable in three or more sections, in which case only one section need be ten feet wide. All single family and two family dwellings shall meet the current building code adopted by the State of Utah.
8. Replacement of an existing nonconforming manufactured home on a lot outside a mobile home park or mobile home subdivision shall comply with all requirements herein.

## CHAPTER 3. NONCONFORMING BUILDINGS AND USES

- Section 3-1. MAINTENANCE PERMITTED.
- Section 3-2. REPAIRS AND ALTERATIONS.
- Section 3-3. ADDITIONS, ENLARGEMENTS AND MOVING.
- Section 3-4. ALTERATIONS WHERE PARKING IS INSUFFICIENT.
- Section 3-5. RESTORATION OF DAMAGED BUILDINGS.
- Section 3-6. ONE-YEAR VACANCY.
- Section 3-7. OCCUPATION WITHIN ONE YEAR.
- Section 3-8. CONTINUATION OF USE.
- Section 3-9. CHANGE OF USE.
- Section 3-10. NONCONFORMING USE OF LAND.

### **3-1 MAINTENANCE PERMITTED.**

A nonconforming building or structure may be maintained.

### **3-2 REPAIRS AND ALTERATIONS.**

Repairs or structural alterations may be made to a nonconforming building or to a building housing a nonconforming use.

### **3-3 ADDITIONS, ENLARGEMENTS AND MOVING.**

A building or structure occupied by a nonconforming use and a building or structure nonconforming as to height, area or yard regulations shall not be added to or enlarged in any manner or moved to another location on the lot unless first approved by the local governing body after receiving a recommendation from the Planning Commission. In approving such request, it shall be found that the proposed change does not impose any unreasonable burden upon the lands located in the vicinity of the nonconforming use or structure. A building or structure may be enlarged and added to if the enlargement or addition is being done for the purpose of causing such building or structure to become conforming to all regulations of the zone in which it is located.

### **3-4 ALTERATION WHERE PARKING IS INSUFFICIENT.**

A building or structure lacking automobile parking area or space in connection therewith, as required by this Ordinance, may be altered or enlarged provided additional automobile parking space is supplied to meet the requirements of this Ordinance for such alteration or enlargement.

### **3-5 RESTORATION OF DAMAGED BUILDINGS.**

A nonconforming building or structure occupied by a nonconforming use which is damaged or is destroyed by fire, flood, wind, earthquake, other calamity or Act of God, or the public enemy may be restored and the occupancy or use of such building, structure, or part thereof, which existed at the time of such damage or destruction may be continued or resumed, provided that such restoration is started within a period of one (1) year and is diligently pursued to completion.

**3-6 ONE YEAR VACANCY.**

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

**3-7 OCCUPATION WITHIN ONE YEAR.**

A vacant building or structure may be occupied by a use for which the building or structure was designed or intended if so occupied within a period of one (1) year after the use became nonconforming.

**3-8 CONTINUATION OF USE.**

The occupancy of a building or structure by a nonconforming use, existing at the time this ordinance became effective, may be continued.

**3-9 CHANGE OF USE.**

The nonconforming use of a building or structure may not be changed, except to a conforming use; but where such change is made, the use shall not thereafter be changed to a nonconforming use.

**3-10 NONCONFORMING USE OF LAND.**

The nonconforming use of land, existing at the time this ordinance becomes effective, may be continued, provided that no such nonconforming use of land shall in any way be expanded or extended either on the same or an adjoining property, and provided that if such nonconforming use of land, or any portion thereof, is abandoned or changed for a period of one (1) year or more, any future use of such land shall be in conformity with the provisions of this Ordinance.

## CHAPTER 4. OFF STREET PARKING REQUIREMENTS

- Section 4-1. OFF STREET PARKING REQUIRED.
- Section 4-2. SIZE.
- Section 4-3. ACCESS TO INDIVIDUAL PARKING SPACES.
- Section 4-4. NUMBER OF PARKING SPACES.
- Section 4-5. ACCESS REQUIREMENTS.
- Section 4-6. LOCATION OF GASOLINE PUMPS.
- Section 4-7. MAINTENANCE OF PARKING LOTS.

### 4-1 OFF STREET PARKING REQUIRED.

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

### 4-2 SIZE.

The dimensions of each off-street parking space shall be at least nine (9) feet by twenty (20) feet for diagonal or ninety-degree spaces; or nine (9) feet by twenty-two (22) feet for parallel spaces, exclusive of access drives or aisles.

- (1) In parking lots of more than twenty (20) spaces, the local governing body may approve, after a recommendation from the Planning Commission, a design allowing not more than twenty (20) percent of such spaces to be not less than seven and one-half (7 ½) feet by fifteen (15) feet to be marked and used for compact automobiles only.
- (2) A parking stall may be reduced by two (2) feet lengthwise, if landscaping, separated from the paved area of the parking stall by a bumper or tire guard, is provided in the remaining two (2) feet of the parking stall. All areas within the parking area not paved shall be landscaped.

### 4-3 ACCESS TO INDIVIDUAL PARKING SPACES.

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

- (1) One-way driveways shall be a minimum of twelve (12) feet in width.
- (2) Two-way driveways shall be a minimum of twenty-five (25) feet in width.
- (3) All garages and carport spaces shall be set back a minimum of eighteen (18) feet from the access drive serving them.

### 4-4 NUMBER OF PARKING SPACES.

The number of off-street parking spaces required shall be as follows:

- (1) Business or professional offices. One parking space for each two hundred fifty (250) square feet of floor area.
- (2) Bed and Breakfast. One parking space for each rental bedroom (guest room) plus two (2) additional spaces for full time residents.
- (3) Churches with fixed seating. One parking space for each 3.5 fixed seats, or one parking space for each seven (7) feet of linear pew, whichever is greater.

- (4) Churches without fixed seats, sports arenas, auditoriums, theaters, assembly halls or meeting rooms. One parking space for each three (3) seats of maximum seating capacity.
- (5) Dwellings, single-family, two-family and cluster units (townhouse or condominium). Two parking spaces for each dwelling unit.
- (6) Dwellings, Multi-family.
  - a. Studio, one bedroom and two bedroom dwellings shall have 1.5 parking spaces per bedroom.
  - b. Three or more bedroom dwellings shall have 1.5 parking spaces per bedroom.
  - c. In addition to the required number of parking spaces for each dwelling, one guest space shall be provided for each five (5) dwelling units.
- (7) Hospitals. Two parking spaces for each bed.
- (8) Hotels, Motels or Motor Hotels. One parking space for each living or sleeping unit, plus parking space for all accessory uses as recommended by the Planning Commission and approved by the local governing body.
- (9) Nursing Homes. Four parking spaces, plus one space for each five beds.
- (10) Restaurants, Taverns or Private Clubs, and all other similar dining and/or drinking establishments. One parking space for each 3.5 seats.
- (11) Retail stores, shops, one parking space for each six hundred (600) square feet of retail floor space.
- (12) Wholesale establishments, warehouses, manufacturing establishments and all industrial uses. As determined by conditional use permit or by recommendation of the Planning Commission and approval of the local governing body, but in no case fewer than one space for each employee projected for the highest employment shift.
- (13) Shopping centers or other groups of use not listed above. As determined by conditional use permit or by recommendation of the Planning Commission and approval of the local governing body, but in no case less than one parking space for each six hundred (600) square feet of total floor space.
- (14) All other uses not listed above. As determined by recommendation of the zoning administrator and approval of the local governing body, based on the nearest comparable use standards. (Rev. 2-5-14)

#### **4-5 ACCESS REQUIREMENTS.**

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

- (1) Residential Lots. For each residential lot, not more than two (2) driveways, each of which shall be a maximum of twenty (20) feet wide at the street lot line, and such driveways shall not be closer than twelve (12) feet to each other.
- (2) Other than Residential lots. Access shall be provided to meet the following requirements:
  - a. Not more than two (2) driveways shall be used for each one hundred (100) feet or fraction thereof of frontage on the street.
  - b. No two (2) of said driveways shall be closer to each other than twelve (12) feet and no driveway shall be closer to a side property line than three (3) feet.
  - c. Each driveway shall be no more than thirty-five (35) feet wide, measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way.



- d. No driveway shall be closer than ten (10) feet to the point of intersection of two property lines at any corner as measured along the property line, and no driveway shall extend across such extended property line.
- e. In all cases where there is an existing curb and gutter or sidewalk on the street, the applicant for a permit shall provide a safety island along the entire frontage of the property, except for the permitted driveways. On the two ends and street side of each such island there shall be constructed a concrete curb, the height, location and structural specifications of which shall be approved by the local surveyor or engineer.
- f. Where there is no existing curb and gutter or sidewalk, the applicant may at his option install such safety island and curb, or in place thereof, shall construct along the entire length of the property line (except in front of the permitted driveways) a curb, fence, or pipe rail not exceeding two (2) feet or less than eight (8) inches in height.

#### **4-6 LOCATION OF GASOLINE PUMPS.**

Gasoline pumps shall be set back not less than eighteen (18) feet from any street line to which the pump island is parallel, and not less than ten (10) feet from any residential or agricultural district boundary line. If the pump is set at an angle on the property, it shall be so located that the automobiles stopped for service will not extend over the property line.

#### **4-7 MAINTENANCE OF PARKING LOTS.**

Every parcel of land used as a public or private parking lot shall be developed and maintained in accordance with the following requirements:

- (1) Surfacing. Each off-street parking lot shall be surfaced with asphalt or Portland cement or other binder pavement so as to provide a dustless surface. The parking area shall be so graded as to dispose of all surface water. If such water is to be carried to adjacent streets, it shall be piped under sidewalks.
- (2) Screening. The sides and rear of any off-street parking lot, which face or adjoin a residential district, shall be screened from such district by a masonry wall or solid visual barrier fence not less than four (4) feet or more than six (6) feet in height.
- (3) Landscaping. Each parking lot shall be adequately landscaped and permanently maintained.
- (4) Lighting. Lighting used to illuminate any parking lot shall be arranged to reflect the light away from adjoining premises and from street traffic.

## CHAPTER 5. CONDITIONAL USES

Section 5-1	PURPOSE OF LAND USE CONDITIONAL USE PROVISIONS.
Section 5-2	PERMIT REQUIRED.
Section 5-3	APPLICATION PROCESS.
Section 5-4	APPLICATION FEE.
Section 5-5	NOTIFICATION FOR LAND USE CONDITIONAL USE PERMITS
Section 5-6	DEVELOPMENT PLAN.
Section 5-7	PUBLIC HEARING, COMPLAINTS, MODIFICATIONS, AND REVOCATIONS.
Section 5-8	PLANNING COMMISSION ACTION.
Section 5-9	CITY COUNCIL ACTION.
Section 5-10	APPROVAL CRITERIA AND STANDARDS.
Section 5-11	EXPANSION OF A LAND USE CONDITIONAL USE.
Section 5-12	ISSUANCE OF BUILDING PERMIT.
Section 5-13	TIME LIMITATIONS.
Section 5-14	ESTABLISHMENT & PURPOSE OF HOME OCCUPATION CONDITIONAL USE PERMITS.
Section 5-15	PERMIT REQUIRED.
Section 5-16	APPLICATION PROCESS.
Section 5-17	APPLICATION FEE AND BUSINESS LICENSE.
Section 5-18	DEVELOPMENT PLANS.
Section 5-19	ADMINISTRATIVE ACTION.
Section 5-20	CITY COUNCIL ACTION.
Section 5-21	APPROVAL CRITERIA AND STANDARDS.
Section 5-22	EXPANSION OF A CONDITIONAL USE.
Section 5-23	ISSUANCE OF BUILDING PERMIT.
Section 5-24	TIME LIMITATIONS.
Section 5-25	APPEALS.

### **5-1 PURPOSE OF LAND USE CONDITIONAL USE PROVISIONS.**

The term “Land Use Conditional Use” refers to a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

Certain uses which may be harmonious under special conditions and in specific locations within a district, but be improper under general conditions and in other locations are classed as Land Use Conditional Uses within the various districts and require Land Use Conditional Use Permits for approval.

### **5-2 PERMIT REQUIRED.**

- (1) A Land Use Conditional Use Permit shall be required for a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.
- (2) No building permit or other permit or license shall be issued for a use requiring Land Use Conditional Use approval until a Land Use Conditional Use Permit has first been approved by the application process as outlined in this chapter.

**5-3 APPLICATION PROCESS.**

- (1) All Land Use Conditional Use Permit applications shall be submitted to the City Staff and require action of the Planning Commission. The Planning Commission shall recommend to the City Council. The City Council shall approve, approve with conditions, or deny.

**5-4 APPLICATION FEE.**

The Land Use Conditional Use Permit application shall be accompanied by a filing fee in an amount established by the City Council.

**5-5 NOTIFICATION FOR LAND USE CONDITIONAL USE PERMITS.**

- (1) Prior to the issuance of the Land Use Conditional Use Permit, the adjacent property owner(s) shall be notified of such application. The City shall request by registered U.S. mail, comment from each of the adjacent owners of record on a form provided by Enoch City, to be returned to the City Recorder. For the purpose of this section, adjacent property owners means any and all owners of record of real property adjoining by mutual boundaries, including those across all easements, rights-of-way, streets and roads.
- (2) The letter of notification and request for comment sent to adjacent property owners shall identify the proposed or potential improvements which an adjacent property owner may experience impacts as a result of the Land Use Conditional Use Permit being issued. A development plan required in Section 5-6 of this chapter shall also be provided.
- (3) The adjacent property owners shall be given ten days to file, in writing with the City Recorder, a protest of such Land Use Conditional Use Permit application. After the ten day protest period, the Land Use Conditional Use Permit application may be placed on the next available Planning Commission agenda.

**5-6 DEVELOPMENT PLANS.**

The applicant for a Land Use Conditional Use Permit shall prepare a site plan for the site being proposed for development or use. The plan shall be drawn to scale and shall show all existing and proposed buildings, facilities, roads, parking, and other information that the Planning Commission may deem necessary.

**5-7 PUBLIC HEARING, COMPLAINTS, MODIFICATIONS, AND REVOCATIONS.**

- (1) A public hearing, regarding an approved Land Use Conditional Use Permit, shall be required before the Planning Commission, when a written complaint about a previously approved Land Use Conditional Use Permit is made to the City Staff or the City Staff believes that grounds exist for revocation or modification of an approved Land Use Conditional Use Permit. All adjacent property owners, as defined in Section 5-5, shall be notified of the public hearing, in writing, at least 7 days prior to the public hearing, by City Staff.
- (2) A previously approved Land Use Conditional Use Permit may be modified or revoked if the Planning Commission finds that one or more of the following conditions exist:
  - a. The Land Use Conditional Use Permit was obtained in a fraudulent manner.
  - b. The use for which the Land Use Conditional Use Permit was granted has now ceased for at least six consecutive calendar months.
  - c. One or more of the conditions of the Land Use Conditional Use Permit have not been met.
  - d. The use or related development constitutes or is creating a demonstrated nuisance as defined in Enoch City Code of Revised Ordinances, Part 13-1080. "Public Nuisances".

**5-8 PLANNING COMMISSION ACTION.**

All Land Use Conditional Use Permits shall require action by the Planning Commission. The Planning Commission shall recommend to the City Council for approval or denial.

**5-9 CITY COUNCIL ACTION.**

All Land Use Conditional Use Permit applications require City Council action, after Planning Commission recommendation. The City Council shall then approve, approve with conditions, or deny said applications.

**5-10 APPROVAL CRITERIA AND STANDARDS.**

(1) Health, Safety and Welfare

When considering Land Use Conditional Use Permits, the Planning Commission or City Council may impose conditions that would be necessary to protect the health, safety, and welfare of the City and its residents. In approving a Land Use Conditional Use Permit the Planning Commission and City Council must find:

- a. that the use will not be detrimental to the health, safety, or welfare of persons residing or working in the vicinity, or physically injurious to property or improvements in the vicinity;
- b. that the proposed use will comply with regulations of this Ordinance; and
- c. that the proposed use is in harmony with the intent and purpose of the general plan or that the plan shall have first been amended through public hearing.

(2) Utilities and Municipal Services

A Land Use Conditional Use must not cause a demand for municipal services or involve community activities in excess of normal for the underlying zone.

In all cases, a Land Use Conditional Use Permit shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonable anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of the proposed Land Use Conditional Use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

**5-11 EXPANSION OF A LAND USE CONDITIONAL USE.**

No land in which a Land Use Conditional Use is located may expand without following the process for a new Land Use Conditional Use Permit.

**5-12 ISSUANCE OF BUILDING PERMIT.**

Following the approval of a Land Use Conditional Use Permit by the City Council, the City Staff may approve an application for a building permit and shall insure that development is undertaken and completed in compliance with said Land Use Conditional Use Permit and building permit.

**5-13 TIME LIMITATIONS.**

The City Council may impose additional time limits at the time the Land Use Conditional Use Permit is granted.

**5-14 ESTABLISHMENT & PURPOSE OF HOME OCCUPATION BUSINESS CONDITIONAL USE PERMITS.**

- (1) The purpose of Home Occupation Business Conditional Use Permits is to allow for a portion of residential dwellings to be used in a manner subordinate to its principle use as a residence.

- (2) The Home Occupation Business must be clearly secondary to the residential use of the property. Requiring Home Occupational Business Conditional Use Permits will help ensure compatibility with the primary purpose of the residential zones, avoid conflicts with surrounding neighbors, and permit uses normally permitted in commercial zones.

**5-15 PERMIT REQUIRED.**

No building permit or other permit or license shall be issued for a use requiring Home Occupation Business Conditional Use approval until a Home Occupation Business Conditional Use Permit has first been approved by the application process as outlined in this chapter.

**5-16 APPLICATION PROCESS.**

Home Occupation Business Conditional Use Permit applications shall be submitted to the City Staff. If City Staff determines the Home Occupation Business falls within the conditions set-forth in Section 5-19, the City Staff shall approve the Home Occupation Business Conditional Use Permit. If the City Staff determines the Home Occupation Business does not fall within conditions set-forth in Section 5-19, the Home Occupation Business Conditional Use Permit application may be placed on the next available Planning Commission agenda. The Planning Commission shall approve, approve with conditions, or deny said application. City Council action is not required.

**5-17 APPLICATION FEE AND BUSINESS LICENSE.**

The Home Occupation Business Conditional Use Permit application shall be accompanied by the regular business license fee established by the City Council. All Home Occupation Business Conditional Use Permits shall be required to obtain a valid City Business License within 30 days of approval of permit.

**5-18 DEVELOPMENT PLANS.**

If new construction is imminent, the applicant for a Home Occupation Business Conditional Use Permit shall prepare a site plan for the site being proposed for development or use. The plan shall be drawn to scale and shall show all existing and proposed buildings, facilities, roads, parking, and other information that the City Staff may deem necessary.

**5-19 ADMINISTRATIVE ACTION.**

The City Staff may approve Home Occupation Business Conditional Use Permits provided that the Home Occupation Business:

- (1) does not result in noise or vibration, light, odor, dust, smoke, or other air pollution noticeable at or beyond the property line;
- (2) is clearly subordinate to the use of the lot for dwelling purpose and does not change the character of the lot;
- (3) does not include the outside storage of goods, materials, or equipment;
- (4) has signage limited to non-illuminated identification sign two square feet or less in size, and limited to one sign at the business location;
- (5) does not produce traffic volumes exceeding that produced by the dwelling unit by more than 10 average daily trips or a maximum of 20 trips during any 24-hour period;
- (6) does not include nursing homes, restaurants, vehicle repair businesses, boarding houses, or automotive dealerships;
- (7) complies with all required Federal and State licensing requirements;
- (8) provides sufficient off-street parking to accommodate increased vehicle traffic caused by the Home Occupation Business;
- (9) the applicant resides in the residence for which the application is being made; and,
- (10) the business operation does not generate any wastewater other than from restrooms.

**5-20 CITY COUNCIL ACTION.**

Home Occupation Business Conditional Use Permits shall only require City Council action if an appeal is filed on a City Staff or Planning Commission action.

**5-21 APPROVAL CRITERIA AND STANDARDS.**

(1) Utilities and Municipal Services

A Conditional Use Home Occupation Business must not cause a demand for municipal services or involve community activities in excess of normal for the underlining zone. Use of utilities, from any source, shall be within normal residential volumes and deliverable from the same size line and conduit otherwise used by the underling zone in which a business is located.

(2) Deliveries

Deliveries by commercial vehicles to a residence shall not exceed that frequency considered to be a nuisance to the neighborhood.

(3) Safety

Home Occupation Businesses permitted in a residential area shall conform to all requirements of City, State, or Federal Law with regard to the maintenance or storage on the premises of a hazardous or dangerous material or instrumentality and equipment and supplies utilized in the Home Occupation Business shall not be any more dangerous than the types of equipment and materials normally found at a residence.

(4) Business Vehicles

Business vehicles that are regularly parked at the residence, shall be limited to the off-street parking of two vehicles, including trailers and less than 10,000 GVW, in addition to the residents' personal vehicles.

In all cases, a Home Occupation Conditional Use Permit shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed Home Occupation Conditional Use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

**5-22 EXPANSION OF A CONDITIONAL USE.**

No structure in which a conditional use is located may expand without following the process for a new Home Occupation Business Conditional Use Permit.

**5-23 ISSUANCE OF BUILDING PERMIT.**

Following the issuance of a Home Occupation Business Conditional Use Permit by the City Staff, the City Staff may approve an application for a building permit and shall insure that development is undertaken and completed in compliance with said Home Occupation Business Conditional Use Permit and building permit.

**5-24 TIME LIMITATIONS.**

All Home Occupation Business Conditional Use Permits will be reviewed by the City Staff on the anniversary date of the approval. If the Home Occupation Business Conditional Use Permit is in compliance with this Ordinance and all conditions set, continuation of a business license for the coming year may be approved. If it is determined that the Home Occupation Business Conditional Use Permit is not in compliance with this Ordinance and all conditions set, the Home Occupation Business Conditional Use Permit shall be revoked.

**5-25 APPEALS.**

- (1) Decisions of the Planning Commission in applying the Land Use Conditional Use Permit provisions of this Chapter may be appealed to the Enoch City Council by filing a written application and all materials necessary for review within 30 days of the date of the Planning Commission decision.
- (2) Any person aggrieved by a decision of the Enoch City Council, in applying the Land Use Conditional Use Permit provisions of this Chapter, may file an appeal with the Enoch City Land Use Appeal Authority at the Enoch City Office within 30 days of the date of the decision specifying the nature of the appeal.
- (3) Any person aggrieved by a decision of the Enoch City Land Use Appeal Authority may file an appeal to District Court within 30 days of the date of the decision pursuant to the provisions of the Municipal Land Management and Development Act, Utah Code.

(Chapter 5. Conditional Uses amended 9-21-2016.)

## **CHAPTER 6. PERFORMANCE STANDARDS FOR INDUSTRIAL AND OTHER USES**

- Section 6-1. PURPOSE.
- Section 6-2. GENERAL PROVISIONS.
- Section 6-3. PERFORMANCE STANDARDS PROCEDURE.
- Section 6-4. ENFORCEMENT PROVISIONS APPLICABLE TO ALL USES.
- Section 6-5. NON-CONFORMING USES.
- Section 6-6. LOCATION WHERE DETERMINATIONS ARE TO BE MADE FOR ENFORCEMENT OF PERFORMANCE STANDARDS.
- Section 6-7. DANGEROUS AND OBJECTIONABLE ELEMENTS.

### **6-1 PURPOSE.**

To permit potential nuisances from industrial or other uses to be measured objectively in terms of the potential nuisance itself; to ensure that all uses will provide necessary control methods for protection from hazards and nuisances which can be prevented by modern processes of control and nuisance elimination; to protect any use from arbitrary exclusion based solely on the characteristics of uncontrolled procedure in this type of use and in the past.

### **6-2 GENERAL PROVISIONS.**

No land or building in any district shall be used or occupied in any manner so as to create dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise or vibration; smoke, dust, or other form of air pollution; heat, cold, dampness, glare, electrical or other disturbance; liquid or solid refuse or wastes; or other substance, condition or element in such a manner or in such an amount as to affect adversely the surrounding area or adjoining premises. The foregoing are hereinafter referred to as "dangerous or objectionable elements." No use shall be undertaken or maintained unless it conforms to the regulations of this Section in addition to the regulations set forth for the district in which such use is situated.

### **6-3 PERFORMANCE STANDARDS PROCEDURE.**

The zoning administrator may require a performance standards review for any use in any district, when he has reason to believe that such use or the manner of its operation will not or may not conform to the performance standards of this Chapter.

### **6-4 ENFORCEMENT PROVISIONS APPLICABLE TO ALL USES.**

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

### **6-5 NON-CONFORMING USES.**

For purpose of this Ordinance, any use established before the effective date of this Ordinance and nonconforming as to performance standards shall have five (5) years in which to conform therewith.



**6-6 LOCATIONS WHERE DETERMINATIONS ARE TO BE MADE FOR ENFORCEMENT OF PERFORMANCE STANDARDS.**

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

- (1) In any district, except a Manufacturing District, at the lot line of the establishment or use.
- (2) In a Manufacturing District, at one or more points five hundred (500) feet from the establishment or use, or at the boundary or boundaries of the District, if closer to the establishment or use, or at the closest point within an adjacent district other than a Manufacturing District.

**6-7 DANGEROUS AND OBJECTIONABLE ELEMENTS.**

- (1) Noise. At points of measurement stated in 8-6 above, the maximum sound pressure level radiated in each standard octave band by any use or facility (other than transportation facilities or temporary construction work) shall not exceed the values for octave bands lying within the several frequency limits given in Table I, after applying the corrections shown in Table II. The sound pressure level shall be measured with a sound level meter and associated Octave Band Analyzer conforming to standards prescribed by the American Standards Association. (American Standards Sound Level Meters for Measurement of Noise and Other Sounds 224.3 - 144 American Standards Association, Inc. New York, NY and American Standards Specification for an Octave-Band Filter Set for the Analysis of Noise and Other Sounds, 224. 10-1953, or latest approved revision thereof, American Standards Association, Inc., New York, NY, shall be used).

**TABLE I**

Frequency Range Containing Standards Octave Band in Cycles Per Second	Octave Band Sound Pressure Level in Decibels re 0.0002 dyne/cm <sup>2</sup>
0 to 74	69
75 to 149	54
150 to 299	47
300 to 599	41
600 to 1,199	37
1,200 to 2,399	34
4,800 to above	28

**TABLE II**

<u>Type or Location of Operation or Character of Noise</u>		<u>Correction in Decibels</u>
1.	Emission only between 7 a.m. and 7 p.m. .... +5a	a. Apply one plus correction only.
2.	Noise source operated less than 5 percent of any one- hour period ..... +5a	
3.	Property is not located in one of the Residential Districts and is not within 500 feet of any Residential District ..... +5a	
4.	Noise of impulsive character (hammering, etc.) ..... -5b	b. Apply one minus correction only.
5.	Noise of periodic character (hum, screech, etc.) ..... -5b	
(2)	<u>Vibration.</u> No vibration (other than from transportation facilities or temporary construction work) shall be permitted which is discernable without instruments at the points of measurement specified in 8-6 herein.	
(3)	<u>Odors.</u> No emission of odorous gases or other matter shall be permitted in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air to four of clean air at points of measurement specific in 6-6 herein, or at point of greatest concentration. Any process involving creation or emission of any odors shall be provided with a secondary safeguard system, so control will be maintained if primary safeguard system should fail. (There is hereby established as a guide in determining such quantities of offensive odors Table III, "Odor Thresholds," in Chapter 5, Air Pollution Abatement Manual, Copyright 1951, Manufacturing Chemists' Association, Inc., Washington, D.C., and said manual and/or table as subsequently amended.)	
(4)	<u>Glare.</u> No direct or sky-reflected glare, whether from flood lights or from high temperature processes such as combustion, welding or otherwise, shall be permitted to be visible at the points of measurement specified in 6-6 herein. This restriction shall not apply to signs or lighting of buildings or grounds for protection as otherwise permitted by the provisions of this Ordinance.	
(5)	<u>Fire and Explosion Hazards.</u> All activities involving, and all storage of flammable and explosive materials, shall be provided at any point with adequate safety devices against the hazard of fire and explosion.	

- (6) Radioactivity or Electric Disturbances. No activity shall be permitted which emit dangerous radio-activity at any point, or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.
- (7) Smoke. No emission shall be permitted from any chimney or other source, of smoke or gases except in accordance with air pollution provisions of the Utah State Board of Health.
- (8) Fly Ash, Dust, Fumes, Vapors, Gases and Other Forms of Air Pollution. No emission shall be permitted except in accordance with air pollution provisions of the Utah State Board of Health.
- (9) Liquid or Solid Wastes. No discharge at any point into public sewer, private sewage system, or stream, or into the ground shall be permitted, except in accordance with the standards approved by the Department of Health or standards equivalent to those approved by such Department. No materials or wastes shall be deposited on any property in such form or manner that they may be transferred off the property by natural causes of force, and any wastes which might be attractive to rodents or insects shall be stored outdoors only in closed containers.

## CHAPTER 7. DESIGN REVIEW

### CHAPTER 7. DESIGN REVIEW

- Section 7-1. PURPOSE.
- Section 7-2. APPLICATION AND REVIEW.
- Section 7-3. EXCEPTIONS.
- Section 7-4. CITY COUNCIL APPROVAL.
- Section 7-5. CONSIDERATIONS IN REVIEW OF APPLICATIONS.
- Section 7-6. CONDITIONS.
- Section 7-7. FINDINGS AND DECISIONS.
- Section 7-8. NOTIFICATION OF APPROVAL OR DENIAL.
- Section 7-9. TIME LIMITATIONS ON APPROVAL.
- Section 7-10. TRANSFER OF APPROVAL UPON CHANGE IN USE.
- Section 7-11. CONFORMANCE TO APPROVAL.
- Section 7-12. MODIFICATION.

#### **7-1 PURPOSE.**

The purpose and intent of design review is to secure the general purposes of this Ordinance and the General Plan and to insure that the general appearance of buildings and structures and the development of the land shall in no case be such as would impair the orderly and harmonious development of the neighborhood or impair investment in and occupation of the neighborhood.

It shall not be the intent of this Chapter to restrict or specify the particular architectural design proposed or to specify the exterior detail or design, color or materials proposed by the applicant, except as such detail is of magnitude as to affect the general appearance and compatibility of the development with its surroundings

#### **7-2 APPLICATION AND REVIEW.**

All applications for occupancy permits or building permits for all buildings and structures, except for single-family dwellings and their accessory buildings, shall be accompanied by architectural and site development plans to scale, which shall show building locations, landscaping, prominent existing trees, ground treatment, fences, off-street parking and circulation, location and size of the adjacent streets, north arrow and property lines, drawings of the major exterior elevations, existing grades and proposed new grades. All such drawings and sketches shall be reviewed by the City Manager or designee. All of the above required architectural and site development plans shall have been reviewed and approved prior to the issuing of a building permit.

#### **7-3 EXCEPTIONS.**

For buildings and uses covered by conditional use permits, design review shall be incorporated within such conditional use permit and need not be a separate application, provided the requirements of this Chapter are met. Agricultural buildings are exempt.

#### **7-4 APPROVAL AND APPEAL PROCESS.**

The City Manager or designee shall determine whether the proposed architectural and site development plans submitted are consistent with Enoch City Ordinances and shall give or withhold approval accordingly. Denial of approval by the City Manager or designee may

be appealed to the Planning Commission and denial by the Planning Commission may be appealed to the local Governing Body, as provided for appeals in this Ordinance.

**7-5 CONSIDERATIONS IN REVIEW OF APPLICATIONS.**

The City Manager or designee shall consider the following matters, and others when applicable, in their review of applications.

- (1) Considerations relating to traffic safety and traffic congestion:
  - a. The effect of the site development plan on traffic conditions on abutting streets.
  - b. The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives and walkways.
  - c. The arrangement and adequacy of off-street parking facilities to prevent traffic congestion.
  - d. The location, arrangement, and dimensions of truck loading and unloading facilities.
  - e. The circulation patterns within the boundaries of the development.
  - f. The surfacing and lighting of off-street parking facilities.
- (2) Considerations relating to outdoor advertising:  
The number, location, color, size, height, lighting and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and the appearance and harmony with adjacent development as follows:
- (3) Considerations relating to landscaping:
  - a. The location, height and materials of walls, fences, hedges and screen planting to insure harmony with adjacent development, or to conceal storage areas, utility installations or other unsightly development.
  - b. The planting of ground cover or other surfacing to prevent dust and erosion.
  - c. The unnecessary destruction of existing healthy trees.
- (4) Considerations relating to buildings and site layout:
  - a. Consideration of the general silhouette and mass, including location on the site, elevations, and relation to natural plant coverage, all in relationship to the neighborhood.
  - b. Consideration of exterior design in relation to adjoining structures in height, bulk, and area openings, breaks in facade facing on the street (or streets), in line and pitch of roofs, and the arrangement of structures on the parcel.

**7-6 CONDITIONS.**

Design approval shall include such conditions consistent with the consideration of Enoch Ordinances.

**7-7 FINDINGS AND DECISIONS.**

Upon a finding by the City Manager or designee that the application meets the intent of this Chapter, the design approval shall be granted otherwise, approval shall be denied.

**7-8 NOTIFICATION OF APPROVAL OR DENIAL.**

Upon the granting of design approval, the City Manager or designee shall prepare and mail or deliver to the applicant a formal statement thereof, stating the fact of the grant and any conditions attached thereto, or the fact of denial and the reasons therefore.

**7-9 TIME LIMITATIONS ON APPROVAL.**

If construction, in harmony with the permit for any development for which design approval has been granted, has not been commenced within one (1) year from date of notification of approval, the approval shall be deemed automatically revoked. Upon application, an extension of time may be granted by the City Manager or designee.

**7-10 TRANSFER OF APPROVAL UPON CHANGE IN USE.**

Design approval shall be deemed revoked if the building erected or the classification of their use or the classification of the use of land for which the approval was granted is changed, unless the approval is transferred by the City Manager or designee to do so. If the transfer is not approved, a new application must be filed.

**7-11 CONFORMANCE TO APPROVAL.**

Development for which design approval has been granted shall conform to the approval and any conditions attached thereto.

**7-12 MODIFICATION.**

Upon request of the applicant, modifications in the approved plan may be made by the City Manager or designee to do so, if it is found that the modification will meet requirements of this Chapter. The City Manager or designee may revoke or modify a design approval which does not conform to any requirements of the approved permit.

## **CHAPTER 8. CONSTRUCTION SUBJECT TO GEOLOGIC, FLOOD OR OTHER NATURAL HAZARDS**

Section 8-1. PURPOSE.

Section 8-2. REQUIREMENTS.

### **8-1 PURPOSE.**

To protect the general public from geologic, flood or other natural hazards that might be detrimental to the health, safety and general welfare of the residents of the City. Any application for a conditional use or building permit which has, in the opinion of the Planning Commission, potential soils, earthquake, flood or other discernable hazards may be required to provide a report addressing such hazards.

### **8-2 REQUIREMENTS.**

- (1) The report shall be prepared at the applicant's expense by a geologist, a soils engineer, or a civil engineer and shall show the suitability of soils on the property to accommodate the proposed construction and any discernible flood or earthquake hazards.
- (2) Whenever a professional report indicates a parcel may be subject to a potential or actual hazard, the applicant shall meet the special conditions required by the Planning Commission or Zoning Administrator, to reduce or eliminate such hazards. If such conditions cannot be met or will not be met, the application shall be denied.

## CHAPTER 9. SOLAR ACCESS INCENTIVES

Section 9-1. PURPOSE.

Section 9-2. BONUS FOR SOLAR ACCESS.

Section 9-3. SPECIAL CONSIDERATIONS.

### **9-1 PURPOSE.**

The purpose of the solar access incentives is to encourage the use of passive and active solar energy systems. It is the opinion of Enoch City that solar energy systems will become an important contribution to energy production in the near future, particularly in residential uses.

### **9-2 BONUS FOR SOLAR ACCESS.**

The sub-divider or developer of subdivisions in the rural residential, single family residential, multiple residential, mixed residential, and mobile home districts may choose to orient the subdivision and subdivision lots to take the maximum advantage of solar energy systems. Should the sub-divider or developer choose the solar access incentives, the amount of open space dedication required in Section 1-5 of the Enoch Subdivision Ordinance may be reduced by not more than twenty-five (25) percent of the dedication, subject to the approval of the City Council, after a recommendation by the Planning Commission.

### **9-3 SPECIAL CONSIDERATIONS .**

In using the solar access incentives, the sub-divider or developer should use site design and orientation to protect solar access for solar energy systems consistent with Enoch City's regional building climate and energy conservation objectives as identified in the General Plan. Items that should be considered:

- (1) East-West orientation of streets.
- (2) South facing windows.
- (3) Protecting solar access for solar energy systems from 9:00 a.m. to 3:00 p.m., allowing no more than ten (10) percent of the solar energy system to be shaded at any time.
- (4) Restrictive covenants for the subdivision restricting the sitting and height of trees and shrubs, chimneys and other large objects which shade a solar energy system.
- (5) In using the solar access incentives, use an azimuth of forty (40) degrees to fifty (50) degrees and an altitude of twelve (12) degrees.



## CHAPTER 10. ZONING DISTRICTS

### CHAPTER 10. ZONING DISTRICTS

Section 10-1. ESTABLISHMENT OF ZONING DISTRICTS.

Section 10-2. FILING OF ORDINANCE AND MAP.

Section 10-3. RULES FOR LOCATING BOUNDARIES.

Section 10-4. CARGO STORAGE CONTAINERS

Section 10-5. CLUSTER DEVELOPMENT OVERLAY

Section 10-6. CONGREGATE LIVING FACILITIES

#### **10-1 ESTABLISHMENT OF ZONING DISTRICTS.**

For the purpose of this Ordinance, the territory of the local jurisdiction to which this Ordinance applies is divided into twelve (12) zoning districts, as follows:

(1)	Planned Unit Development	P-D	Chapter 11
(2)	Rural Residential	R-R-5	Chapter 12
	Rural Residential	R-R-2	Chapter 12
	Rural Residential	R-R-1	Chapter 12
(3)	Single Family Residential	R-1-18	Chapter 13
(4)	Single Family Residential	R-1-11`	Chapter 14
(4)	Multiple Residential	M-R-2	Chapter 15
(5)	Mixed Residential	MXR-18	Chapter 16
(6)	Mobile Home Subdivision	MHS	Chapter 17
(7)	Commercial Zones		Chapter 18
	Neighborhood Commercial	N-C	
	Community Commercial	C-C	
	Regional Commercial	R-C	
	Research/Industrial Park	R/I-P	
(8)	Administrative and Professional Office	P-O	Chapter 19
(9)	Mobile Home Park	MHP	Chapter 20
(10)	Sexually Oriented Businesses		Chapter 21
(11)	Recreational Vehicle Park	RVP	Chapter 22

## **10-2 FILING OF ORDINANCE AND MAP.**

This Ordinance and map shall be filed in the custody of the City and may be examined by the public subject to the reasonable regulations established by said City.

## **10-3 RULES FOR LOCATING BOUNDARIES.**

Where uncertainty exists as to the boundaries of districts as shown on City maps, the following shall apply:

- (1) Boundaries indicated as approximately following the centerline of streets, highways or alleys shall be construed to follow such center lines and in the event
- (2) Boundaries indicated as approximately following the right-of-way lines of streets, highways or alleys shall be construed to follow such right-of-way lines, and in the event of a change in the right-of-way line shall be construed as moving with the right-of-way line.
- (3) Boundaries indicated as approximately following the center lines of streams, rivers, canals or other bodies of water, or flood control channels, shall be construed to follow such center lines and in the event of change of the center line shall be construed as moving with the center line.
- (4) Boundaries indicated as approximately following platted lot lines shall be construed to follow such lot lines.
- (5) Boundaries indicated as parallel to or extensions of features indicated in subsections 1-4 above shall be so construed. Distances not specifically indicated on the official map shall be determined by scale of the map.
- (6) In case any further uncertainty exists, the Land Use Appeal Authority shall determine the location of such boundaries.
- (7) Boundaries of each of the said zones are hereby established as described herein or as shown on the map entitled Zoning Map of Enoch City which map is on file in the City and all boundaries show thereon are made by this reference as much a part of this Ordinance as is fully described and detailed herein.

## **10-4 CARGO STORAGE CONTAINERS**

(1) **Purpose:** The purpose of the cargo storage containers standards is to establish regulations for the use of cargo storage containers within the city limits of Enoch City; requiring a permit for the placement of such containers; providing standards for use of cargo storage containers; and providing enforcement for violations of this ordinance.

(2) **Definitions:**

- a) **Cargo Storage Container:** An all steel container (some with wooden floors) and strength to withstand shipment, storage and handling. Such containers include reusable steel boxes, freight containers, enclosed highway tractor trailers, and bulk shipping containers; originally a standardized reusable vessel that was designed for and used in the parking, shipping, movement, transportation or storage of freight, articles or goods or commodities; generally capable of being mounted or moved on a rail car, truck trailer or loaded on a ship.

- b) Active building permit: An unexpired and unrevoked building permit for which the building inspector has not performed a final inspection and has not issued a certificate of occupancy.
- c) Applicant: An owner, occupant or authorized agent, or a contractor or person with control of the property or lot.
- d) City: Enoch City, Iron County, Utah.
- e) Cargo Storage Container Permit: A permit to place a Cargo Storage Container on an Applicant's property, either temporarily or permanently.
- f) Permanent: Lasting or intended to last or remain unchanged indefinitely.
- g) Temporary: Lasting for only a limited period of time.

**(3) Temporary Storage Containers for Construction.** This ordinance applies to any tract of land developed for commercial or residential purposes (but not including Research/Industrial Park (R/IP) Zone) within the City limits. The location and use of Cargo Storage Containers shall be as follows:

- (a) Temporary Cargo Storage Containers for Construction: Excepting as permitted hereafter, no person shall store, maintain, or otherwise keep a cargo or shipping container temporarily on any lot or parcel of property within the City without first having obtained and possessing an active construction building permit issued by the City where construction is ongoing, and Applicant has obtained from the City a Cargo Storage Permit for placement of a cargo storage container.
  - i. Prior to the placement of a cargo storage container the property owner must submit an application for a permit on the form established by the Enoch City staff and shall include with the permit application, at a minimum, a site plan showing the location of all buildings, structures, and fences and the proposed location of the portable storage container, the square footage of the cargo storage container, the zone in which the real property is located, and show how the real property will comply with the terms of this ordinance.
  - ii. Cargo Storage containers may not exceed 46' in length.
  - iii. Permits are valid for a period not to exceed one (1) year or until 30 days after a certificate of occupancy has been granted, or a building permit has expired.
  - iv. Upon review and approval of a request for an extension; the Enoch City Manager may grant one (1) six (6) month extension.
- (b) The following are not required: (1) a foundation is not required since they are temporary structures; (2) ventilation is not required; (3) electricity is an option but not required; (4) tie-downs are not required unless electricity is installed;
- (c) Placement Requirements: The Cargo Storage Container shall only be placed on the Applicant's property, setbacks are to be at least 8 feet from property line, and placement of portable storage container may not create a sight obstruction to adjoining properties.
- (d) Historic District: RESERVED.

**(4) Permanent Storage Containers in Commercial Zones:** Cargo Storage Containers may be permanently placed in a Research/Industrial Park (R/IP) zone only after an Applicant's application has been approved by the Enoch City Manager or designee. Cargo Storage Containers may be permanently placed in a commercial zone only after Applicant has filed for a Cargo Storage Container Permit. (The placement and installation of Permanent Cargo Storage Containers shall not be permitted until a Cargo Storage Permit and Applicant has strictly complied with all terms hereunder).

- (a) Cargo Storage Containers cannot be stacked, and no container may exceed 46' in length.
- (b) All Cargo Storage Containers shall be located behind the main or primary structure on the lot or parcel of land and are subject to the same setback requirements as an accessory building.
- (c) Cargo Storage Containers shall be free of graffiti and painted an earth tone color.
- (d) All Cargo Storage Containers shall be structurally sound, stable, and in good mechanical and visual repair.
- (e) Cargo Storage Container used for human habitation shall comply with all building codes and have received a Certificate of Occupancy.
- (f) Cargo Storage Containers used as storage units in a self-storage commercial facility shall comply with requirements (a) through (e) and the commercial business license of the self-storage business will be considered equal to Cargo Storage Container Permit for all cargo storage containers placed within the facility.

**(5) Permanent Storage Containers in Residential Zones.** Cargo Storage Containers may be permanently placed in any residential lot only after an Applicant's application has been approved by Enoch City Manager or designee. The placement and installation of Permanent Cargo Storage Containers in a residential zone shall not be permitted until a Cargo Storage Permit has been issued, and Applicant has strictly complied with all terms hereunder within thirty (30) days of placement:

- (a) All Cargo Storage Containers shall be behind the main or primary structure on a residential lot or parcel of land and are subject to the same setback requirements as an accessory building.
- (b) Cargo Storage Containers shall be free of graffiti and painted an earth tone color.
- (c) All Cargo Storage Containers shall be, structurally sound, stable, and in good mechanical and visual repair.
- (d) Cargo Storage Container used for human habitation must comply with all building codes and have received a Certificate of Occupancy.
- (e) Cargo Storage Container shall not be used to store hazardous materials.

**(6) Application Procedures.**

- (a) An application for a Temporary or Permanent Cargo Storage Container shall be submitted to the Enoch City Manager or designee for review and approval.
- (b) An application recommended for disapproval by Enoch City Manager or designee may be appealed to the Enoch City Planning Commission in accordance with part the appeal process found in this code.
- (c) A Cargo Storage Container Permit may be applied for by a renter only with written consent of the property owner and every application must be signed by the property owner.

(7) **Existing Storage Containers.** The placement and use of Cargo Storage Container placed before the date this ordinance became effective may be continued provided that no such use may be expanded, relocated or changed in any way on the property without conformity with the provisions of this ordinance.

(8) **Enforcement.** Any person whether owner, lessee, principal agent, employee or otherwise, who violates any of the provisions of this ordinance, or permits any such violation, or fails to comply with any of the requirements hereof, or who stores, maintains, or otherwise keeps a cargo/shipping container in violation of any detailed statement of plan submitted by owner and approved under the provisions of this ordinance shall be guilty of an Infraction and, upon conviction thereof, shall be subject to punishment as provided by Utah State law.

#### **10-5 CLUSTER DEVELOPMENT OVERLAY**

- (1) **TITLE:** This Ordinance shall be known as: “The Enoch Cluster Development Overlay Ordinance.” This Ordinance may also be referred to as the Cluster Overlay Ordinance.
- (2) **PURPOSE:** The purpose of this Ordinance is to encourage imaginative and efficient utilization of land through creative development thereby providing greater flexibility in the location of buildings on the land, the consolidation of open spaces and the clustering of dwelling units intended to create more attractive and desirable environments within residential areas of Enoch City, while promoting open space conservation and the protection of sensitive lands. The Cluster Overlay shall be allowed in all residential zones.
- (3) **USE REGULATIONS:** The Cluster Overlay is allowed in all residential zoning areas at the discretion of the City Council, after recommendation of the Planning Commission, and in compliance with the requirements set forth herein. Except as otherwise provided herein, all use requirements of the zoning district in which the Cluster Overlay is located shall apply.
- (4) **GENERAL REQUIREMENTS:** The Cluster Overlay shall be available for application only with regard to parcels of property of seventy-five (75) acres or larger. If more than one parcel of property is to be used to meet the seventy-five (75) acre requirement, all such parcels must be contiguous. The number of lots allowed in the Cluster Overlay shall be the same as the number permitted by the lot area requirements

of the zoning district in which the Cluster Overlay is located. The number of lots may be approved at a number less than the number allowed in the zoning district as determined by the City Council after recommendation of the Planning Commission, in order to meet the purposes of this Ordinance. In no event shall the overall density exceed the density allowed by the particular zone.

The size and location of the area to be preserved and maintained as open space or recreational use shall be of a size and location sufficient to achieve the purposes of the area preserved. The area to be preserved and maintained as open space shall be no less than 20% (twenty percent) of the total area of the proposed subdivision site. All areas to be preserved for open space shall not be for Habitat conservation.

The property adjacent to the Cluster Overlay subdivision shall not be adversely affected and to this end, the Planning Commission may recommend, and the City Council require, that uses of least intensity and of greatest compatibility be arranged within the boundaries of the Cluster Overlay subdivision area.

- (5) **MINIMUM LOT SIZES:** The minimum lot area for residential dwellings may be reduced below the area normally required by the applicable zoning requirements for the zone in which the Cluster Overlay subdivision is located, as recommended by the Planning Commission and approved by the City Council. The proposed lots in a Cluster Overlay subdivision must be of sufficient size to allow a twenty (20) foot separation between the sidewalls of all dwelling units.

Wherever possible, clustering shall occur on the least sensitive area, which is normally the land area with the least slope and fewest unique or highly visible landforms. The least sensitive land areas shall be fully utilized prior to distribution of density on more sensitive areas.

Setback requirements for front and side yards of dwellings located on corner lots shall be determined by City ordinance. Requests for consideration of special exceptions regarding such setbacks shall be made to the City Council as the appeal authority, as permitted by City ordinance. In no case shall a residential dwelling be allowed a setback of less than twelve (12) feet from the legal description of any City right-of-way. In relation to side set-backs, any permanent structure must be a minimum of 10 feet from each side lot boundary. A developer who is building a series of homes may request a special exception from this 10 feet minimum when he submits to the building inspector a separate affidavit stating the series of homes to be constructed will have the required 20 feet separation between home placements at the time of building permit application. Special exceptions will be defined as providing for a more creative layout of the structures of to gain the best use of the land or for esthetics of safety issues.

(Revised 12-05-07)

Every dwelling structure shall be located and maintained on a separate lot having no less than the minimum area, width, depth and frontage required by this Ordinance for the district in which the dwelling structure is located, unless otherwise recommended by the Planning Commission and approved by the City Council. Group dwellings, cluster dwellings, condominiums and townhouses or other multi-structure dwelling complexes under single ownership and management, if otherwise permitted by City ordinance, may occupy one lot for each such multi-structured complex.

- (6) **OPEN SPACE PROVISIONS AND MAINTENANCE:** All areas to be preserved as recreational or open space pursuant to this Ordinance shall be preserved, improved and maintained by: a) noting on the recorded plat that such recreational or open space land is to be preserved as common area; or b) dedicating the land to the city as recreational or open space; or c) granting a conservation easement to a public land trust to keep the land for recreational or open space. If the open space is to be preserved by designating it as common area or through a conservation easement, the plat, covenants, conditions and restrictions, and easement, shall, in form approved by the City, require that the land be maintained by any applicable home owners association, the property owners individually, and/or the public land trust granted the easement.

The reserved recreational or open space lands may be used for agricultural and recreational purposes provided no permanent buildings are constructed, unless a building is approved by the City Council upon recommendation of the Planning Commission. All areas to be preserved for open space shall not be for Habitat conservation.

Failure to maintain or preserve the recreational or open space as required shall result in remedial action being taken by the City to correct the failure at the expense of the person or persons responsible for such maintenance or preservation. Any fees, costs or expenses incurred by the City to correct the failure, including court costs and reasonable attorney fees, shall be paid to the City within ten (10) days of receipt from the City of a billing setting forth the amounts due the City.

If, after thirty (30) days from receipt of notice the costs, fees and expenses have not been paid, or an agreement as to the settlement of the charges has not been otherwise reached, the City may use all legal means to collect such costs, fees and expenses, all at the expense of the person or persons responsible for the payment of the same. In addition, any such unpaid costs, fees and expenses shall constitute a lien upon each lot and all recreational and open space within the subdivision, and the City may foreclose such lien in the same manner as provided by Utah law for the foreclosure of a deed of trust through sale by a trustee. Such unpaid costs, fees and expenses may also be reported by the City to the Iron County Assessor for inclusion and collection with other real property taxes related to the lots and recreational and open space within the subdivision.

The payment obligations and collection alternatives, as set forth above, shall be set forth on any plat, covenants, conditions and restrictions, and/or easement created as part of the subdivision, as the case may be.

If any part of this Ordinance shall be found to be unconstitutional or unlawful by a duly appointed court of law, all parts not so found shall be lawful and in full force.

#### **10-6 Congregate Living Facilities**

- (1) Residential facility for the elderly provided it meets the following criteria:
- a. conforms to all applicable health, safety, zoning and building codes;
  - b. is capable of use as a residential facility for elderly persons in a family-type arrangement;
  - c. placement is on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution;

- d. is not located within 100 feet of another existing residential facility for elderly persons;
  - e. is not operated as a business prohibited by section 7-13 hereof, provided that any fee charged for food or for actual and necessary costs of operation and maintenance of the facility shall not by themselves cause it to be considered a business. (Rev. 3-1-17)
- (2) Residential facility for handicapped persons provided it meets the following criteria:
- a. conforms to all applicable health, safety, and building codes;
  - b. is capable of use as a residential facility for handicapped persons without structural or landscaping alterations that would change the structure's residential character;
  - c. is occupied on a 24 hour-per-day basis by handicapped persons in a family-type arrangement under the supervision of a house family or manager;
  - d. is not occupied by any person who is violent;
  - e. is on a strictly voluntary basis and not a part of, or in lieu of confinement, rehabilitation, or treatment in a correctional institution;
  - f. provides 24 hour supervision of the residents; and
  - g. is operated by or under contract with the Utah Department of Human Services in conformity with all its applicable standards and requirements. (Rev. 3-1-17)
- (3) Residential Treatment Centers and Therapeutic Boarding Schools coming within the definition 1-6 (155) and 1-6 (187) of this Ordinance and including structured foster care as referred to in 1-6 (81) of this Ordinance, provided it meets the following criteria:
- a. conforms to all applicable health, safety, and building codes;
  - b. is capable of use as a residential facility without structural or landscaping alterations that would change the structure's residential character;
  - c. is occupied on a 24 hour-per-day basis by youth in a family-type arrangement under the supervision of a house family or manager;
  - d. is not located within 500 feet of another existing Residential Treatment Center or Therapeutic Boarding; and,
  - e. provides 24 hour-per-day supervision of the residents by either the house family, or a person trained and qualified to work in a professional capacity. "House family" shall refer to adult members of the resident family who have been approved by a licensed state placement agency; and,
  - f. provides the City with current copies of all official certifications and licenses necessary for the legal use of the residence as a Residential Treatment Center or Therapeutic Boarding School. (Rev. 3-1-17)
- (4) Residential facility for foster children, other than those placed in a dwelling unit licensed by the Utah Division of Family Services for either basic or specialized care, as referred to in 1-6 of this Ordinance, provided it meets the following criteria:
- a. conforms to all applicable health, safety, and building codes;
  - b. is capable of use as a residential facility for foster children without structural or landscaping alterations that would change the structure's residential character;



- c. is occupied on a 24 hour-per-day basis by children in a family-type arrangement under the supervision of a house family or parent;
- d. is operated under contract with an agency certified by the Utah Department of Human Services with standards of placement and supervision acceptable to the City;
- e. placement is not a part of, or in lieu of confinement, rehabilitation, or treatment in a correctional institution;
- f. supervision is provided by a qualified adult member of the family on a 24-hour basis. (Rev. 3-1-17)

**CHAPTER 11. PLANNED UNIT DEVELOPMENT  
P-D**

- 11-1 PURPOSE
- 11-2 PERMITTED USES
- 11-3 CONDITIONAL USES
- 11-4 GENERAL REQUIREMENTS
- 11-5 MINIMUM LOT SIZES
- 11-6 OPEN SPACE PROVISIONS AND MAINTENENANCE

11-1. **TITLE:** This Ordinance shall be known as: “The Enoch Planned-Development Overlay Subdivision Ordinance.” This Ordinance may also be referred to as the P-D Overlay Ordinance.

11-2. **PURPOSE:** The purpose of this Ordinance is to encourage imaginative and efficient utilization of land through creative development thereby providing greater flexibility in the location of buildings on the land, the consolidation of open spaces and the clustering of dwelling units intended to create more attractive and desirable environments within residential areas of Enoch City, while promoting open space conservation and the protection of sensitive lands. The P-D Overlay shall be allowed in all residential zones.

11-3. **Use Regulations**

The P-D Overlay is allowed in all residential zoning areas at the discretion of the City Council in compliance with the requirements set forth herein and upon recommendation of the Planning Commission. All use requirements of the zoning district in which the P-D Overlay is located shall apply.

11-4. **General Requirements**

The number of lots allowed in the P-D Overlay shall be the same as the number permitted by the lot area requirements of the zoning district in the P-D Overlay located and may be less than the number allowed as recommended by the Planning Commission.

The area and location of the area to be preserved and maintained through the duly elected Home Owner’s Association for open space or recreational use shall be of a size and location sufficient to achieve the purposes of the area preserved. The area to be preserved and maintained as open space shall be no less than 20% (twenty percent) of the total area of the proposed subdivision site.

The property adjacent to the P-D Overlay Subdivision shall not be adversely affected and to this end, the Planning Commission may recommend, and the City Council require the uses of least intensity and of greatest compatibility be arranged within the boundaries of the P-D Overlay Subdivision area.

11-5. **Minimum Lot Sizes**

The minimum lot area for residential dwellings may be reduced below the area normally required by the present zoning requirements in which the P-D Overlay Subdivision is located, as recommended by the Planning Commission and approved by the City Council.

The proposed lots in a P-D Overlay subdivision must be of sufficient size to allow a twenty (20) foot separation between the side walls of all dwelling units.

Set back requirements for front yards of a dwelling and side yards of dwellings located on corner lots shall be determined by City Ordinance but can be brought to the attention of the Land Use Appeal Authority for consideration. But, no residential dwelling shall be set back less than twelve (12) feet from the legal description of the City right-of-way.

11-6. **Open Space Provisions and Maintenance**

All areas to be preserved for open space through the P-D Overlay Subdivision Ordinance shall be preserved, improved and maintained by the Home Owner's Association in accordance with a plan that is recordable, irrevocable and with restrictions that shall be submitted by the developer or sub divider, or a duly elected Home Owner's Association, reviewed by the City staff, recommended by the Planning Commission and approved by the City Council.

Failure of the Home Owner's Association to maintain or preserve the open space according to the City Council approved plan shall result in remedial action being taken by the City of Enoch to correct the problem at the expense of the Home Owner's Association.

Any fees, costs or expenses incurred by the City of Enoch to correct a problem or remedy a default by the Home Owner Association's failure to enforce the Codes, Covenants and Restrictions of said Subdivision will be due and payable to the City of Enoch by the Home Owner Association upon receipt of billing by the City.

If, after thirty (30) days the fees have not been paid, or an agreement as to the settlement of the charges or the arrangement of an Enoch City approved schedule of payment has not been reached, then the City of Enoch shall use all legal means to collect said fees at the expense of the Homeowner's Association, including all legal fees incurred in the pursuit of the collection of said fees or charges.

**CHAPTER 12. RURAL RESIDENTIAL DISTRICT  
R-R-5, R-R-2, R-R-1**

- Section 12-1. PURPOSE.
- Section 12-2. PERMITTED USES.
- Section 12-3. CONDITIONAL USES.
- Section 12-4. HEIGHT REGULATIONS.
- Section 12-5. MINIMUM AREA, WIDTH AND YARD REGULATIONS.
- Section 12-6. SIGNS.
- Section 12-7. MODIFYING REGULATIONS.
- Section 12-8. OTHER PROVISIONS.

**12-1 PURPOSE .**

To provide permanent areas for small farms, hobby farms and united agricultural development

**12-2 PERMITTED USES.**

- (1) Agricultural business or industry.
- (2) Agriculture, tilling of the soil, the raising of crops, horticulture and gardening.
- (3) Animals and fowl for recreation or for family food production for the primary use of persons residing on the premises.
- (4) Four (4) ranch/accessory building, not to exceed 20% of land, customarily incidental to the permitted use.
- (5) Four (4) nursery or greenhouse buildings, excluding any building or structure for retail separate from the greenhouse growing facility.
- (6) Golf course.
- (7) Grazing and pasturing of animals.
- (8) Household pets.
- (9) Private stable, corral, chicken coop or pen.
- (10) Public cemetery.
- (11) Public church.
- (12) Public school.
- (13) Public utilities, essential service.
- (14) Single-family dwelling.
- (15) Single-family dwelling with a portion as a rental. (Rev. 4-19-17)
- (16) Single-family dwelling with a guest house. (Rev. 4-19-17)
- (17) Solar energy systems which provide energy for private use provided that requirements under Section 4-9 of this Ordinance are met.
- (18) Other uses similar to the above may be recommended by the Planning Commission and judged by the City Council to be in harmony with the character and intent of this zone. (Section 13-2 amended 5-6-98)

**12-3 CONDITIONAL USES.**

- (1) Home occupation business.
- (2) Bed and Breakfast.

- (3) Congregate Living Facilities

**12-4 HEIGHT REGULATIONS.**

No main building may exceed two and one-half (2 ½) stories or thirty-five (35) feet in height. No dwelling shall be less than one (1) story in height. (Section 13-4 amended 5-6-98)

**12-5 MINIMUM AREA, WIDTH, AND YARD REQUIREMENTS.**

<u>District</u>	<u>Area</u>	<u>Width</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
R-R-5	5 acres	200 ft.	35 ft.*	10 ft.	10 ft.
R-R-2	80,000 sq. ft.	200 ft.	35 ft.*	10 ft.	10 ft.
R-R-1	40,000 sq. ft.	145 ft.	35 ft.*	10 ft.	10 ft.

The front yard set-back on a lot adjoining a cul-de-sac shall be no less than twenty (20) feet at any point of the arc.

\* Exception - Already existing homes as of August 4, 1999, with a front yard setback closer than 35 feet, will keep the same front yard setback as established by the location of the home. The City Council may grant an exception to the 35 foot front yard setback on an unusual shaped lot. (R-R-2 zone added 11-15-95) (Front yard requirement amended 8-4-99) (R-R-1 width requirement amended 3-6-02)

**12-6 SIGNS .**

Signs permitted in the rural residential districts shall be limited to the following:

- (1) One civic sign, not to exceed thirty-two (32) square feet in sign area.
- (2) One development sign, not to exceed thirty-two (32) square feet in sign area.
- (3) One real estate sign, not to exceed eight (8) square feet in sign area.
- (4) One residential sign, not to exceed two (2) square feet in sign area.
- (5) No more than two (2) signs on any one parcel.
- (6) Signs meet required set back per zone.
- (7) Signs may not exceed six (6) feet in height at the tallest point.
- (8) No commercial signs within a residential district; exception is made for Home Occupation Business Conditional Use Permits within residential districts. (Section 13-6 amended 7-6-94)

**12-7 MODIFYING REGULATIONS.**

- (1) Side yard - On corner lots, the side yard which faces on a street be no less than twenty (20) feet.
- (2) Rear yard - All accessory buildings shall be located at the rear of and at least ten (10) feet from the main building and shall have a rear yard of at least ten (10) feet.
- (3) Any stable, corral, chicken coop, pen or run in which animals or fowl are maintained shall be at least fifty (50) feet from any adjoining residential structure.

**12-8 OTHER PROVISIONS.**

Exceptions to these regulations are provided in Chapter 4 of this Ordinance.

**CHAPTER 13. SINGLE FAMILY RESIDENTIAL DISTRICT  
R-1-18**

- Section 13-1. PURPOSE.
- Section 13-2. PERMITTED USES.
- Section 13-3. CONDITIONAL USES.
- Section 13-4. HEIGHT REGULATIONS.
- Section 13-5. MINIMUM AREA, WIDTH AND YARD REQUIREMENTS.
- Section 13-6. SIGNS.
- Section 13-7. MODIFYING REGULATIONS.
- Section 13-8. OTHER PROVISIONS.

**13-1 PURPOSE.**

To provide and protect areas for low-density, single family neighborhoods, while permitting the limited establishment of public and quasi-public uses which serve the requirements of families.

**13-2 PERMITTED USES.**

- (1) Accessory uses and buildings customarily incidental to permitted uses, not to exceed 10% of the land.
- (2) Agriculture; tilling of the soil, the raising of crops, horticulture, and gardening.
- (3) Animals and fowl for recreation or family food production for the primary use of persons residing on the premises, or lot(s) contiguous to the lot on which the primary dwelling exists.
- (4) Household pets.
- (5) Public buildings.
- (6) Public cemetery.
- (7) Public church.
- (8) Public park or playground.
- (9) Public school.
- (10) Public utilities, essential services. (Limit area 4' X 4')
- (11) Single-family dwellings.
- (12) Single-family dwelling with a portion as a rental. (Rev. 4-19-17)
- (13) Single-family dwelling with a guest house. (Rev. 4-19-17)
- (14) Solar energy systems which provide energy for the private use provided that requirements under Section 4-9 of the Ordinance are met.
- (15) Other uses similar to the above may be recommended by the Planning Commission and judged by the City Council to be in harmony with the character and intent of this zone. (Section 14-2 amended 5-6-98)

**13-3 CONDITIONAL USES.**

- (1) Child day care or nursery.
- (2) Golf course.
- (3) Home occupation business.
- (4) Private recreation grounds and facilities.
- (5) Congregate Living Facilities

**13-4 HEIGHT REGULATIONS.**

No main building shall exceed a height greater than two and one-half (2 ½) stories or thirty-five (35) feet. No dwelling structure shall be less than one (1) story. No accessory building shall exceed a height greater than twenty (20) feet measured from the finished grade to the top plate. (Rev. 7-5-17)

**13-5 MINIMUM AREA, WIDTH AND YARD REQUIREMENTS.**

<u>District</u>	<u>Area</u>	<u>Front Width</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
R-1-18	18,000 sq. ft.	99 ft.	35 ft.*	10 ft.	10 ft.

The front yard set-back on a lot adjoining a cul-de-sac shall be no less than twenty (20) feet at any point of the arc.

\* Exception - Already existing homes as of August 4, 1999, with a front yard setback closer than 35 feet, will keep the same front yard setback as established by the location of the home. The City Council may grant an exception to the 35 foot front yard set-back on an unusual shaped lot. (Front yard width amended 8-4-99) (Sec. 14-5 amended 4-7-93)

**13-6 SIGNS .**

Signs permitted in the single family residential district shall be limited to the following:

- (1) One civic sign, not to exceed thirty-two (32) square feet in sign area.
- (2) One development sign, not to exceed thirty-two (32) square feet in sign area.
- (3) One real estate sign, not to exceed eight (8) square feet in sign area.
- (4) One residential sign, not to exceed two (2) square feet in sign area.
- (5) No more than two (2) signs on any one parcel.
- (6) Signs meet required set back per zone.
- (7) Signs may not exceed six (6) feet in height at the tallest point.
- (8) No commercial signs within a residential district; exception is made for Home Occupation Business Conditional Use Permits within residential districts.

**13-7 MODIFYING REGULATIONS.**

- (1) Side yards - Main buildings, other than dwellings, shall have a minimum side yard of ten (10) feet and the total of the two side yards shall be twenty (20) feet. Private garages and accessory buildings, located at least ten (10) feet behind the main building, may have a side yard of two (2) feet with no ingress/egress from a side street. If ingress/egress is to be at the side street, set back shall be 20 feet.
- (2) Rear yards - Private garages and accessory buildings, located at least ten (10) feet behind the main building, may have a rear yard of two (2) feet; provided that on corner lots, rearing on the side of another lot, the minimum rear yard for all buildings shall be the same as the minimum side yard requirements of the zoning district. (Rev. 4-19-17)
- (3) Any stable, corral, chicken coop, pen or run in which animals or fowl are maintained shall be at least fifty (50) feet from any adjoining residential structure.

**13-8 OTHER PROVISIONS.**

Exceptions to these regulations are provided in Chapter 2 of this Ordinance.

**CHAPTER 14. SINGLE FAMILY RESIDENTIAL DISTRICT  
R-1-11**

- Section 14-1. PURPOSE.
- Section 14-2. PERMITTED USES.
- Section 14-3. CONDITIONAL USES.
- Section 14-4. HEIGHT REGULATIONS.
- Section 14-5. MINIMUM AREA, WIDTH AND YARD REQUIREMENTS.
- Section 14-6. SIGNS.
- Section 14-7. MODIFYING REGULATIONS.
- Section 14-8. OTHER PROVISIONS.

**14-1 PURPOSE.**

To provide and protect areas for medium-density, single family neighborhoods, while permitting the limited establishment of public and quasi-public uses which serve the requirements of families.

**14-2 PERMITTED USES.**

- (1) Accessory uses and buildings customarily incidental to permitted uses, not to exceed 10% of the land.
- (2) Public utilities, essential services. (Limit area 4' X 4')
- (3) Single-family dwellings.
- (4) Child day care or nursery with 4 children or less.
- (5) Home occupation business.

**14-3 CONDITIONAL USES.**

- (1) Congregational Living Facilities *except* Treatment Home and Therapeutic Boarding School
- (2) Public buildings.
- (3) Public cemetery.
- (4) Public church.
- (5) Public park or playground.
- (6) Public school.
- (7) Child day care or nursery with more than 4 children.
- (8) Private recreation grounds and facilities.

**14-4 HEIGHT REGULATIONS.**

No main building shall exceed a height greater than two and one-half (2 ½) stories or thirty-five (35) feet. No dwelling structure shall be less than one (1) story. No accessory building shall exceed a height greater than twenty (20) feet measured from the finished grade to the top plate. (Rev. 7-5-17)

**14-5 MINIMUM AREA, WIDTH AND YARD REQUIREMENTS.**

<u>District</u>	<u>Area</u>	<u>Width</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
R-1-11	11,000 sq. ft.	75 ft.	25 ft.	10 ft.	10 ft.



The front yard set-back on a lot adjoining a cul-de-sac shall be no less than twenty (20) feet at any point of the arc.

**14-6 SIGNS.**

Signs permitted in the single family residential district shall be limited to the following:

- (1) One civic sign, not to exceed thirty-two (32) square feet in sign area.
- (2) One development sign, not to exceed thirty-two (32) square feet in sign area.
- (3) One real estate sign, not to exceed eight (8) square feet in sign area.
- (4) One residential sign, not to exceed two (2) square feet in sign area.
- (5) No more than two (2) signs on any one parcel.
- (6) Signs meet required set back per zone.
- (7) Signs may not exceed six (6) feet in height at the tallest point.
- (8) No commercial signs within a residential district; exception is made for Home Occupation Business Conditional Use Permits within residential districts. (Section 14-6 amended 7-6-94)

**14-7 MODIFYING REGULATIONS.**

- (1) Side yards - Main buildings, other than dwellings, shall have a minimum side yard of ten (10) feet. Private garages and accessory buildings, located at least ten (10) feet behind the main building, may have a side yard of two (2) feet with no ingress/egress from a side street. If ingress/egress is to be at side street, set back shall be 20 feet.
- (2) Rear yards - Private garages and accessory buildings, located at least ten (10) feet behind the main building, may have a rear yard of two (2) feet; provided that on corner lots, rearing on the side of another lot, the minimum rear yard for all buildings shall be the same as the minimum side yard requirements of the zoning district.
- (3) Any stable, corral, chicken coop, pen or run in which animals or fowl are maintained shall be at least fifty (50) feet from any adjoining residential structure.

**14-8 OTHER PROVISIONS.**

Exceptions to these regulations are provided in Chapter 2 of this Ordinance.

**CHAPTER 15. MULTIPLE RESIDENTIAL DISTRICT  
M-R-2**

Section 15-1. PURPOSE.

Section 15-2. PERMITTED USES.

Section 15-3. CONDITIONAL USES.

Section 15-4. HEIGHT REGULATIONS.

Section 15-5. DENSITY REGULATIONS.

Section 15-6. MINIMUM AREA, WIDTH AND YARD REQUIREMENTS.

Section 15-7. SIGNS.

Section 15-8. MODIFYING REGULATIONS.

Section 15-9. OTHER PROVISIONS.

**15-1 PURPOSE.**

To provide and protect areas for medium density residential while permitting limited establishment of the public and quasi-public uses which serve the requirements of the neighborhood.

**15-2 PERMITTED USES.**

- (1) Accessory uses and buildings customarily incidental to permitted uses, not to exceed 10% of the land.
- (2) Single family dwelling.
- (3) Twin homes.
- (4) Town homes.
- (5) Duplexes  
Use of a lot or lots contiguous to the lot on which a dwelling exists for any permitted use allowed within the district.

**15-3 CONDITIONAL USES.**

- (1) Child day care or nursery.
- (2) Home occupation business.
- (3) Public church
- (4) Public park or playground
- (5) Public school
- (6) Congregate Living Facilities

**15-4 HEIGHT REGULATIONS.**

No main building shall exceed a height greater than two and one-half (2 ½) stories or thirty-five (35) feet. No dwelling structure shall be less than one (1) story. No accessory building shall exceed a height greater than twenty (20) feet measured from the finished grade to the top plate. (Rev. 7-5-17)

**15-5 DENSITY REGULATIONS.**

The density shall not exceed two town houses, one twin home or duplex per 22,000 square feet.

**15-6 MINIMUM SETBACKS**

Front yard thirty-five feet (35'), side yard ten feet (10'), rear yard ten feet (10')

The front yard set-back on a lot adjoining a cul-de-sac shall be no less than twenty (20) feet at any point of the arc.

\* Exception - Already existing homes as of August 4, 1999, with a front yard setback closer than 35 feet, will keep the same front yard setback as established by the location of the home. The City Council may grant an exception to the 35 foot front yard set-back on an unusual shaped lot. (Front yard width amended 8-4-99)

**15-7 SIGNS.**

Signs permitted in the Multiple Residential District shall be limited to the following:

- (1) One civic sign, not to exceed thirty-two (32) square feet in sign area.
- (2) One development sign, not to exceed thirty-two (32) square feet in sign area.
- (3) One real estate sign, not to exceed eight (8) square feet in sign area.
- (4) One residential sign, not to exceed two (2) square feet in sign area.
- (5) No more than two (2) signs on any one parcel.
- (6) Signs meet required set back per zone.
- (7) Signs may not exceed six (6) feet in height at the tallest point.
- (8) No commercial signs within a residential district; exception is made for Home Occupation Conditional Use Permits within residential districts. (Section 15-7 amended 7-6-94)

**15-8 MODIFYING REGULATIONS.**

- (1) Side yard - Side yard set-back, on a street side yard of a corner lot, shall be no less than two (2) feet. (Rev. 4-19-17)
- (2) Private garages and accessory buildings, located at least ten (10) feet behind the main building, may have a side yard of two (2) feet with no ingress/egress from a side street. If ingress/egress is to be at side street, set back shall be 20 feet. (Rev. 4-19-17)
- (3) Rear yard - Private garages and accessory building, located at least ten (10) feet behind the main building, may have a rear yard of two (2) feet provided that on corner lots rearing the side of another lot, the minimum rear yard for all buildings shall be the same as the minimum side yard requirement of the zoning district.
- (4) Any stable, corral, chicken coop, pen or run in which animals or fowl are maintained shall be at least fifty (50) feet from any adjoining residential structure.

**15-9 OTHER PROVISIONS.**

Exceptions to these regulations are provided in Chapter 4 of this Ordinance.

**CHAPTER 16. MIXED RESIDENTIAL  
MXR-18**

Section 16-1. PURPOSE.

Section 16-2. PERMITTED USES.

Section 16-3. CONDITIONAL USES.

Section 16-4. HEIGHT REGULATIONS.

Section 16-5. MINIMUM AREA, WIDTH AND YARD REQUIREMENTS.

Section 16-6. SIGNS.

Section 16-7. MODIFYING REGULATIONS.

Section 16-8. OTHER PROVISIONS.

**16-1 PURPOSE.**

To provide areas for single family and mobile homes with the opportunity for varied housing styles.

**16-2 PERMITTED USES.**

- (1) Accessory uses and buildings customarily incidental to the permitted use, not to exceed 10% of the land.
- (2) Agriculture; tilling of the soil, the raising of crops, horticulture and gardening.
- (3) Animals and fowl for recreation or family food production for the primary use of persons residing on the premises, or lot(s) contiguous to the lot on which the primary dwelling exists.
- (4) Household pets.
- (5) Public building.
- (6) Public cemetery.
- (7) Public church.
- (8) Public park or playground.
- (9) Public school.
- (10) Public utilities, essential services.
- (11) Single family dwellings.
- (12) Single-family dwellings with a portion as a rental. (Rev. 4-19-17)
- (13) Single-family dwellings with a guest house. (Rev. 4-19-17)
- (16) Single family mobile homes on individual lots, constructed on permanent foundation.
- (16) Solar energy system, which provides energy for private use, provided that requirements under Section 4-9 of this Ordinance are met.
- (16) Other uses similar to the above may be recommended by the Planning Commission and judged by the City Council to be in harmony with the character and intent of this zone. (Section 16-2 amended 5-6-98)

**16-3 CONDITIONAL USES.**

- (1) Child day care or nursery.
- (2) Home occupation business.
- (3) Congregate Living Facilities

**16-4 HEIGHT REGULATIONS.**

No main building shall exceed a height greater than two and one-half (2 1/2) stories or thirty-five (35) feet. No dwelling structure shall be less than one (1) story. No accessory building shall exceed a height greater than twenty (20) feet measured from the finished grade to the top plate. (Rev. 7-5-17)

**16-5 MINIMUM AREA, WIDTH AND YARD REQUIREMENTS.**

(1) Single family residents and mobile homes on individual lots shall comply with the following:

<u>District</u>	<u>Area</u>	<u>Width</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
MXR-18	18,000 sq. ft.	120 ft.	35 ft.*	10 ft.	10 ft.

The front yard set-back on a lot adjoining a cul-de-sac shall be no less than twenty (20) feet at any point of the arc.

\* Exception - Already existing homes as of August 4, 1999, with a front yard setback closer than 35 feet, will keep the same front yard setback as established by the location of the home. The City Council may grant an exception to the 35 foot front yard setback on an unusual shaped lot. (Front yard width amended 8-4-99)

(2) Mobile home spaces in a mobile home subdivision shall comply with Chapter 17 of this Ordinance.

**16-6 SIGNS.**

Signs permitted in the Mixed Residential District shall be limited to the following:

- (1) Single family dwelling and mobile homes on individual lots:
  - a. One civic sign not to exceed thirty-two (32) square feet in sign area.
  - b. One development sign not to exceed thirty-two (32) square feet in sign area.
  - c. One real estate sign not to exceed eight (8) square feet in sign area.
  - d. One residential sign not to exceed two (2) square feet in sign area for the residential building, and one residential sign, not to exceed eight (8) square feet for the name and address of a multi-family residential building.
  - e. No more than two (2) signs on any one parcel.
  - f. Signs meet required set back per zone.
  - g. Signs may not exceed six (6) feet in height at the tallest point.
  - h. No commercial signs within residential district; exception is made for Home Occupation Conditional Use Permits within residential districts.
- (2) Mobile home subdivisions shall comply with section 17-7 of this Ordinance. (Section 16-6 amended 7-6-94)

**16-7 MODIFYING REGULATIONS.**

(1) Single family dwellings and mobile homes on individual lots:

- a. Side yards - Main buildings, other than dwellings, shall have a minimum side yard of twenty (20) feet, and the total of the two (2) side yards shall be a minimum of forty (40) feet. Private garages and other accessory buildings, located at least ten (10) feet behind the main building, may have a side yard of two (2) feet with no ingress/egress from a side street. If ingress/egress is to be at a side street, set back shall be 20 feet. (Rev. 4-19-17)
- b. Rear yard - Private garages and accessory buildings, located at least ten (10) feet behind the main building, may have a rear yard of two (2) feet, provided that on corner lots rearing on the side of another lot, the minimum rear yard for all buildings shall be the same as the minimum side yard requirements if the zoning district.
  - (2) Mobile home subdivisions shall comply with section 17-8 of this Ordinance.
  - (3) Any stable, corral, chicken coop, pen or run, in which animals or fowl are maintained, shall be at least fifty (50) feet from any adjoining residential structure.

**16-8 OTHER PROVISIONS.**

Exceptions to these regulations are provided in Chapter 4 of this Ordinance.

**CHAPTER 17. MOBILE HOME SUBDIVISION  
MHS**

- Section 17-1. PURPOSE.
- Section 17-2. DEFINITIONS.
- Section 17-3. PERMITTED USES.
- Section 17-4. CONDITIONAL USES.
- Section 17-5. HEIGHT REGULATIONS.
- Section 17-6. MINIMUM AREA, WIDTH AND YARD REQUIREMENTS.
- Section 17-7. SIGNS.
- Section 17-8. MODIFYING REGULATIONS.
- Section 17-9. MOBILE HOME SET UP STANDARDS.
- Section 17-10. OTHER PROVISIONS.

**17-1 PURPOSE .**

To provide and protect areas for mobile home neighborhoods, while permitting limited establishment of public and quasi-public uses which serve the requirements of the neighborhood.

**17-2 DEFINITIONS.**

Mobile Home. A detached, single-family dwelling unit with a minimum of four hundred (400) square feet, designed for long term occupancy, and constructed to be transported on its own wheels, flatbed trailers or detachable wheels. It is designed to be used as a dwelling unit without a permanent foundation and shall have U.S. Department of Housing and Urban Development (HUD) certification. (Amended 1-21-98)

**17-3 PERMITTED USES.**

- (1) Accessory uses and buildings customarily incidental to the permitted use, not to exceed 10% of the land.
- (2) Animals and fowl for recreation or family food production for the primary use of persons residing on the premises, or lot(s) contiguous to the lot on which the primary dwelling exists.
- (3) Horticulture and gardening for personal use.
- (4) Household pets.
- (5) Public church.
- (6) Public park or playground.
- (7) Public school.
- (8) Public utilities, essential services.
- (9) Single family mobile homes on individual lots, provided on permanent foundations.
- (10) Solar energy system which provides energy for private use provided that requirements under Section 4-9 of this Ordinance are met.
- (11) Other uses similar to the above may be recommended by the Planning Commission and judged by the City Council to be in harmony with the character and intent of this zone. (Section 17-3 amended 5-6-98)

**17-4 CONDITIONAL USES.**

- (1) Child day care or nursery.
- (2) Home occupation business.
- (3) Private recreational grounds and facilities.
- (4) Congregate Living Facilities

**17-5 HEIGHT REGULATIONS.**

No main building may exceed two and one-half (2 ½) stories or thirty-five (35) feet in height. No dwelling shall be less than one (1) story in height. No accessory building may exceed twenty (20) feet in height.

**17-6 MINIMUM AREA, WIDTH AND YARD REQUIREMENTS.**

<u>District</u>	<u>Area</u>	<u>Width</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
MHS	18,000 sq. ft.	99 ft.	35 ft.*	20 ft.	10 ft.

The front yard set-back on a lot adjoining a cul-de-sac shall be no less than twenty (20) feet at any point of the arc.

\* Exception - Already existing homes as of August 4, 1999, with a front yard setback closer than 35 feet, will keep the same front yard setback as established by the location of the home. The City Council may grant an exception to the 35 foot front yard set-back on an unusual shaped lot. (Front yard width amended 8-4-99)

**17-7 SIGNS.**

Signs permitted in the Mobile Home District shall be limited to the following:

- (1) One civic sign not to exceed thirty-two (32) square feet in sign area.
- (2) One development sign not to exceed thirty-two (32) square feet in sign area.
- (3) One real estate sign not to exceed eight (8) square feet in sign area.
- (4) One residential sign not to exceed two (2) square feet in sign area.
- (5) No more than two (2) signs on any one parcel.
- (6) Signs meet required set back per zone.
- (7) Signs may not exceed six (6) feet in height at the tallest point.
- (8) No commercial signs within a residential district; exception is made for Home Occupation Conditional Use Permits within residential districts.

**17-8 MODIFYING REGULATIONS.**

- (1) Side yards - The street side yard of a corner lot shall have a side yard of twenty (20) feet. On interior lots, private garages and accessory buildings located at least ten (10) feet behind the main building may have a side yard of two (2) feet.
- (2) Rear yards - Private garages and accessory buildings, located at least ten (10) feet behind the main dwelling may have a rear yard of three (3) feet, provided that on corner lots rearing on the side of another lot, the minimum rear yard for all buildings shall be the same as the minimum side yard requirement of the zoning district.



- (3) Accessory building or shed must be located in the side or rear yard.
- (4) No mobile home on adjacent lots shall be closer together than the normal set-back for each lot.
- (5) All mobile homes shall be skirted. All skirts shall be block or solid concrete.
- (6) Any stable, corral, chicken coop, pen, or run in which animals or fowl are maintained shall be at least fifty (50) feet from any adjoining residential structure.
- (7) All mobile homes within this district shall comply with the subdivision district zoning ordinance in which they are located.

**17-9 MOBILE HOME SET UP STANDARDS.**

All mobile homes shall be set up on two (2) side by side concrete blocks with a minimum size of 4" x 8" x 17", with cinder block set on top with a minimum size of 8" x 8" x 17". These blocks shall be situated under the support beam not more than six feet apart. All mobile homes shall have a block or concrete skirt.

**17-10 OTHER PROVISIONS.**

Exceptions to these regulations are provided in Chapter 4 of this Ordinance.  
(Chapter 17 amended 9-20-95)

## CHAPTER 18. COMMERCIAL ZONES

Section 18-1	DESIGNATION OF COMMERCIAL ZONES
Section 18-2	PERMITTED USES
Section 18-3	FLOOR AREA
Section 18-4	HEIGHT REGULATIONS
Section 18-5	MINIMUM AREA, WIDTH AND YARD REGULATIONS
Section 18-6	SIGNS.
Section 18-7	SPECIAL PROVISIONS
Section 18-8	LANDSCAPE
Section 18-9	NEW BUILDINGS WITHIN 1-15 RIGHT-OF-WAY

**18-1 DESIGNATION OF COMMERCIAL ZONES.** The following commercial zones are established for the purposes stated:

**1. Neighborhood Commercial Zone (N-C).**

The purpose of the Neighborhood Commercial zone (N-C) is to provide areas in appropriate locations where convenience-buying outlets may be established to serve surrounding residential neighborhoods. The regulations of this district are designed to promote a combination of retail and service facilities, which in character and scale are desirable to support the day-to-day needs of area residents. Inasmuch as this zone is usually surrounded by dwellings, it is intended that residential amenities be maintained.

**B. Landscape.** Landscaping shall be installed in such a way that it enhances the built environment and creates an aesthetically pleasing site. The following standards shall apply to new development and renovations of commercial properties within Enoch City:

1. The street facing property will be fully landscaped except for parking, walking ways, and utilities.

2. In N-C zones, at least five percent (5%) of the lot area shall be maintained as landscaped area. Where feasible, a landscaped area adjacent to the public street shall be provided and planted with trees. A landscape plan shall be submitted to the Design Review Committee for review and approval of 5% requirement prior to issuance of building permits.

(Rev. 7-5-17)

**C. Signs and Lighting.**

1. Signs shall be carefully oriented so that light emitted from a sign or group of signs is not a traffic hazard or a nuisance to adjacent properties, particularly residential.

2. Signs with exterior illumination must have luminary devices shielded and screened from public view and directed to avoid light spill from the affected sign(s).

3. Lighting will be front lit from underground source or above ground which are hidden from view.

**D. Parking.** At the time any commercial building or structure is erected or enlarged or increased in capacity or any use is established or changed, there shall be provided off-street parking spaces for automobiles in accordance with the following requirements.

1. The dimensions of each off-street parking space shall be at least nine (9) feet by twenty (20) feet for diagonal or ninety-degree spaces; or nine (9) feet by twenty-two (22) feet for parallel spaces, exclusive of access drives or aisles.

2. One-way driveways shall be a minimum of twelve (12) feet in width.

3. Two-way driveways shall be a minimum of twenty-five (25) feet in width.

4. All garages and carport spaces shall be set back a minimum of eighteen (18) feet from the access drive serving them.

5. For parking space quantities, see Chapter 4 herein.

**E. Building.** In order to create development that is harmonious with surrounding residential uses, all developments located within the Neighborhood Commercial (N-C) Zone shall be designed using architectural features that are compatible with residential architecture.

1. Rooflines shall be pitched in a manner that mimics common neighborhood roof lines.

2. Architectural design should resemble residential features.

**F. Storage of Merchandise.** The storage of merchandise outside an approved building shall be in an area approved as part of the site plan and shall be within an area enclosed with a sight obscuring fence of at least six feet in height; provided, however, that promotional displays, vehicle sales lots, and plant materials may be displayed outside of an approved building or enclosed area so long as they are placed appurtenant to a building wherein the business displays the bulk of its goods for sale. This subsection shall not apply to the sale of seasonal items such as pumpkins or Christmas trees. Commercial trash dumpsters shall be kept within the sight obscuring fencing.

**G.** No excessive dust, offensive odor, smoke, intermittent light, or noise shall be emitted which is discernible beyond the zone boundary lines, except that which emanates from the movement of motor vehicles. Premises shall be maintained in such a manner so as to avoid unreasonable interference with adjacent uses and to avoid public nuisances.

**H.** Property is to be maintained in good order. Only vehicles in running order may be outside of a sight obscuring fence.

**2. Community Commercial Zone (C-C).**

The purpose of the Community Commercial zone (C-C) is to provide an area within the City where a wide variety of goods and services can be provided. Location criteria for Community Commercial uses are: access to arterial streets, preferably at intersections with collector and arterial streets; moderate to large sized sites; public water and sewer service; environmental features such as soils and topography suitable for compact development; and adequate buffering by physical features or adjacent uses to protect nearby residential development.

**A. Property is to be maintained in good order.** Only vehicles in running order may be outside of a sight obscuring fence.

**B. Building Design. Design Review will consider the following:**

1. Façade
2. Height and Roofline
3. Primary materials
4. Pedestrian Access
5. Site Design/Building Placement

**C. Landscaping**

1. At least 5% of any development site shall be devoted to landscaping. Additional landscaping should be provided as needed to achieve compatibility between differing, adjacent land uses such as residential and commercial.
2. Landscaping shall be integrated into any design, placement, and enhancement of pedestrian plazas, sitting areas, walkways, flag poles, and signs. This may be accomplished by giving special attention to any plantings immediately adjacent to pedestrian areas and walkways. This landscaping shall not overgrow or impede pedestrian areas but rather allow for detail and aesthetics more amenable to pedestrians.
3. Vegetative ground cover or decorative rock shall be encouraged for at least 10% of a development site's frontage along any public right-of-way and in required landscape areas between a building and the park strip not including sidewalks, trails, and entry points. Shrubs adjacent to roadways shall not be more than 3 feet in height and shall not

impede the view of oncoming traffic.

4. Drought resistant shrubs and trees shall be encouraged wherever possible in conjunction with efficient low water use irrigation systems.

#### **D. Lighting**

Carefully planned lighting schemes shall have the effect of creating safe environments for pedestrians and motorists. Lighting shall also be considered an integral design element which adds to the overall site plan and building design.

1. Lighting schemes should include coordinating parking, wall, and pedestrian scaled fixtures which compliment building architecture and site features.
2. Sensitively placed low-light landscape lighting that highlights a site's desirable features is encouraged.

### **3. Regional Commercial (R-C).**

The purpose of this zone is to establish areas for commercial uses that serve the community, the region and the traveling public. Development within this zone should be designed in a manner that presents a favorable image of the City and is encouraged to be developed in large, well-planned and cohesive projects rather than smaller, segmented projects.

#### **A. Building Design**

To provide standards upon which developers, architects, engineers, planners and other designers may depend when planning the creation of commercial projects to promote that such are beneficial to all. New development shall be designed to incorporate quality, aesthetically pleasing, workable methods and materials that contribute to the betterment of Enoch City. It is intended that such standards encourage commercial activity and, at the same time, contribute to the general improvement of Enoch City and its residents.

#### **B. Landscaping**

1. At least 5% of any development site shall be devoted to landscaping. Additional landscaping should be provided as needed to achieve compatibility between differing, adjacent land uses such as residential and commercial.
2. Landscaping shall be integrated into any design, placement, and enhancement of pedestrian plazas, sitting areas, walkways, flag poles, and signs. This may be accomplished by giving special attention to any plantings immediately adjacent to pedestrian areas and walkways. This landscaping shall not overgrow or impede pedestrian areas but rather allow for detail and aesthetics more amenable to pedestrians.

3. Vegetative ground cover or decorative rock shall be encouraged for at least 10% of a development site's frontage along any public right-of-way and in required landscape areas between a building and the park strip not including sidewalks, trails, and entry points. Shrubs adjacent to roadways shall not be more than 3 feet in height and shall not impede the view of oncoming traffic.
4. Drought resistant shrubs and trees shall be encouraged wherever possible in conjunction with efficient low water use irrigation systems.
5. Major internal circulation roadways that provide access from the public right-of-way or between buildings on the same site shall be separated from parking areas using curb and gutter and a combination of any of the following methods:
  - a. landscaping
  - b. pedestrian walkways; or
  - c. lighting

### **C. Lighting**

1. Carefully planned lighting schemes shall have the effect of creating safe environments for pedestrians and motorists. Lighting shall also be considered an integral design element which adds to the overall site plan and building design.
2. Lighting schemes should include coordinating parking, wall, and pedestrian scaled fixtures which compliment building architecture and site features.
3. Sensitively placed low-light landscape lighting that highlights a site's desirable features is encouraged.

## **4. RESEARCH/INDUSTRIAL PARK ZONE (R/I-P)**

The Research/Industrial Park Zone (R/I-P) is established to provide a clean, attractive and nuisance free location for corporate offices, light assembly, accessory warehouse development and larger scale public facilities. Examples of the activities that may be allowed include corporate offices, laboratories and research facilities, medical and dental clinics, professional and vocational schools, government offices and medical research facilities. The R/I-P district requires buildings to be located in a park-like campus setting with landscaping and consideration of building design and siting to create an attractive and desirable environment for larger scale corporate and public uses. The R/I-P Zone is also to provide for and encourage the development of well-planned and designed technological and manufacturing parks. These areas are characterized by uses such as research, development, manufacturing, fabrication, processing, storage, warehousing and wholesale distribution. These areas are to be located in proximity to adequate transportation facilities and infrastructure so that the needs of these users may be met in an efficient manner with consideration to adjoining uses.

- A. Lot Area requirements:** No requirements, except that an area sufficient to accommodate setback, off-street parking, loading and unloading, and vehicular access shall be provided and maintained.

**B. Lot Width Requirements:** No requirements

**C. Building Setback Requirements:**

1. Side Setback: Any building adjacent to a street right-of-way shall be set back 18 feet there from. No other side setback shall be required for buildings having fire resistive walls in compliance with the Building Code, except that all buildings adjacent to a lot zoned residential shall be set back at least (20) feet from the lot line of the adjacent residential property.
2. Front Setback: The front setback shall be fifteen (18) feet from the front lot line.
3. Rear Setback: No rear setback shall be required for buildings having fire resistant walls in compliance with the building code, except that all buildings adjacent to a lot zoned residential shall be set back at least (20) feet from the lot line of the adjacent residential property.
4. Non-Fire Resistant Building Setbacks: For non-fire resistant buildings, regulations as contained in said Building Code shall apply, except all buildings and structures, including but not limited to gasoline pumps, shall be set back at least (18) feet from the street right-of-way line.

**D. Height requirements:** No requirements.

**E. Size of Buildings:** No requirements

**F. Special Provisions:** All storage, except vehicles in running order, shall be enclosed within a building or within a site-obscuring fence at least six (6) feet in height.

**18-2. PERMITTED AND CONDITIONAL USES.** In the following list of possible uses, those designated as being permitted in a zone will be identified with the letter “P”. Uses designated with the letter “C” are allowed on a conditional use basis. Uses with the letter “N” are not allowed in that zone. Conditions imposed are stated in Part 18-3. Other uses not specified may be permitted but have conditions required in other areas of Enoch City Ordinances and Policy.

	<u>N-C</u>	<u>C-C</u>	<u>R-C</u>	<u>R/I-P</u>
1. Airport	N	N	N	N
2. Amusement, Indoor	N	P	P	P
3. Amusement, Outdoor	N	C	P	P
4. Animal Clinic	N	P	P	P
5. Auto Repair & Storage including;	N	P	P	P
a. Painting, body & fender, upholstery,				
b. Brake & transmission provided it is				
i. conducted within an enclosed bldg.				

6. Auto Sales	N	P	P	P	
7. Big Box Retail	N	N	P	P	
8. Building Material Sales	N	P	P	P	
9. College, University, Commercial School	N	P	P	P	
10. Commercial Parking Structure	N	P	P	P	
11. Congregate Living Facilities, including	C	C	P	P	See Section 10-6
a. Residential treatment facilities					
b. Foster care					
c. Therapeutic boarding schools					
12. Convenience Store	N	P	P	P	
13. Dairy	N	N	N	N	
14. Department Store					
15. Dwelling Unit	C	C	C	C	
16. Fur Farm	N	N	N	N	
17. Furniture/Appliance Store	N	P	P	P	
18. Gasoline Sales	N	P	P	P	
19. Hardware Store	N	P	P	P	
20. Hospital	N	P	P	P	
21. Hotel/Motel	N	P	P	P	
22. Kennel, Boarding (retail)	N	N	C	C	
23. Laboratory	N	N	P	P	
24. Liquor Store (Packaged)	N	P	P	P	
25. LPG distributing/bulk storage	N	N	P	P	
26. LPG sales and tank refill stations	N	P	P	P	
27. Lumber Yard	N	N	N	P	
28. Machine Shop (General)	N	P	P	P	
28. Manufacturing	N	P	P	P	
29. Mobile Home Park	N	N	N	N	See Chapter 17
29. Mobile Home Sales	N	P	P	P	
30. Moving & Storage Company	N	N	P	P	
31. Muffler or Brake Shop	N	P	P	P	
32. Oil & Petroleum Refining	N	N	N	N	
33. Paint and Body Shop	N	P	P	P	
34. Pawn Shop	N	P	P	P	
35. Pet Shop	N	P	P	P	
36. Power Plant	N	N	N	N	
37. Salvage Yard	N	N	N	P	
38. Storage Yard	N	N	P	P	
39. Sawmill	N	N	N	P	
40. Sexually Oriented Business	N	N	N	C	See Chapter 21
41. Shooting Range (Outdoor)	N	N	N	N	
42. Shooting Range (Indoor)	N	P	P	P	
43. Storage Units (Mini)	N	P	P	P	
44. Swap Meet	N	P	P	P	
45. Tavern, Bar, Dance Hall, Night Club	N	P	P		
46. Theater	N	P	P	P	





## 18-7 SIGNS.

1. **Business signs.**

A business sign is not to exceed a total of 20% of the surface area of the building front veneer, and is to be flat wall not to exceed 18 inches from the surface.
2. The following signs are subject to these limitations. All such signs shall be flat wall signs or pole sign. The maximum sign area may be used in not more than four (4) signs.
  - A. **Development sign.** A maximum sign area of 64 square feet.
  - B. **Civic sign.** A maximum sign area of 40 square feet.
    - a. **Real Estate sign.** A maximum sign area of 18 square feet.
  - C. **Free Standing sign.** A maximum sign area of 180 square feet not including the supports holding up the sign and shall not be more than 35 feet in height.
  - D. **Monument sign.** A maximum sign area of 200 square feet.
  - E. **Revolving, Flashing, or Intermittent Lighting.** Any revolving, flashing or intermittent lighting on a sign must be approved by the Planning Commission on a case-by-case basis.
  - F. The Planning Commission can issue variances to the size of the sign on a case-by-case basis providing the following conditions are followed:
    - a. Sign is in good taste to the surrounding area.
    - b. Sign does not obstruct visual.
    - c. Lighting of sign does not interfere with other zones.
3. **Off-premise (billboard) signs. Off-premise signs shall not be permitted except under the following conditions.**
  - A. Off-premise signs shall be permitted along Interstate 18 within the Enoch City limits upon properly zoned Commercial General and Manufacturing Districts and lying within a corridor extending 500 feet on each side of the center line of said Interstate 18.
  - B. No off-premise sign may be located on Interstate 18 within 600 feet of an interchange or intersection at grade, or rest area, measured along Interstate 18 from the sign to the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main traveled way.
  - C. No off-premise sign shall be located closer than 600 feet to another off-premise sign.
  - D. No off-premise sign shall be larger than 700 square feet, nor shall any off-

premise sign be higher than 50 feet above the freeway grade or more than 70-feet above adjacent ground level.

- E. Off-premise signs must be at least 200 feet away from any zone other than Commercial General or Manufacturing Districts.
- F. All off-premise signs under this provision require a building permit from the building department.
- G. Off-premises signs shall be totally on owners' property and cannot overhang onto neighboring property.

#### **18-8 SPECIAL PROVISIONS.**

1. All materials and merchandise, except vehicles in running order, shall be stored in an enclosed building or within an enclosure surrounded by a sight-obscuring fence or wall of not less than six (6) feet in height. No material or merchandise shall be stored to a height of more than the height of the enclosing fence or wall.
2. No trash, rubbish, weeds or other combustible material shall be allowed to remain on any lot outside of approved containers. No junk, debris, abandoned or dismantled automobile or automobile parts or similar material shall be stored or allowed to remain on any lot.
3. All solid waste storage facilities shall be located at the rear of the main building or else behind a sight-obscuring fence or wall which will prevent the facility from being seen from a public street.

#### **18-9 LANDSCAPE.**

1. In all commercial zones, at least five percent (5%) of the lot area shall be maintained as landscaped area. At least half of that landscaped area shall be in the form of live trees, shrubs or ground cover. Where feasible, a landscaped area adjacent to the public street shall be provided and planted with trees. A landscape plan shall be submitted to the planning department for review and approval prior to issuance of building permits.
2. In addition to the five percent (5%) landscaping required on the private lot area, all road rights of way not utilized for pavement, curb or sidewalk shall be planted and maintained as landscaped area.

**18-10 NEW BUILDINGS WITHIN 1-15 RIGHT-OF-WAYS.** New buildings which are located within two hundred (200) feet of the I-15 right-of-way shall comply with the following minimum design principles and shall be subject to design approval by the Planning Commission and City Council prior to the issuance of a building permit:

1. Design Principles and Planning Commission Considerations.

- A. Buildings backing against the I-15 right of way are considered to have two (2) building fronts for aesthetic purposes. Building walls visible from I-15 shall be constructed of identical or similar materials as the building's front exterior, or shall be landscaped in such a manner that untreated concrete block, concrete or similar materials typical of rear walls are screened or enhanced to give a building front appearance.
  - B. Along the I-15 right of way, landscaping shall be provided to beautify the side and rear walls of buildings. Trees shall be planted at least every thirty (30) feet to forty (40) feet along such rights of way. In addition to landscaping, aesthetic improvements to the buildings' rear and side walls are encouraged. Signs painted or attached to the side or rear walls shall not cover more than ten percent (10%) of the face of such walls.
2. Site Plan And Elevation Drawings Required. Prior to the issuance of a building permit for new commercial buildings within two hundred feet (200') of the I-15 right of way, a site plan along with building elevation drawings showing the building view from I-15 (including signage) shall be submitted for Planning Commission and City Council review and approval. In considering the site plan the Planning Commission and City Council shall determine whether the purpose of this subsection has been achieved.

**CHAPTER 19. ADMINISTRATIVE AND PROFESSIONAL OFFICE ZONE  
(P-O)**

**19-1 PURPOSE.** The purpose of this zone is to provide appropriate locations for the development of administrative and professional offices and related uses.

**19-2 PERMITTED USES.** The following listing is not intended to be all-inclusive, but rather, indicative of uses permitted in the zone:

1. Community Center
2. Commercial Parking Structure
3. Medical/Dental Clinic
4. Administrative, executive, and professional offices
5. Pharmacy
6. Educational

**19-3 AREA, WIDTH AND YARD REQUIREMENTS.** The area, width and yard requirements are as follows:

Minimum Area = None

Minimum Lot Width = None

Minimum Yard Setbacks Front = 20 ft. Side = 10 ft. Rear = 10 ft.

Setbacks must meet setback of adjacent zone when such setback is greater than normally required by this zone. Front setback is measured from any street side property line (i.e., corner lot would have 2 front setbacks).

**19-4 SITE DEVELOPMENT STANDARDS.**

1. **Landscaping.** At least five percent (5%) of the private lot area shall be developed and maintained as landscaped area. At least half of that landscaped area shall be in the form of live trees, shrubs or ground cover. Where feasible, the landscaped area shall be in front adjacent to the public road right of way. In addition to the landscaping required on the private lot area, all road rights of way not utilized for roads, curbs, sidewalks or driveways shall be maintained as landscape areas. A landscape plan shall be submitted to the planning department for review and approval prior to issuance of building permits.

2. **Fencing.** Except in the front setback area, a six (6) foot solid fence or wall shall be placed along a boundary line with any residential zone.

**19-5 SIGNS.**

1. **Business signs.** A business sign is not to exceed a total of one (1) square foot of sign for each one (1) linear foot of business building frontage; no such sign to exceed fifty (50) square feet in area. All such signs are to be flat wall or free standing signs.

- a. The following signs are subject to these limitations. All such signs shall be flat wall signs or pole signs, but no such sign shall project above the eaves or parapet wall of the building on the premises to which it is attached. The maximum sign area may be used in not more than three (3) signs.

- i. Development sign. A maximum sign area of 64 square feet on Highway 91 and Minersville Highway; a maximum sign area of 40 square feet in any other area
- ii. Civic sign. A maximum sign area of 19 square feet
- iii. Real Estate sign. A maximum sign area of 19 square feet

2. **Billboard signs.** Billboard signs shall not be permitted except under the following conditions.

- a. Billboard signs shall be permitted along Interstate 19 within the Enoch City limits upon properly zoned Commercial General and Manufacturing districts and lying with a corridor extending 500 feet on each side of the centerline of said Interstate 19.
- b. No billboard sign may be located on Interstate 19 within 600 feet of an interchange, or intersection at grade, or rest area, measured along Interstate 19 from the sign to the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main traveled way.
- c. No off-premise sign shall be located closer than 600 feet to another off-premise sign.
- d. No off-premise sign shall be larger than 700 square feet, nor shall any off-premise sign be higher than 50 feet above the freeway or more than 70 feet above adjacent ground level.
- e. Off-premise signs must be at least 200 feet away from any zone other than Commercial General or Manufacturing districts.
- f. All off-premise signs under this provision require building permit from the building department.
- g. No off-premise sign shall overhang adjacent property.

## **CHAPTER 20. MOBILE HOME PARK MHP**

- Section 20-1. PURPOSE.
- Section 20-2. DEFINITIONS.
- Section 20-3. PERMITTED USES.
- Section 20-4. CONDITIONAL USES.
- Section 20-5. ZONING RESTRICTIONS.
- Section 20-6. RECREATIONAL VEHICLE RESTRICTIONS.
- Section 20-7. MOBILE HOME PARK PROVISIONS.
- Section 20-8. DEVELOPMENT STANDARDS.
- Section 20-9. SITE PLAN APPROVAL.
- Section 20-10. TRASH STORAGE.
- Section 20-11. SIGNS.
- Section 20-12. MOBILE HOME CONSTRUCTION STANDARDS.
- Section 20-13. MOBILE HOME SIZE REQUIREMENTS.
- Section 20-20. MOBILE HOME SET UP STANDARDS.
- Section 20-20. MOBILE HOME SKIRTING.
- Section 20-20. MOBILE HOME NUISANCE CONDITIONS.
- Section 20-20. COMPLIANCE WITH ZONING AND BUILDING CODE REGULATIONS.
- Section 20-20. HOUSEHOLD PETS.
- Section 20-20. ENFORCEMENT.

### **20-1 PURPOSE.**

To provide and protect an area for mobile home parks which serve the requirements of the neighborhood.

### **20-2 DEFINITIONS.**

- (1) Mobile Home. A detached, single-family dwelling unit with a minimum of four hundred (400) square feet, designed for long-term occupancy, and constructed to be transported on its own wheels, flatbed trailers or detachable wheels. It is designed to be used as a dwelling unit without a permanent foundation and shall have U.S. Department of Housing and Urban Development (HUD) certification. (Amended 1-21-98)
- (2) Mobile Home Park. Any plot of ground upon which ten (10) or more mobile home spaces are located, regardless of whether or not a charge is made for such accommodations.
- (3) Mobile Home Space. A plot of ground within a mobile home park designed for accommodation of one mobile home together with its accessory structures including carports or other off-street parking areas, storage lockers, ramadas, cabanas, patios, patio covers, awnings, and similar appurtenances.
- (4) Recreational Vehicle or Travel Trailer. A vehicular portable structure designed as a temporary dwelling for travel, recreation and vacation use. The vehicle is less than forty-four (44) feet long.

- (5) Park Model. A recreational vehicle model with less than four hundred (400) square feet, designed as a temporary dwelling for recreation or seasonal living.

**20-3 PERMITTED USES.**

- (1) Accessory uses and buildings customarily incidental to the permitted use, not to exceed 10% of the land.
- (2) Household pets.
- (3) Horticulture and gardening for personal use.
- (4) Mobile homes on individual spaces.
- (5) Private recreational grounds and facilities.  
(Section 21-3 amended 5-6-98)

**20-4 CONDITIONAL USES.**

- (1) Child day care or nursery.
- (2) Home occupation business.
- (3) Public buildings.
- (4) Congregate living facilities

**20-5 ZONING RESTRICTIONS.**

Anything in these ordinances notwithstanding, no "mobile home," as herein defined, shall be located, placed, used or occupied in any zone of Enoch City except within approved zones; provided however, that mobile homes may be stored, displayed, and sold but not occupied as living quarters, in commercial and industrial zones.

**20-6 RECREATIONAL VEHICLE RESTRICTIONS.**

Any other provisions of these ordinances notwithstanding, no recreational vehicle, travel trailer or park model, as hereinafter defined, shall be occupied as a primary residence.

**20-7 MOBILE HOME PARK PROVISIONS.**

"Mobile Home Parks" as hereinafter defined, shall be permitted in any MHP zones, provided such mobile home park shall:

- (1) Have been first recommended by the planning commission and approved by the Enoch City Council, after review of the plans for the mobile home park. Such plans must satisfy the Enoch City Council that the proposed development will be in keeping with the general plan of the district within which the proposed development will be located.
- (2) Meet all requirements imposed by the State of Utah Department of Health and Sanitation.
- (3) Be located on not less than five (5) acres.
- (4) Have at least ten (10) spaces completed and ready for occupancy, as well as all common facilities prepared before the first occupancy is permitted.
- (5) Limit rental of spaces and occupancy to periods of not less than 30 days.
- (6) Have a maximum density of five (5) units per acre and may be limited to fewer units, depending on mobile home size, topography and other factors to the particular site. The remaining land not contained in individual lots, roads or parking shall be set aside and developed as parks, playground and service areas



for the common use and enjoyment of occupants of the development and the visitors thereto.

- (7) Meet the current general requirements of Minimum Design Standards for Mobile Home Parks, U.S. Department of Housing and Urban Development except those items the Enoch City Council may determine desirable and necessary.
- (8) Meet all other requirements of applicable Enoch City Ordinances.

## **20-8 DEVELOPMENT STANDARDS.**

- (1) Access Roads. Each mobile home park shall be provided with a hard surface (concrete or asphalt) road of at least thirty (30) feet wide, to serve each mobile home space and common areas. Said pavement to be bounded by a rolled concrete curb constructed in accordance with City standards. Any access road connecting two or more public streets shall be arranged to prohibit through traffic.
- (2) Access. Access to all mobile home parks shall be from a dedicated public street at an approved access point or points and the developer shall provide STOP signs at said access point or points. No mobile home space shall have direct vehicular access from a public street. There shall be a minimum of two accesses for each mobile home park.
- (3) Off-street parking. Parking spaces shall be provided for the parking of motor vehicles in the ratio of at least two (2) parking spaces for each mobile home space.
- (4) Recreation area requirements. Recreation space shall be provided for each mobile home park having ten (10) or more units and shall be restricted and maintained for such use. A minimum usable area of three hundred (300) square feet per unit shall be set aside and developed for each mobile home park. (Amended 3-20-98)
- (5) Mobile home space size. Each mobile home space shall have a minimum area of five thousand, four hundred (5,400) square feet and a minimum frontage of sixty (60) feet. (Amended 3-20-98)
- (6) Minimum side clearances for mobile home park. Each mobile home park shall have the following minimum yard clearance:
  - a. Side bordering adjacent property shall be ten (10) feet.
  - b. Fences shall be erected on all sides of a mobile home park. A six (6) foot high solid visual barrier fence or wall properly related to surrounding topography and the character of the surrounding area shall be provided along such boundary; except that, at the point where a public street intersects with an access road, the fence or wall shall be set back fifteen (20) feet from said public street.
- (7) Minimum yard clearance for a mobile home space. Each mobile home shall have the following minimum yard clearance, which may also be included in a part of those setbacks required in section 21-20(6) above.
  - a. Front yard on a private access road shall be ten (10) feet from back of curb.
  - b. Side yard on main access side of mobile home shall be twenty (20) feet, which may include a ten (10) foot driveway.
  - c. Side yard on a non-main access side of a mobile home shall be ten (10) feet.

- d. Rear yard shall be ten (10) feet.
  - e. A concrete mobile home patio shall be at least ten (10) feet wide by twenty-five (25) feet long and shall be kept free from weeds and other debris.
  - f. Accessory building or shed must be located in the side or rear yard.
- (8) Utility requirements. All sewage and liquid waste shall be required to be connected to a public sewer facility where available. If no public sewer is available, in the opinion of the planning commission, the sewage disposal system must meet Utah State Department of Health requirements for mobile home park development. Each mobile home space shall be provided with an approved public water supply and an electrical connection. All utilities shall be located underground. All building, electrical, plumbing and fire protection construction shall comply with Utah State, Iron County and Enoch City construction standards and codes.

**20-9 SITE PLAN APPROVAL.**

A conceptual drawing, a preliminary site plan, a construction drawing and the final plat for the development of the park shall be submitted to the Planning Commission for recommendation to the City Council for approval or denial. The final plat must be approved before any building or structure is placed upon or constructed within a mobile home park. This is in accordance with the Subdivision Ordinance of Enoch, Utah.

**20-10 TRASH STORAGE.**

Containers for trash storage of a size, type and quantity approved by the Enoch City Council shall be provided in locations approved by the Enoch City Council. They shall be placed so as to be concealed from street view, and shall be easily accessible by collection vehicles.

**20-11 SIGNS.**

- (1) Each Mobile Home Park shall have a bulletin board for the listing of each mobile home site. Said bulletin board shall be located in close proximity to the office or administrative building and it shall be lighted at night.
- (2) Adequate signs and marking shall be maintained to provide directions to parking areas, recreation areas, and other facilities.
- (3) Street names shall be established and maintained within the mobile home park in compliance with the Enoch City addressing policy and approved by the Planning Commission. Each directional sign shall not exceed six (6) square feet in area.
- (4) Signs which identify or advertise the mobile home park may be erected, if approved by the Planning Commission as part of its action on the preliminary site plan. There shall be only one (1) sign per entrance, with a maximum sign area of twenty-five (25) square feet each. Said signs shall not be animated or illuminated except by direct non-flashing lights.
- (5) Other signs permitted in the Mobile Home Parks District shall be limited to the following:
  - a. One civic sign not to exceed thirty-two (32) square feet in sign area.
  - b. One real estate sign not to exceed eight (8) square feet in sign area.

- c. One residential sign not to exceed two (2) square feet in sign area for the resident of a mobile home.

**20-12 MOBILE HOME CONSTRUCTION STANDARDS.**

All mobile homes placed on a mobile home space within the mobile home park shall be constructed to meet all the requirements of the latest edition of the "Uniform Building Code", as adopted by Enoch City Ordinances.

**20-13 MOBILE HOME SIZE REQUIREMENTS.**

A mobile home is a detached single-family dwelling unit with a minimum of four hundred (400) square feet.

**20-20 MOBILE HOME SET UP STANDARDS.**

All mobile homes within a mobile home park shall be set up on two (2) side by side concrete blocks with a minimum size of 4" x 8" x 20", with cinder block set on top with a minimum size of 8" x 8" x 20". These blocks shall be situated under the support beam not more than six feet apart.

**20-20 MOBILE HOME SKIRTING.**

Skirting materials shall be provided entirely around the periphery of a mobile home to conceal the open area beneath the mobile home frame. Said skirting material shall be of durable construction and shall be compatible with the exterior finish of the mobile home unit.

**20-20 MOBILE HOME NUISANCE CONDITIONS.**

The premises on which any mobile home is located, used or occupied shall be maintained in a clean, orderly and sanitary condition. The accumulation of any rubbish, waste, or other unsightly material thereon shall constitute a nuisance and a violation of this ordinance for which the City Council may direct removal of the mobile home from the premises, in addition to any other legal remedy provided herein.

**20-20 COMPLIANCE WITH ZONING AND BUILDING CODE REGULATIONS.**

Any mobile home located in any permitted area shall comply with and conform to all other zoning laws, rules and regulations, building, plumbing, fire provisions and all other requirements applicable to a structure or building erected within the zone in which said mobile home is located.

**20-20 HOUSEHOLD PETS.**

Household pets are allowed, provided there shall be no more than two (2) pets over the age of four months per mobile home unit. All pets, however, must be contained within enclosures or kept on leash at all times. Non-household pets are prohibited.

**20-20 ENFORCEMENT.**

The violation of any part of this ordinance shall constitute an offense and shall be punishable as provided in the Code of Revised Ordinances for Enoch City for misdemeanors. In addition Enoch City may enjoin by civil action the violation hereof

and may remove any mobile home from a location violating the provisions hereof and access the expense thereof as a cost of the action.  
(Chapter 20 amended 9-20-95)

## **CHAPTER 21. SEXUALLY ORIENTED BUSINESSES**

- Section 21-1. PURPOSE AND INTENT.
- Section 21-2. DEFINITIONS.
- Section 21-3. ZONING AND LOCATING REGULATED BUSINESSES.
- Section 21-4. MEASUREMENT OF DISTANCE.
- Section 21-5. SEXUALLY ORIENTED BUSINESS PERMIT PURPOSE.
- Section 21-6. INVESTIGATION AND ISSUANCE.
- Section 21-7. DENIAL OF APPLICATION FOR PERMIT.
- Section 21-8. ANNUAL PERMIT FEE.
- Section 21-9. INSPECTION.
- Section 21-10. EXPIRATION OF PERMIT.
- Section 21-11. SUSPENSION OF PERMIT.
- Section 21-12. REVOCATION OF PERMIT.
- Section 21-13. APPEAL AND REVIEW.
- Section 21-21. TRANSFER OF PERMIT.
- Section 21-21. SEXUALLY ORIENTED BUSINESS EMPLOYEE LICENSE.
- Section 21-21. PROHIBITIONS AND PENALTIES.

### **21-1 PURPOSE AND INTENT.**

It is the purpose and intent of this Ordinance to regulate sexually oriented businesses in order to promote the health, safety, morals and general welfare of the citizens of the City and to establish reasonable and uniform regulations to prevent the locating of such businesses in areas of the City where they may be harmful or deleterious to the community through adverse secondary effects. It is not intended hereby to impose a limitation or restriction on the content of any communicative materials, including sexually oriented materials, nor to restrict or deny access by adults to such materials insofar as they may be protected by the First Amendment.

### **21-2 DEFINITIONS.**

For the purposes of this Chapter 23, certain terms and words are defined as follows:

- A. "Sexually oriented businesses" are those businesses engaging in or offering to the public the following services or products:
  - 1. "Adult arcade" means projectors or other image producing machines offering films, motion pictures, video cassettes, or other photographic reproductions, for a consideration and for viewing by five or fewer persons each, of material characterized by the depiction or description of "specified sexual activities" or "specified anatomical area".
  - 2. "Adult bookstore", "adult novelty store" or "adult video store" means a commercial establishment which has a significant or substantial portion of its stock-in-trade, or which derives a significant or substantial portion of its revenue from the sale or rental for any form of consideration any one or more of the following:
    - a. Books, magazines, or other printed matter, or photographs, films, video cassettes, or other visual representations which are

characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

- b. Instruments, devices, or paraphernalia that are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse.

Another principal business purpose will not exempt an establishment from coming within this definition so long as one of its principal business purposes is offering for sale or rental, for some consideration, any of the materials specified herein.

- 3. "Adult theater" means a commercial establishment where (a) entertainment is offered featuring persons in a nude state or performers who in any manner expose "specified anatomical area" or (b) films, motion pictures, video cassettes or similar photographic reproductions are shown which are characterized by "specified sexual activities" for any form of consideration.
- 4. "Escort business" means the furnishing, offering to furnish, or holding oneself out as a companion, guide, or date where a consideration or gratuity of any type is paid to the escort and to the arranging agency, if one is involved. An agency or person who agrees or offers to privately model lingerie or to privately perform a striptease for another person for any such consideration shall be included within this definition.
- 5. "Massage parlor" means any place where, for any form of consideration, there occurs a massage, alcohol rub, administration of oils or balms, electric or magnetic treatments, or any other treatment manipulation of the human body which includes any "specified sexual activities," or which includes exposure of the operator's "specified anatomical areas." This definition shall not include the practice of massage by any certified operator licensed by the State of Utah where such "specified sexual activity" or exposure is not offered or does not take place.
- 6. "Nude model studio" means any place where a person engages in the business of regularly appearing in a state of nudity or displaying "specified anatomical areas" for any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.
- 7. "Sexual encounter establishment" means a business or commercial establishment that offers, as one of its primary business purposes and for a consideration, a place where two or more persons may congregate, associate or consort for the purpose of "specified sexual activities."
- B. "Applicant" means any individual group of individuals, partners, or primary stockholders or owners of any corporation or other limited liability association who applies for permit to become the operator of a sexually oriented business.
- C. "Employee" means a person who works or performs in and/or for a sexually oriented business, regardless of whether or not said person is paid a salary, wage or other compensation by the operator of such business.

- D. "Nudity or state of nudity" means: (a) the appearance of human bare buttock, anus, genitalia, or the areola or nipple of the female breast; or (b) a state of dress which fails to opaquely and fully cover any of the above.
- E. "Operator" means and includes the owner, permit holder, custodian, manager, operator or person in charge of any sexually oriented business.
- F. "Permitted or licensed premises" means any premises that has obtained a license and/or permit as a sexually oriented business.
- G. "Residential use" means a single family, duplex, townhouse, multiple family, mixed residential, or mobile home subdivision, as defined in the Enoch Zoning and Subdivision Ordinances, or a campground or other commercial housing use.
- H. "Specified Anatomical Area," as used in this Ordinance means and includes any of the following:
  - 1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or
  - 2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.
- I. "Specified sexual activities" as used in this Ordinance means and includes any of the following:
  - 1. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts;
  - 2. Sex acts, normal or abnormal, actual or simulated, including intercourse, oral copulation, or sodomy;
  - 3. masturbation, actual or simulated;
  - 4. Human genitals in a state of sexual stimulation, arousal or tumescence; or
  - 5. Excretory functions as part of or in connection with any of the activities set forth in subdivisions (1) through (4) of this subsection.
- J. "Transfer of ownership or control of a sexually oriented business" means and includes any of the following:
  - 1. The sale, lease or sublease of the business;
  - 2. The transfer of securities which constitute a controlling interest in the business, whether by sale exchange or similar means; or
  - 3. The establishment of a trust, gift or similar legal devise which transfers ownership, control, or the primary beneficial interest in a business.

**21-3 ZONING AND LOCATING REGULATED BUSINESSES.**

- A. The establishment of a sexually oriented business shall be permitted only in a General Commercial Zone (Chapter 21, Enoch Zoning Ordinance), but in no event shall such business be permitted within 1,000 feet of any religious institution, school, boys' or girls' club or similar existing youth organization, or public park or public building, or within 1,500 feet of any property zoned for residential use or used for residential purposes.
- B. Nothing in this section prohibits the location of sexually oriented businesses within retail shopping centers located in a general commercial zone wherein such activities will have their only frontage upon enclosed malls or malls isolated from direct view from public streets, parks, schools, religious institutions, boys' or girls'

club or similar existing youth organization, public buildings or residential districts or uses without regard to the distance requirements of subsection A, above.

**21-4 MEASUREMENT OF DISTANCE.**

As regarding Section 3, paragraph A., distance between any sexually oriented business and any religious institution, public or private elementary or secondary school, boys' or girls' club or similar existing youth organization, or public park or public building, or any property zoned for residential use or used for residential purposes shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where the sexually oriented business is conducted to the nearest property line of the zone or uses referred to herein.

**21-5 SEXUALLY ORIENTED BUSINESS PERMIT PURPOSE.**

It is the purpose of this ordinance to regulate sexually oriented businesses in order to promote the health, safety, morals and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent deleterious effects of sexually oriented businesses within the City. The provisions of this ordinance have neither purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent to restrict or deny access by adults to sexually oriented materials protected by the First Amendment.

- A. No sexually oriented business shall be permitted to operate without a valid sexually oriented business permit issued by the City for the particular type of business. Such permit shall be required in addition to the business license required under Section 112 of Chapter 9-100 of Title 9, Enoch City Code, and the recorder/clerk shall be responsible for ascertaining whether a proposed sexually oriented business for which a permit is being applied complies with all zoning and location requirements of this Chapter, as in the case of any other business license. The City Council shall grant, deny, revoke, renew, suspend or cancel sexually oriented business permits based upon information supplied by the recorder/clerk, augmented by the input from a public hearing in the event the City Council shall choose to hold such hearing. Hearings shall be held in accordance with Chapter 600, Title 3, Code of Revised Ordinance of Enoch, with thirty (30) days written notice being personally provided the permit applicant.
- B. Application for a business permit shall be made on a form provided by the City and shall contain the following information with regard to all owners and be accompanied by the following documents:
  - 1. The full legal name of (a) all individuals together with any aliases; (b) any partnership with the names of all partners and a copy of the partnership agreement, if any; and/or (c) any corporation together with the date and state of incorporation, a certificate of good standing from that state, the names and addresses of all officers, directors and principal stockholders, and the name of the statutory agent.
  - 2. If the applicant intends to operate the sexually oriented business under a name other than his own, he must state the fictitious name of the business and submit the required documents reflecting registration under any law of



the State of Utah pertaining to the registration of a fictitious name then in effect.

3. Whether the applicant or any of the other individuals listed pursuant to this Section has, within the two (2) or five (5) year periods specified in Section 7, immediately preceding the date of the application, been convicted of a specified criminal act, and, if so, the specified criminal act involved together with the date and place of conviction.
  4. Whether the applicant or any of the other individuals listed pursuant to this Section has had a previous permit or license for a sexually oriented business denied, suspended or revoked, including the name and location of such business as well as the date of denial, suspension, or revocation. If a permit or license for a partnership or corporation wherein any of such individuals were either a partner or an officer, director, or principal stockholder was revoked, denied or suspended, the name, location and date of such must be included as well.
  5. Whether the applicant or any other individual, partnership or corporation listed pursuant to this Section presently holds any other permits and/or licenses anywhere else for the operation of a sexually oriented business.
  6. The exact location of the proposed sexually oriented business, including both a legal description of the property and the street address. The mailing and residence (street) address of the applicant shall also be included.
  7. A recent photograph of the applicant(s).
  8. The applicant(s)' driver's permit number, Social Security number, birth date, and tax identification number if a partnership or corporation.
  9. A sketch or diagram showing the configuration of the proposed premises, including a statement of total floor space to be occupied by the business. It should be to scale as near as reasonably possible and in an understandable form acceptable to the City.
  10. The distance in feet from any church, public or private elementary or secondary school, boys' or girls' club or similar existing youth organization, or public park or public building, or any property zoned or used for residential purposes if the same be located within five blocks of the proposed business.
- C. Applicants granted a permit under this Chapter shall have a continuing duty to promptly supplement application information required by this Section in the event said information changes in any way from what is stated in the application. A failure to comply with this section within thirty (30) days from the date of such change shall be grounds for suspension of a permit.
- D. Applicants shall be approved in accordance with the requirements of this Chapter and the premises must be inspected and found to be in compliance with health, fire and building codes and laws before a permit shall be issued.
- E. An applicant shall pay a non-refundable application of one hundred dollars (\$100.00) at the time of filing an application under this Chapter.
- F. All applicants shall be required to list in the application the names of any and all employees required to be licensed by Section 21 of this Chapter to the extent that

they are then known and to provide thereafter the names of such employees as available on an ongoing basis.

- G. Application for a permit hereunder shall constitute consent by the applicant to the provisions of this ordinance, and a waiver of objection to the exercise by the City of those powers and rights given to it hereby.

#### **21-6 INVESTIGATION AND ISSUANCE.**

Upon receipt of an application properly filed with the City and upon the payment of the non-refundable application fee, the City shall cause a check to be made of whether an applicant has been convicted of a specified criminal act within the periods set forth in Section 7(8) and whether there is proper compliance with health, fire and building codes and laws. A permit shall be granted or denied within thirty (30) days from the date of its proper filing. The permit shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business, and it shall be posted in a conspicuous place at or near the entrance to the business.

#### **21-7 DENIAL OF APPLICATION FOR PERMIT.**

The City shall deny the application for any of the following reasons:

- A. An applicant is under the age of eighteen years.
- B. An applicant or his/her spouse is overdue on any payment owed to the City for taxes, fines or penalties assessed in relation to a sexually oriented business.
- C. An applicant is residing with a person who has been denied or had a permit to operate a sexually oriented business revoked under this Chapter within the preceding twelve (12) months for any reason other than location.
- D. An applicant has failed to provide information required by this Chapter or has falsely responded to any part of the application form.
- E. The premises to be used for the sexually oriented business have not been approved as complying with City or state health, fire and building codes.
- F. An applicant is in violation of any other provision of this Chapter, including but not limited to the zoning location requirements for a sexually oriented business, or any other statute, ordinance or court order.
- G. The application or permit fees required by this Chapter have not been paid.
- H. An applicant has been convicted of a "specified criminal" act for which:
  - 1. less than two (2) years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the conviction is for a misdemeanor offense included within Part 4, Chapter 5, or Parts 10 and 11, Chapter 10, Title 76, Utah Code Annotated, or crimes connected with another sexually oriented business; or
  - 2. less than five (5) years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the conviction is for a felony or for two or more misdemeanor offenses where the "specified criminal" acts are made criminal within Part 4, Chapter 5, or Parts 10 and 11, Chapter 10, Title 76, Utah Code Annotated, or crimes connected with another sexually oriented business.

The fact a conviction is being appealed shall have no effect on disqualification of the applicant. An applicant convicted of any of the above "specified criminal"

acts may qualify for a sexually oriented business permit only when the time period required hereby has elapsed.

- I. An applicant knowingly has in his or her employ an employee who does not have a valid license as required in Section 21 of this Chapter.

If the City denies an application, it shall notify the applicant of such denial and the reason(s) for the same. If a person applies for a particular location within a period of twelve (12) months from the date of denial of a previous application, and there has been no intervening change of circumstances which could reasonably be expected to lead to a different decision, the application shall be denied.

**21-8 ANNUAL PERMIT FEE.**

The annual fee for a sexually oriented business permit is One Thousand Dollars (\$1,000.00).

**21-9 INSPECTION.**

An applicant shall permit representatives of the City and County to inspect the premises of a sexually oriented business for the purpose of assuring compliance with the law at any time business is occupied or open for business. Refusal to permit such lawful inspection, regardless of whether or not a permit has been issued under this Chapter, shall be a misdemeanor.

**21-10 EXPIRATION OF PERMIT.**

Each permit shall expire one (1) year from the date of issuance and may be renewed only by making application as provided herein, although in the case of a renewal at the same location, information unchanged from the initial application may be so characterized and not repeated. Application for renewal shall be made thirty (30) days before the expiration date in order for operation to continue without interruption. In the event of denial or revocation of a permit, a new permit shall not be issued hereunder until the expiration of one (1) year from the date of denial or revocation, or from the date of correction of the reason for denial or revocation if, in its sole discretion, the City so permits.

**21-11 SUSPENSION OF PERMIT.**

The City shall suspend a permit for a period not to exceed thirty (30) days if it determines that an operator, or an employee of an operator, has:

- A. Violated or is not in compliance with any provision of this Chapter;
- B. Been under the influence of drugs or alcoholic beverages while working in the sexually oriented business premises;
- C. Refused to allow an inspection of the business premises as authorized by this Chapter;
- D. Negligently permitted the use of alcohol or drugs on the premises by a customer;
- E. Engaged in permit transfer contrary to Section 21 of this Chapter, and in such event, the suspension shall remain in effect until the requirements of said Section have been fully met;
- F. Operated the sexually oriented business in violation of the hours of operation set forth in Section 21 (5); or

- G. Knowingly employs a person who does not have a valid license as required by Section 21 of this Chapter.

**21-12 REVOCATION OF PERMIT.**

- A. The City shall revoke a permit upon determining that:
  - 1. An operator gave false or misleading information in the material submitted during the application process that tended to enhance the applicant's opportunity of obtaining a permit;
  - 2. An operator has knowingly allowed the possession, use or sale of alcohol or drugs on the premises;
  - 3. An operator has knowingly allowed prostitution or the solicitation of a sex act to occur on the premises;
  - 4. An operator has operated the sexually oriented business during a period of time when the permit was under suspension;
  - 5. An operator is convicted of a "specified criminal" act which would have been grounds for denial of the permit if it had occurred prior to issuance of a permit;
  - 6. An operator is convicted of tax violations for any taxes or fees related to a sexually oriented business;
  - 7. An operator knowingly allows any act of sexual intercourse, sodomy, oral copulation, masturbation, or any other specified sexual activities to occur within or in the parking lot of the permitted premises;
  - 8. A cause for suspension arises and the permit has been suspended previously within the preceding twelve (12) months.
- B. An operator, where the operator is the owner or permit holder, shall be presumed to have constructive notice of any violation of which an employee, custodian, manager, or person in charge may be guilty, regardless of actual notice. Revocation by the City of a permit shall continue for one (1) year, and an operator shall not be issued a sexually oriented business permit for one (1) year from the date a revocation becomes effective. Where deemed appropriate by the City, a revocation may be terminated upon correction by the operator of the basis for revocation, provided at least ninety (90) days have elapsed since the date revocation became effective.

**21-13 APPEAL AND REVIEW.**

After denial of an application, whether initial or renewal, and after suspension or revocation of a permit, the applicant or operator may seek prompt review of such administrative action through the City Council. If the administrative action is affirmed by the City Council upon review, the administrative action may be promptly reviewed by the court.

**21-14 TRANSFER OF PERMIT.**

- A. An operator shall not operate a sexually oriented business under the authority of a permit at any place other than the address designated in the application for the permit. An operator shall not transfer his permit to another unless the following requirements are fully met:

1. The permit is amended by the City after receipt of a completed application from the transferee setting forth the information called for in Section 5 of this Chapter; and
  2. A transfer fee of twenty (21) percent of the annual permit fee is tendered by the transferee.
- B. No permit may be transferred after the City has notified an operator that suspension or revocation proceedings have been or will be brought against the operator. Any attempt to transfer a permit in violation of this Section is hereby declared void and the permit shall be deemed revoked.

#### **21-15 SEXUALLY ORIENTED BUSINESS EMPLOYEE LICENSE.**

- A. Each individual employed in a sexually oriented business shall be licensed by the City upon approval of an application providing the following information:
1. The applicant's name, date and place of birth, height, weight, hair and eye color, permanent residence address and telephone number;
  2. State driver's license number and social security number;
  3. The applicant's fingerprints on a form provided by the Iron County Sheriff's Department;
  4. A statement as to the applicant's convictions, if any, of a "specified criminal" act as identified in Section 7 (H) of this Chapter; and
  5. A statement as to whether applicant has been denied the right to be employed or continue to be employed in a sexually oriented business in any other municipality.
- B. A license granted pursuant to this Section shall be subject to annual renewal upon written application and finding by the City that the applicant has not been convicted of any "specified criminal act" as defined by the Chapter or has not otherwise committed any act during the existence of the previous license period which would be grounds to deny the license application.

#### **21-16 PROHIBITION AND PENALTIES.**

- A. A person commits a misdemeanor if he/she operates or causes to be operated a sexually oriented business, regardless of whether a permit has been issued for said business under this Chapter, and knowingly or reasonably should have known that any of the following has been permitted or allowed:
1. A person under eighteen (21) years of age has been admitted to or allowed on the business premises unless accompanied by a parent or guardian or allowed to purchase goods or services without the specific consent of that parent or guardian. No person under that age shall work at the business premises.
  2. No materials, products or performances available in a sexually oriented business shall be displayed or otherwise exhibited in any advertising which is visible outside the premises. This prohibition shall not apply to advertising which is merely declaratory of the existence or location of such sexually oriented business.
  3. All off-street parking areas and premise entries of a sexually oriented business shall be illuminated from dusk to closing hours of operation with

- a lighting system which provides an average maintained horizontal illumination of one (1) candle foot of light on the parking surface and/or walkways, in order to aid in the personal safety of patrons and employees and to reduce the incidence of vandalism and criminal conduct.
4. No portion of the interior premises of a sexually oriented business shall be visible from outside the premises.
  5. No sexually oriented business shall remain open for business, nor shall sales be solicited or made, between the hours of 1:00 a.m. and 9:00 a.m. of any particular day.
  6. No person shall perform any function for a fee or be otherwise employed in any manner on the premises of a sexually oriented business without having that license required by Section 21 of this Chapter in current good standing.
  7. No one shall distribute, sell, or offer to sell, for commercial purposes, any device, instrument or paraphernalia designed or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others. Such devices, instruments or paraphernalia shall include, but not be limited to, phallic-shaped vibrators, dildos, muzzles, whips, chains, non-medical enema kits, body piercing implements (excluding earrings or other decorative jewelry), or devices intended primarily for the infliction of pain.
  8. All requirements and restrictions of this Chapter and any applicable laws of the State of Utah shall be fully complied with at all times.
- B. In addition to those penalties provided by State statute for a misdemeanor, if any person fails or refuses to obey or comply with or violates any of the prohibitions or criminal provisions of this Chapter, the City may take such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any violation or non-compliance. Such other lawful actions shall include, but not be limited to, an equitable action for injunctive relief or an action at law for damages.
- C. All remedies and penalties provided for in this Chapter shall be cumulative and independently available to the City. Each violation or non-compliance shall be considered a separate and distinct offense, and each day of continued violation or non-compliance shall be considered as a separate offense.
- D. If any section, subsection or clause of this Chapter shall be deemed to be unconstitutional or otherwise invalid, the validity with the remaining section, subsection and clauses shall not be affected thereby. (Chapter 21 added 10-21-94)

## **CHAPTER 22. RECREATIONAL VEHICLE PARK RVP**

- Section 22-1. PURPOSE.
- Section 22-2. DEFINITION.
- Section 22-3. PERMITTED USES.
- Section 22-4. CONDITIONAL USES.
- Section 22-5. ZONING RESTRICTIONS.
- Section 22-6. RECREATIONAL VEHICLE DEVELOPMENT STANDARDS.
- Section 22-7. RECREATIONAL VEHICLE SANITATION REQUIREMENTS.
- Section 22-8. SITE PLAN APPROVAL
- Section 22-9. TRASH STORAGE.
- Section 22-10. SIGNS.
- Section 22-11. HOUSEHOLD PETS

### **22-1 PURPOSE.**

To provide a place for recreational vehicles or travel trailers to stop overnight or for a limited stay, less than 122 days. This is not to be construed as a permanent residence.

### **22-2 DEFINITION.**

- (1) Recreational Vehicle or Travel Trailer. A vehicular portable structure designed as a temporary dwelling for travel, recreation and vacation use. The vehicle is less than forty-four (44) feet in length.
- (2) Park Model. A recreational vehicle model with less than four hundred (400) square feet, designed as a temporary dwelling for recreation or seasonal living.

### **22-3 PERMITTED USES.**

- (1) Household pets.
- (2) Park models.
- (3) Recreational vehicles.  
(Section 22-3 amended 5-6-98)

### **22-4 CONDITIONAL USES.**

- (1) Park or playground.
- (2) Private recreational grounds and facilities.
- (3) Public utilities, essential services. (Section 24-4 amended 5-6-98)

### **22-5 ZONING RESTRICTIONS.**

Anything in these ordinances notwithstanding, no recreation vehicle, travel trailer or park model, as herein defined, shall be located, placed, used or occupied in any zone of Enoch City except within approved zones; provided however, that recreational vehicles, travel trailers or park models may be stored, displayed, and sold, but not occupied as living quarters, in commercial and industrial zones. Recreational vehicles or travel trailers may also be stored, but not occupied as living quarters in residential districts.

## **22-6 RECREATIONAL VEHICLE PARK DEVELOPMENT STANDARDS.**

- (1) Minimum Size. Each recreational vehicle park shall have a minimum size of two (2) acres.
- (2) Access Roads. Each recreational vehicle park shall be provided with a hard surface (concrete or asphalt) road of at least thirty (30) feet wide to serve each recreational vehicle space and common areas. Any access road connecting two or more public streets shall be arranged to prohibit through traffic.
- (3) Access. Access to all recreational vehicle parks shall be from a dedicated public street at an approved access point or points and the developer shall provide STOP signs at said access point or points. No recreational vehicle space shall have direct vehicular access from a public street. There shall be a minimum of two accesses for each recreational vehicle park.
- (4) Off-Street parking. Hard surfaced parking spaces shall be provided for the parking of each recreational vehicle located in the recreational vehicle park.
- (5) The maximum density for a recreational vehicle park shall not exceed twenty (22) units per gross acre.
- (6) Each recreational vehicle space shall have a minimum width of fifteen (22) feet and all recreational vehicles shall be able to park in designated spaces and no portion of a driveway or roadway may be used for recreational vehicle parking.
- (7) Minimum yard clearances for a recreational vehicle park:
  - a. Front or side yard on a public street shall be twenty-five (25) feet.
  - b. Side yard bordering adjacent property shall be ten (10) feet.
  - c. Rear yard bordering adjacent property shall be ten (10) feet.
  - d. A six (6) foot high, solid visual barrier fences or wall, properly related to surrounding topography and the character of the surrounding area, shall be erected on the two sides and rear of a recreational vehicle park when it is located adjacent to any use, except at the point where a public street intersects with an access road, the fence or wall shall only be four (4) feet in height.
- (8) There shall be a facility for an on-site manager as well as office space for said manager.

## **22-7 RECREATIONAL VEHICLE SANITATION REQUIREMENTS.**

- (1) There shall be one (1) or more locations within every recreational vehicle park which provides toilet and shower facilities. They shall be convenient of access and shall be located within a 500 foot radius from any recreational vehicle site not provided with an individual sewer connection. If facilities for both males and females are housed within the same structure, they shall be separated and appropriately marked. Please refer to the Uniform Plumbing Code, Mobile Home Parks & Recreational Vehicle Parks for further information on requirements.
- (2) Only water from approved sources shall be used. Where an approved public water supply system is available, it shall be used.
- (3) An adequate and approved drainage system shall be provided in all recreation vehicle parks for conveying and disposing of all sewage. Where available, parks shall be connected to a public sewer system.



- (4) One (1) recreational vehicle waste disposal station shall be provided for each 100 recreational vehicle sites, or part thereof, which are not equipped with individual sewer connections. Each station shall be level, convenient of access from the service road, and shall provide easy ingress and egress for recreational vehicles.
- (5) Each recreational vehicle parking space shall have connections available for water, sewer and electricity. All utility connections shall be located underground.

**22-8 SITE PLAN APPROVAL.**

A conceptual drawing, a preliminary site plan, a construction drawing and the final plat for the development of the park shall be submitted to the Planning Commission for recommendation to the City Council for approval or denial. The final plat must be approved before any building or structure is placed upon or constructed within a recreational vehicle park. This is in accordance with the Subdivision Ordinance of Enoch, Utah.

**22-9 TRASH STORAGE.**

Containers for trash storage of a size, type and quantity approved by the Enoch City Council shall be provided in locations approved by the Enoch City Council. They shall be placed so as to be concealed from street view, and shall be easily accessible by collection vehicles.

**22-10 SIGNS.**

- (1) Adequate signs and marking shall be maintained to provide directions to parking areas, recreation areas, and other facilities.
- (2) Signs which identify or advertise the recreational vehicle park may be erected, if approved by the Planning Commission as part of its action on the preliminary site plan. There shall be only one (1) sign per entrance, with a maximum sign area of twenty-five (25) square feet each. Said signs shall not be animated or illuminated except by direct non-flashing lights.
- (3) Other signs permitted in the Recreational Vehicle Park District shall be limited to the following:
  - a. One civic sign not to exceed thirty-two (32) square feet in sign area.
  - b. One real estate sign not to exceed eight (8) square feet in sign area.

**22-11 HOUSEHOLD PETS.**

Household pets are allowed. All pets must be kept on a leash at all times. Non-household pets are prohibited. (Chapter 22 added 9-20-95)

## **CHAPTER 23. PLANNING COMMISSION**

Repealed 11-18-92. See Code of Revised Ordinance of Enoch, Title 12-000 Planning and Zoning, Chapter 12-100 Planning.

## **CHAPTER 24. LAND USE APPEAL AUTHORITY**

Repealed 11-18-92. See Code of Revised Ordinance of Enoch, Title 12-000 Planning and Zoning, Chapter 12-122 Land Use Appeal Authority.

## **ADOPTION**

**PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF ENOCH, UTAH, on the 2nd day of December, 1981.**

**APPENDIX A**

**ENOCH CITY CORPORATION**

**INDEMNITY AGREEMENT**

The undersigned \_\_\_\_\_, owner(s) or occupant(s) of a residence located at \_\_\_\_\_, in the City of Enoch, Utah, as a condition required by the City precedent to the issuance of a Conditional Use Permit to operate a congregate living facility for elderly, handicapped, troubled youth and/or foster care at the above address, do hereby agree to fully and promptly indemnify the owner of real or personal property that may be damaged by the willful and intentional conduct of a resident of said congregate living facility during any period for which the undersigned has responsibility as stated in Section 1-22, Enoch Zoning Ordinance. It is intended that anyone who can establish the occurrence of the damage referred to herein shall be third party beneficiaries of this indemnity. To the extent that the undersigned has a policy of insurance that covers any damage referred to herein, it is agreed that the proceeds of such policy may be paid to the party damaged as a part of any indemnification required hereunder. This indemnity shall continue for so long as the undersigned have responsibility for elderly, handicapped, troubled youth and/or foster care, with the term "troubled youth" defined by Section 1-6 , 222 and "foster care" defined by Section 1-6 (81) of the Enoch Zoning Ordinance, even though a Conditional Use Permit may have expired without renewal.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 22\_\_\_\_.

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Applicant

## ZONING MAP