



City of Moab  
217 East Center Street  
Moab, Utah 84532  
Main Number (435) 259-5121  
Fax Number (435) 259-4135  
[www.moabcity.org](http://www.moabcity.org)

**Moab City Planning Commission Meeting  
217 E. Center Street**

**Thursday, September 28, 2017**

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**REGULAR MEETING AGENDA  
6:00 PM**

- 1. Citizens to be Heard**
- 2. Action Item – Approval of Minutes**  
August 24, 2017
- 3. Discussion Item**  
Conditional Uses
- 4. Future Agenda Items**

**MOAB CITY PLANNING COMMISSION  
MEETING**

**:: MINUTES :: AUGUST 24, 2017 ::**

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Members Present: Allison Brown, Jeanette Kopell, Wayne Hoskisson, Laura Uhle  
Members Absent: Joe Downard  
City Councilmembers: None  
City Staff: Planning Director Jeff Reinhart, Zoning Administrator/Planning Assistant Sommar Johnson, Administrative Assistant Stephanie Haycock  
Public Members: 1

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The Moab City Planning Commission held its regular meeting on the above date in the Council Chambers of Moab City Offices, located at 217 East Center Street, Moab, Utah. Planning Commission Chair Laura Uhle called the meeting to order at 6:00 pm.

**1. Citizens to be Heard**

There were no citizens to be heard.

**2. Action Item**

Approval of Minutes:  
August 24, 2017

Commissioner Hoskisson moved to approve the minutes of August 24, 2017. Commissioner Brown seconded the motion. There was a discussion about the item that was highlighted yellow and the Re-review items in the conditional uses that were typed in red. It was then explained that those would be just regular black typed text in the final minutes that will be archived. Those items were done that way for clarification on what items needed to be looked at for the conditional uses in the final go around. The motion carried 4-0 aye.

**3. Action Item – Planning Resolution 35-2017**

A Resolution Conditionally Approving a Site Plan for a Breakfast Addition to the Super 8 Hotel Located in the C-4 Zone at 889 North Main Street

Zoning Administrator Johnson gave a brief overview of Planning Resolution 35-2017. That all the requirements have been met and the two code issues will be brought to code by the completion of the project. Super 8's Representative Glen Richardson explained what they did to meet all the requirements and what had changed from the last time this project was before the commission.

Commissioner Brown moved to pass Planning Resolution 35-2017. Commissioner Kopell seconded the motion. There was no further discussion. The Resolution passed 4-0 aye.

**4. Public Hearing – Proposed Ordinance 2017-32**

An Ordinance Amending Moab Municipal Code Chapter 17.30.020, Use Requirements, to Include a Use of Small Neighborhood Retail Business with Standards in the C-5, Neighborhood

Commercial Zone, and Add a Definition of the Use to Moab Municipal Code Section 17.06.020, Definitions

Zoning Administrator Johnson gave an overview of proposed Ordinance 2017-32

Commissioner Uhle asked if this pertained to the moving items of conditional uses. Zoning Administrator Johnson explained that this was not. This originated from applicants wanting to do retail sales that will benefit the community in the 1500 sq. ft. space of the C-5 Neighborhood Commercial Zone.

Commissioner Uhle opened the public hearing at 6:08pm.

No public comment.

Commissioner Uhle closed the public hearing at 6:09pm.

**5. Action Item – Planning Resolution 37-2017**

A Resolution Recommending to City Council Approval of Ordinance 2017-32 to Amend Moab Municipal Code Section 17.30.020, Use Requirements, for the C-5 Neighborhood Commercial Zone, with the Addition of a New Use of Small Neighborhood Retail, with conditions, and Adding a Definition of Same to Section 17.06.020

Commissioner Brown asked if small neighborhood retail businesses fit under Convenience Stores. Zoning Administrator Johnson explained that they do not because the actual retail sales do not fall under the Convenience Store Ordinance. Commissioner Brown asked if we could just add that to the Convenience Stores Ordinance. Zoning Administrator Johnson explain that we already have something for Convenience Stores and its size is 3000 square feet whereas this new ordinance for Small Neighborhood Retail Businesses can be as small as 1500 square feet. Commissioner Brown asked about the possibility of a bike shop, or an art gallery. Again, Administrator Johnson explained that anything could go in there as long as it fit the 1500 square feet and was compliant with existing City codes and ordinances. There was discussion on how big 1500 square feet was and what could possible fit in that size of space, taking in storage needs and display space. Zoning Administrator Johnson explained that the Small Neighborhood Retail purpose is that it actually serves that neighborhood and it is not generally a large-scale operation that serves visitors it is really geared more towards area residents. Commissioner Uhle expressed that it is important to support small businesses and to helping them to stay in Moab. Commissioner Brown asked about parking regulations for Small Neighborhood Retail businesses. Zoning Administrator Johnson explained that, that stays the same one space per 300 square feet. Commissioner Uhle said that she would entertain a motion.

Commissioner Kopell moved to adopt the proposed Ordinance 2017-32.

Commissioner Brown seconded the motion.

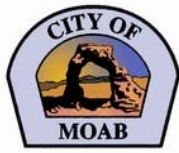
There was some discussion on how much C-5 space was available by Commissioner Hoskisson.

The motion carried 4-0 aye.

**6. Future Agenda Items**

It was discussed that Conditional uses would be dialed in and ready for the Commission to do a final review. There was also a discussion on how those conditional uses would be applied to existing structures.

Commissioner Uhle adjourned the meeting at 6:25pm



**Moab Planning Commission Agenda Item**  
Meeting Date: September 28, 2017

**#: 3**

PI-17-140

**Title:** Review of Conditional Uses to Amend the Status to Use-by-Right with Operational Standards

**Date Submitted:** September 21, 2017

**Staff Presenter:** Jeff Reinhart, City Planner

**Attachment(s):** Conditional Use Review Tool

**Options:** N/A

**Background/Summary:**

Because of the confusion caused by the review of conditional uses, the City Council has requested that they be removed from the code or that their status be changed. Some conditional uses will become allowed uses in various zones as long as they satisfy a set of detailed standards.

The attached CU Review Tool is an aid to accomplishing this goal.

The commission has already spent some time reviewing these uses, and the changes have been incorporated into the attached tool.

The next step will be to review and amend, if needed, the standards for each use.

#2. Amended 8/28/17

Items in red are to be deleted.

## Conditional Uses

from 17.09.530 & .531

## C in:

## P in:

1. Dwellings in the C-4 zone	C-4	
2. Historic dwelling	C-3	
4. Multi-Household dwellings, 7 or more units	R-3, R-4	<u>R-3, R-4, RC</u>
5. Group Home	R-1, R-2, R-3, R-4, RA-1, A-2	
6. Utility provider structures	R-2, R-3, R-4, RA-1, A-2, C-1, C-2, C-3, C-4	<u>A-2, RA-1, SAR, I-1</u> <u>C-1, C-2, C-3, C-4</u>
7. Premises Agricultural Biz (feed, seed, equipmt)	RA-1	A-2
8. Trucking Co./Terminal	C-3, C-4	<u>C-3, C-4</u>
9. B&B	R-3, R-4	C-1, SAR, RC
10. RV/Travel Trailer Park or Court	C-4	<u>C-4, MH/RV, RC</u>
11. RV Area within a Mobile Home Park	MH/RV	
12. Golf Course	RA-1, A-2	<u>RA-1, A-2</u>
13. RV Court	C-4, MH/RV	<u>C-4, MH/RV, RC</u>
 (14. Self-storage warehouse – Ords passed to move that to C4 & I1 as a permitted use w/ standards.) Was in I-1 as a P		
15. Asphalt/Concrete Batching Plant, Perm.	C-4	I-1
16. Asphalt/Concrete Plant, Temp	MH/RV, I-1	<u>I-1</u>
17. Wireless Telecommunication Towers	C-4, I-1, City, County, School Dist. Property	SAR
18. Drive-thru Windows	C-1	C-1 (banks), C-3
19. Large Commercial & Home-Based Day Care Ctrs	C-3	Day care center is a permitted use in: R-2, R-3, R-4, RA-1, A-2, C-1, C-2, C-5
20. Manufactured Home Sales	C-4	
21. Division of Small Lots	R-1, R-2, R-3, R-4, RA-1, A-2, C-1, C-2, C-3, C-4, SAR, MH/RV	
22. Moved Buildings	R-1, R-2, R-3, R-4, RA-1, A-2, C-1, C-2, C-3, C-4, SAR, MH/RV	
23. Cemeteries, Public or Private	RA-1, A-2	<u>A-2</u>
24. Animal Pound or Kennel – Private	RA-1, A-2, C-1, C-5	<u>A-2</u>
25. Vet Clinic w/ Kennel	A-2	no outside kennel: C-5, RA-1
26. Schools, Churches, Monasteries	R-1, R-2, R-3, R-4, RA-1, A-2, C-1, C-4, C-5	<u>R-1, R-2, R-3, R-4, RA-1, A-2, C-1, C-2, C-4</u> (schools only): C-3, C-5, SAR
27. Other Public Facilities	R-2	C-1, C-2, C-3, C-4, C-5, SAR, I-1, RA-1 (libraries, rec. bldgs.): R-1, R-2, R-3, R-4

(The ones that are already permitted: Need to add the CU standards & regs to the zone – for the permitted use.)

Items in red are to be deleted. Items in blue are to be added.

These sections are highly paraphrased. I did not renumber in many sections.

## Chapter 17.18

### A-2 AGRICULTURAL ZONE

Primary purpose: the cultivation of crops and livestock. Large lots.

Permitted uses:

- A. Agriculture
- B. Animals & fowl in unlimited numbers, except not more than 25 hogs
- C. Barns, corrals, pens, coops and feed storage buildings, storage of farm products
- D. **One-family One-household** dwellings and buildings accessory thereto, caretaker dwellings, on a lot of at least five acres
- E. Home occupations and premises occupations **subject to Section 17.09.530 of this title when approved by the city council subject to 17.09.540 of this title**
- F. Retail and wholesale businesses principally supplying agricultural enterprise with feed, seed, equipment, vegetable and fruit packing plants, farm machinery, storage sheds, fur farms, plant nurseries and animal hospitals, **subject to the standards set forth below in 17.18.070.**
- G. Rest homes
- H. Public parks and playgrounds, hunting and fishing reserves, wildlife sanctuaries and arboretums
- I. Residential subdivisions and PUD's with all lots over five acres of land
- J. Kennels, **subject to the standards described below in 17.18.070**, riding academies, beehives and fisheries
- K. Fences, walls & hedges
- L. Water reservoirs, ponds, dams, water pumping plants and pipelines, water facilities, public utility buildings and structures (except power plants) **subject to the standards described below in 17.18.070**, flood control structures, transmission lines, substations, sewage treatment plants
- M. 1-year temporary buildings and yards for the storage of construction materials for uses permitted in the zone.
- N. Schools, churches, monasteries. **Want standards? See below in 17.18.070.**
- O. Cemeteries, **in compliance with a site plan permit process, using the standards as set forth below in 17.18.070.**
- P. Accessory advertising signs not exceeding fifteen square feet
- Q. Golf courses of at least ten acres. A golf club house if at least forty-five acres of land. **Subject to the standards set forth below in 17.18.070.**
- R. **Day care centers, subject to the standards described below in 17.18.070, and boys and girls ranches. (They are quantified in 17.18.030 Area requirements, but not listed in the permitted uses.)**

17.18.030 Area requirements.

Each dwelling, day care **nursery center**, rest home, or boys **or girls** ranch shall be located on a lot containing at least five acres of land. For other uses, there shall be no area requirements.

**Add Uses to A-2 from CU List:**

- 5. **Group Home, subject to the standards described below.**
- 25. **Vet Clinic w/ Kennel, subject to the standards described below.**

17.18.070 Supplementary regulations.

**(7) Premises Agricultural Occupations. This type of occupation specifically concerns the retail sale of feed, seed, fertilizer, equipment and similar items used in agriculture. The following standards shall be met for this type of business:**

- A. **Parking areas shall be an all-weather surface such as concrete, asphalt or sealed gravel that will not generate dust or deposit gravel on paved roadways.**

- B. Hours of operation shall be confined to 7:00 a.m. to 7:00 p.m. or established by resolution of the planning commission.
- C. Dust, glare, odor, and noise shall be confined within the boundaries of the property.
- D. All signs shall comply with the sign regulations of Chapter 15.44 and shall not exceed fifteen square feet.
- E. Outside storage of products for sale is limited to hours of operation.

24. Animal Pound or Kennel (Private) - Indoors only

**Clarify what types or sizes of animals are allowed.**

- A. Noise, odor and glare shall be contained on the property.
- B. Fencing, landscaping, the design of parking areas, and downward directed and full cut-off light fixtures shall be used to reduce impacts on adjacent properties.
- C. Parking shall be provided at a rate of one space per one thousand square feet and one space per each employee. ADA handicapped accessible spaces shall be provided as required.
- D. A buffer area of twenty-five feet shall be used to provide a separation from other uses and adjacent properties. Buffering shall include the elements of subsection B above.
- E. Vehicular ingress and egress traffic patterns shall be designed to not impede existing traffic flows and provide adequate interior circulation.
- F. Hours of operation for public access shall be from 8:00 a.m. to 5:00 p.m. or restricted by resolution of the planning commission.
- G. Landscaping shall consist of berms, solid wooden privacy fence, decorative block wall or combination thereof and be in accordance with the requirements of Sections 17.09.360 (landscaping--required) and 17.09.370 (landscaping--specifications). A minimum of fifteen percent of the interior of the parking areas must be landscaped. Trees shall be utilized to provide shade for vehicles and must be of a sufficient size and placement to provide shade to forty percent of the parking area within three years.

6. Utility Provider Structures and Buildings. New construction of water lines, sewer lines and electric substations and structures may be constructed **in all zones** subject to the approval of the planning commission and council with a review of a subdivision plat. Such construction is not required to apply for a separate permit but must satisfy the requirements below. **When expansion of existing facilities and construction of new facilities in developed neighborhoods are proposed, an application for a conditional use permit shall be required.** Expansions of existing facilities are also subject to the approval of the planning commission and council, and subject to the standards below. The planning commission may require **conditions** standards in accordance with the following language that are reasonably necessary to protect surrounding property values and residential amenities.

- 1. These types of facilities include but are not limited to:
  - a. Electrical utility facility, provided transmission lines are excluded from the requirements of this section if visibility is essential to safety, security, or maintenance access;
  - b. Solid waste disposal facility;
  - c. Water pumping plants and pipelines;
  - d. Public utility buildings and structures (except power plants);
  - e. Flood control structures;
  - f. Substations;
  - g. Sewage treatment plants subject to review and approval of the State Department of Health.

2. Site Standards.

- a. Architectural Form and Character. A building housing all or a majority of a utility facility must be compatible with the architectural form of surrounding buildings. This requirement is not applicable to a utility facility where

significant elements of the facility are not housed inside of a building or to isolate minor elements such as pad mounted transformers, telephone pedestals and metering stations.

b. Screening and Fence Requirements. A utility facility must be site screened with landscaping and/or fencing. Landscape development, shall include retention of significant trees, as necessary to maintain and protect property values, enhance the visual appearance of the city, to preserve the natural character of the area, to promote utilization of natural systems, to reduce the impacts of development on the storm drainage system and water resources, and to provide a better transition between the various land uses permitted in the city.

(1). The planning department and community development director shall review the proposed landscape plan with each application and make a recommendation to the planning commission.

(2). The applicant shall provide site perimeter landscaping that consists of a minimum width of ten feet and includes:

a. Evergreen and deciduous trees, with no more than fifty percent being deciduous, a minimum of six feet in height, and planted at intervals no greater than thirty feet on center;

b. A minimum of three and one-half feet in height, and living ground cover planted so that the ground will be covered within three years.

(3). If planted to buffer a parking area, access, or site development other than a building, any of the following alternatives may be used unless otherwise noted:

a. Shrubs, a minimum of three and one-half feet in height and living ground cover must be planted so that the ground will be covered within three years.

b. Earth-mounding, an average of three and one-half feet in height, planted with shrubs or living ground cover so that the ground will be covered within three years. This alternative may not be used in a downtown land use district.

c. A combination of earth-mounding and shrubs to produce a visual barrier at least three and one-half feet in height.

(4). Equipment and vehicle storage yards require fifteen feet of landscaping on all sides if visible from a public right-of-way.

(5). Parking Area Landscaping. Parking areas require landscaping as follows in addition to any site perimeter landscaping as required.

(6). Alternative landscaping may be approved by the planning commission if the landscaping will provide the desired screening as noted below:

a. The proposed landscaping represents an equal or better result than that which could be achieved by strictly following the requirements of this section; and

b. The proposed landscaping either:

(i) Incorporates the increased retention of significant trees and naturally occurring undergrowth;

(ii) Better accommodates or improves the existing physical conditions of the subject property;

(iii) Incorporates elements to provide for wind protection or to maintain solar access;

(iv) Incorporates elements to protect or improve water quality; or

(v) Incorporates native species in a design that buffers a critical area from uses on the site, including parking.

(26) Schools, Churches, Monasteries, Etc. All schools, churches, and monasteries shall be subject to the regulations established by Utah State Code Annotated (UCA) and shall be considered by the planning commission under Section



**17.09.530, conditional uses. At a minimum, the Planning Commission** The Planning Department, in accordance with Chapter 17.67, shall receive a complete site plan which demonstrates that:

- A. Traffic impacts are minimized so that on-street vehicle flows will not be impeded.
- B. Noise, odor, and glare is contained on the property.
- C. Landscaping shall be completed in accordance with the provisions located in Sections 17.09.360 (Landscaping--Required) and 17.09.370 (Landscaping--Specifications generally). A minimum of fifteen percent of the interior of the parking areas must be landscaped. Trees shall be utilized to provide shade for vehicles and must be of a sufficient size and placement to provide shade to forty percent of the parking area within three years.
- D. Possible impacts on adjacent streets, sidewalks, and bike/pedestrian routes have been identified and reduced to minimum levels.
- E. Adequate parking for the intended use is provided.

(23) Cemeteries, Public or Private. No cemetery, or any extension of an already existing cemetery, shall hereafter be established in the city without **the consideration and recommendation of the planning commission as follows:** a site plan permit process, as outlined in Chapter 17.67 (?).

A. Application Required. (?) Application for the establishment of a cemetery or for the extension to an existing cemetery shall be made on forms provided by the zoning administrator. The application shall include:

- 1. The name(s) and address(es) of the owner(s) of the land;
- 2. The area(s) of the property that will be used for burial purposes;
- 3. The area(s) of the property that will be used for screening purposes;
- 4. Other information as may be helpful to the planning commission in its consideration of the application;
- 5. An appropriate fee as adopted by resolution of the city council;
- 6. Detailed site plans drawn to scale by a licensed professional Utah registered land surveyor or professional engineer as per **Section 17.09.660 Chapter 17.67? (New ord, passed 7/17/17)**
- 7. A written legal description of the cemetery;
- 8. A narrative describing the:
  - a. Age and condition,
  - b. Historical significance **is** if applicable,
  - c. Whether the cemetery is religious, family, organizational, or **publicity** publicly owned,
  - d. Any prehistoric or historic archaeological discoveries on the property, and
  - e. A written description of names and vital dates of those interred.

B. Expansion/Disruption. If the expansion requires a disruption of existing burial sites, the applicant shall provide a detailed site alteration plan indicating the extent of disruption of the cemetery, methods of construction or removal of human remains, and reburial plan. Such plan shall include a written description and visual drawing of the plan showing the relocation of graves.

C. Consideration and Recommendations by Planning Department. The planning department shall consider, among other things:

- 1. The need for the proposed cemetery or extension and the desirability of the location;
- 2. Report its findings to the planning commission with any **conditions** standards of compliance that should be imposed on the **applicant** developer relative to landscaping and setting aside a part of the proposed area for screening purposes; and
- 3. A recommendation that a bond be furnished by the applicant for the fulfillment of any **conditions** standards imposed by the planning commission, and an appropriate amount of the bond at one hundred fifty percent of the total cost of the improvements.

D. **Conditions** Standards of Approval to be Specified. The planning commission, by resolution, shall establish specific **conditions of approval** standards of compliance to create/extend a cemetery. **Conditions** These shall be based on:

1. The need for the proposed cemetery or extension;
2. The desirability of the location;
3. Specific areas to be used for burial purposes and screening;
4. Type and extent of landscaping;
5. Amount of guarantee bond for improvements;
6. Light, glare, dust, noise;
7. Traffic impacts;
8. Parking.

(12) Golf Courses. Must contain a minimum of ten acres and a golf club house may be permitted when part of an approved site plan. The plan must address the following **conditions** standards:

A. Golf course designs shall implement nonpoint source pollution best management practices (BMPs).

B. Course designs and best management plans shall be submitted to the Moab City planning department for review and referral to the planning commission for comment and approval before golf course construction can begin.

C. Course designs must show that there are no encroachments into areas restricted from development and to minimize the impact of the overall site development on natural resources of the area. The design must meet the requirements of Section 17.09.660 17.677, site plan required, and contain the following supplemental information:

1. Address stream, wetland, and habitat protection;
2. Contain an environmental constraints analysis that includes the existing environmental conditions on the site and a report with plans that provide:
  - a. Field located streams, ponds or other water bodies, name of watershed and sub-watershed and stream use class designation,
  - b. Field located wetlands including documentation of vegetation, soils, and hydrology,
  - c. Wetlands classifications (Cowardin; National Vegetation Classification Standard for wetlands),
  - d. Calculated one hundred-year floodplain,
  - e. Topography with slopes differentiated as 1--25%, 26--39%, 40--45%, and 46%+,
  - f. Existing land cover (e.g., forest, meadow, old field, etc.).
  - g. Location of significant plant and/or animal habitat including: documentation of species, date of last known siting, status, and source of documentation.

D. Application of Regulations and Policies. After verification of the existing environmental conditions by the U.S. Army Corps of Engineers or other federal agency, the applicant will identify on the plan those areas of the site that would be restricted from development by: (1) denoting buffer boundaries, (2) denoting those areas of significant habitat determined to exist on site that will be preserved, and (3) denoting those existing areas that will be preserved.

E. Design Standards for Preliminary Plan. After the applicant has determined the areas restricted from development, a plan should be prepared for submission to the planning commission that shows the proposed lay-out of the golf course. The plan shall include the following:

1. Tees, greens, fairways, and practice range;
2. Buildings (e.g., clubhouse, maintenance facilities, etc.);

3. Roads, cart paths, and parking lots;
4. Conceptual design for the management of storm water runoff and water quality including locations and methods and documentation that these locations and methods are practical; and
5. Location of irrigation wells and/or ponds.

F. Approval of Encroachments. If any of the above facilities would require encroachment on buffers, streams, wetlands or floodplains, approval must be granted by the U.S. Army Corps of Engineers or other federal agency.

(19) **Large Commercial and Home-Based Day-Care Centers.** Large home based facility serves eight to sixteen persons in accordance with state rules and shall be permitted to operate between the hours of 5:00 a.m. to 9:00 p.m. daily or as approved by a conditional use permit by the planning commission. A commercial facility is a stand-alone facility not attached to a residence.

- A. Proof of a state license is required as part of the approval in order to obtain a city business license.
- B. Applicants for a city business license shall submit a conceptual site plan that indicates:
  1. Ingress and egress to the property;
  2. Drop off/pick up areas;
  3. Traffic circulation;
  4. Off-street parking;
  5. Landscaping;
  6. Buffering or separation from dissimilar uses;
  7. Open space for older kids.
- C. Hours of operation shall be between 5:00 a.m. until 9:00 p.m. or as restricted by resolution of the planning commission.
- D. Odor, noise, and glare shall be restricted to the property.
- E. Landscaping shall be provided in accordance with the requirements of Sections 17.09.360, (landscaping--required) and 17.09.370, (landscaping--specifications).

5. **Group Home.** A group home may provide living arrangements for not more than eight residents per home sixty years of age or older; or for persons in alcohol recovery, halfway house or other similar programs; or for the developmentally disabled, limited to cerebral palsy, multiple sclerosis, mental retardation, autism, and epilepsy; and not more than two supervisory personnel; subject to the following standards:

1. Such homes must be state-licensed.
2. All exterior aspects of a group home, including its scale and off-street parking configuration, shall not disrupt the residential character of the area.
3. In no case shall the total number of persons residing on premises (including staff) be more than one per four hundred square feet of usable floor area (twenty percent more than the single-family -household equivalent).
4. Such homes shall provide off-street parking pursuant to Sections 17.09.210--17.09.340 of this code.

25. **Veterinary Clinic With Kennel.**

- A. Hours of operation shall be limited to the hours of 7:00 a.m. to 5:00 p.m. unless otherwise restricted by resolution of the planning commission.
- B. Traffic impacts shall be minimized so that on-street vehicle flows will not be impeded.
- C. Noise, odor, and glare shall be contained on the property.

D. Landscaping shall be completed in accordance with the provisions located in Sections 17.09.360 (landscaping--required) and 17.09.370 (landscaping--specifications). A minimum of fifteen percent of the interior of the parking areas must be landscaped. Trees shall be utilized to provide shade for vehicles and must be of a sufficient size and placement to provide shade to forty percent of the parking area within three years.

## 17.20

### C-1 Commercial – Residential

Primary purpose: Mix of uses, Buffer zone, Expansion of commercial where adjacent.      Permitted uses:

1. Retail establishments, wholesale establishments & craft shops, less than three thousand square feet.  
**No** convenience stores, service stations or other similar drive-through & high traffic uses)
2. Office buildings, clinics and utility **buildings provider structures, subject to the standards described below in 17.20.050.**  
**No** service yards or drive-through services (except banks)
3. One-household & two-household dwellings, apartment houses, **subject to the standards described below in 17.20.050,** court apartments, **subject to the standards described below in 17.20.050.**
4. Funeral establishments, mortuaries and churches. **Want standards for churches? See below in 17.20.050**
5. Gymnasium or physiculture establishments
6. Home occupations
7. B&B's, **subject to the standards described below.**
8. Schools (**Want standards? See below in 17.20.050**), hospitals, public buildings (**Want standards? See below in 17.20.050**) & public parks
9. Signs
10. Day care centers, **subject to the standards described below in 17.20.050,** and rest homes
11. Greenhouses and nurseries
12. PUD's
13. Banks and credit unions
15. **Drive-up windows as a conditional use for financial institutions.**
15. **Drive-through windows for financial institutions, subject to standards as set forth below.**

17.20.030: **Dwellings and apartment houses utilizing the ground floor elevation as a residential use require conditional use approval in accordance with Section 17.09.530, Conditional uses, except that** Dwellings above the ground floor **consisting** of commercial uses shall be a permitted use.

Add Uses to C-1 from CU List:

24. Animal Pound or Kennel – Private -- (indoor kennel only), subject to the standards described below.
25. Vet Clinic w/ Indoor Kennel, subject to the standards described below.

17.20.050 Supplementary regulations.

6. Utility Provider Structures and Buildings. New construction of water lines, sewer lines and electric substations and structures may be constructed **in all zones** subject to the approval of the planning commission and council with a review of a subdivision plat. Such construction is not required to apply for a separate permit but must satisfy the requirements below. **When expansion of existing facilities and construction of new facilities in developed neighborhoods are proposed, an application for a conditional use permit shall be required.** Expansions of existing facilities are also subject to the approval of the planning commission and council, and subject to the standards below. The planning commission may require **conditions** standards in accordance with the following language that are reasonably necessary to protect surrounding property values and residential amenities.

1. These types of facilities include but are not limited to:
  - a. Electrical utility facility, provided transmission lines are excluded from the requirements of this section if visibility is essential to safety, security, or maintenance access;
  - b. Solid waste disposal facility;
  - c. Water pumping plants and pipelines;
  - d. Public utility buildings and structures (except power plants);
  - e. Flood control structures;
  - f. Substations;

g. Sewage treatment plants subject to review and approval of the State Department of Health.

2. Site Standards.

a. Architectural Form and Character. A building housing all or a majority of a utility facility must be compatible with the architectural form of surrounding buildings. This requirement is not applicable to a utility facility where significant elements of the facility are not housed inside of a building or to isolate minor elements such as pad mounted transformers, telephone pedestals and metering stations.

b. Screening and Fence Requirements. A utility facility must be site screened with landscaping and/or fencing. Landscape development, shall include retention of significant trees, as necessary to maintain and protect property values, enhance the visual appearance of the city, to preserve the natural character of the area, to promote utilization of natural systems, to reduce the impacts of development on the storm drainage system and water resources, and to provide a better transition between the various land uses permitted in the city.

(1). The planning department and community development director shall review the proposed landscape plan with each application and make a recommendation to the planning commission.

(2). The applicant shall provide site perimeter landscaping that consists of a minimum width of ten feet and includes:

a. Evergreen and deciduous trees, with no more than fifty percent being deciduous, a minimum of six feet in height, and planted at intervals no greater than thirty feet on center;

b. A minimum of three and one-half feet in height, and living ground cover planted so that the ground will be covered within three years.

(3). If planted to buffer a parking area, access, or site development other than a building, any of the following alternatives may be used unless otherwise noted:

a. Shrubs, a minimum of three and one-half feet in height and living ground cover must be planted so that the ground will be covered within three years.

b. Earth-mounding, an average of three and one-half feet in height, planted with shrubs or living ground cover so that the ground will be covered within three years. This alternative may not be used in a downtown land use district.

c. A combination of earth-mounding and shrubs to produce a visual barrier at least three and one-half feet in height.

(4). Equipment and vehicle storage yards require fifteen feet of landscaping on all sides if visible from a public right-of-way.

(5). Parking Area Landscaping. Parking areas require landscaping as follows in addition to any site perimeter landscaping as required.

(6). Alternative landscaping may be approved by the planning commission if the landscaping will provide the desired screening as noted below:

a. The proposed landscaping represents an equal or better result than that which could be achieved by strictly following the requirements of this section; and

b. The proposed landscaping either:

(i) Incorporates the increased retention of significant trees and naturally occurring undergrowth;

(ii) Better accommodates or improves the existing physical conditions of the subject property;

(iii) Incorporates elements to provide for wind protection or to maintain solar access;

- (iv) Incorporates elements to protect or improve water quality; or
- (v) Incorporates native species in a design that buffers a critical area from uses on the site, including parking.

(4) **Multi-Family Multi-Household Dwellings of Seven or More Units.** All multi-family multi-household development of seven or more units shall be subject to the following requirements:

- A. Access. Vehicular access shall be provided to the property in such a way that it does not impede traffic patterns on adjacent streets.
- B. Parking. Off-street parking shall be designed in such a way as to allow vehicles to pull forward into the on-street traffic flow.
- C. Garages or Carports. If provided, garages and carports shall not be located in the front yard and shall be setback from the front wall of the principal structure at least fifteen feet or be accessed from the rear or side of the property.
- D. Landscaping. All off-street parking shall be landscaped and buffered from adjacent uses. A minimum of fifteen percent of the interior of the parking area shall be landscaped to provide shade and break up the expanse of asphalt.
- E. Buffering. All adjacent uses shall be buffered by a distance of not less than fifteen feet and contain berms, shrubs, and other plantings. Buffering may be combined with screens, fences and hedges.
- F. **Open space. Required open space/recreation areas shall be provided in accordance with Title 17.**
- F. Apartments and court apartments shall designate an open space/recreation area that is a minimum of two hundred (200) square feet in size to be developed into recreation, play or landscaped areas. The requirement can be met with the construction of a recreation room (“rec room”) or club house of a similarly sized area that can be used for residents and their guests for recreation/social activities and/or relaxation- also called a “rec room”.

9. All Bed and Breakfast facilities shall comply with the following standards:

- 1. Bed and breakfast facilities may be allowed as a conditional use where applicant the proprietor can show evidence of compliance with the standards and procedures outlined below and where there is minimal impact on adjacent residential properties and neighborhoods. An inspection by the building inspector, fire chief and health department shall be required prior to issuance of a permit a business license, and as often as necessary for enforcement of this chapter. No person shall operate a bed and breakfast unless the person holds a valid permit and business license.
- 2. A written letter of application sworn before a notary public shall be provided by the owner(s) stating that such owner or a manager will occupy the facility, as provided for herein. The letter shall be recorded by the city recorder with a certified copy to accompany the application. The letter shall also be submitted to the planning commission for its consideration.
- 3. The conditional use permit for a bed and breakfast facility shall be granted annually from the date of the original permit. At the end of the one-year period, renewal shall be granted by the planning commission if all other conditions required at the time of approval remain unchanged.
- 4. Applicant must provide plot plans and building or floor plans one-quarter inch to the foot showing the bed and breakfast facility, parking and landscaping. Applicant must show that the facility meets minimum performance standards for off-street parking and landscaping as specified in Section 17.70.080(B). Plans shall be approved by the building inspector, zoning administrator, fire chief and health department.

Section 17.70 does not exist, repealed in 2010. Tara

4. The bed and breakfast shall conform to the requirements for landscaping found in Sections 17.09.360 through 17.09.420.

1. The bed and breakfast facility shall not unduly increase local traffic in the immediate neighborhood. **Road design and access shall be considered in the planning commission's recommendation.** A bed and breakfast shall not be located on a cul-de-sac, dead-end street, or a zoning lot with a street frontage of less than fifty feet.
2. There shall be a minimum perimeter separation of three hundred feet between property lines of bed and breakfasts.
3. Construction and alterations of bed and breakfast facilities shall not alter the residential character of **residential zones** the C-1 zone and of the dwelling. A new structure shall not be constructed solely for the use of a bed and breakfast and a property owner may not **apply for** operate a bed and breakfast for a period of five years after the date of receiving a certificate of occupancy. Bed and breakfast facilities shall be located in an existing structure that is a minimum of two thousand square feet in size. Additions to an existing structure for a bed and breakfast use shall not exceed twenty percent of the total area of the existing structure.
4. The parcel shall also be of sufficient size to be in scale with the number of people using the facility. All bed and breakfast rentals must provide adequate parking (required one off-street parking space per rental bedroom) in addition to needed parking for owners of the facility. A maximum stay shall not exceed thirty days, and meals shall be served only to guests. One off-street parking space for trailers must be provided per every two off-street parking spaces for vehicles.
5. All units shall have a parcel to finished dwelling unit ratio that exceeds five to one (or no dwelling unit in excess of twenty percent of the total parcel size area).
6. No bed and breakfast facility shall rent for compensation more than five rooms, except that suites that do not use a public corridor or passageway between suite bedroom areas shall be counted as one room.
7. No bed and breakfast facility shall allow more than two adults in any rental room unless the bedroom square footage is larger than three hundred square feet and does not use a public corridor or passageway between suite bedroom areas.
8. Signs are limited to one non-flashing sign not larger in area than four square feet. If lighted, the light shall be diffused or shielded and downward directed.
9. All bed and breakfast facilities shall pay water and sewer rates according to the rate formulas contained in Sections **13.24.010** and **13.24.020**. **(13.24.020 covers sewer charges. I did not see a section for water charges and 13.24.010 does not exist.)**
10. All bed and breakfasts must collect and pay an applicable transient room tax, sales tax, and pay a city gross business license fee.
11. The bed and breakfast facility shall conform to fire, building and health codes and be licensed in conformance with all city ordinances.

**C. Appeals. Approval or disapproval of a bed and breakfast application by the city council can be appealed to district court within thirty days of city council action.**

(26) Schools, Churches, Monasteries, Etc. All schools, churches, and monasteries shall be subject to the regulations established by Utah State Code Annotated (UCA) **and shall be considered by the planning commission under Section 17.09.530, conditional uses.** At a minimum, the Planning Commission The Planning Department, in accordance with Chapter 17.67, shall receive a complete site plan which demonstrates that:

- A. Traffic impacts are minimized so that on-street vehicle flows will not be impeded.
- B. Noise, odor, and glare is contained on the property.



C. Landscaping shall be completed in accordance with the provisions located in Sections 17.09.360 (Landscaping--Required) and 17.09.370 (Landscaping--Specifications generally). A minimum of fifteen percent of the interior of the parking areas must be landscaped. Trees shall be utilized to provide shade for vehicles and must be of a sufficient size and placement to provide shade to forty percent of the parking area within three years.

D. Possible impacts on adjacent streets, sidewalks, and bike/pedestrian routes have been identified and reduced to minimum levels.

E. Adequate parking for the intended use is provided.

(27) Other Public Facilities. This type of use shall be allowed on tracts of land in the R-2 zone when in compliance with the following standards. **only after approval of a conditional use permit. The standards that shall apply during the review by the planning commission and the city council shall include:**

A. The proposed use shall be situated on a tract of land sufficient in size to provide for the activities of the use as well as required landscaping, off-street parking, and trails;

B. Landscaping, screening, and fencing shall be installed and maintained to mitigate impacts on surrounding residential uses;

C. Parking areas shall be an all-weather surface such as concrete, asphalt or sealed gravel that will not generate dust or deposit gravel on paved roadways;

D. Dust, glare, odor, and noise shall be confined within the boundaries of the property;

E. Outside storage of equipment, materials, and supplies shall be contained and located within a building or a sight obscuring fence;

F. The use shall demonstrate that there is a benefit to the neighborhood or community;

G. Traffic from the proposed use shall not create a significant negative impact on the neighborhood.

(19) **Large Commercial and Home-Based Day-Care Centers. Large home based facility serves eight to sixteen persons in accordance with state rules and** Shall be permitted to operate between the hours of 5:00 a.m. to 9:00 p.m. daily or as approved **by a conditional use permit** by the planning commission. A commercial facility is a stand-alone facility not attached to a residence.

A. Proof of a state license is required **as part of the approval** in order to obtain a city business license.

B. Applicants for a city business license shall submit a conceptual site plan that indicates:

1. Ingress and egress to the property;
2. Drop off/pick up areas;
3. Traffic circulation;
4. Off-street parking;
5. Landscaping;
6. Buffering or separation from dissimilar uses;
7. Open space for older kids.

C. Hours of operation shall be between 5:00 a.m. until 9:00 p.m. or as restricted by resolution of the planning commission.

D. Odor, noise, and glare shall be restricted to the property.

E. Landscaping shall be provided in accordance with the requirements of Sections 17.09.360, (landscaping--required) and 17.09.370, (landscaping--specifications).

18. Standards for Drive-through Windows for financial institutions:

- a. The drive-through use shall not interfere with traffic circulation to and from the building site;
- b. The drive-through use shall not hinder the use of available parking areas or access to parking areas;
- c. The drive-through use shall utilize additional landscaping, berms, and/or fencing as required to serve as a buffer for light and/or noise;
- d. Design features shall be incorporated for the sufficient protection of adjacent uses from adverse impacts including noise, vibration, smoke, fumes, gas, dust, odor, lighting, glare, traffic minimization or circulation, parking issues, or other undesirable or hazardous conditions;
- e. Provisions for proper maintenance of the drive areas, lighting, signage, landscaping, etc. shall be provided;
- f. The drive-through window shall be operated only during normal business hours;
- g. The **applicant** developer or proprietor must demonstrate that site impacts within the property as well as adjoining properties have been fully mitigated appropriate to the topography of the site. The review of impacts include, at a minimum, slope retention, flood potential, and possible damage to riparian or hillside areas.

24. Animal Pound or Kennel (Private) - Indoors only

Clarify what types or sizes of animals are allowed.

- A. Noise, odor and glare shall be contained on the property.
- B. Fencing, landscaping, the design of parking areas, and downward directed and full cut-off light fixtures shall be used to reduce impacts on adjacent properties.
- C. Parking shall be provided at a rate of one space per one thousand square feet and one space per each employee. ADA handicapped accessible spaces shall be provided as required.
- D. A buffer area of twenty-five feet shall be used to provide a separation from other uses and adjacent properties. Buffering shall include the elements of subsection B above.
- E. Vehicular ingress and egress traffic patterns shall be designed to not impede existing traffic flows and provide adequate interior circulation.
- F. Hours of operation for public access shall be from 8:00 a.m. to 5:00 p.m. or restricted by resolution of the planning commission.
- G. Landscaping shall consist of berms, solid wooden privacy fence, decorative block wall or combination thereof and be in accordance with the requirements of Sections 17.09.360 (landscaping--required) and 17.09.370 (landscaping--specifications). A minimum of fifteen percent of the interior of the parking areas must be landscaped. Trees shall be utilized to provide shade for vehicles and must be of a sufficient size and placement to provide shade to forty percent of the parking area within three years.

25. Veterinary Clinic With Kennel.

- A. Hours of operation shall be limited to the hours of 7:00 a.m. to 5:00 p.m. unless otherwise restricted by resolution of the planning commission.
- B. Traffic impacts shall be minimized so that on-street vehicle flows will not be impeded.
- C. Noise, odor, and glare shall be contained on the property.
- D. Landscaping shall be completed in accordance with the provisions located in Sections 17.09.360 (landscaping--required) and 17.09.370 (landscaping--specifications). A minimum of fifteen percent of the interior of the parking

areas must be landscaped. Trees shall be utilized to provide shade for vehicles and must be of a sufficient size and placement to provide shade to forty percent of the parking area within three years.

## 17.21

### C-2 Commercial – Residential

Primary purpose: Mix of uses, Expansion of commercial out from center.      Permitted uses:

1. Retail, convenience and wholesale establishments that are less than three thousand square feet. **No** storage warehouses
2. Office buildings, clinics and utility **buildings provider structures, subject to the standards described below in 17.21.050.** **No** service yards or drive through services
3. Assembly of appliances from previously prepared parts (in a building)
4. Eating establishments less than 2,000 square feet. **No** drive-ins or drive through services
5. Service enterprises
6. One-household and two-household dwellings, apartment houses, **subject to the standards described below in 17.21.050,** court apartments, **subject to the standards described below in 17.21.050.**
7. Fraternity organization lodges
8. Funeral establishments, mortuaries and churches
9. Gymnasium or physiculture establishments
10. Home occupations (city council approval not required)
11. Lodging establishments (under ten units)
12. Parking lots (commercial)
13. Schools (**Want standards? See below in 17.21.050**), hospitals, public buildings (**Want standards? See below in 17.21.050**) and public parks
14. Signs
15. Day care centers, **subject to the standards set forth below in 17.21.050,** and rest homes
16. Green houses and nurseries
17. Pet shops, **veterinary clinics,** art and craft shops, taxidermy shops, electrical appliance shops (wholesales), plumbing shops, carpentry shops, hardware stores, electrical retail stores, river running companies, bakeries, stone and monument sales establishments, engraving and printing establishments and secondhand stores

#### Add Uses to C-2 from CU List:

24. Animal Pound or Kennel – Private – Indoor kennel only, subject to the standards described below.
25. Vet Clinic w/ Indoor Kennel, subject to the standards described below.

#### 17.21.050 Supplementary regulations.

6. Utility Provider Structures and Buildings. New construction of water lines, sewer lines and electric substations and structures may be constructed **in all zones** subject to the approval of the planning commission and council with a review of a subdivision plat. Such construction is not required to apply for a separate permit but must satisfy the requirements below. **When expansion of existing facilities and construction of new facilities in developed neighborhoods are proposed, an application for a conditional use permit shall be required.** Expansions of existing facilities are also subject to the approval of the planning commission and council, and subject to the standards below. The planning commission may require **conditions** standards in accordance with the following language that are reasonably necessary to protect surrounding property values and residential amenities.

1. These types of facilities include but are not limited to:
  - a. Electrical utility facility, provided transmission lines are excluded from the requirements of this section if visibility is essential to safety, security, or maintenance access;
  - b. Solid waste disposal facility;
  - c. Water pumping plants and pipelines;
  - d. Public utility buildings and structures (except power plants);
  - e. Flood control structures;
  - f. Substations;

g. Sewage treatment plants subject to review and approval of the State Department of Health.

2. Site Standards.

a. Architectural Form and Character. A building housing all or a majority of a utility facility must be compatible with the architectural form of surrounding buildings. This requirement is not applicable to a utility facility where significant elements of the facility are not housed inside of a building or to isolate minor elements such as pad mounted transformers, telephone pedestals and metering stations.

b. Screening and Fence Requirements. A utility facility must be site screened with landscaping and/or fencing. Landscape development, shall include retention of significant trees, as necessary to maintain and protect property values, enhance the visual appearance of the city, to preserve the natural character of the area, to promote utilization of natural systems, to reduce the impacts of development on the storm drainage system and water resources, and to provide a better transition between the various land uses permitted in the city.

(1). The planning department and community development director shall review the proposed landscape plan with each application and make a recommendation to the planning commission.

(2). The applicant shall provide site perimeter landscaping that consists of a minimum width of ten feet and includes:

a. Evergreen and deciduous trees, with no more than fifty percent being deciduous, a minimum of six feet in height, and planted at intervals no greater than thirty feet on center;

b. A minimum of three and one-half feet in height, and living ground cover planted so that the ground will be covered within three years.

(3). If planted to buffer a parking area, access, or site development other than a building, any of the following alternatives may be used unless otherwise noted:

a. Shrubs, a minimum of three and one-half feet in height and living ground cover must be planted so that the ground will be covered within three years.

b. Earth-mounding, an average of three and one-half feet in height, planted with shrubs or living ground cover so that the ground will be covered within three years. This alternative may not be used in a downtown land use district.

c. A combination of earth-mounding and shrubs to produce a visual barrier at least three and one-half feet in height.

(4). Equipment and vehicle storage yards require fifteen feet of landscaping on all sides if visible from a public right-of-way.

(5). Parking Area Landscaping. Parking areas require landscaping as follows in addition to any site perimeter landscaping as required.

(6). Alternative landscaping may be approved by the planning commission if the landscaping will provide the desired screening as noted below:

a. The proposed landscaping represents an equal or better result than that which could be achieved by strictly following the requirements of this section; and

b. The proposed landscaping either:

(i) Incorporates the increased retention of significant trees and naturally occurring undergrowth;

(ii) Better accommodates or improves the existing physical conditions of the subject property;

(iii) Incorporates elements to provide for wind protection or to maintain solar access;

- (iv) Incorporates elements to protect or improve water quality; or
- (v) Incorporates native species in a design that buffers a critical area from uses on the site, including parking.

(4) **Multi-Family** Multi-Household Dwellings of Seven or More Units. All **multi-family** multi-household development of seven or more units shall be subject to the following requirements:

- A. Access. Vehicular access shall be provided to the property in such a way that it does not impede traffic patterns on adjacent streets.
- B. Parking. Off-street parking shall be designed in such a way as to allow vehicles to pull forward into the on-street traffic flow.
- C. Garages or Carports. If provided, garages and carports shall not be located in the front yard and shall be setback from the front wall of the principal structure at least fifteen feet or be accessed from the rear or side of the property.
- D. Landscaping. All off-street parking shall be landscaped and buffered from adjacent uses. A minimum of fifteen percent of the interior of the parking area shall be landscaped to provide shade and break up the expanse of asphalt.
- E. Buffering. All adjacent uses shall be buffered by a distance of not less than fifteen feet and contain berms, shrubs, and other plantings. Buffering may be combined with screens, fences and hedges.
- F. **Open space. Required open space/recreation areas shall be provided in accordance with Title 17.**
- F. Apartments and court apartments shall designate an open space/recreation area that is a minimum of two hundred (200) square feet in size to be developed into recreation, play or landscaped areas. The requirement can be met with the construction of a recreation room ("rec room") or club house of a similarly sized area that can be used for residents and their guests for recreation/social activities and/or relaxation- also called a "rec room".

(26) Schools, Churches, Monasteries, Etc. All schools, churches, and monasteries shall be subject to the regulations established by Utah State Code Annotated (UCA) **and shall be considered by the planning commission under Section 17.09.530, conditional uses. At a minimum, the Planning Commission** The Planning Department, in accordance with Chapter 17.67, shall receive a complete site plan which demonstrates that:

- A. Traffic impacts are minimized so that on-street vehicle flows will not be impeded.
- B. Noise, odor, and glare is contained on the property.
- C. Landscaping shall be completed in accordance with the provisions located in Sections 17.09.360 (Landscaping--Required) and 17.09.370 (Landscaping--Specifications generally). A minimum of fifteen percent of the interior of the parking areas must be landscaped. Trees shall be utilized to provide shade for vehicles and must be of a sufficient size and placement to provide shade to forty percent of the parking area within three years.
- D. Possible impacts on adjacent streets, sidewalks, and bike/pedestrian routes have been identified and reduced to minimum levels.
- E. Adequate parking for the intended use is provided.

(27) Other Public Facilities. This type of use shall be allowed on tracts of land in the R-2 zone when in compliance with the following standards. **only after approval of a conditional use permit. The standards that shall apply during the review by the planning commission and the city council shall include:**

- A. The proposed use shall be situated on a tract of land sufficient in size to provide for the activities of the use as well as required landscaping, off-street parking, and trails;
- B. Landscaping, screening, and fencing shall be installed and maintained to mitigate impacts on surrounding residential uses;

- C. Parking areas shall be an all-weather surface such as concrete, asphalt or sealed gravel that will not generate dust or deposit gravel on paved roadways;
- D. Dust, glare, odor, and noise shall be confined within the boundaries of the property;
- E. Outside storage of equipment, materials, and supplies shall be contained and located within a building or a sight obscuring fence;
- F. The use shall demonstrate that there is a benefit to the neighborhood or community;
- G. Traffic from the proposed use shall not create a significant negative impact on the neighborhood.

(19) **Large Commercial and Home-Based Day-Care Centers.** Large home based facility serves eight to sixteen persons in accordance with state rules and Shall be permitted to operate between the hours of 5:00 a.m. to 9:00 p.m. daily or as approved by a conditional use permit by the planning commission. A commercial facility is a stand-alone facility not attached to a residence.

- A. Proof of a state license is required as part of the approval in order to obtain a city business license.
  - B. Applicants for a city business license shall submit a conceptual site plan that indicates:
    1. Ingress and egress to the property;
    2. Drop off/pick up areas;
    3. Traffic circulation;
    4. Off-street parking;
    5. Landscaping;
    6. Buffering or separation from dissimilar uses;
    7. Open space for older kids.
  - C. Hours of operation shall be between 5:00 a.m. until 9:00 p.m. or as restricted by resolution of the planning commission.
  - D. Odor, noise, and glare shall be restricted to the property.
  - E. Landscaping shall be provided in accordance with the requirements of Sections 17.09.360, (landscaping--required) and 17.09.370, (landscaping--specifications).
24. Animal Pound or Kennel (Private) - Indoors only

**Clarify what types or sizes of animals are allowed.**

- A. Noise, odor and glare shall be contained on the property.
- B. Fencing, landscaping, the design of parking areas, and downward directed and full cut-off light fixtures shall be used to reduce impacts on adjacent properties.
- C. Parking shall be provided at a rate of one space per one thousand square feet and one space per each employee. ADA handicapped accessible spaces shall be provided as required.
- D. A buffer area of twenty-five feet shall be used to provide a separation from other uses and adjacent properties. Buffering shall include the elements of subsection B above.
- E. Vehicular ingress and egress traffic patterns shall be designed to not impede existing traffic flows and provide adequate interior circulation.
- F. Hours of operation for public access shall be from 8:00 a.m. to 5:00 p.m. or restricted by resolution of the planning commission.

G. Landscaping shall consist of berms, solid wooden privacy fence, decorative block wall or combination thereof and be in accordance with the requirements of Sections 17.09.360 (landscaping--required) and 17.09.370 (landscaping--specifications). A minimum of fifteen percent of the interior of the parking areas must be landscaped. Trees shall be utilized to provide shade for vehicles and must be of a sufficient size and placement to provide shade to forty percent of the parking area within three years.

25. Veterinary Clinic With Kennel – Indoor Kennel only.

A. Hours of operation shall be limited to the hours of 7:00 a.m. to 5:00 p.m. unless otherwise restricted by resolution of the planning commission.

B. Traffic impacts shall be minimized so that on-street vehicle flows will not be impeded.

C. Noise, odor, and glare shall be contained on the property.

D. Landscaping shall be completed in accordance with the provisions located in Sections 17.09.360 (landscaping--required) and 17.09.370 (landscaping--specifications). A minimum of fifteen percent of the interior of the parking areas must be landscaped. Trees shall be utilized to provide shade for vehicles and must be of a sufficient size and placement to provide shade to forty percent of the parking area within three years.



## C-3 Central Commercial Zone

Primary purpose: Business. Shopping & financial.

Permitted uses:

1. Retail establishments and service enterprises
  2. Office buildings, clinics, utility buildings provider structures, subject to the standards described below in 17.24.050.
  3. Assembly of appliances from previously prepared parts
  4. Auto body and fender shops, auto painting
  5. Beer parlors and alcohol dispensing establishments
  6. Electrical appliance shops (wholesale)
  7. Engraving and printing establishments
  8. Fraternity buildings, clubs, lodges
  9. Funeral establishments, mortuaries, wedding chapels
  10. Garages and used car lots
  11. Gymnasium or physiculture establishments
  12. Home occupations (city council approval not required)
  13. Hospitals
  14. Pawnshops
  15. Motels, cafes, food drive-ins, offices
  16. Parking lots (commercial)
  17. Revival tents (temporary)
  18. Service stations
  19. Schools and other public buildings. [Want standards? See below in 17.24.050.](#)
  20. Secondhand stores
  21. Accessory signs and billboards
  22. **Utility buildings and public buildings. (Repeated in 2 & 19 above.)**
  23. Stone and monument sales establishments
  24. Taxidermy shops
  25. Tire recapping (inside of a building);
  26. Wholesale establishments with stock on premises. **No** storage warehouses
  27. **Trucking companies subject to city council approval**
  28. Dwellings and apartment houses are permitted on the ground floor only when constructed in conjunction with a commercial use. Such dwellings and apartment houses on the ground floor must adhere to the following standards:  
**They're for employees of that business.** [Need to reconcile with 30.b.](#) [Make it either/or: for employee housing or affordable housing, so they don't have to satisfy both requirements.](#) Housing located on property or adjacent property. IBC regs. Lease 31 days or more. Not located in front of a building. Size. Parking.
  29. Other dwellings and apartment houses are not permitted on the ground floor, but dwellings above the ground floor of a nonresidential structure are permitted
  30. Ground floor dwellings shall be allowed in the C-3 zone when all of the following conditions exist:
    - a. The owner is a legally constituted housing authority or a legally recognized nonprofit land trust operating under a signed property management contract with a legally constituted housing authority
    - b. The dwellings are **limited to affordable housing units** (defined) [Need to reconcile with 28. See above.](#)
    - c. Noncomplying ground floor dwellings already exist on the property; and
    - d. No existing commercial or retail activities shall be displaced.
- Ground floor dwellings permitted here are exempt from the designated recreation area requirements of Section 17.09.670. Planning commission can waive or alter off-street parking regs, if the developer can show that it will socially benefit the community through the enhancement of the quality and/or quantity of **affordable dwelling units**.
31. Drive-through Windows.  
**Additional Standards for Drive-up Windows:**  
**(traffic, parking, landscaping/berms, noise, smoke, fumes, lights, signage, biz hours, impacts/flood mitigated)**

Add Uses to C-3 from CU List:

2. Historic dwelling. Dwellings that have or may have historical significance may apply for historic designation through the review process contained in Chapter 17.90. The dwelling must satisfy the review criteria and meet the standards included in that chapter.

19. Large commercial and home-based Day care centers, subject to the standards described below in 17.24.050.

17.24.050 Supplementary regulations

6. Utility Provider Structures and Buildings. New construction of water lines, sewer lines and electric substations and structures may be constructed in all zones subject to the approval of the planning commission and council with a review of a subdivision plat. Such construction is not required to apply for a separate permit but must satisfy the requirements below. When expansion of existing facilities and construction of new facilities in developed neighborhoods are proposed, an application for a conditional use permit shall be required. Expansions of existing facilities are also subject to the approval of the planning commission and council, and subject to the standards below. The planning commission may require conditions standards in accordance with the following language that are reasonably necessary to protect surrounding property values and residential amenities.

1. These types of facilities include but are not limited to:
  - a. Electrical utility facility, provided transmission lines are excluded from the requirements of this section if visibility is essential to safety, security, or maintenance access;
  - b. Solid waste disposal facility;
  - c. Water pumping plants and pipelines;
  - d. Public utility buildings and structures (except power plants);
  - e. Flood control structures;
  - f. Substations;
  - g. Sewage treatment plants subject to review and approval of the State Department of Health.
2. Site Standards.
  - a. Architectural Form and Character. A building housing all or a majority of a utility facility must be compatible with the architectural form of surrounding buildings. This requirement is not applicable to a utility facility where significant elements of the facility are not housed inside of a building or to isolate minor elements such as pad mounted transformers, telephone pedestals and metering stations.
  - b. Screening and Fence Requirements. A utility facility must be site screened with landscaping and/or fencing. Landscape development, shall include retention of significant trees, as necessary to maintain and protect property values, enhance the visual appearance of the city, to preserve the natural character of the area, to promote utilization of natural systems, to reduce the impacts of development on the storm drainage system and water resources, and to provide a better transition between the various land uses permitted in the city.
    - (1). The planning department and community development director shall review the proposed landscape plan with each application and make a recommendation to the planning commission.
    - (2). The applicant shall provide site perimeter landscaping that consists of a minimum width of ten feet and includes:
      - a. Evergreen and deciduous trees, with no more than fifty percent being deciduous, a minimum of six feet in height, and planted at intervals no greater than thirty feet on center;
      - b. A minimum of three and one-half feet in height, and living ground cover planted so that the ground will be covered within three years.
    - (3). If planted to buffer a parking area, access, or site development other than a building, any of the following alternatives may be used unless otherwise noted:

- a. Shrubs, a minimum of three and one-half feet in height and living ground cover must be planted so that the ground will be covered within three years.
- b. Earth-mounding, an average of three and one-half feet in height, planted with shrubs or living ground cover so that the ground will be covered within three years. This alternative may not be used in a downtown land use district.
- c. A combination of earth-mounding and shrubs to produce a visual barrier at least three and one-half feet in height.

(4). Equipment and vehicle storage yards require fifteen feet of landscaping on all sides if visible from a public right-of-way.

(5). Parking Area Landscaping. Parking areas require landscaping as follows in addition to any site perimeter landscaping as required.

(6). Alternative landscaping may be approved by the planning commission if the landscaping will provide the desired screening as noted below:

- a. The proposed landscaping represents an equal or better result than that which could be achieved by strictly following the requirements of this section; and
- b. The proposed landscaping either:
  - (i) Incorporates the increased retention of significant trees and naturally occurring undergrowth;
  - (ii) Better accommodates or improves the existing physical conditions of the subject property;
  - (iii) Incorporates elements to provide for wind protection or to maintain solar access;
  - (iv) Incorporates elements to protect or improve water quality; or
  - (v) Incorporates native species in a design that buffers a critical area from uses on the site, including parking.

(26) Schools, Churches, Monasteries, Etc. All schools, churches, and monasteries shall be subject to the regulations established by Utah State Code Annotated (UCA) and shall be considered by the planning commission under Section 17.09.530, conditional uses. At a minimum, the Planning Commission The Planning Department, in accordance with Chapter 17.67, shall receive a complete site plan which demonstrates that:

- A. Traffic impacts are minimized so that on-street vehicle flows will not be impeded.
- B. Noise, odor, and glare is contained on the property.
- C. Landscaping shall be completed in accordance with the provisions located in Sections 17.09.360 (Landscaping--Required) and 17.09.370 (Landscaping--Specifications generally). A minimum of fifteen percent of the interior of the parking areas must be landscaped. Trees shall be utilized to provide shade for vehicles and must be of a sufficient size and placement to provide shade to forty percent of the parking area within three years.
- D. Possible impacts on adjacent streets, sidewalks, and bike/pedestrian routes have been identified and reduced to minimum levels.
- E. Adequate parking for the intended use is provided.

(27) Other Public Facilities. This type of use shall be allowed on tracts of land in the R-2 zone when in compliance with the following standards. only after approval of a conditional use permit. The standards that shall apply during the review by the planning commission and the city council shall include:

- A. The proposed use shall be situated on a tract of land sufficient in size to provide for the activities of the use as well as required landscaping, off-street parking, and trails;
- B. Landscaping, screening, and fencing shall be installed and maintained to mitigate impacts on surrounding residential uses;

- C. Parking areas shall be an all-weather surface such as concrete, asphalt or sealed gravel that will not generate dust or deposit gravel on paved roadways;
- D. Dust, glare, odor, and noise shall be confined within the boundaries of the property;
- E. Outside storage of equipment, materials, and supplies shall be contained and located within a building or a sight obscuring fence;
- F. The use shall demonstrate that there is a benefit to the neighborhood or community;
- G. Traffic from the proposed use shall not create a significant negative impact on the neighborhood.

(19) **Large Commercial and Home-Based Day-Care Centers.** Large home based facility serves eight to sixteen persons in accordance with state rules and Shall be permitted to operate between the hours of 5:00 a.m. to 9:00 p.m. daily or as approved by a conditional use permit by the planning commission. A commercial facility is a stand-alone facility not attached to a residence.

- A. Proof of a state license is required as part of the approval in order to obtain a city business license.
- B. Applicants for a city business license shall submit a conceptual site plan that indicates:
  - 1. Ingress and egress to the property;
  - 2. Drop off/pick up areas;
  - 3. Traffic circulation;
  - 4. Off-street parking;
  - 5. Landscaping;
  - 6. Buffering or separation from dissimilar uses;
  - 7. Open space for older kids.
- C. Hours of operation shall be between 5:00 a.m. until 9:00 p.m. or as restricted by resolution of the planning commission.
- D. Odor, noise, and glare shall be restricted to the property.
- E. Landscaping shall be provided in accordance with the requirements of Sections 17.09.360, (landscaping--required) and 17.09.370, (landscaping--specifications).

### C-4 General Commercial Zone

Primary purpose: Business, light industrial. Attractive entrances to city.

Permitted uses:

1. Retail establishments and service enterprises
2. Office buildings
3. Auto body and fender shops, auto painting, welding and sheet metal shops, electrical appliance shops, plumbing and carpenter shops, hardware and retail lumber yards, and assembly of appliances from previously prepared parts
5. Service stations
6. Beer parlors and alcohol dispensing establishments
7. Fraternity buildings, clubs, lodges
8. Funeral establishments, mortuaries and churches
9. Used car lots, farm equipment sales establishments and parking lots (commercial)
10. Engraving and printing establishments, stone and monument sales, taxidermy shops & secondhand stores
11. Gymnasiums or physiculture establishments
12. Home occupations (city council approval not required)
13. Pawnshops
14. Motels and lodging establishments
15. Cafes, restaurants and food drive-ins
17. Utility **buildings provider structures, subject to the standards described below in 17.27.050**, schools **(Want standards? See below in 17.27.050**, hospitals and other public buildings **(Want standards? See below in 17.27.050)**
18. Signs
19. Wholesale establishments with stock on premises
20. Trucking companies **subject to city council approval subject to the standards provided in 17.27.050**
21. Auction houses
22. Caretaker dwellings
23. Manufacturing, compounding and processing
24. Pasturing of animals
25. **Recreational vehicle courts subject to regs of Title 15**
25. **RV/Travel Trailer Park or Court, subject to the standards provided in 17.27.050**
26. Warehouses, garages, storage buildings and accessory buildings
27. **Dwellings and apartment houses require conditional use approval as described in Chapter 17.09.530, Conditional uses**
28. Dwellings and apartment houses **for employees** are permitted on the ground floor **or above the ground floor only** when constructed in conjunction with **a site plan for a commercial use**. Such dwellings and apartment houses **on the ground floor** must adhere to the following standards:
  - They're for employees of that business. Housing located on property or adjacent property. IBC regs. Lease 31 days or more. Not located in front of a building. Size. Parking.
29. Other dwellings and apartment houses **are not permitted are permitted** on the ground floor **or above the ground floor**. **Additional standards for dwellings in the C-4 zone are required as set forth below in 17.27.050. (CU #1)**

**(Related to Dwellings in C-4: 17.27.030 Area, width and location requirements.**

(Setbacks) . . . No area and width requirements shall apply to residential uses located above the ground floor when said ground floor is devoted exclusively to a commercial use permitted in this zone. Lot coverage of the principal use shall not exceed fifty percent of the total lot area.)

30. Manufactured home sales are allowed, **subject to the standards described below in 17.27.050. through approval by the planning commission of a conditional use permit as established elsewhere in this code. Must use during review of application: Additional landscaping, berms, screening, fencing, increased setbacks, hours of operation, storm water management, compatibility in terms of appearance, architectural scale and features, site design and scope, the control of adverse impacts from noise, vibration, smoke, fumes, gas, dust, odor, lighting, glare, traffic minimization or circulation, parking.**

31. Public and private research establishments
32. Laboratories, but not including activities which are hazardous by reason of explosion, fire, chemical, biochemical, or other danger
33. Self-storage warehouses, subject to the standards provided below in 17.27.050  
(We added this one in a previous ordinance, spring 2017.)

Add Uses to C-4 from CU List:

2. Historic dwelling. Dwellings that have or may have historical significance may apply for historic designation through the review process contained in Chapter 17.90. The dwelling must satisfy the review criteria and meet the standards included in that chapter.
4. Multi-Household dwellings of 7 or more units, subject to the standards described below.
16. Asphalt/Concrete Batching Plant, Temporary, subject to the standards described below.
17. Wireless Telecommunication Towers. The regulations and standards for the construction, erection or placement of all wireless telecommunications towers within the jurisdiction of the city are found in Chapter 17.76.
18. Drive-thru windows, subject to the standards described below.
19. Day care centers, subject to the standards described below.

17.27.050 Supplementary regulations.

6. Utility Provider Structures and Buildings. New construction of water lines, sewer lines and electric substations and structures may be constructed in all zones subject to the approval of the planning commission and council with a review of a subdivision plat. Such construction is not required to apply for a separate permit but must satisfy the requirements below. When expansion of existing facilities and construction of new facilities in developed neighborhoods are proposed, an application for a conditional use permit shall be required. Expansions of existing facilities are also subject to the approval of the planning commission and council, and subject to the standards below. The planning commission may require conditions standards in accordance with the following language that are reasonably necessary to protect surrounding property values and residential amenities.

1. These types of facilities include but are not limited to:
  - a. Electrical utility facility, provided transmission lines are excluded from the requirements of this section if visibility is essential to safety, security, or maintenance access;
  - b. Solid waste disposal facility;
  - c. Water pumping plants and pipelines;
  - d. Public utility buildings and structures (except power plants);
  - e. Flood control structures;
  - f. Substations;
  - g. Sewage treatment plants subject to review and approval of the State Department of Health.
2. Site Standards.
  - a. Architectural Form and Character. A building housing all or a majority of a utility facility must be compatible with the architectural form of surrounding buildings. This requirement is not applicable to a utility facility where significant elements of the facility are not housed inside of a building or to isolate minor elements such as pad mounted transformers, telephone pedestals and metering stations.
  - b. Screening and Fence Requirements. A utility facility must be site screened with landscaping and/or fencing. Landscape development, shall include retention of significant trees, as necessary to maintain and protect property values, enhance the visual appearance of the city, to preserve the natural character of the area, to promote utilization of natural systems, to reduce the impacts of development on the storm drainage system and water resources, and to provide a better transition between the various land uses permitted in the city.

- (1). The planning department and community development director shall review the proposed landscape plan with each application and make a recommendation to the planning commission.
- (2). The applicant shall provide site perimeter landscaping that consists of a minimum width of ten feet and includes:
  - a. Evergreen and deciduous trees, with no more than fifty percent being deciduous, a minimum of six feet in height, and planted at intervals no greater than thirty feet on center;
  - b. A minimum of three and one-half feet in height, and living ground cover planted so that the ground will be covered within three years.
- (3). If planted to buffer a parking area, access, or site development other than a building, any of the following alternatives may be used unless otherwise noted:
  - a. Shrubs, a minimum of three and one-half feet in height and living ground cover must be planted so that the ground will be covered within three years.
  - b. Earth-mounding, an average of three and one-half feet in height, planted with shrubs or living ground cover so that the ground will be covered within three years. This alternative may not be used in a downtown land use district.
  - c. A combination of earth-mounding and shrubs to produce a visual barrier at least three and one-half feet in height.
- (4). Equipment and vehicle storage yards require fifteen feet of landscaping on all sides if visible from a public right-of-way.
- (5). Parking Area Landscaping. Parking areas require landscaping as follows in addition to any site perimeter landscaping as required.
- (6). Alternative landscaping may be approved by the planning commission if the landscaping will provide the desired screening as noted below:
  - a. The proposed landscaping represents an equal or better result than that which could be achieved by strictly following the requirements of this section; and
  - b. The proposed landscaping either:
    - (i) Incorporates the increased retention of significant trees and naturally occurring undergrowth;
    - (ii) Better accommodates or improves the existing physical conditions of the subject property;
    - (iii) Incorporates elements to provide for wind protection or to maintain solar access;
    - (iv) Incorporates elements to protect or improve water quality; or
    - (v) Incorporates native species in a design that buffers a critical area from uses on the site, including parking.

(26) Schools, Churches, Monasteries, Etc. All schools, churches, and monasteries shall be subject to the regulations established by Utah State Code Annotated (UCA) and shall be considered by the planning commission under Section 17.09.530, conditional uses. At a minimum, the Planning Commission The Planning Department, in accordance with Chapter 17.67, shall receive a complete site plan which demonstrates that:

- A. Traffic impacts are minimized so that on-street vehicle flows will not be impeded.
- B. Noise, odor, and glare is contained on the property.
- C. Landscaping shall be completed in accordance with the provisions located in Sections 17.09.360 (Landscaping--Required) and 17.09.370 (Landscaping--Specifications generally). A minimum of fifteen percent of the interior of the parking areas must be landscaped. Trees shall be utilized to provide shade for vehicles and must be of a sufficient size and placement to provide shade to forty percent of the parking area within three years.



D. Possible impacts on adjacent streets, sidewalks, and bike/pedestrian routes have been identified and reduced to minimum levels.

E. Adequate parking for the intended use is provided.

(27) Other Public Facilities. This type of use shall be allowed on tracts of land in the R-2 zone when in compliance with the following standards. **only after approval of a conditional use permit. The standards that shall apply during the review by the planning commission and the city council shall include:**

A. The proposed use shall be situated on a tract of land sufficient in size to provide for the activities of the use as well as required landscaping, off-street parking, and trails;

B. Landscaping, screening, and fencing shall be installed and maintained to mitigate impacts on surrounding residential uses;

C. Parking areas shall be an all-weather surface such as concrete, asphalt or sealed gravel that will not generate dust or deposit gravel on paved roadways;

D. Dust, glare, odor, and noise shall be confined within the boundaries of the property;

E. Outside storage of equipment, materials, and supplies shall be contained and located within a building or a sight obscuring fence;

F. The use shall demonstrate that there is a benefit to the neighborhood or community;

G. Traffic from the proposed use shall not create a significant negative impact on the neighborhood.

(8) Trucking Company/Terminal.

A. Parking areas shall be paved with an all-weather hard surface such as concrete or asphalt that will not generate dust or gravel deposits on paved roadways.

B. A minimum of fifteen percent of the parking area shall be landscaped with:

1. Shrubs, a minimum of three and one-half feet in height and living ground cover must be planted so that the ground will be covered within three years.

2. Earth-mounding, an average of three and one-half feet in height, planted with trees, shrubs or living ground cover so that the ground will be covered within three years. A combination of earth-mounding and shrubs to produce a visual barrier at least three and one-half feet in height.

3. Evergreen and deciduous trees, with no more than fifty percent being deciduous, a minimum of six feet in height, and planted at intervals no greater than thirty feet on center.

C. Odor, glare, and noise shall be confined to the property.

D. Adjacent properties shall be buffered by perimeter landscaping a minimum of fifteen feet in width.

E. Parking areas shall be illuminated by pole lighting only that shall be downward directed with full cut-off fixtures dispersed throughout the parking area and shall provide a minimum of .5 candle power and not more than 1.0 candle power of illumination. No light shall be placed on the eave or side of buildings and be directed outward toward the perimeter of the property.

F. Adequate access/ingress shall be provided so as not to impact traffic patterns in the area.

G. Refrigerator units shall not be allowed to run from the hours of 10:00 p.m. to 7:00 a.m.



(10) Recreational Vehicle/Travel Trailer Park or Court. The following provisions are intended to manage the development of RV parks while minimizing land use conflicts and environmental degradation:

- A. Trees and other landscaping serving as a buffer to other adjacent uses must surround the area for a minimum distance of fifteen feet. Landscaping shall be in accordance with the requirements of Chapter 17.09.360
- B. A solid decorative privacy wall or wooden privacy fence shall be constructed and maintained around the park perimeter.
- C. A minimum separation of twenty feet shall be maintained between each RV unit.
- D. Adequate sanitation facilities and HC facilities shall be provided and maintained for the maximum number of units as per the International Building Code Appendices. (I am curious what HC is.)
- E. A minimum area of ten percent or **five hundred** two hundred square feet, whichever is greater, must be provided as open space for a playground and/or picnic area.
- F. Traffic patterns within the park and ingress and egress from adjacent streets shall be designed to minimize congestion at all intersections.
- G. Hours of operation shall be limited to 6:00 a.m. to 10:00 p.m. for the office and other park facilities or be established by resolution of the planning commission.
- H. **Conditions of Approval.** Both the planning commission and city council shall use the following criteria in reviewing conditional use permit requests as well as the specific conditions for each type of conditional use listed in the matrix in section B, above. It is specifically understood that certain criteria listed below may not apply to a particular application and that failure to meet one or more of the applicable criteria may be cause for denial. The applicant shall adequately demonstrate that the criteria have been met.

(1) Dwellings in the C-4 Commercial Zone. All single-family -household and two-family -household dwellings shall be subject to the following requirements:

- A. Minimum wall dimensions of the principal structure, excluding garage, shall be twenty-four feet.
- B. All principal residential structures shall:
  - 1. Be placed on a slab-on-grade or perimeter foundation as approved by the building department;
  - 2. Have a wood, brick or stucco exterior, or a material that looks similar to wood, brick or stucco;
  - 3. Have a minimum 4:12 roof pitch and a one foot overhang (structures constructed in the traditional southwest Spanish style are exempt from this requirement);
  - 4. **Allowed accessory structures shall not exceed twenty-five percent of the rear yard;**
  - 4. The combined total area of all primary, secondary, and accessory buildings on a lot may cover not more than seventy-five percent of the lot area.
  - 5. Buffering is required in accordance with other provisions of this chapter;
  - 6. Minimum Setbacks for Residential Structures in the C-4 Zone.

**Minimum Setbacks for Residential Structures in the C-4 Zone**

Front yard	30 feet
Side yard	15 feet

Rear yard	20 feet
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14. Self-storage warehouses.

1. All new self-storage warehouse facilities or expansions are subject to approval of a site plan as described in Section 17.09.660, **site plan--required. Chapter 17.67, ord. passed 7/17/17.**
2. All drives and parking area surfaces shall consist of a maintained all-weather dust free surface such as asphalt, concrete, bricks, pavers or cobblestones. The use of gravel may be exercised but a dust inhibitor shall be regularly applied to the surface and appropriately worked into the surface material.
3. Drive lanes must be of a sufficient width to allow vehicles to pass when another is loading or unloading by a unit.
4. Traffic impacts shall be mitigated and not lead to disruption of traffic flow on adjacent streets.
5. Self-storage warehouses shall be screened/buffered from adjacent properties by the use of decorative/solid wooden privacy fencing or decorative block walls. High quality landscaping may be incorporated into the screening effort but maintenance of all vegetation is the responsibility of the owner(s) of the property.
6. Glare, dust, odor, and noise must be contained within the property boundaries.
7. Landscaping shall be provided in accordance with the requirements of Sections 17.09.360, (landscaping--required) and 17.09.370, (landscaping--specifications). Landscaping screening shall be provided and maintained along the perimeter of the property and consist of twenty feet in depth. Vegetation may include existing trees and shrubs but weeds must be managed and landscaping maintained once it is installed.
8. All structures shall be maintained in accordance with the adopted version of the International Property Maintenance Code.
9. The lot size shall be between a minimum of two acres and a maximum of five acres.
10. The total area covered by buildings shall not exceed fifty percent of the site.
11. The maximum height of the building or buildings permitted as of right is twenty feet or one story.
12. No outside storage is permitted except for large vehicles and boats that are under a permanent cover.
13. The storage of hazardous, toxic, or explosive substances, including, but not limited to, **but excluding the storage of**, hazardous waste, industrial solid waste, medical waste, municipal solid waste, septage, or used oil, is prohibited.
14. No business activity other than the rental of storage units shall be conducted on the premises.
15. One dwelling unit is permitted on the same lot for use as a caretaker dwelling.

(20) Manufactured Home Sales. The following additional items shall be used during review of **applications** requests for this use in an effort to mitigate impacts from the sales of factory built structures:

- A. Additional perimeter landscaping in compliance with the requirements of Sections 17.09.360 (landscaping--required) and 17.09.370 (landscaping--specifications) shall include berms, screening, and fencing.
- B. Increased setbacks from property lines may be required when adjacent to dissimilar uses.
- C. Hours of operation shall be 8:00 a.m. to 7:00 p.m., or as established by resolution of the planning commission.
- D. Storm water management plan is required to be submitted for review by the city public works director and city engineer.

- E. Permanent structures shall express architectural compatibility with surrounding buildings in terms of appearance, scale and features, site design and scope.
- F. Potentially adverse impacts from noise, vibration, smoke, fumes, gas, dust, odor, lighting, glare, shall be contained within the property boundaries.
- G. Traffic impacts on surrounding streets shall be minimized.
- H. Sufficient paved parking shall be provided in accordance with this code.

(4) **Multi-Family** Multi-Household Dwellings of Seven or More Units. All **multi-family** multi-household development of seven or more units shall be subject to the following requirements:

- A. Access. Vehicular access shall be provided to the property in such a way that it does not impede traffic patterns on adjacent streets.
- B. Parking. Off-street parking shall be designed in such a way as to allow vehicles to pull forward into the on-street traffic flow.
- C. Garages or Carports. If provided, garages and carports shall not be located in the front yard and shall be setback from the front wall of the principal structure at least fifteen feet or be accessed from the rear or side of the property.
- D. Landscaping. All off-street parking shall be landscaped and buffered from adjacent uses. A minimum of fifteen percent of the interior of the parking area shall be landscaped to provide shade and break up the expanse of asphalt.
- E. Buffering. All adjacent uses shall be buffered by a distance of not less than fifteen feet and contain berms, shrubs, and other plantings. Buffering may be combined with screens, fences and hedges.
- F. **Open space. Required open space/recreation areas shall be provided in accordance with Title 17.**
- F. Apartments and court apartments shall designate an open space/recreation area that is a minimum of two hundred (200) square feet in size to be developed into recreation, play or landscaped areas. The requirement can be met with the construction of a recreation room (“rec room”) or club house of a similarly sized area that can be used for residents and their guests for recreation/social activities and/or relaxation- also called a “rec room”.

(16) Asphalt or Concrete Batching Plant, Temporary. A temporary asphalt or concrete batching plant **permit may be approved by the zoning administrator** for producing asphalt or concrete products used in construction activities on the same or nearby sites is permitted subject to the following **conditions** standards.

- A. The batching plant site shall comply with all applicable provisions of city, state and federal laws.
- B. The batching plant shall not be located within six hundred feet of a residence.
- C. Hours of operation will be limited to Monday through Friday, 7 a.m. to 7 p.m.
- D. The batch plant **permit will be valid** may operate for up to six months, with a single renewal of a six month time period permitted by the zoning administrator. Subsequent time periods may be approved only through review by the planning commission.
- E. No portion of the batch plant or its operation shall be located on a public street.
- F. The batch plant shall only furnish concrete, asphalt, or both, to a specific project. The placement of a temporary batching plant for a private project is restricted to the site of the project.
- G. The site must be clear of all equipment, material and debris upon completion.
- H. All public improvements that are damaged during the operation of the temporary batching plant must be repaired or replaced within thirty days of completion of the project.

I. At termination and/or removal of the plant permit operation, permittee operator shall have the person responsible walk the site with the building official or his/her designee to verify the site meets city approval.

18. Standards for Drive-through Windows:

- a. The drive-through use shall not interfere with traffic circulation to and from the building site;
- b. The drive-through use shall not hinder the use of available parking areas or access to parking areas;
- c. The drive-through use shall utilize additional landscaping, berms, and/or fencing as required to serve as a buffer for light and/or noise;
- d. Design features shall be incorporated for the sufficient protection of adjacent uses from adverse impacts including noise, vibration, smoke, fumes, gas, dust, odor, lighting, glare, traffic minimization or circulation, parking issues, or other undesirable or hazardous conditions;
- e. Provisions for proper maintenance of the drive areas, lighting, signage, landscaping, etc. shall be provided;
- f. The drive-through window shall be operated only during normal business hours;
- g. The applicant developer or proprietor must demonstrate that site impacts within the property as well as adjoining properties have been fully mitigated appropriate to the topography of the site. The review of impacts include, at a minimum, slope retention, flood potential, and possible damage to riparian or hillside areas.

(19) Large Commercial and Home-Based Day-Care Centers. Large home based facility serves eight to sixteen persons in accordance with state rules and Shall be permitted to operate between the hours of 5:00 a.m. to 9:00 p.m. daily or as approved by a conditional use permit by the planning commission. A commercial facility is a stand-alone facility not attached to a residence.

- A. Proof of a state license is required as part of the approval in order to obtain a city business license.
- B. Applicants for a city business license shall submit a conceptual site plan that indicates:
  1. Ingress and egress to the property;
  2. Drop off/pick up areas;
  3. Traffic circulation;
  4. Off-street parking;
  5. Landscaping;
  6. Buffering or separation from dissimilar uses;
  7. Open space for older kids.
- C. Hours of operation shall be between 5:00 a.m. until 9:00 p.m. or as restricted by resolution of the planning commission.
- D. Odor, noise, and glare shall be restricted to the property.
- E. Landscaping shall be provided in accordance with the requirements of Sections 17.09.360, (landscaping--required) and 17.09.370, (landscaping--specifications).

## 17.30

### C-5 Neighborhood Commercial Zone

Primary purpose: Provide daily goods and services to nearby neighborhood.

Permitted uses:

- A. Convenience establishments as defined in this title (It is not defined in Title 17 or 15. Define max sq. footage at least? In C-2, convenience stores must be less than 3,000 sq. ft. In C-4, convenience stores with gasoline pumps shall be set back at least twenty-five feet from any public street or side or rear lot line. Jeff will define parameters.)
- B. Parking lots
- C. Pet shops
- D. Signs
- E. Rest homes
- F. Schools and other public buildings. [Want standards? See below in 17.30.050.](#)
- G. **Child Day** care centers, [subject to the standards provided below in 17.30.050.](#)
- H. Cafes
- I. Gymnasiums
- J. Apartments, [subject to the standards set forth below in 17.30.050.](#)
- K. Two-household dwellings
- L. Single household dwellings
- M. Fraternal organization lodges
- N. Medical clinics
- O. Professional offices
- P. Grocery stores less than three thousand square feet
- Q. Veterinary clinics with no outside kennel or livestock pen. [Additional standards for veterinary clinics are described below in 17.30.050.](#)
- R. PUD's subject to the requirements set forth in Chapter 17.66, relating to large-scale developments.

[Add Uses to C-5 from CU List:](#)

- 6. [Utility provider structures, subject to the standards described below.](#)
- 24. [Animal Pound or Kennel – Private, Indoors only, subject to the standards described below.](#)

#### 17.30.050 Supplementary regulations

(26) [Schools, Churches, Monasteries, Etc.](#) All schools, churches, and monasteries shall be subject to the regulations established by Utah State Code Annotated (UCA) [and shall be considered by the planning commission under Section 17.09.530, conditional uses.](#) [At a minimum, the Planning Commission](#) The Planning Department, in accordance with Chapter 17.67, shall receive a complete site plan which demonstrates that:

- A. [Traffic impacts are minimized so that on-street vehicle flows will not be impeded.](#)
- B. [Noise, odor, and glare is contained on the property.](#)
- C. [Landscaping shall be completed in accordance with the provisions located in Sections 17.09.360 \(Landscaping--Required\) and 17.09.370 \(Landscaping--Specifications generally\). A minimum of fifteen percent of the interior of the parking areas must be landscaped. Trees shall be utilized to provide shade for vehicles and must be of a sufficient size and placement to provide shade to forty percent of the parking area within three years.](#)
- D. [Possible impacts on adjacent streets, sidewalks, and bike/pedestrian routes have been identified and reduced to minimum levels.](#)
- E. [Adequate parking for the intended use is provided.](#)

(27) **Other Public Facilities.** This type of use shall be allowed on tracts of land in the R-2 zone when in compliance with the following standards. **only after approval of a conditional use permit. The standards that shall apply during the review by the planning commission and the city council shall include:**

- A. The proposed use shall be situated on a tract of land sufficient in size to provide for the activities of the use as well as required landscaping, off-street parking, and trails;
- B. Landscaping, screening, and fencing shall be installed and maintained to mitigate impacts on surrounding residential uses;
- C. Parking areas shall be an all-weather surface such as concrete, asphalt or sealed gravel that will not generate dust or deposit gravel on paved roadways;
- D. Dust, glare, odor, and noise shall be confined within the boundaries of the property;
- E. Outside storage of equipment, materials, and supplies shall be contained and located within a building or a sight obscuring fence;
- F. The use shall demonstrate that there is a benefit to the neighborhood or community;
- G. Traffic from the proposed use shall not create a significant negative impact on the neighborhood.

(19) **Large Commercial and Home-Based Day-Care Centers.** Large home based facility serves eight to sixteen persons in accordance with state rules and shall be permitted to operate between the hours of 5:00 a.m. to 9:00 p.m. daily or as approved **by a conditional use permit** by the planning commission. A commercial facility is a stand-alone facility not attached to a residence.

- A. Proof of a state license is required **as part of the approval** in order to obtain a city business license.
- B. Applicants for a city business license shall submit a conceptual site plan that indicates:
  - 1. Ingress and egress to the property;
  - 2. Drop off/pick up areas;
  - 3. Traffic circulation;
  - 4. Off-street parking;
  - 5. Landscaping;
  - 6. Buffering or separation from dissimilar uses;
  - 7. Open space for older kids.
- C. Hours of operation shall be between 5:00 a.m. until 9:00 p.m. or as restricted by resolution of the planning commission.
- D. Odor, noise, and glare shall be restricted to the property.
- E. Landscaping shall be provided in accordance with the requirements of Sections 17.09.360, (landscaping--required) and 17.09.370, (landscaping--specifications).

(4) **Multi-Family Multi-Household Dwellings of Seven or More Units.** All **multi-family** multi-household development of seven or more units shall be subject to the following requirements:

- A. **Access.** Vehicular access shall be provided to the property in such a way that it does not impede traffic patterns on adjacent streets.
- B. **Parking.** Off-street parking shall be designed in such a way as to allow vehicles to pull forward into the on-street traffic flow.

- C. Garages or Carports. If provided, garages and carports shall not be located in the front yard and shall be setback from the front wall of the principal structure at least fifteen feet or be accessed from the rear or side of the property.
- D. Landscaping. All off-street parking shall be landscaped and buffered from adjacent uses. A minimum of fifteen percent of the interior of the parking area shall be landscaped to provide shade and break up the expanse of asphalt.
- E. Buffering. All adjacent uses shall be buffered by a distance of not less than fifteen feet and contain berms, shrubs, and other plantings. Buffering may be combined with screens, fences and hedges.

**F. Open space. Required open space/recreation areas shall be provided in accordance with Title 17.**

F. Apartments and court apartments shall designate an open space/recreation area that is a minimum of two hundred (200) square feet in size to be developed into recreation, play or landscaped areas. The requirement can be met with the construction of a recreation room (“rec room”) or club house of a similarly sized area that can be used for residents and their guests for recreation/social activities and/or relaxation- also called a “rec room”.

25. Veterinary Clinic With No Outside Kennel.

- A. Hours of operation shall be limited to the hours of 7:00 a.m. to 5:00 p.m. unless otherwise restricted by resolution of the planning commission.
- B. Traffic impacts shall be minimized so that on-street vehicle flows will not be impeded.
- C. Noise, odor, and glare shall be contained on the property.
- D. Landscaping shall be completed in accordance with the provisions located in Sections 17.09.360 (landscaping--required) and 17.09.370 (landscaping--specifications). A minimum of fifteen percent of the interior of the parking areas must be landscaped. Trees shall be utilized to provide shade for vehicles and must be of a sufficient size and placement to provide shade to forty percent of the parking area within three years.

6. Utility Provider Structures and Buildings. New construction of water lines, sewer lines and electric substations and structures may be constructed **in all zones** subject to the approval of the planning commission and council with a review of a subdivision plat. Such construction is not required to apply for a separate permit but must satisfy the requirements below. **When expansion of existing facilities and construction of new facilities in developed neighborhoods are proposed, an application for a conditional use permit shall be required.** Expansions of existing facilities are also subject to the approval of the planning commission and council, and subject to the standards below. The planning commission may require **conditions** standards in accordance with the following language that are reasonably necessary to protect surrounding property values and residential amenities.

- 1. These types of facilities include but are not limited to:
  - a. Electrical utility facility, provided transmission lines are excluded from the requirements of this section if visibility is essential to safety, security, or maintenance access;
  - b. Solid waste disposal facility;
  - c. Water pumping plants and pipelines;
  - d. Public utility buildings and structures (except power plants);
  - e. Flood control structures;
  - f. Substations;
  - g. Sewage treatment plants subject to review and approval of the State Department of Health.

2. Site Standards.

a. Architectural Form and Character. A building housing all or a majority of a utility facility must be compatible with the architectural form of surrounding buildings. This requirement is not applicable to a utility facility where significant elements of the facility are not housed inside of a building or to isolate minor elements such as pad mounted transformers, telephone pedestals and metering stations.

b. Screening and Fence Requirements. A utility facility must be site screened with landscaping and/or fencing. Landscape development, shall include retention of significant trees, as necessary to maintain and protect property values, enhance the visual appearance of the city, to preserve the natural character of the area, to promote utilization of natural systems, to reduce the impacts of development on the storm drainage system and water resources, and to provide a better transition between the various land uses permitted in the city.

(1). The planning department and community development director shall review the proposed landscape plan with each application and make a recommendation to the planning commission.

(2). The applicant shall provide site perimeter landscaping that consists of a minimum width of ten feet and includes:

a. Evergreen and deciduous trees, with no more than fifty percent being deciduous, a minimum of six feet in height, and planted at intervals no greater than thirty feet on center;

b. A minimum of three and one-half feet in height, and living ground cover planted so that the ground will be covered within three years.

(3). If planted to buffer a parking area, access, or site development other than a building, any of the following alternatives may be used unless otherwise noted:

a. Shrubs, a minimum of three and one-half feet in height and living ground cover must be planted so that the ground will be covered within three years.

b. Earth-mounding, an average of three and one-half feet in height, planted with shrubs or living ground cover so that the ground will be covered within three years. This alternative may not be used in a downtown land use district.

c. A combination of earth-mounding and shrubs to produce a visual barrier at least three and one-half feet in height.

(4). Equipment and vehicle storage yards require fifteen feet of landscaping on all sides if visible from a public right-of-way.

(5). Parking Area Landscaping. Parking areas require landscaping as follows in addition to any site perimeter landscaping as required.

(6). Alternative landscaping may be approved by the planning commission if the landscaping will provide the desired screening as noted below:

a. The proposed landscaping represents an equal or better result than that which could be achieved by strictly following the requirements of this section; and

b. The proposed landscaping either:

(i) Incorporates the increased retention of significant trees and naturally occurring undergrowth;

(ii) Better accommodates or improves the existing physical conditions of the subject property;

(iii) Incorporates elements to provide for wind protection or to maintain solar access;

(iv) Incorporates elements to protect or improve water quality; or

(v) Incorporates native species in a design that buffers a critical area from uses on the site, including parking.

#### 24. Animal Pound or Kennel (Private) - Indoors only

Clarify what types or sizes of animals are allowed.

A. Noise, odor and glare shall be contained on the property.



- B. Fencing, landscaping, the design of parking areas, and downward directed and full cut-off light fixtures shall be used to reduce impacts on adjacent properties.
- C. Parking shall be provided at a rate of one space per one thousand square feet and one space per each employee. ADA handicapped accessible spaces shall be provided as required.
- D. A buffer area of twenty-five feet shall be used to provide a separation from other uses and adjacent properties. Buffering shall include the elements of subsection B above.
- E. Vehicular ingress and egress traffic patterns shall be designed to not impede existing traffic flows and provide adequate interior circulation.
- F. Hours of operation for public access shall be from 8:00 a.m. to 5:00 p.m. or restricted by resolution of the planning commission.
- G. Landscaping shall consist of berms, solid wooden privacy fence, decorative block wall or combination thereof and be in accordance with the requirements of Sections 17.09.360 (landscaping--required) and 17.09.370 (landscaping--specifications). A minimum of fifteen percent of the interior of the parking areas must be landscaped. Trees shall be utilized to provide shade for vehicles and must be of a sufficient size and placement to provide shade to forty percent of the parking area within three years.

## 17.31

### RC Resort Commercial Zone

Primary purpose: First impression of city/county. Mixed res/comm'l uses.

Permitted uses:

1. Accessory buildings and uses;
2. B&B's, [subject to the standards described below in 17.31.050](#);
3. Caretaker or guard residence, accessory;
4. Custom personal services;
5. Dwelling, duplex;
6. Dwelling, multi-household, [subject to the standards described below in 17.31.050](#);
7. Dwelling, single-household;
8. Municipal facilities and services;
9. Gasoline service station, subject to the supplementary regulations of Section 17.31.050(B);
10. General retail (indoors);
11. Hotel or motel;
12. Office, business or professional;
13. Restaurant, general.
14. Outfitters and guide services and facilities;
15. Outdoor recreational uses, commercial;
16. Recreational vehicle/travel trailer park, subject to the supplementary regulations of Section 17.31.050(C).  
[RC Zone 17.31.050\(C\) has its own standards. The standards in the CU's \(#10\) are more strict.](#)

[Add Uses to RC from CU List:](#)

6. [Utility provider structures, subject to the standards described below.](#)

#### 17.31.050 Supplementary regulations

9. All Bed and Breakfast facilities shall comply with the following standards:
  1. Bed and breakfast facilities may be allowed **as a conditional use** where **applicant** the proprietor can show evidence of compliance with the standards and procedures outlined below and where there is minimal impact on adjacent residential properties and neighborhoods. An inspection by the building inspector, fire chief and health department shall be required prior to issuance of **a permit** a business license, and as often as necessary for enforcement of this chapter. No person shall operate a bed and breakfast unless the person holds a valid **permit and business license**.
  2. A written letter **of application** sworn before a notary public shall be provided by the owner(s) stating that such owner or a manager will occupy the facility, as provided for herein. The letter shall be recorded by the city recorder **with a certified copy to accompany the application**. The letter shall also be submitted to the planning commission for its consideration.
  3. **The conditional use permit for a bed and breakfast facility shall be granted annually from the date of the original permit. At the end of the one-year period, renewal shall be granted by the planning commission if all other conditions required at the time of approval remain unchanged.**
  4. **Applicant must provide plot plans and building or floor plans one-quarter inch to the foot showing the bed and breakfast facility, parking and landscaping. Applicant must show that the facility meets minimum performance standards for off-street parking and landscaping as specified in Section [17.70.080\(B\)](#). Plans shall be approved by the building inspector, zoning administrator, fire chief and health department.**

[Section 17.70 does not exist, repealed in 2010. Tara](#)

4. The bed and breakfast shall conform to the requirements for landscaping found in Sections 17.09.360 through 17.09.420.

1. The bed and breakfast facility shall not unduly increase local traffic in the immediate neighborhood. **Road design and access shall be considered in the planning commission's recommendation.**  
A bed and breakfast shall not be located on a cul-de-sac, dead-end street, or a zoning lot with a street frontage of less than fifty feet.
2. There shall be a minimum perimeter separation of three hundred feet between property lines of bed and breakfasts.
3. Construction and alterations of bed and breakfast facilities shall not alter the **residential** character of **residential zones** the RC zone **and of the dwelling**. A new structure shall not be constructed solely for the use of a bed and breakfast and a property owner may not **apply for** operate a bed and breakfast for a period of five years after the date of receiving a certificate of occupancy. Bed and breakfast facilities shall be located in an existing structure that is a minimum of two thousand square feet in size. Additions to an existing structure for a bed and breakfast use shall not exceed twenty percent of the total area of the existing structure.
4. The parcel shall also be of sufficient size to be in scale with the number of people using the facility. All bed and breakfast rentals must provide adequate parking (required one off-street parking space per rental bedroom) in addition to needed parking for owners of the facility. A maximum stay shall not exceed thirty days, and meals shall be served only to guests. One off-street parking space for trailers must be provided per every two off-street parking spaces for vehicles.
5. All units shall have a parcel to finished dwelling unit ratio that exceeds five to one (or no dwelling unit in excess of twenty percent of the total parcel size area).
6. No bed and breakfast facility shall rent for compensation more than five rooms, except that suites that do not use a public corridor or passageway between suite bedroom areas shall be counted as one room.
7. No bed and breakfast facility shall allow more than two adults in any rental room unless the bedroom square footage is larger than three hundred square feet and does not use a public corridor or passageway between suite bedroom areas.
8. Signs are limited to one non-flashing sign not larger in area than four square feet. If lighted, the light shall be diffused or shielded and downward directed.
9. All bed and breakfast facilities shall pay water and sewer rates according to the rate formulas contained in Sections **13.24.010** and 13.24.020. **(13.24.020 covers sewer charges. I did not see a section for water charges and 13.24.010 does not exist.)**
10. All bed and breakfasts must collect and pay an applicable transient room tax, sales tax, and pay a city gross business license fee.
11. The bed and breakfast facility shall conform to fire, building and health codes and be licensed in conformance with all city ordinances.

**C. Appeals. Approval or disapproval of a bed and breakfast application by the city council can be appealed to district court within thirty days of city council action.**

(4) **Multi-Family Multi-Household Dwellings of Seven or More Units.** All **multi-family** multi-household development of seven or more units shall be subject to the following requirements:

A. **Access.** Vehicular access shall be provided to the property in such a way that it does not impede traffic patterns on adjacent streets.

- B. Parking. Off-street parking shall be designed in such a way as to allow vehicles to pull forward into the on-street traffic flow.
- C. Garages or Carports. If provided, garages and carports shall not be located in the front yard and shall be setback from the front wall of the principal structure at least fifteen feet or be accessed from the rear or side of the property.
- D. Landscaping. All off-street parking shall be landscaped and buffered from adjacent uses. A minimum of fifteen percent of the interior of the parking area shall be landscaped to provide shade and break up the expanse of asphalt.
- E. Buffering. All adjacent uses shall be buffered by a distance of not less than fifteen feet and contain berms, shrubs, and other plantings. Buffering may be combined with screens, fences and hedges.

**F. Open space. Required open space/recreation areas shall be provided in accordance with Title 17.**

F. Apartments and court apartments shall designate an open space/recreation area that is a minimum of two hundred (200) square feet in size to be developed into recreation, play or landscaped areas. The requirement can be met with the construction of a recreation room (“rec room”) or club house of a similarly sized area that can be used for residents and their guests for recreation/social activities and/or relaxation- also called a “rec room”.

6. Utility Provider Structures and Buildings. New construction of water lines, sewer lines and electric substations and structures may be constructed **in all zones** subject to the approval of the planning commission and council with a review of a subdivision plat. Such construction is not required to apply for a separate permit but must satisfy the requirements below. **When expansion of existing facilities and construction of new facilities in developed neighborhoods are proposed, an application for a conditional use permit shall be required.** Expansions of existing facilities are also subject to the approval of the planning commission and council, and subject to the standards below. The planning commission may require **conditions** standards in accordance with the following language that are reasonably necessary to protect surrounding property values and residential amenities.

- 1. These types of facilities include but are not limited to:
  - a. Electrical utility facility, provided transmission lines are excluded from the requirements of this section if visibility is essential to safety, security, or maintenance access;
  - b. Solid waste disposal facility;
  - c. Water pumping plants and pipelines;
  - d. Public utility buildings and structures (except power plants);
  - e. Flood control structures;
  - f. Substations;
  - g. Sewage treatment plants subject to review and approval of the State Department of Health.

2. Site Standards.

a. Architectural Form and Character. A building housing all or a majority of a utility facility must be compatible with the architectural form of surrounding buildings. This requirement is not applicable to a utility facility where significant elements of the facility are not housed inside of a building or to isolate minor elements such as pad mounted transformers, telephone pedestals and metering stations.

b. Screening and Fence Requirements. A utility facility must be site screened with landscaping and/or fencing. Landscape development, shall include retention of significant trees, as necessary to maintain and protect property values, enhance the visual appearance of the city, to preserve the natural character of the area, to promote utilization of natural systems, to reduce the impacts of development on the storm drainage system and water resources, and to provide a better transition between the various land uses permitted in the city.

(1). The planning department and community development director shall review the proposed landscape plan with each application and make a recommendation to the planning commission.

(2). The applicant shall provide site perimeter landscaping that consists of a minimum width of ten feet and includes:

- a. Evergreen and deciduous trees, with no more than fifty percent being deciduous, a minimum of six feet in height, and planted at intervals no greater than thirty feet on center;
  - b. A minimum of three and one-half feet in height, and living ground cover planted so that the ground will be covered within three years.
- (3). If planted to buffer a parking area, access, or site development other than a building, any of the following alternatives may be used unless otherwise noted:
- a. Shrubs, a minimum of three and one-half feet in height and living ground cover must be planted so that the ground will be covered within three years.
  - b. Earth-mounding, an average of three and one-half feet in height, planted with shrubs or living ground cover so that the ground will be covered within three years. This alternative may not be used in a downtown land use district.
  - c. A combination of earth-mounding and shrubs to produce a visual barrier at least three and one-half feet in height.
- (4). Equipment and vehicle storage yards require fifteen feet of landscaping on all sides if visible from a public right-of-way.
- (5). Parking Area Landscaping. Parking areas require landscaping as follows in addition to any site perimeter landscaping as required.
- (6). Alternative landscaping may be approved by the planning commission if the landscaping will provide the desired screening as noted below:
- a. The proposed landscaping represents an equal or better result than that which could be achieved by strictly following the requirements of this section; and
  - b. The proposed landscaping either:
    - (i) Incorporates the increased retention of significant trees and naturally occurring undergrowth;
    - (ii) Better accommodates or improves the existing physical conditions of the subject property;
    - (iii) Incorporates elements to provide for wind protection or to maintain solar access;
    - (iv) Incorporates elements to protect or improve water quality; or
    - (v) Incorporates native species in a design that buffers a critical area from uses on the site, including parking.

## 17.32

### SAR – Sensitive Area Resort Zone

Primary purpose: Large-scale resort communities, while preserving natural landscape & views. Emphasis on pedestrian and non-motorized transport within.

Permitted uses:

1. Residential:  
Single-household dwellings; Multi-household dwellings, [subject to the standards set forth below in 17.32.050](#);  
Condominiums; Live/work units; Caretaker or guard residences; Employee/workforce housing.
2. Overnight Accommodations:  
Hotels; Condominiums/town homes;  
B&B's, [subject to the standards described below](#).
3. Retail and Commercial:  
Spas/personal care services  
Restaurants (indoor and outdoor seating)  
Private clubs/taverns  
Conference facilities  
Recreational facilities (tennis courts, golf courses, stables, etc.)  
Theaters (indoor)  
Theaters (outdoor)  
Recreational tour companies, outfitters and guide services  
Vehicle rental businesses (under five thousand square feet total floor space including outdoor storage)  
Individual retail units (under five thousand square feet)  
Grocery and convenience stores (under five thousand square feet)  
Art/photo galleries  
Artisan/hand manufacturing  
Professional offices  
Home occupations  
Parking lots associated with permitted uses
4. Public or Civic:  
Municipal facilities and services; Schools, [subject to the standards described below in 17.32.050](#); Public buildings, [subject to the standards described below in 17.32.050](#), and public parks.
5. Accessory buildings and uses.

17.32.030: Wireless telecommunication towers permitted, must comply w/ 17.76 [\(Move into list at .020\)](#)  
[The regulations and standards for the construction, erection or placement of all wireless telecommunications towers within the jurisdiction of the city are found in Chapter 17.76.](#)

**B. Prohibited Commercial Uses if:**

1. Detract from the ambiance and character of a resort area;
  2. Create impediments to the enjoyment of the surrounding natural environment;
  3. Visually detract from the surrounding landscape; or
  4. Pose an environmental threat to wildlife, water resources, or other natural resources and attributes of the area.
- Examples of prohibited uses include but are not limited to: industrial, manufacturing and warehousing businesses, automotive service facilities, retail outlets five thousand square feet or larger, gasoline and fuel stations, and freight transportation services.

[Add Uses to SAR from CU List:](#)

6. [Utility provider structures, subject to the standards described below.](#)

## 17.32.050 Supplementary regulations

(4) **Multi-Family Multi-Household Dwellings of Seven or More Units.** All multi-family multi-household development of seven or more units shall be subject to the following requirements:

- A. Access. Vehicular access shall be provided to the property in such a way that it does not impede traffic patterns on adjacent streets.
- B. Parking. Off-street parking shall be designed in such a way as to allow vehicles to pull forward into the on-street traffic flow.
- C. Garages or Carports. If provided, garages and carports shall not be located in the front yard and shall be setback from the front wall of the principal structure at least fifteen feet or be accessed from the rear or side of the property.
- D. Landscaping. All off-street parking shall be landscaped and buffered from adjacent uses. A minimum of fifteen percent of the interior of the parking area shall be landscaped to provide shade and break up the expanse of asphalt.
- E. Buffering. All adjacent uses shall be buffered by a distance of not less than fifteen feet and contain berms, shrubs, and other plantings. Buffering may be combined with screens, fences and hedges.
- F. **Open space. Required open space/recreation areas shall be provided in accordance with Title 17.**
- F. Apartments and court apartments shall designate an open space/recreation area that is a minimum of two hundred (200) square feet in size to be developed into recreation, play or landscaped areas. The requirement can be met with the construction of a recreation room ("rec room") or club house of a similarly sized area that can be used for residents and their guests for recreation/social activities and/or relaxation- also called a "rec room".

9. All Bed and Breakfast facilities shall comply with the following standards:

- 1. Bed and breakfast facilities may be allowed as a conditional use where applicant the proprietor can show evidence of compliance with the standards and procedures outlined below and where there is minimal impact on adjacent residential properties and neighborhoods. An inspection by the building inspector, fire chief and health department shall be required prior to issuance of a permit a business license, and as often as necessary for enforcement of this chapter. No person shall operate a bed and breakfast unless the person holds a valid permit and business license.
- 2. A written letter of application sworn before a notary public shall be provided by the owner(s) stating that such owner or a manager will occupy the facility, as provided for herein. The letter shall be recorded by the city recorder with a certified copy to accompany the application. The letter shall also be submitted to the planning commission for its consideration.
- 3. The conditional use permit for a bed and breakfast facility shall be granted annually from the date of the original permit. At the end of the one-year period, renewal shall be granted by the planning commission if all other conditions required at the time of approval remain unchanged.
- 4. Applicant must provide plot plans and building or floor plans one-quarter inch to the foot showing the bed and breakfast facility, parking and landscaping. Applicant must show that the facility meets minimum performance standards for off-street parking and landscaping as specified in Section 17.70.080(B). Plans shall be approved by the building inspector, zoning administrator, fire chief and health department.

Section 17.70 does not exist, repealed in 2010. Tara

- 4. The bed and breakfast shall conform to the requirements for landscaping found in Sections 17.09.360 through 17.09.420.

1. The bed and breakfast facility shall not unduly increase local traffic in the immediate neighborhood. **Road design and access shall be considered in the planning commission's recommendation.**  
A bed and breakfast shall not be located on a cul-de-sac, dead-end street, or a zoning lot with a street frontage of less than fifty feet.
2. There shall be a minimum perimeter separation of three hundred feet between property lines of bed and breakfasts.
3. Construction and alterations of bed and breakfast facilities shall not alter the **residential** character of **residential zones** the SAR zone **and of the dwelling**. A new structure shall not be constructed solely for the use of a bed and breakfast and a property owner may not **apply for** operate a bed and breakfast for a period of five years after the date of receiving a certificate of occupancy. Bed and breakfast facilities shall be located in an existing structure that is a minimum of two thousand square feet in size. Additions to an existing structure for a bed and breakfast use shall not exceed twenty percent of the total area of the existing structure.
4. The parcel shall also be of sufficient size to be in scale with the number of people using the facility. All bed and breakfast rentals must provide adequate parking (required one off-street parking space per rental bedroom) in addition to needed parking for owners of the facility. A maximum stay shall not exceed thirty days, and meals shall be served only to guests. One off-street parking space for trailers must be provided per every two off-street parking spaces for vehicles.
5. All units shall have a parcel to finished dwelling unit ratio that exceeds five to one (or no dwelling unit in excess of twenty percent of the total parcel size area).
6. No bed and breakfast facility shall rent for compensation more than five rooms, except that suites that do not use a public corridor or passageway between suite bedroom areas shall be counted as one room.
7. No bed and breakfast facility shall allow more than two adults in any rental room unless the bedroom square footage is larger than three hundred square feet and does not use a public corridor or passageway between suite bedroom areas.
8. Signs are limited to one non-flashing sign not larger in area than four square feet. If lighted, the light shall be diffused or shielded and downward directed.
9. All bed and breakfast facilities shall pay water and sewer rates according to the rate formulas contained in Sections **13.24.010** and **13.24.020**. **(13.24.020 covers sewer charges. I did not see a section for water charges and 13.24.010 does not exist.)**
10. All bed and breakfasts must collect and pay an applicable transient room tax, sales tax, and pay a city gross business license fee.
11. The bed and breakfast facility shall conform to fire, building and health codes and be licensed in conformance with all city ordinances.

**C. Appeals. Approval or disapproval of a bed and breakfast application by the city council can be appealed to district court within thirty days of city council action.**

(26) Schools, Churches, Monasteries, Etc. All schools, churches, and monasteries shall be subject to the regulations established by Utah State Code Annotated (UCA) **and shall be considered by the planning commission under Section 17.09.530, conditional uses. At a minimum, the Planning Commission** The Planning Department, in accordance with Chapter 17.67, shall receive a complete site plan which demonstrates that:

- A. Traffic impacts are minimized so that on-street vehicle flows will not be impeded.
- B. Noise, odor, and glare is contained on the property.



C. Landscaping shall be completed in accordance with the provisions located in Sections 17.09.360 (Landscaping--Required) and 17.09.370 (Landscaping--Specifications generally). A minimum of fifteen percent of the interior of the parking areas must be landscaped. Trees shall be utilized to provide shade for vehicles and must be of a sufficient size and placement to provide shade to forty percent of the parking area within three years.

D. Possible impacts on adjacent streets, sidewalks, and bike/pedestrian routes have been identified and reduced to minimum levels.

E. Adequate parking for the intended use is provided.

(27) Other Public Facilities. This type of use shall be allowed on tracts of land in the R-2 zone when in compliance with the following standards. **only after approval of a conditional use permit. The standards that shall apply during the review by the planning commission and the city council shall include:**

A. The proposed use shall be situated on a tract of land sufficient in size to provide for the activities of the use as well as required landscaping, off-street parking, and trails;

B. Landscaping, screening, and fencing shall be installed and maintained to mitigate impacts on surrounding residential uses;

C. Parking areas shall be an all-weather surface such as concrete, asphalt or sealed gravel that will not generate dust or deposit gravel on paved roadways;

D. Dust, glare, odor, and noise shall be confined within the boundaries of the property;

E. Outside storage of equipment, materials, and supplies shall be contained and located within a building or a sight obscuring fence;

F. The use shall demonstrate that there is a benefit to the neighborhood or community;

G. Traffic from the proposed use shall not create a significant negative impact on the neighborhood.

6. Utility Provider Structures and Buildings. New construction of water lines, sewer lines and electric substations and structures may be constructed **in all zones** subject to the approval of the planning commission and council with a review of a subdivision plat. Such construction is not required to apply for a separate permit but must satisfy the requirements below. **When expansion of existing facilities and construction of new facilities in developed neighborhoods are proposed, an application for a conditional use permit shall be required.** Expansions of existing facilities are also subject to the approval of the planning commission and council, and subject to the standards below. The planning commission may require **conditions** standards in accordance with the following language that are reasonably necessary to protect surrounding property values and residential amenities.

1. These types of facilities include but are not limited to:

- a. Electrical utility facility, provided transmission lines are excluded from the requirements of this section if visibility is essential to safety, security, or maintenance access;
- b. Solid waste disposal facility;
- c. Water pumping plants and pipelines;
- d. Public utility buildings and structures (except power plants);
- e. Flood control structures;
- f. Substations;
- g. Sewage treatment plants subject to review and approval of the State Department of Health.

2. Site Standards.

- a. Architectural Form and Character. A building housing all or a majority of a utility facility must be compatible with the architectural form of surrounding buildings. This requirement is not applicable to a utility facility where significant elements of the facility are not housed inside of a building or to isolate minor elements such as pad mounted transformers, telephone pedestals and metering stations.

b. Screening and Fence Requirements. A utility facility must be site screened with landscaping and/or fencing. Landscape development, shall include retention of significant trees, as necessary to maintain and protect property values, enhance the visual appearance of the city, to preserve the natural character of the area, to promote utilization of natural systems, to reduce the impacts of development on the storm drainage system and water resources, and to provide a better transition between the various land uses permitted in the city.

(1). The planning department and community development director shall review the proposed landscape plan with each application and make a recommendation to the planning commission.

(2). The applicant shall provide site perimeter landscaping that consists of a minimum width of ten feet and includes:

a. Evergreen and deciduous trees, with no more than fifty percent being deciduous, a minimum of six feet in height, and planted at intervals no greater than thirty feet on center;

b. A minimum of three and one-half feet in height, and living ground cover planted so that the ground will be covered within three years.

(3). If planted to buffer a parking area, access, or site development other than a building, any of the following alternatives may be used unless otherwise noted:

a. Shrubs, a minimum of three and one-half feet in height and living ground cover must be planted so that the ground will be covered within three years.

b. Earth-mounding, an average of three and one-half feet in height, planted with shrubs or living ground cover so that the ground will be covered within three years. This alternative may not be used in a downtown land use district.

c. A combination of earth-mounding and shrubs to produce a visual barrier at least three and one-half feet in height.

(4). Equipment and vehicle storage yards require fifteen feet of landscaping on all sides if visible from a public right-of-way.

(5). Parking Area Landscaping. Parking areas require landscaping as follows in addition to any site perimeter landscaping as required.

(6). Alternative landscaping may be approved by the planning commission if the landscaping will provide the desired screening as noted below:

a. The proposed landscaping represents an equal or better result than that which could be achieved by strictly following the requirements of this section; and

b. The proposed landscaping either:

(i) Incorporates the increased retention of significant trees and naturally occurring undergrowth;

(ii) Better accommodates or improves the existing physical conditions of the subject property;

(iii) Incorporates elements to provide for wind protection or to maintain solar access;

(iv) Incorporates elements to protect or improve water quality; or

(v) Incorporates native species in a design that buffers a critical area from uses on the site, including parking.

## 17.35

### MH/RV-1 - Mobile Home / Recreational Vehicle Parks Zone

Primary purpose: MH/RV Parks in larger lots, not isolated lots. Min. 10 acres.

Permitted uses:

- A.
  - 1. Mobile home parks
  - 2. Recreational vehicle parks, [subject to the standards set forth below in 17.35.070](#)
  - 3. Accessory buildings and uses
  - 4. [Park or Playground](#)
- B. **Conditional Uses:**
  - 1. **Recreational vehicle area within a mobile home park**
  - 2. **Park or playground**
  - 3. **Public utilities**

[Add Uses to MH/RV from CU List:](#)

- 6. [Utility provider structures, with standards as described below.](#)

#### 17.35.070 Supplementary regulations

(10) [Recreational Vehicle/Travel Trailer Park or Court.](#) The following provisions are intended to manage the development of RV parks while minimizing land use conflicts and environmental degradation:

- A. [Trees and other landscaping serving as a buffer to other adjacent uses must surround the area for a minimum distance of fifteen feet. Landscaping shall be in accordance with the requirements of Chapter 17.09.360](#)
- B. [A solid decorative privacy wall or wooden privacy fence shall be constructed and maintained around the park perimeter.](#)
- C. [A minimum separation of twenty feet shall be maintained between each RV unit.](#)
- D. [Adequate sanitation facilities and HC facilities shall be provided and maintained for the maximum number of units as per the International Building Code Appendices. \(I am curious what HC is.\)](#)
- E. [A minimum area of ten percent or \*\*five hundred\*\* two hundred square feet, whichever is greater, must be provided as open space for a playground and/or picnic area.](#)
- F. [Traffic patterns within the park and ingress and egress from adjacent streets shall be designed to minimize congestion at all intersections.](#)
- G. [Hours of operation shall be limited to 6:00 a.m. to 10:00 p.m. for the office and other park facilities or be established by resolution of the planning commission.](#)
- H. **Conditions of Approval.** [Both the planning commission and city council shall use the following criteria in reviewing conditional use permit requests as well as the specific conditions for each type of conditional use listed in the matrix in section B, above. It is specifically understood that certain criteria listed below may not apply to a particular application and that failure to meet one or more of the applicable criteria may be cause for denial. The applicant shall adequately demonstrate that the criteria have been met.](#)

6. [Utility Provider Structures and Buildings.](#) [New construction of water lines, sewer lines and electric substations and structures may be constructed in all zones subject to the approval of the planning commission and council with a review of a subdivision plat. Such construction is not required to apply for a separate permit but must satisfy the requirements below. When expansion of existing facilities and construction of new facilities in developed neighborhoods are proposed,](#)

**an application for a conditional use permit shall be required.** Expansions of existing facilities are also subject to the approval of the planning commission and council, and subject to the standards below. The planning commission may require **conditions** standards in accordance with the following language that are reasonably necessary to protect surrounding property values and residential amenities.

1. These types of facilities include but are not limited to:
  - a. Electrical utility facility, provided transmission lines are excluded from the requirements of this section if visibility is essential to safety, security, or maintenance access;
  - b. Solid waste disposal facility;
  - c. Water pumping plants and pipelines;
  - d. Public utility buildings and structures (except power plants);
  - e. Flood control structures;
  - f. Substations;
  - g. Sewage treatment plants subject to review and approval of the State Department of Health.
2. Site Standards.
  - a. Architectural Form and Character. A building housing all or a majority of a utility facility must be compatible with the architectural form of surrounding buildings. This requirement is not applicable to a utility facility where significant elements of the facility are not housed inside of a building or to isolate minor elements such as pad mounted transformers, telephone pedestals and metering stations.
  - b. Screening and Fence Requirements. A utility facility must be site screened with landscaping and/or fencing. Landscape development, shall include retention of significant trees, as necessary to maintain and protect property values, enhance the visual appearance of the city, to preserve the natural character of the area, to promote utilization of natural systems, to reduce the impacts of development on the storm drainage system and water resources, and to provide a better transition between the various land uses permitted in the city.
    - (1). The planning department and community development director shall review the proposed landscape plan with each application and make a recommendation to the planning commission.
    - (2). The applicant shall provide site perimeter landscaping that consists of a minimum width of ten feet and includes:
      - a. Evergreen and deciduous trees, with no more than fifty percent being deciduous, a minimum of six feet in height, and planted at intervals no greater than thirty feet on center;
      - b. A minimum of three and one-half feet in height, and living ground cover planted so that the ground will be covered within three years.
    - (3). If planted to buffer a parking area, access, or site development other than a building, any of the following alternatives may be used unless otherwise noted:
      - a. Shrubs, a minimum of three and one-half feet in height and living ground cover must be planted so that the ground will be covered within three years.
      - b. Earth-mounding, an average of three and one-half feet in height, planted with shrubs or living ground cover so that the ground will be covered within three years. This alternative may not be used in a downtown land use district.
      - c. A combination of earth-mounding and shrubs to produce a visual barrier at least three and one-half feet in height.
    - (4). Equipment and vehicle storage yards require fifteen feet of landscaping on all sides if visible from a public right-of-way.
    - (5). Parking Area Landscaping. Parking areas require landscaping as follows in addition to any site perimeter landscaping as required.

- (6). Alternative landscaping may be approved by the planning commission if the landscaping will provide the desired screening as noted below:
- a. The proposed landscaping represents an equal or better result than that which could be achieved by strictly following the requirements of this section; and
  - b. The proposed landscaping either:
    - (i) Incorporates the increased retention of significant trees and naturally occurring undergrowth;
    - (ii) Better accommodates or improves the existing physical conditions of the subject property;
    - (iii) Incorporates elements to provide for wind protection or to maintain solar access;
    - (iv) Incorporates elements to protect or improve water quality; or
    - (v) Incorporates native species in a design that buffers a critical area from uses on the site, including parking.

## 17.36

### I-1 Industrial Zone

Primary purpose: manufacturing, warehousing w/ minimum conflict on neighbors. Also for economic & tax base.

Permitted uses:

- A. Manufacturing, processing, packaging, fabrication & warehousing of goods.  
**No** processing of animal by-products, livestock feed yards, or steel manufacturing, oil refineries, wallboard manufacturing and the like which emit offensive fumes, smoke, noise, odor, etc.
- B. Asphalt and concrete mixing plants, [subject to the standards provided below in 17.36.080](#); coal yards, earthmoving equipment and equipment storage, gas and oil wells, gas and oil storage facilities, public buildings ([Want standards? See below in 17.36.080](#)); **and public utility buildings utility provider structures**, [subject to the standards provided below in 17.36.080](#), craft shops, tire recapping establishments, and accessory signs.
- C. Automobile wrecking and salvage yards.
- D. Mines, gravel pits, sand pits, clay pits, rock quarries, rock crushers and structures in connection therewith. Scenic railroads and railroad maintenance yards.
- E. Agriculture, farm machinery storage sheds, **self-serve warehouse storage facilities**, vegetable and fruit packing and processing plants, livestock raising.
- F. Water wells, utility transmission lines, dams, pumping plants, power plants, sewage treatment plants subject to review and approval of the State Division of Health; solid waste disposal sites.
- G. Caretaker dwelling consisting of a maximum footprint of eight hundred square feet when associated with a nonresidential use.
- H. Fitness center or gymnasium.
- I. Retail commercial uses and cafes.
- J. Accessory buildings and parking lots incidental and accessory to other permitted uses.
- K. Self-storage warehouses, [subject to the standards provided below in 17.36.080](#)  
(We added this one in a previous ordinance, spring 2017.)

[Add Uses to I-1 from CU List:](#)

- 8. [Trucking Co./Terminal, subject to the standards described below.](#)
- 17. [Wireless Telecommunication Towers. The regulations and standards for the construction, erection or placement of all wireless telecommunications towers within the jurisdiction of the city are found in Chapter 17.76.](#)

17.36.080 Supplementary regulations.

(15) [Asphalt/Concrete Batching Plant, Permanent.](#)

- A. [Hours of operation shall be restricted to 5:00 a.m. to 9:00 p.m. or restricted by resolution of the planning commission.](#)
- B. [Traffic Impacts. Drive entries must be designed to minimize impeding traffic in lanes of travel on adjacent streets.](#)
- C. [Odor, noise, and glare must be contained within the boundaries of the property.](#)
- D. [Landscaping screening shall be provided and maintained along the perimeter of the property and consist of twenty feet in depth. Vegetation may include existing trees and shrubs but weeds must be managed and landscaping maintained once it is installed.](#)
- E. [All parking areas shall consist of a dust free durable surface. The use of gravel may be exercised but a dust inhibitor shall be applied to the surface and appropriately worked into the surface material.](#)
- F. [Dust. Appropriate mechanical devices shall be in place to minimize the release of dust and cement and fly ash particles or other nuisance material from the batching and stockpile areas.](#)

(27) Other Public Facilities. This type of use shall be allowed on tracts of land in the R-2 zone when in compliance with the following standards. **only after approval of a conditional use permit. The standards that shall apply during the review by the planning commission and the city council shall include:**

- A. The proposed use shall be situated on a tract of land sufficient in size to provide for the activities of the use as well as required landscaping, off-street parking, and trails;
- B. Landscaping, screening, and fencing shall be installed and maintained to mitigate impacts on surrounding residential uses;
- C. Parking areas shall be an all-weather surface such as concrete, asphalt or sealed gravel that will not generate dust or deposit gravel on paved roadways;
- D. Dust, glare, odor, and noise shall be confined within the boundaries of the property;
- E. Outside storage of equipment, materials, and supplies shall be contained and located within a building or a sight obscuring fence;
- F. The use shall demonstrate that there is a benefit to the neighborhood or community;
- G. Traffic from the proposed use shall not create a significant negative impact on the neighborhood.

6. Utility Provider Structures and Buildings. New construction of water lines, sewer lines and electric substations and structures may be constructed **in all zones** subject to the approval of the planning commission and council with a review of a subdivision plat. Such construction is not required to apply for a separate permit but must satisfy the requirements below. **When expansion of existing facilities and construction of new facilities in developed neighborhoods are proposed, an application for a conditional use permit shall be required.** Expansions of existing facilities are also subject to the approval of the planning commission and council, and subject to the standards below. The planning commission may require **conditions** standards in accordance with the following language that are reasonably necessary to protect surrounding property values and residential amenities.

- 1. These types of facilities include but are not limited to:
  - a. Electrical utility facility, provided transmission lines are excluded from the requirements of this section if visibility is essential to safety, security, or maintenance access;
  - b. Solid waste disposal facility;
  - c. Water pumping plants and pipelines;
  - d. Public utility buildings and structures (except power plants);
  - e. Flood control structures;
  - f. Substations;
  - g. Sewage treatment plants subject to review and approval of the State Department of Health.

2. Site Standards.

a. Architectural Form and Character. A building housing all or a majority of a utility facility must be compatible with the architectural form of surrounding buildings. This requirement is not applicable to a utility facility where significant elements of the facility are not housed inside of a building or to isolate minor elements such as pad mounted transformers, telephone pedestals and metering stations.

b. Screening and Fence Requirements. A utility facility must be site screened with landscaping and/or fencing. Landscape development, shall include retention of significant trees, as necessary to maintain and protect property values, enhance the visual appearance of the city, to preserve the natural character of the area, to promote utilization of natural systems, to reduce the impacts of development on the storm drainage system and water resources, and to provide a better transition between the various land uses permitted in the city.

(1). The planning department and community development director shall review the proposed landscape plan with each application and make a recommendation to the planning commission.

- (2). The applicant shall provide site perimeter landscaping that consists of a minimum width of ten feet and includes:
  - a. Evergreen and deciduous trees, with no more than fifty percent being deciduous, a minimum of six feet in height, and planted at intervals no greater than thirty feet on center;
  - b. A minimum of three and one-half feet in height, and living ground cover planted so that the ground will be covered within three years.
- (3). If planted to buffer a parking area, access, or site development other than a building, any of the following alternatives may be used unless otherwise noted:
  - a. Shrubs, a minimum of three and one-half feet in height and living ground cover must be planted so that the ground will be covered within three years.
  - b. Earth-mounding, an average of three and one-half feet in height, planted with shrubs or living ground cover so that the ground will be covered within three years. This alternative may not be used in a downtown land use district.
  - c. A combination of earth-mounding and shrubs to produce a visual barrier at least three and one-half feet in height.
- (4). Equipment and vehicle storage yards require fifteen feet of landscaping on all sides if visible from a public right-of-way.
- (5). Parking Area Landscaping. Parking areas require landscaping as follows in addition to any site perimeter landscaping as required.
- (6). Alternative landscaping may be approved by the planning commission if the landscaping will provide the desired screening as noted below:
  - a. The proposed landscaping represents an equal or better result than that which could be achieved by strictly following the requirements of this section; and
  - b. The proposed landscaping either:
    - (i) Incorporates the increased retention of significant trees and naturally occurring undergrowth;
    - (ii) Better accommodates or improves the existing physical conditions of the subject property;
    - (iii) Incorporates elements to provide for wind protection or to maintain solar access;
    - (iv) Incorporates elements to protect or improve water quality; or
    - (v) Incorporates native species in a design that buffers a critical area from uses on the site, including parking.

#### 14. Self-storage warehouses.

1. All new self-storage warehouse facilities or expansions are subject to approval of a site plan as described in Section 17.09.660, site plan--required. Chapter 17.67. Ordinance passed 7/17/17.
2. All drives and parking area surfaces shall consist of a maintained all-weather dust free surface such as asphalt, concrete, bricks, pavers or cobblestones. The use of gravel may be exercised but a dust inhibitor shall be regularly applied to the surface and appropriately worked into the surface material.
3. Drive lanes must be of a sufficient width to allow vehicles to pass when another is loading or unloading by a unit.
4. Traffic impacts shall be mitigated and not lead to disruption of traffic flow on adjacent streets.
5. Self-storage warehouses shall be screened/buffered from adjacent properties by the use of decorative/solid wooden privacy fencing or decorative block walls. High quality landscaping may be incorporated into the screening effort but maintenance of all vegetation is the responsibility of the owner(s) of the property.



6. Glare, dust, odor, and noise must be contained within the property boundaries.
7. Landscaping shall be provided in accordance with the requirements of Sections 17.09.360, (landscaping--required) and 17.09.370, (landscaping--specifications). Landscaping screening shall be provided and maintained along the perimeter of the property and consist of twenty feet in depth. Vegetation may include existing trees and shrubs but weeds must be managed and landscaping maintained once it is installed.
8. All structures shall be maintained in accordance with the adopted version of the International Property Maintenance Code.
9. The lot size shall be between a minimum of two acres and a maximum of five acres.
10. The total area covered by buildings shall not exceed fifty percent of the site.
11. The maximum height of the building or buildings permitted as of right is twenty feet or one story.
12. No outside storage is permitted except for large vehicles and boats that are under a permanent cover.
13. The storage of hazardous, toxic, or explosive substances, including, but not limited to, **but excluding the storage of**, hazardous waste, industrial solid waste, medical waste, municipal solid waste, septage, or used oil, is prohibited.
14. No business activity other than the rental of storage units shall be conducted on the premises.
15. One dwelling unit is permitted on the same lot for use as a caretaker dwelling.

(8) Trucking Company/Terminal.

- A. Parking areas shall be paved with an all-weather hard surface such as concrete or asphalt that will not generate dust or gravel deposits on paved roadways.
- B. A minimum of fifteen percent of the parking area shall be landscaped with:
  1. Shrubs, a minimum of three and one-half feet in height and living ground cover must be planted so that the ground will be covered within three years.
  2. Earth-mounding, an average of three and one-half feet in height, planted with trees, shrubs or living ground cover so that the ground will be covered within three years. A combination of earth-mounding and shrubs to produce a visual barrier at least three and one-half feet in height.
  3. Evergreen and deciduous trees, with no more than fifty percent being deciduous, a minimum of six feet in height, and planted at intervals no greater than thirty feet on center.
- C. Odor, glare, and noise shall be confined to the property.
- D. Adjacent properties shall be buffered by perimeter landscaping a minimum of fifteen feet in width.
- E. Parking areas shall be illuminated by pole lighting only that shall be downward directed with full cut-off fixtures dispersed throughout the parking area and shall provide a minimum of .5 candle power and not more than 1.0 candle power of illumination. No light shall be placed on the eave or side of buildings and be directed outward toward the perimeter of the property.
- F. Adequate access/ingress shall be provided so as not to impact traffic patterns in the area.
- G. Refrigerator units shall not be allowed to run from the hours of 10:00 p.m. to 7:00 a.m.

## 17.42

### R-1 Single-Household Residential Zone

Primary purpose: Large lots for single household dwellings. Child-raising.

Permitted uses:

- A. One-household dwellings, garage and/or carport, private greenhouses, private swimming pools
- B. PUD's subject to the requirements set forth in Chapter 17.66, relating to large-scale developments.
- C. Fences, walls and hedges
- D. Customary household pets
- E. Public schools (Want standards? See below in 17.42.070), public libraries (Want standards? See below in 17.42.070), public parks, playgrounds, recreation buildings (Want standards? See below in 17.42.070), churches (Want standards? See below in 17.42.070), but not temporary revival tents or buildings
- F. Agriculture
- G. Temporary buildings and yards for the storage of materials and equipment incidental to the construction of dwellings and other permitted uses
- H. Home occupations
- I. Accessory dwelling units as per Chapter 17.69.

Add Uses to R-1 from CU List:

- 5. Group Home, subject to the standards described below.
- 6. Utility provider structures, subject to the standards described below.
- 19. Day Care Center, subject to the standards described below.

#### 17.42.070 Supplementary regulations

(26) Schools, Churches, Monasteries, Etc. All schools, churches, and monasteries shall be subject to the regulations established by Utah State Code Annotated (UCA) and shall be considered by the planning commission under Section 17.09.530, conditional uses. At a minimum, the Planning Commission The Planning Department, in accordance with Chapter 17.67, shall receive a complete site plan which demonstrates that:

- A. Traffic impacts are minimized so that on-street vehicle flows will not be impeded.
- B. Noise, odor, and glare is contained on the property.
- C. Landscaping shall be completed in accordance with the provisions located in Sections 17.09.360 (Landscaping--Required) and 17.09.370 (Landscaping--Specifications generally). A minimum of fifteen percent of the interior of the parking areas must be landscaped. Trees shall be utilized to provide shade for vehicles and must be of a sufficient size and placement to provide shade to forty percent of the parking area within three years.
- D. Possible impacts on adjacent streets, sidewalks, and bike/pedestrian routes have been identified and reduced to minimum levels.
- E. Adequate parking for the intended use is provided.

(27) Other Public Facilities. This type of use shall be allowed on tracts of land in the R-2 zone when in compliance with the following standards. only after approval of a conditional use permit. The standards that shall apply during the review by the planning commission and the city council shall include:

- A. The proposed use shall be situated on a tract of land sufficient in size to provide for the activities of the use as well as required landscaping, off-street parking, and trails;
- B. Landscaping, screening, and fencing shall be installed and maintained to mitigate impacts on surrounding residential uses;

- C. Parking areas shall be an all-weather surface such as concrete, asphalt or sealed gravel that will not generate dust or deposit gravel on paved roadways;
- D. Dust, glare, odor, and noise shall be confined within the boundaries of the property;
- E. Outside storage of equipment, materials, and supplies shall be contained and located within a building or a sight obscuring fence;
- F. The use shall demonstrate that there is a benefit to the neighborhood or community;
- G. Traffic from the proposed use shall not create a significant negative impact on the neighborhood.

5. Group Home. A group home may provide living arrangements for not more than eight residents per home sixty years of age or older; or for persons in alcohol recovery, halfway house or other similar programs; or for the developmentally disabled, limited to cerebral palsy, multiple sclerosis, mental retardation, autism, and epilepsy; and not more than two supervisory personnel; subject to the following standards:

- 1. Such homes must be state-licensed.
- 2. All exterior aspects of a group home, including its scale and off-street parking configuration, shall not disrupt the residential character of the area.
- 3. In no case shall the total number of persons residing on premises (including staff) be more than one per four hundred square feet of usable floor area (twenty percent more than the single-family household equivalent).
- 4. Such homes shall provide off-street parking pursuant to Sections 17.09.210--17.09.340 of this code.

6. Utility Provider Structures and Buildings. New construction of water lines, sewer lines and electric substations and structures may be constructed **in all zones** subject to the approval of the planning commission and council with a review of a subdivision plat. Such construction is not required to apply for a separate permit but must satisfy the requirements below. **When expansion of existing facilities and construction of new facilities in developed neighborhoods are proposed, an application for a conditional use permit shall be required.** Expansions of existing facilities are also subject to the approval of the planning commission and council, and subject to the standards below. The planning commission may require **conditions** standards in accordance with the following language that are reasonably necessary to protect surrounding property values and residential amenities.

- 1. These types of facilities include but are not limited to:
  - a. Electrical utility facility, provided transmission lines are excluded from the requirements of this section if visibility is essential to safety, security, or maintenance access;
  - b. Solid waste disposal facility;
  - c. Water pumping plants and pipelines;
  - d. Public utility buildings and structures (except power plants);
  - e. Flood control structures;
  - f. Substations;
  - g. Sewage treatment plants subject to review and approval of the State Department of Health.

2. Site Standards.

a. Architectural Form and Character. A building housing all or a majority of a utility facility must be compatible with the architectural form of surrounding buildings. This requirement is not applicable to a utility facility where significant elements of the facility are not housed inside of a building or to isolate minor elements such as pad mounted transformers, telephone pedestals and metering stations.

b. Screening and Fence Requirements. A utility facility must be site screened with landscaping and/or fencing. Landscape development, shall include retention of significant trees, as necessary to maintain and protect property values, enhance the visual appearance of the city, to preserve the natural character of the area, to promote

utilization of natural systems, to reduce the impacts of development on the storm drainage system and water resources, and to provide a better transition between the various land uses permitted in the city.

- (1). The planning department and community development director shall review the proposed landscape plan with each application and make a recommendation to the planning commission.
- (2). The applicant shall provide site perimeter landscaping that consists of a minimum width of ten feet and includes:
  - a. Evergreen and deciduous trees, with no more than fifty percent being deciduous, a minimum of six feet in height, and planted at intervals no greater than thirty feet on center;
  - b. A minimum of three and one-half feet in height, and living ground cover planted so that the ground will be covered within three years.
- (3). If planted to buffer a parking area, access, or site development other than a building, any of the following alternatives may be used unless otherwise noted:
  - a. Shrubs, a minimum of three and one-half feet in height and living ground cover must be planted so that the ground will be covered within three years.
  - b. Earth-mounding, an average of three and one-half feet in height, planted with shrubs or living ground cover so that the ground will be covered within three years. This alternative may not be used in a downtown land use district.
  - c. A combination of earth-mounding and shrubs to produce a visual barrier at least three and one-half feet in height.
- (4). Equipment and vehicle storage yards require fifteen feet of landscaping on all sides if visible from a public right-of-way.
- (5). Parking Area Landscaping. Parking areas require landscaping as follows in addition to any site perimeter landscaping as required.
- (6). Alternative landscaping may be approved by the planning commission if the landscaping will provide the desired screening as noted below:
  - a. The proposed landscaping represents an equal or better result than that which could be achieved by strictly following the requirements of this section; and
  - b. The proposed landscaping either:
    - (i) Incorporates the increased retention of significant trees and naturally occurring undergrowth;
    - (ii) Better accommodates or improves the existing physical conditions of the subject property;
    - (iii) Incorporates elements to provide for wind protection or to maintain solar access;
    - (iv) Incorporates elements to protect or improve water quality; or
    - (v) Incorporates native species in a design that buffers a critical area from uses on the site, including parking.

(19) **Large Commercial and Home-Based Day-Care Centers.** Large home based facility serves eight to sixteen persons in accordance with state rules and shall be permitted to operate between the hours of 5:00 a.m. to 9:00 p.m. daily or as approved by a conditional use permit by the planning commission. **A commercial facility is a stand-alone facility not attached to a residence.**

- A. Proof of a state license is required **as part of the approval** in order to obtain a city business license.
- B. Applicants for a city business license shall submit a conceptual site plan that indicates:
  1. Ingress and egress to the property;
  2. Drop off/pick up areas;

3. Traffic circulation;
4. Off-street parking;
5. Landscaping;
6. Buffering or separation from dissimilar uses;
7. Open space for older kids.

C. Hours of operation shall be between 5:00 a.m. until 9:00 p.m. or as restricted by resolution of the planning commission.

D. Odor, noise, and glare shall be restricted to the property.

E. Landscaping shall be provided in accordance with the requirements of Sections 17.09.360, (landscaping--required) and 17.09.370, (landscaping--specifications).

**R-2 Single-Household and Two-Household Residential Zone**

Primary purpose: Smaller lots, somewhat denser residences. Spacious yards though.

Permitted uses:

- A. One-household dwellings, garage and/or carport, greenhouses for private use only, private swimming pools
- B. PUD's subject to the requirements set forth in Chapter 17.66, relating to large-scale developments
- C. Fences, walls, and hedges
- D. Customary household pets
- E. Public schools (Want standards? See below in 17.45.070), public libraries, public parks, playgrounds, recreation buildings and churches (Want standards? See below in 17.45.070), but not temporary revival tents or buildings
- F. Agriculture
- G. Temporary buildings and yards for the storage of materials and equipment incidental to the construction of dwellings and other permitted uses
- H. Home occupations
- I. Two-household dwellings
- J. Child Day care centers, subject to the requirements set forth below in section 17.45.070, and foster family care homes
- K. Accessory dwelling units as per Chapter 17.69
- L. Other public facilities are allowed when an approved conditional use permit has been granted by the city as required under Section 17.09.530. , when in compliance with the standards set forth below in section 17.45.070.

Add Uses to R-2 from CU List:

- 5. Group Home, subject to the standards described below.
- 6. Utility provider structures, subject to the standards described below.

#### 17.45.070 Supplementary regulations

(26) Schools, Churches, Monasteries, Etc. All schools, churches, and monasteries shall be subject to the regulations established by Utah State Code Annotated (UCA) and shall be considered by the planning commission under Section 17.09.530, conditional uses. At a minimum, the Planning Commission The Planning Department, in accordance with Chapter 17.67, shall receive a complete site plan which demonstrates that:

- A. Traffic impacts are minimized so that on-street vehicle flows will not be impeded.
- B. Noise, odor, and glare is contained on the property.
- C. Landscaping shall be completed in accordance with the provisions located in Sections 17.09.360 (Landscaping--Required) and 17.09.370 (Landscaping--Specifications generally). A minimum of fifteen percent of the interior of the parking areas must be landscaped. Trees shall be utilized to provide shade for vehicles and must be of a sufficient size and placement to provide shade to forty percent of the parking area within three years.
- D. Possible impacts on adjacent streets, sidewalks, and bike/pedestrian routes have been identified and reduced to minimum levels.
- E. Adequate parking for the intended use is provided.

(19) Large Commercial and Home-Based Day-Care Centers. Large home based facility serves eight to sixteen persons in accordance with state rules and shall be permitted to operate between the hours of 5:00 a.m. to 9:00 p.m. daily or as approved by a conditional use permit by the planning commission. A commercial facility is a stand-alone facility not attached to a residence.

- A. Proof of a state license is required as part of the approval in order to obtain a city business license.

- B. Applicants for a city business license shall submit a conceptual site plan that indicates:
  1. Ingress and egress to the property;
  2. Drop off/pick up areas;
  3. Traffic circulation;
  4. Off-street parking;
  5. Landscaping;
  6. Buffering or separation from dissimilar uses;
  7. Open space for older kids.
- C. Hours of operation shall be between 5:00 a.m. until 9:00 p.m. or as restricted by resolution of the planning commission.
- D. Odor, noise, and glare shall be restricted to the property.
- E. Landscaping shall be provided in accordance with the requirements of Sections 17.09.360, (landscaping--required) and 17.09.370, (landscaping--specifications).

(27) Other Public Facilities. This type of use shall be allowed on tracts of land in the R-2 zone when in compliance with the following standards. **only after approval of a conditional use permit. The standards that shall apply during the review by the planning commission and the city council shall include:**

- A. The proposed use shall be situated on a tract of land sufficient in size to provide for the activities of the use as well as required landscaping, off-street parking, and trails;
- B. Landscaping, screening, and fencing shall be installed and maintained to mitigate impacts on surrounding residential uses;
- C. Parking areas shall be an all-weather surface such as concrete, asphalt or sealed gravel that will not generate dust or deposit gravel on paved roadways;
- D. Dust, glare, odor, and noise shall be confined within the boundaries of the property;
- E. Outside storage of equipment, materials, and supplies shall be contained and located within a building or a sight obscuring fence;
- F. The use shall demonstrate that there is a benefit to the neighborhood or community;
- G. Traffic from the proposed use shall not create a significant negative impact on the neighborhood.

5. Group Home. A group home may provide living arrangements for not more than eight residents per home sixty years of age or older; or for persons in alcohol recovery, halfway house or other similar programs; or for the developmentally disabled, limited to cerebral palsy, multiple sclerosis, mental retardation, autism, and epilepsy; and not more than two supervisory personnel; subject to the following standards:

- 1. Such homes must be state-licensed.
- 2. All exterior aspects of a group home, including its scale and off-street parking configuration, shall not disrupt the residential character of the area.
- 3. In no case shall the total number of persons residing on premises (including staff) be more than one per four hundred square feet of usable floor area (twenty percent more than the single-family -household equivalent).
- 4. Such homes shall provide off-street parking pursuant to Sections 17.09.210--17.09.340 of this code.

6. Utility Provider Structures and Buildings. New construction of water lines, sewer lines and electric substations and structures may be constructed **in all zones** subject to the approval of the planning commission and council with a review of a subdivision plat. Such construction is not required to apply for a separate permit but must satisfy the requirements

below. When expansion of existing facilities and construction of new facilities in developed neighborhoods are proposed, an application for a conditional use permit shall be required. Expansions of existing facilities are also subject to the approval of the planning commission and council, and subject to the standards below. The planning commission may require conditions standards in accordance with the following language that are reasonably necessary to protect surrounding property values and residential amenities.

1. These types of facilities include but are not limited to:
  - a. Electrical utility facility, provided transmission lines are excluded from the requirements of this section if visibility is essential to safety, security, or maintenance access;
  - b. Solid waste disposal facility;
  - c. Water pumping plants and pipelines;
  - d. Public utility buildings and structures (except power plants);
  - e. Flood control structures;
  - f. Substations;
  - g. Sewage treatment plants subject to review and approval of the State Department of Health.
  
2. Site Standards.
  - a. Architectural Form and Character. A building housing all or a majority of a utility facility must be compatible with the architectural form of surrounding buildings. This requirement is not applicable to a utility facility where significant elements of the facility are not housed inside of a building or to isolate minor elements such as pad mounted transformers, telephone pedestals and metering stations.
  
  - b. Screening and Fence Requirements. A utility facility must be site screened with landscaping and/or fencing. Landscape development, shall include retention of significant trees, as necessary to maintain and protect property values, enhance the visual appearance of the city, to preserve the natural character of the area, to promote utilization of natural systems, to reduce the impacts of development on the storm drainage system and water resources, and to provide a better transition between the various land uses permitted in the city.
    - (1). The planning department and community development director shall review the proposed landscape plan with each application and make a recommendation to the planning commission.
  
    - (2). The applicant shall provide site perimeter landscaping that consists of a minimum width of ten feet and includes:
      - a. Evergreen and deciduous trees, with no more than fifty percent being deciduous, a minimum of six feet in height, and planted at intervals no greater than thirty feet on center;
  
      - b. A minimum of three and one-half feet in height, and living ground cover planted so that the ground will be covered within three years.
  
    - (3). If planted to buffer a parking area, access, or site development other than a building, any of the following alternatives may be used unless otherwise noted:
      - a. Shrubs, a minimum of three and one-half feet in height and living ground cover must be planted so that the ground will be covered within three years.
      - b. Earth-mounding, an average of three and one-half feet in height, planted with shrubs or living ground cover so that the ground will be covered within three years. This alternative may not be used in a downtown land use district.
      - c. A combination of earth-mounding and shrubs to produce a visual barrier at least three and one-half feet in height.
  
    - (4). Equipment and vehicle storage yards require fifteen feet of landscaping on all sides if visible from a public right-of-way.



- (5). Parking Area Landscaping. Parking areas require landscaping as follows in addition to any site perimeter landscaping as required.
- (6). Alternative landscaping may be approved by the planning commission if the landscaping will provide the desired screening as noted below:
- a. The proposed landscaping represents an equal or better result than that which could be achieved by strictly following the requirements of this section; and
  - b. The proposed landscaping either:
    - (i) Incorporates the increased retention of significant trees and naturally occurring undergrowth;
    - (ii) Better accommodates or improves the existing physical conditions of the subject property;
    - (iii) Incorporates elements to provide for wind protection or to maintain solar access;
    - (iv) Incorporates elements to protect or improve water quality; or
    - (v) Incorporates native species in a design that buffers a critical area from uses on the site, including parking.

**R-3 Multi-Household Residential Zone**

Primary purpose: High density residential. Adjacent to commercial. Priority is given to high-density uses, including rest homes and boarding houses. Permitted uses:

- A. One-household dwellings, garage and/or carport, greenhouses for private uses only private swimming pools
- B. PUD's subject to the requirements set forth in Chapter 17.66 of this title relating to large-scale developments
- C. Fences, walls, and hedges
- D. Customary household pets
- E. Public schools (Want standards? See below in 17.48.070), public libraries (Want standards? See below in 17.48.070), public parks, playgrounds, recreation buildings (Want standards? See below in 17.48.070), churches (Want standards? See below in 17.48.070) but not temporary revival tents or buildings
- F. Agriculture
- G. Temporary buildings and yards for the storage of materials and equipment incidental to the construction of dwellings and other permitted uses
- H. Home occupations
- I. Two-household dwellings
- J. Child Day care centers, subject to the requirements set forth below in section 17.48.070, and foster family care homes
- K. Apartment houses and other multiple dwellings, subject to the requirements set forth below in 17.48.070.
- L. Court apartments, subject to the standards set forth below in 17.48.070.
- M. Boarding and rooming houses, in compliance with the B&B regulations set forth below in 17.48.070.
- N. Clubs and lodges (nonprofit) not including those carried on primarily as a business
- O. Accessory dwelling units as per Chapter 17.69.

Add Uses to R-3 from CU List:

- 5. Group Home, subject to the standards described below.
- 6. Utility provider structures, subject to the standards described below.
- 9. B&B's, subject to the standards described below.

#### 17.48.070 Supplementary provisions regulations

(26) Schools, Churches, Monasteries, Etc. All schools, churches, and monasteries shall be subject to the regulations established by Utah State Code Annotated (UCA) and shall be considered by the planning commission under Section 17.09.530, conditional uses. At a minimum, the Planning Commission The Planning Department, in accordance with Chapter 17.67, shall receive a complete site plan which demonstrates that:

- A. Traffic impacts are minimized so that on-street vehicle flows will not be impeded.
- B. Noise, odor, and glare is contained on the property.
- C. Landscaping shall be completed in accordance with the provisions located in Sections 17.09.360 (Landscaping--Required) and 17.09.370 (Landscaping--Specifications generally). A minimum of fifteen percent of the interior of the parking areas must be landscaped. Trees shall be utilized to provide shade for vehicles and must be of a sufficient size and placement to provide shade to forty percent of the parking area within three years.
- D. Possible impacts on adjacent streets, sidewalks, and bike/pedestrian routes have been identified and reduced to minimum levels.
- E. Adequate parking for the intended use is provided.

(27) **Other Public Facilities.** This type of use shall be allowed on tracts of land in the R-2 zone when in compliance with the following standards. **only after approval of a conditional use permit. The standards that shall apply during the review by the planning commission and the city council shall include:**

- A. The proposed use shall be situated on a tract of land sufficient in size to provide for the activities of the use as well as required landscaping, off-street parking, and trails;
- B. Landscaping, screening, and fencing shall be installed and maintained to mitigate impacts on surrounding residential uses;
- C. Parking areas shall be an all-weather surface such as concrete, asphalt or sealed gravel that will not generate dust or deposit gravel on paved roadways;
- D. Dust, glare, odor, and noise shall be confined within the boundaries of the property;
- E. Outside storage of equipment, materials, and supplies shall be contained and located within a building or a sight obscuring fence;
- F. The use shall demonstrate that there is a benefit to the neighborhood or community;
- G. Traffic from the proposed use shall not create a significant negative impact on the neighborhood.

(19) **Large Commercial and Home-Based Day-Care Centers.** Large home based facility serves eight to sixteen persons in accordance with state rules and shall be permitted to operate between the hours of 5:00 a.m. to 9:00 p.m. daily or as approved by a conditional use permit by the planning commission. **A commercial facility is a stand-alone facility not attached to a residence.**

- A. Proof of a state license is required **as part of the approval** in order to obtain a city business license.
- B. Applicants for a city business license shall submit a conceptual site plan that indicates:
  - 1. Ingress and egress to the property;
  - 2. Drop off/pick up areas;
  - 3. Traffic circulation;
  - 4. Off-street parking;
  - 5. Landscaping;
  - 6. Buffering or separation from dissimilar uses;
  - 7. Open space for older kids.
- C. Hours of operation shall be between 5:00 a.m. until 9:00 p.m. or as restricted by resolution of the planning commission.
- D. Odor, noise, and glare shall be restricted to the property.
- E. Landscaping shall be provided in accordance with the requirements of Sections 17.09.360, (landscaping--required) and 17.09.370, (landscaping--specifications).

(4) **Multi-Family Multi-Household Dwellings of Seven or More Units.** All **multi-family** multi-household development of seven or more units shall be subject to the following requirements:

- A. **Access.** Vehicular access shall be provided to the property in such a way that it does not impede traffic patterns on adjacent streets.
- B. **Parking.** Off-street parking shall be designed in such a way as to allow vehicles to pull forward into the on-street traffic flow.
- C. **Garages or Carports.** If provided, garages and carports shall not be located in the front yard and shall be setback from the front wall of the principal structure at least fifteen feet or be accessed from the rear or side of the property.

D. Landscaping. All off-street parking shall be landscaped and buffered from adjacent uses. A minimum of fifteen percent of the interior of the parking area shall be landscaped to provide shade and break up the expanse of asphalt.

E. Buffering. All adjacent uses shall be buffered by a distance of not less than fifteen feet and contain berms, shrubs, and other plantings. Buffering may be combined with screens, fences and hedges.

F. Open space. Required open space/recreation areas shall be provided in accordance with Title 17.

F. Apartments and court apartments shall designate an open space/recreation area that is a minimum of two hundred (200) square feet in size to be developed into recreation, play or landscaped areas. The requirement can be met with the construction of a recreation room ("rec room") or club house of a similarly sized area that can be used for residents and their guests for recreation/social activities and/or relaxation- also called a "rec room".

5. Group Home. A group home may provide living arrangements for not more than eight residents per home sixty years of age or older; or for persons in alcohol recovery, halfway house or other similar programs; or for the developmentally disabled, limited to cerebral palsy, multiple sclerosis, mental retardation, autism, and epilepsy; and not more than two supervisory personnel; subject to the following standards:

1. Such homes must be state-licensed.
2. All exterior aspects of a group home, including its scale and off-street parking configuration, shall not disrupt the residential character of the area.
3. In no case shall the total number of persons residing on premises (including staff) be more than one per four hundred square feet of usable floor area (twenty percent more than the single-family household equivalent).
4. Such homes shall provide off-street parking pursuant to Sections 17.09.210--17.09.340 of this code.

6. Utility Provider Structures and Buildings. New construction of water lines, sewer lines and electric substations and structures may be constructed in all zones subject to the approval of the planning commission and council with a review of a subdivision plat. Such construction is not required to apply for a separate permit but must satisfy the requirements below. When expansion of existing facilities and construction of new facilities in developed neighborhoods are proposed, an application for a conditional use permit shall be required. Expansions of existing facilities are also subject to the approval of the planning commission and council, and subject to the standards below. The planning commission may require conditions standards in accordance with the following language that are reasonably necessary to protect surrounding property values and residential amenities.

1. These types of facilities include but are not limited to:
  - a. Electrical utility facility, provided transmission lines are excluded from the requirements of this section if visibility is essential to safety, security, or maintenance access;
  - b. Solid waste disposal facility;
  - c. Water pumping plants and pipelines;
  - d. Public utility buildings and structures (except power plants);
  - e. Flood control structures;
  - f. Substations;
  - g. Sewage treatment plants subject to review and approval of the State Department of Health.

2. Site Standards.

a. Architectural Form and Character. A building housing all or a majority of a utility facility must be compatible with the architectural form of surrounding buildings. This requirement is not applicable to a utility facility where significant elements of the facility are not housed inside of a building or to isolate minor elements such as pad mounted transformers, telephone pedestals and metering stations.

b. Screening and Fence Requirements. A utility facility must be site screened with landscaping and/or fencing. Landscape development, shall include retention of significant trees, as necessary to maintain and protect property

values, enhance the visual appearance of the city, to preserve the natural character of the area, to promote utilization of natural systems, to reduce the impacts of development on the storm drainage system and water resources, and to provide a better transition between the various land uses permitted in the city.

(1). The planning department and community development director shall review the proposed landscape plan with each application and make a recommendation to the planning commission.

(2). The applicant shall provide site perimeter landscaping that consists of a minimum width of ten feet and includes:

a. Evergreen and deciduous trees, with no more than fifty percent being deciduous, a minimum of six feet in height, and planted at intervals no greater than thirty feet on center;

b. A minimum of three and one-half feet in height, and living ground cover planted so that the ground will be covered within three years.

(3). If planted to buffer a parking area, access, or site development other than a building, any of the following alternatives may be used unless otherwise noted:

a. Shrubs, a minimum of three and one-half feet in height and living ground cover must be planted so that the ground will be covered within three years.

b. Earth-mounding, an average of three and one-half feet in height, planted with shrubs or living ground cover so that the ground will be covered within three years. This alternative may not be used in a downtown land use district.

c. A combination of earth-mounding and shrubs to produce a visual barrier at least three and one-half feet in height.

(4). Equipment and vehicle storage yards require fifteen feet of landscaping on all sides if visible from a public right-of-way.

(5). Parking Area Landscaping. Parking areas require landscaping as follows in addition to any site perimeter landscaping as required.

(6). Alternative landscaping may be approved by the planning commission if the landscaping will provide the desired screening as noted below:

a. The proposed landscaping represents an equal or better result than that which could be achieved by strictly following the requirements of this section; and

b. The proposed landscaping either:

(i) Incorporates the increased retention of significant trees and naturally occurring undergrowth;

(ii) Better accommodates or improves the existing physical conditions of the subject property;

(iii) Incorporates elements to provide for wind protection or to maintain solar access;

(iv) Incorporates elements to protect or improve water quality; or

(v) Incorporates native species in a design that buffers a critical area from uses on the site, including parking.

9. All Bed and Breakfast facilities shall comply with the following standards:

1. Bed and breakfast facilities may be allowed as a conditional use where applicant the proprietor can show evidence of compliance with the standards and procedures outlined below and where there is minimal impact on adjacent residential properties and neighborhoods. An inspection by the building inspector, fire chief and health department shall be required prior to issuance of a permit a business license, and as often as necessary for enforcement of this chapter. No person shall operate a bed and breakfast unless the person holds a valid permit and business license.

2. A written letter of application sworn before a notary public shall be provided by the owner(s) stating that such owner or a manager will occupy the facility, as provided for herein. The letter shall be recorded by the city recorder with a certified copy to accompany the application. The letter shall also be submitted to the planning commission for its consideration.

3. The conditional use permit for a bed and breakfast facility shall be granted annually from the date of the original permit. At the end of the one-year period, renewal shall be granted by the planning commission if all other conditions required at the time of approval remain unchanged.

4. Applicant must provide plot plans and building or floor plans one-quarter inch to the foot showing the bed and breakfast facility, parking and landscaping. Applicant must show that the facility meets minimum performance standards for off-street parking and landscaping as specified in Section 17.70.080(B). Plans shall be approved by the building inspector, zoning administrator, fire chief and health department.

Section 17.70 does not exist, repealed in 2010. Tara

4. The bed and breakfast shall conform to the requirements for landscaping found in Sections 17.09.360 through 17.09.420.

1. The bed and breakfast facility shall not unduly increase local traffic in the immediate neighborhood. Road design and access shall be considered in the planning commission's recommendation. A bed and breakfast shall not be located on a cul-de-sac, dead-end street, or a zoning lot with a street frontage of less than fifty feet.

2. There shall be a minimum perimeter separation of three hundred feet between property lines of bed and breakfasts.

3. Construction and alterations of bed and breakfast facilities shall not alter the residential character of residential zones and of the dwelling. A new structure shall not be constructed solely for the use of a bed and breakfast and a property owner may not apply for operate a bed and breakfast for a period of five years after the date of receiving a certificate of occupancy. Bed and breakfast facilities shall be located in an existing structure that is a minimum of two thousand square feet in size. Additions to an existing structure for a bed and breakfast use shall not exceed twenty percent of the total area of the existing structure.

4. The parcel shall also be of sufficient size to be in scale with the number of people using the facility. All bed and breakfast rentals must provide adequate parking (required one off-street parking space per rental bedroom) in addition to needed parking for owners of the facility. A maximum stay shall not exceed thirty days, and meals shall be served only to guests. One off-street parking space for trailers must be provided per every two off-street parking spaces for vehicles.

5. All units shall have a parcel to finished dwelling unit ratio that exceeds five to one (or no dwelling unit in excess of twenty percent of the total parcel size area).

6. No bed and breakfast facility shall rent for compensation more than five rooms, except that suites that do not use a public corridor or passageway between suite bedroom areas shall be counted as one room.

7. No bed and breakfast facility shall allow more than two adults in any rental room unless the bedroom square footage is larger than three hundred square feet and does not use a public corridor or passageway between suite bedroom areas.

8. Signs are limited to one non-flashing sign not larger in area than four square feet. If lighted, the light shall be diffused or shielded and downward directed.

9. All bed and breakfast facilities shall pay water and sewer rates according to the rate formulas contained in Sections 13.24.010 and 13.24.020. (13.24.020 covers sewer charges. I did not see a section for water charges and 13.24.010 does not exist.)

10. All bed and breakfasts must collect and pay an applicable transient room tax, sales tax, and pay a city gross business license fee.

11. The bed and breakfast facility shall conform to fire, building and health codes and be licensed in conformance with all city ordinances.

C. Appeals. Approval or disapproval of a bed and breakfast application by the city council can be appealed to district court within thirty days of city council action.

## 17.51

### R-4 Manufactured Housing Residential Zone

Primary purpose: Mobile homes and other types of dwellings intermingled with open fields into MH parks or subdivisions.

Permitted uses:

- A. One-household dwellings, garages and/or carport, greenhouses for private use only, private swimming pools
- B. PUD's subject to the requirements and conditions set forth in Chapter 17.66 of this title
- C. Fences, walls, and hedges
- D. Customary household pets
- E. Public schools (Want standards? See below in 17.51.070), public libraries (Want standards? See below in 17.51.070), public parks, playgrounds, recreation buildings (Want standards? See below in 17.51.070), churches (Want standards? See below in 17.51.070) but not temporary revival tents or buildings
- F. Agriculture
- G. Temporary buildings and yards for the storage of materials and equipment incidental to the construction of dwellings and other permitted uses
- H. Home occupations
- I. Two-household dwellings
- J. Child Day care centers, subject to the standards set forth below in section 17.51.070, and foster family care homes
- K. Apartment houses and other multiple dwellings, subject to the standards set forth below in 17.51.070.
- L. Court apartments, subject to the standards set forth below in 17.51.070.
- M. Boarding and rooming houses, in compliance with the B&B regulations set forth below in 17.51.070.
- N. Clubs and lodges (nonprofit) not including those carried on primarily as a business
- O. Mobile home parks and mobile home subdivisions subject to the regulations as set forth in Title 15 of this code
- P. Publicly owned athletic fields and schools (Want standards? See below in 17.51.070)
- Q. Boys' and girls' schools and correctional institutions
- R. Pasturing of animals
- S. Plant nurseries
- T. Radio and television towers
- U. Accessory dwelling units as per Chapter 17.69.

Add Uses to R-4 from CU List:

- 5. Group Home, subject to the standards described below.
- 6. Utility provider structures, subject to the standards described below.
- 9. B&B's, subject to the standards described below.

#### 17.51.070 Supplementary regulations

(26) Schools, Churches, Monasteries, Etc. All schools, churches, and monasteries shall be subject to the regulations established by Utah State Code Annotated (UCA) and shall be considered by the planning commission under Section 17.09.530, conditional uses. At a minimum, the Planning Commission The Planning Department, in accordance with Chapter 17.67, shall receive a complete site plan which demonstrates that:

- A. Traffic impacts are minimized so that on-street vehicle flows will not be impeded.
- B. Noise, odor, and glare is contained on the property.
- C. Landscaping shall be completed in accordance with the provisions located in Sections 17.09.360 (Landscaping--Required) and 17.09.370 (Landscaping--Specifications generally). A minimum of fifteen percent of the interior of the parking areas must be landscaped. Trees shall be utilized to provide shade for vehicles and must be of a sufficient size and placement to provide shade to forty percent of the parking area within three years.



D. Possible impacts on adjacent streets, sidewalks, and bike/pedestrian routes have been identified and reduced to minimum levels.

E. Adequate parking for the intended use is provided.

(27) **Other Public Facilities.** This type of use shall be allowed on tracts of land in the R-2 zone when in compliance with the following standards. **only after approval of a conditional use permit. The standards that shall apply during the review by the planning commission and the city council shall include:**

A. The proposed use shall be situated on a tract of land sufficient in size to provide for the activities of the use as well as required landscaping, off-street parking, and trails;

B. Landscaping, screening, and fencing shall be installed and maintained to mitigate impacts on surrounding residential uses;

C. Parking areas shall be an all-weather surface such as concrete, asphalt or sealed gravel that will not generate dust or deposit gravel on paved roadways;

D. Dust, glare, odor, and noise shall be confined within the boundaries of the property;

E. Outside storage of equipment, materials, and supplies shall be contained and located within a building or a sight obscuring fence;

F. The use shall demonstrate that there is a benefit to the neighborhood or community;

G. Traffic from the proposed use shall not create a significant negative impact on the neighborhood.

(19) **Large Commercial and Home-Based Day-Care Centers.** Large home based facility serves eight to sixteen persons in accordance with state rules and shall be permitted to operate between the hours of 5:00 a.m. to 9:00 p.m. daily or as approved by a conditional use permit by the planning commission. **A commercial facility is a stand-alone facility not attached to a residence.**

A. Proof of a state license is required **as part of the approval** in order to obtain a city business license.

B. Applicants for a city business license shall submit a conceptual site plan that indicates:

1. Ingress and egress to the property;
2. Drop off/pick up areas;
3. Traffic circulation;
4. Off-street parking;
5. Landscaping;
6. Buffering or separation from dissimilar uses;
7. Open space for older kids.

C. Hours of operation shall be between 5:00 a.m. until 9:00 p.m. or as restricted by resolution of the planning commission.

D. Odor, noise, and glare shall be restricted to the property.

E. Landscaping shall be provided in accordance with the requirements of Sections 17.09.360, (landscaping--required) and 17.09.370, (landscaping--specifications).

(4) **Multi-Family Multi-Household Dwellings of Seven or More Units.** All **multi-family** multi-household development of seven or more units shall be subject to the following requirements:

A. Access. Vehicular access shall be provided to the property in such a way that it does not impede traffic patterns on adjacent streets.

B. Parking. Off-street parking shall be designed in such a way as to allow vehicles to pull forward into the on-street traffic flow.

C. Garages or Carports. If provided, garages and carports shall not be located in the front yard and shall be setback from the front wall of the principal structure at least fifteen feet or be accessed from the rear or side of the property.

D. Landscaping. All off-street parking shall be landscaped and buffered from adjacent uses. A minimum of fifteen percent of the interior of the parking area shall be landscaped to provide shade and break up the expanse of asphalt.

E. Buffering. All adjacent uses shall be buffered by a distance of not less than fifteen feet and contain berms, shrubs, and other plantings. Buffering may be combined with screens, fences and hedges.

F. Open space. Required open space/recreation areas shall be provided in accordance with Title 17.

F. Apartments and court apartments shall designate an open space/recreation area that is a minimum of two hundred (200) square feet in size to be developed into recreation, play or landscaped areas. The requirement can be met with the construction of a recreation room ("rec room") or club house of a similarly sized area that can be used for residents and their guests for recreation/social activities and/or relaxation- also called a "rec room".

5. Group Home. A group home may provide living arrangements for not more than eight residents per home sixty years of age or older; or for persons in alcohol recovery, halfway house or other similar programs; or for the developmentally disabled, limited to cerebral palsy, multiple sclerosis, mental retardation, autism, and epilepsy; and not more than two supervisory personnel; subject to the following standards:

1. Such homes must be state-licensed.

2. All exterior aspects of a group home, including its scale and off-street parking configuration, shall not disrupt the residential character of the area.

3. In no case shall the total number of persons residing on premises (including staff) be more than one per four hundred square feet of usable floor area (twenty percent more than the single-family household equivalent).

4. Such homes shall provide off-street parking pursuant to Sections 17.09.210--17.09.340 of this code.

6. Utility Provider Structures and Buildings. New construction of water lines, sewer lines and electric substations and structures may be constructed in all zones subject to the approval of the planning commission and council with a review of a subdivision plat. Such construction is not required to apply for a separate permit but must satisfy the requirements below. When expansion of existing facilities and construction of new facilities in developed neighborhoods are proposed, an application for a conditional use permit shall be required. Expansions of existing facilities are also subject to the approval of the planning commission and council, and subject to the standards below. The planning commission may require conditions standards in accordance with the following language that are reasonably necessary to protect surrounding property values and residential amenities.

1. These types of facilities include but are not limited to:

- a. Electrical utility facility, provided transmission lines are excluded from the requirements of this section if visibility is essential to safety, security, or maintenance access;
- b. Solid waste disposal facility;
- c. Water pumping plants and pipelines;
- d. Public utility buildings and structures (except power plants);
- e. Flood control structures;
- f. Substations;
- g. Sewage treatment plants subject to review and approval of the State Department of Health.

2. Site Standards.

- a. Architectural Form and Character. A building housing all or a majority of a utility facility must be compatible with the architectural form of surrounding buildings. This requirement is not applicable to a utility facility where significant elements of the facility are not housed inside of a building or to isolate minor elements such as pad mounted transformers, telephone pedestals and metering stations.
- b. Screening and Fence Requirements. A utility facility must be site screened with landscaping and/or fencing. Landscape development, shall include retention of significant trees, as necessary to maintain and protect property values, enhance the visual appearance of the city, to preserve the natural character of the area, to promote utilization of natural systems, to reduce the impacts of development on the storm drainage system and water resources, and to provide a better transition between the various land uses permitted in the city.
  - (1). The planning department and community development director shall review the proposed landscape plan with each application and make a recommendation to the planning commission.
  - (2). The applicant shall provide site perimeter landscaping that consists of a minimum width of ten feet and includes:
    - a. Evergreen and deciduous trees, with no more than fifty percent being deciduous, a minimum of six feet in height, and planted at intervals no greater than thirty feet on center;
    - b. A minimum of three and one-half feet in height, and living ground cover planted so that the ground will be covered within three years.
  - (3). If planted to buffer a parking area, access, or site development other than a building, any of the following alternatives may be used unless otherwise noted:
    - a. Shrubs, a minimum of three and one-half feet in height and living ground cover must be planted so that the ground will be covered within three years.
    - b. Earth-mounding, an average of three and one-half feet in height, planted with shrubs or living ground cover so that the ground will be covered within three years. This alternative may not be used in a downtown land use district.
    - c. A combination of earth-mounding and shrubs to produce a visual barrier at least three and one-half feet in height.
  - (4). Equipment and vehicle storage yards require fifteen feet of landscaping on all sides if visible from a public right-of-way.
  - (5). Parking Area Landscaping. Parking areas require landscaping as follows in addition to any site perimeter landscaping as required.
  - (6). Alternative landscaping may be approved by the planning commission if the landscaping will provide the desired screening as noted below:
    - a. The proposed landscaping represents an equal or better result than that which could be achieved by strictly following the requirements of this section; and
    - b. The proposed landscaping either:
      - (i) Incorporates the increased retention of significant trees and naturally occurring undergrowth;
      - (ii) Better accommodates or improves the existing physical conditions of the subject property;
      - (iii) Incorporates elements to provide for wind protection or to maintain solar access;
      - (iv) Incorporates elements to protect or improve water quality; or
      - (v) Incorporates native species in a design that buffers a critical area from uses on the site, including parking.

9. All Bed and Breakfast facilities shall comply with the following standards:

1. Bed and breakfast facilities may be allowed as a conditional use where applicant the proprietor can show evidence of compliance with the standards and procedures outlined below and where there is minimal impact on adjacent residential properties and neighborhoods. An inspection by the building inspector, fire chief and health department shall be required prior to issuance of a permit a business license, and as often as necessary for enforcement of this chapter. No person shall operate a bed and breakfast unless the person holds a valid permit and business license.
2. A written letter of application sworn before a notary public shall be provided by the owner(s) stating that such owner or a manager will occupy the facility, as provided for herein. The letter shall be recorded by the city recorder with a certified copy to accompany the application. The letter shall also be submitted to the planning commission for its consideration.
3. The conditional use permit for a bed and breakfast facility shall be granted annually from the date of the original permit. At the end of the one-year period, renewal shall be granted by the planning commission if all other conditions required at the time of approval remain unchanged.
4. Applicant must provide plot plans and building or floor plans one-quarter inch to the foot showing the bed and breakfast facility, parking and landscaping. Applicant must show that the facility meets minimum performance standards for off-street parking and landscaping as specified in Section 17.70.080(B). Plans shall be approved by the building inspector, zoning administrator, fire chief and health department.

Section 17.70 does not exist, repealed in 2010. Tara

4. The bed and breakfast shall conform to the requirements for landscaping found in Sections 17.09.360 through 17.09.420.
  1. The bed and breakfast facility shall not unduly increase local traffic in the immediate neighborhood. Road design and access shall be considered in the planning commission's recommendation. A bed and breakfast shall not be located on a cul-de-sac, dead-end street, or a zoning lot with a street frontage of less than fifty feet.
  2. There shall be a minimum perimeter separation of three hundred feet between property lines of bed and breakfasts.
  3. Construction and alterations of bed and breakfast facilities shall not alter the residential character of residential zones and of the dwelling. A new structure shall not be constructed solely for the use of a bed and breakfast and a property owner may not apply for operate a bed and breakfast for a period of five years after the date of receiving a certificate of occupancy. Bed and breakfast facilities shall be located in an existing structure that is a minimum of two thousand square feet in size. Additions to an existing structure for a bed and breakfast use shall not exceed twenty percent of the total area of the existing structure.
  4. The parcel shall also be of sufficient size to be in scale with the number of people using the facility. All bed and breakfast rentals must provide adequate parking (required one off-street parking space per rental bedroom) in addition to needed parking for owners of the facility. A maximum stay shall not exceed thirty days, and meals shall be served only to guests. One off-street parking space for trailers must be provided per every two off-street parking spaces for vehicles.
  5. All units shall have a parcel to finished dwelling unit ratio that exceeds five to one (or no dwelling unit in excess of twenty percent of the total parcel size area).
  6. No bed and breakfast facility shall rent for compensation more than five rooms, except that suites that do not use a public corridor or passageway between suite bedroom areas shall be counted as one room.
  7. No bed and breakfast facility shall allow more than two adults in any rental room unless the bedroom square footage is larger than three hundred square feet and does not use a public corridor or passageway between suite bedroom areas.

8. Signs are limited to one non-flashing sign not larger in area than four square feet. If lighted, the light shall be diffused or shielded and downward directed.
9. All bed and breakfast facilities shall pay water and sewer rates according to the rate formulas contained in Sections 13.24.010 and 13.24.020. (13.24.020 covers sewer charges. I did not see a section for water charges and 13.24.010 does not exist.)
10. All bed and breakfasts must collect and pay an applicable transient room tax, sales tax, and pay a city gross business license fee.
11. The bed and breakfast facility shall conform to fire, building and health codes and be licensed in conformance with all city ordinances.

C. Appeals. Approval or disapproval of a bed and breakfast application by the city council can be appealed to district court within thirty days of city council action.

**RA-1 Residential – Agricultural Zone**

Primary purpose: Residential with limited numbers of livestock. Intended someday to be only residential. Permitted uses:

- A. Agriculture
- B. One-household dwellings and buildings accessory thereto
- C. Home occupations and premises occupations, specifically including retail businesses principally supplying agricultural enterprise with feed, seed, fertilizer, equipment and similar items, subject to conditions set forth in Sections 17.09.530--17.09.640 of this title
- C. Home occupations subject to the standards set forth in 17.09.540.
- C.2. Premises occupations, specifically including retail businesses principally supplying agricultural enterprise with feed, seed, fertilizer, equipment and similar items, subject to the standards set forth below in 17.54.080.
- D. Schools and churches (Want standards? See below in 17.54.080), public parks and playgrounds, arboretums, public buildings (Want standards? See below in 17.54.080)
- E. The raising, care and keeping of animals and fowl for household use and consumption, provided that no animal shall be kept on lots containing less than one acre of land
- F. Farm machinery and farm products, storage sheds
- G. Barns, corrals, pens, coops, sheds and feed storage buildings for the keeping of animals and fowl and the storage of farm products; provided, however, that uses for the care and keeping of livestock and fowl are located at least one hundred feet distance from any existing dwelling and one hundred feet from the front property lines. Also, small animal hospitals without outside runs
- H. PUD's which are connected to a public sewer, subject to the requirements set forth in Chapter 17.57 (Large-scale Developments)
- I. Day care nurseries centers which have been approved by the State Health Department and the State Welfare Department, also rest homes. Additional regulations for day care centers are set forth below in 17.54.080.
- J. Fences, walls and hedges
- K. Water reservoirs, ponds, dams, water pumping plants and pipelines, flood control structures, public utility buildings provider structures (except power plants) subject to standards described below in 17.54.080, water wells, utility transmission lines and substations, sewage treatment plants subject to review and approval by the State Division of Health
- L. Accessory signs not exceeding fifteen square feet in area pertaining to the sale of property produce raised on the premises, also nameplates not exceeding two hundred twenty-six square inches in area
- M. Temporary buildings and yards for the storage of construction materials and equipment incidental and necessary to construction of uses otherwise permitted in the zone
- N. Golf courses containing at least ten acres. Golf club houses if 45 acres. Subject to the standards set forth below in 17.54.080.
- O. Cemeteries, public and private, when approved by the planning commission in compliance with a site plan permit process, using the standards as set forth below in 17.54.080.
- P. Accessory dwelling units as per Chapter 17.69.

Add Uses to RA-1 from CU List:

- 5. Group Home, subject to the standards described below.
- 24. Animal Pound or Kennel – Private, subject to the standards described below.
- 25. Vet Clinic w/ Kennel (don't specify indoor or not)

17.54.080 Supplementary regulations.

(7) Premises Agricultural Occupations. This type of occupation specifically concerns the retail sale of feed, seed, fertilizer, equipment and similar items used in agriculture. The following standards shall be met for this type of business:

- A. Parking areas shall be an all-weather surface such as concrete, asphalt or sealed gravel that will not generate dust or deposit gravel on paved roadways.

- B. Hours of operation shall be confined to 7:00 a.m. to 7:00 p.m. or established by resolution of the planning commission.
- C. Dust, glare, odor, and noise shall be confined within the boundaries of the property.
- D. All signs shall comply with the sign regulations of Chapter 15.44 and shall not exceed fifteen square feet.
- E. Outside storage of products for sale is limited to hours of operation.

(26) Schools, Churches, Monasteries, Etc. All schools, churches, and monasteries shall be subject to the regulations established by Utah State Code Annotated (UCA) and shall be considered by the planning commission under Section 17.09.530, conditional uses. At a minimum, the Planning Commission The Planning Department, in accordance with Chapter 17.67, shall receive a complete site plan which demonstrates that:

- A. Traffic impacts are minimized so that on-street vehicle flows will not be impeded.
- B. Noise, odor, and glare is contained on the property.
- C. Landscaping shall be completed in accordance with the provisions located in Sections 17.09.360 (Landscaping--Required) and 17.09.370 (Landscaping--Specifications generally). A minimum of fifteen percent of the interior of the parking areas must be landscaped. Trees shall be utilized to provide shade for vehicles and must be of a sufficient size and placement to provide shade to forty percent of the parking area within three years.
- D. Possible impacts on adjacent streets, sidewalks, and bike/pedestrian routes have been identified and reduced to minimum levels.
- E. Adequate parking for the intended use is provided.

(27) Other Public Facilities. This type of use shall be allowed on tracts of land in the R-2 zone when in compliance with the following standards. only after approval of a conditional use permit. The standards that shall apply during the review by the planning commission and the city council shall include:

- A. The proposed use shall be situated on a tract of land sufficient in size to provide for the activities of the use as well as required landscaping, off-street parking, and trails;
- B. Landscaping, screening, and fencing shall be installed and maintained to mitigate impacts on surrounding residential uses;
- C. Parking areas shall be an all-weather surface such as concrete, asphalt or sealed gravel that will not generate dust or deposit gravel on paved roadways;
- D. Dust, glare, odor, and noise shall be confined within the boundaries of the property;
- E. Outside storage of equipment, materials, and supplies shall be contained and located within a building or a sight obscuring fence;
- F. The use shall demonstrate that there is a benefit to the neighborhood or community;
- G. Traffic from the proposed use shall not create a significant negative impact on the neighborhood.

(19) Large Commercial and Home-Based Day-Care Centers. Large home based facility serves eight to sixteen persons in accordance with state rules and shall be permitted to operate between the hours of 5:00 a.m. to 9:00 p.m. daily or as approved by a conditional use permit by the planning commission. A commercial facility is a stand-alone facility not attached to a residence.

- A. Proof of a state license is required as part of the approval in order to obtain a city business license.
- B. Applicants for a city business license shall submit a conceptual site plan that indicates:
  1. Ingress and egress to the property;
  2. Drop off/pick up areas;



3. Traffic circulation;
4. Off-street parking;
5. Landscaping;
6. Buffering or separation from dissimilar uses;
7. Open space for older kids.

C. Hours of operation shall be between 5:00 a.m. until 9:00 p.m. or as restricted by resolution of the planning commission.

D. Odor, noise, and glare shall be restricted to the property.

E. Landscaping shall be provided in accordance with the requirements of Sections 17.09.360, (landscaping--required) and 17.09.370, (landscaping--specifications).

6. Utility Provider Structures and Buildings. New construction of water lines, sewer lines and electric substations and structures may be constructed **in all zones** subject to the approval of the planning commission and council with a review of a subdivision plat. Such construction is not required to apply for a separate permit but must satisfy the requirements below. **When expansion of existing facilities and construction of new facilities in developed neighborhoods are proposed, an application for a conditional use permit shall be required.** Expansions of existing facilities are also subject to the approval of the planning commission and council, and subject to the standards below. The planning commission may require **conditions** standards in accordance with the following language that are reasonably necessary to protect surrounding property values and residential amenities.

1. These types of facilities include but are not limited to:
  - a. Electrical utility facility, provided transmission lines are excluded from the requirements of this section if visibility is essential to safety, security, or maintenance access;
  - b. Solid waste disposal facility;
  - c. Water pumping plants and pipelines;
  - d. Public utility buildings and structures (except power plants);
  - e. Flood control structures;
  - f. Substations;
  - g. Sewage treatment plants subject to review and approval of the State Department of Health.

2. Site Standards.

a. Architectural Form and Character. A building housing all or a majority of a utility facility must be compatible with the architectural form of surrounding buildings. This requirement is not applicable to a utility facility where significant elements of the facility are not housed inside of a building or to isolate minor elements such as pad mounted transformers, telephone pedestals and metering stations.

b. Screening and Fence Requirements. A utility facility must be site screened with landscaping and/or fencing. Landscape development, shall include retention of significant trees, as necessary to maintain and protect property values, enhance the visual appearance of the city, to preserve the natural character of the area, to promote utilization of natural systems, to reduce the impacts of development on the storm drainage system and water resources, and to provide a better transition between the various land uses permitted in the city.

(1). The planning department and community development director shall review the proposed landscape plan with each application and make a recommendation to the planning commission.

(2). The applicant shall provide site perimeter landscaping that consists of a minimum width of ten feet and includes:

- a. Evergreen and deciduous trees, with no more than fifty percent being deciduous, a minimum of six feet in height, and planted at intervals no greater than thirty feet on center;



- b. A minimum of three and one-half feet in height, and living ground cover planted so that the ground will be covered within three years.
- (3). If planted to buffer a parking area, access, or site development other than a building, any of the following alternatives may be used unless otherwise noted:
  - a. Shrubs, a minimum of three and one-half feet in height and living ground cover must be planted so that the ground will be covered within three years.
  - b. Earth-mounding, an average of three and one-half feet in height, planted with shrubs or living ground cover so that the ground will be covered within three years. This alternative may not be used in a downtown land use district.
  - c. A combination of earth-mounding and shrubs to produce a visual barrier at least three and one-half feet in height.
- (4). Equipment and vehicle storage yards require fifteen feet of landscaping on all sides if visible from a public right-of-way.
- (5). Parking Area Landscaping. Parking areas require landscaping as follows in addition to any site perimeter landscaping as required.
- (6). Alternative landscaping may be approved by the planning commission if the landscaping will provide the desired screening as noted below:
  - a. The proposed landscaping represents an equal or better result than that which could be achieved by strictly following the requirements of this section; and
  - b. The proposed landscaping either:
    - (i) Incorporates the increased retention of significant trees and naturally occurring undergrowth;
    - (ii) Better accommodates or improves the existing physical conditions of the subject property;
    - (iii) Incorporates elements to provide for wind protection or to maintain solar access;
    - (iv) Incorporates elements to protect or improve water quality; or
    - (v) Incorporates native species in a design that buffers a critical area from uses on the site, including parking.

(12) Golf Courses. Must contain a minimum of ten acres and a golf club house may be permitted when part of an approved site plan. The plan must address the following **conditions** standards:

- A. Golf course designs shall implement nonpoint source pollution best management practices (BMPs).
- B. Course designs and best management plans shall be submitted to the Moab City planning department for review and referral to the planning commission for comment and approval before golf course construction can begin.
- C. Course designs must show that there are no encroachments into areas restricted from development and to minimize the impact of the overall site development on natural resources of the area. The design must meet the requirements of Section **17.09.660** **17.67?**, site plan required, and contain the following supplemental information:
  - 1. Address stream, wetland, and habitat protection;
  - 2. Contain an environmental constraints analysis that includes the existing environmental conditions on the site and a report with plans that provide:
    - a. Field located streams, ponds or other water bodies, name of watershed and sub-watershed and stream use class designation,
    - b. Field located wetlands including documentation of vegetation, soils, and hydrology,

- c. Wetlands classifications (Cowardin; National Vegetation Classification Standard for wetlands),
- d. Calculated one hundred-year floodplain,
- e. Topography with slopes differentiated as 1--25%, 26--39%, 40--45%, and 46%+,
- f. Existing land cover (e.g., forest, meadow, old field, etc.).
- g. Location of significant plant and/or animal habitat including: documentation of species, date of last known siting, status, and source of documentation.

D. Application of Regulations and Policies. After verification of the existing environmental conditions by the U.S. Army Corps of Engineers or other federal agency, the applicant will identify on the plan those areas of the site that would be restricted from development by: (1) denoting buffer boundaries, (2) denoting those areas of significant habitat determined to exist on site that will be preserved, and (3) denoting those existing areas that will be preserved.

E. Design Standards for Preliminary Plan. After the applicant has determined the areas restricted from development, a plan should be prepared for submission to the planning commission that shows the proposed lay-out of the golf course. The plan shall include the following:

1. Tees, greens, fairways, and practice range;
2. Buildings (e.g., clubhouse, maintenance facilities, etc.);
3. Roads, cart paths, and parking lots;
4. Conceptual design for the management of storm water runoff and water quality including locations and methods and documentation that these locations and methods are practical; and
5. Location of irrigation wells and/or ponds.

F. Approval of Encroachments. If any of the above facilities would require encroachment on buffers, streams, wetlands or floodplains, approval must be granted by the U.S. Army Corps of Engineers or other federal agency.

(23) Cemeteries, Public or Private. No cemetery, or any extension of an already existing cemetery, shall hereafter be established in the city without **the consideration and recommendation of the planning commission as follows**: a site plan permit process, as outlined in Chapter 17.67.

A. Application Required. (?) Application for the establishment of a cemetery or for the extension to an existing cemetery shall be made on forms provided by the zoning administrator. The application shall include:

1. The name(s) and address(es) of the owner(s) of the land;
2. The area(s) of the property that will be used for burial purposes;
3. The area(s) of the property that will be used for screening purposes;
4. Other information as may be helpful to the planning commission in its consideration of the application;
5. An appropriate fee as adopted by resolution of the city council;
6. Detailed site plans drawn to scale by a licensed professional Utah registered land surveyor or professional engineer as per **Section 17.09.660 Chapter 17.67 (New ord, passed 7/17/17)**
7. A written legal description of the cemetery;
8. A narrative describing the:
  - a. Age and condition,
  - b. Historical significance **is** if applicable,
  - c. Whether the cemetery is religious, family, organizational, or **publicity** publicly owned,
  - d. Any prehistoric or historic archaeological discoveries on the property, and
  - e. A written description of names and vital dates of those interred.

B. Expansion/Disruption. If the expansion requires a disruption of existing burial sites, the applicant shall provide a detailed site alteration plan indicating the extent of disruption of the cemetery, methods of construction or removal of human remains, and reburial plan. Such plan shall include a written description and visual drawing of the plan showing the relocation of graves.

C. Consideration and Recommendations by Planning Department. The planning department shall consider, among other things:

1. The need for the proposed cemetery or extension and the desirability of the location;
2. Report its findings to the planning commission with any **conditions** standards of compliance that should be imposed on the **applicant** developer relative to landscaping and setting aside a part of the proposed area for screening purposes; and
3. A recommendation that a bond be furnished by the applicant for the fulfillment of any conditions imposed by the planning commission, and an appropriate amount of the bond at one hundred fifty percent of the total cost of the improvements.

D. **Conditions** Standards of Approval to be Specified. The planning commission, by resolution, shall establish specific **conditions of approval** standards of compliance to create/extend a cemetery. **Conditions** These shall be based on:

1. The need for the proposed cemetery or extension;
2. The desirability of the location;
3. Specific areas to be used for burial purposes and screening;
4. Type and extent of landscaping;
5. Amount of guarantee bond for improvements;
6. Light, glare, dust, noise;
7. Traffic impacts;
8. Parking.

5. Group Home. A group home may provide living arrangements for not more than eight residents per home sixty years of age or older; or for persons in alcohol recovery, halfway house or other similar programs; or for the developmentally disabled, limited to cerebral palsy, multiple sclerosis, mental retardation, autism, and epilepsy; and not more than two supervisory personnel; subject to the following standards:

1. Such homes must be state-licensed.

2. All exterior aspects of a group home, including its scale and off-street parking configuration, shall not disrupt the residential character of the area.

3. In no case shall the total number of persons residing on premises (including staff) be more than one per four hundred square feet of usable floor area (twenty percent more than the single-family household equivalent).

4. Such homes shall provide off-street parking pursuant to Sections 17.09.210--17.09.340 of this code.

24. Animal Pound or Kennel (Private)

Clarify what types or sizes of animals are allowed.

A. Noise, odor and glare shall be contained on the property.

B. Fencing, landscaping, the design of parking areas, and downward directed and full cut-off light fixtures shall be used to reduce impacts on adjacent properties.

C. Parking shall be provided at a rate of one space per one thousand square feet and one space per each employee. ADA handicapped accessible spaces shall be provided as required.

D. A buffer area of twenty-five feet shall be used to provide a separation from other uses and adjacent properties. Buffering shall include the elements of subsection B above.

E. Vehicular ingress and egress traffic patterns shall be designed to not impede existing traffic flows and provide adequate interior circulation.

F. Hours of operation for public access shall be from 8:00 a.m. to 5:00 p.m. or restricted by resolution of the planning commission.

G. Landscaping shall consist of berms, solid wooden privacy fence, decorative block wall or combination thereof and be in accordance with the requirements of Sections 17.09.360 (landscaping--required) and 17.09.370 (landscaping--specifications). A minimum of fifteen percent of the interior of the parking areas must be landscaped. Trees shall be utilized to provide shade for vehicles and must be of a sufficient size and placement to provide shade to forty percent of the parking area within three years.

25. Veterinary Clinic With Kennel.

A. Hours of operation shall be limited to the hours of 7:00 a.m. to 5:00 p.m. unless otherwise restricted by resolution of the planning commission.

B. Traffic impacts shall be minimized so that on-street vehicle flows will not be impeded.

C. Noise, odor, and glare shall be contained on the property.

D. Landscaping shall be completed in accordance with the provisions located in Sections 17.09.360 (landscaping--required) and 17.09.370 (landscaping--specifications). A minimum of fifteen percent of the interior of the parking areas must be landscaped. Trees shall be utilized to provide shade for vehicles and must be of a sufficient size and placement to provide shade to forty percent of the parking area within three years.

**FYI...**

**CITY OF MOAB RESOLUTION NO. 2017-\_\_\_\_\_, A RESOLUTION ADOPTING RULES OF  
PROCEDURE FOR PLANNING COMMISSION MEETINGS**

**[Discussion Draft2]**

The following describes the intent and purpose of this resolution:

- a. Utah Code Annotated § 10-9a-301 requires that a municipality adopt planning commission rules of procedure and order to govern public meetings. The City of Moab has additionally enacted ordinances which create the Planning Commission and specify the matters that are within its jurisdiction.
- b. The City of Moab finds that it is proper from time to time to adopt and revise rules of procedure so that public meetings before boards and commissions are conducted in a fair, orderly, and efficient manner.
- c. The Moab Planning Commission reviewed these rules at its \_\_\_\_\_, 2017 meeting, and recommends that the City Council approve same.
- d. These rules are adopted to provide advisory guidelines for the conduct of public meetings and public hearings before the Moab Planning Commission.

Therefore, the City of Moab enacts as follows:

1. **Quorum.** The number of Planning Commission members required to be present to constitute a quorum for a meeting shall be three.
2. **Chairperson.** The members of the Planning Commission shall elect a Chairperson from within their members. The Chairperson shall serve a term of one year, and may serve multiple or successive terms. The Chairperson shall call the meeting to order at the time scheduled, and is charged with preserving order at the meeting and conducting the meeting in conformity with the agenda, applicable ordinances, and these rules. If the Chairperson is not present the remaining members shall designate one person to serve as the Chairperson pro tempore.
3. **Convening the Meeting; Workshops,** Regular meetings shall be scheduled in advance by resolution of the Commission and adopted on an annual basis. Special meetings may be called from time to time by action of any two Planning Commission members or by the Planning Director.
  - a. A Planning Commission meeting may be preceded by an informal workshop, at which time the Commission can ask questions or receive input from staff and others on agenda items or other matters. Workshops may be conducted informally. No final action shall be taken on any item during a workshop.
4. **Citizens to be Heard.** At every regular meeting of the Commission there shall be an agenda item allowing citizens to address the Commission on the subject of any land use matter

of public concern which is not identified on the agenda for action. The Commission shall not take final action on any matter discussed during the citizens to be heard portion of the agenda, but Commission members may ask questions, give directions to staff, or ask that a matter be brought back for formal action at a later meeting.

a. To ensure equity and avoid the appearance of favoritism, comments by members of the public during the citizens to be heard portion of the agenda shall be limited to a maximum of three minutes per individual, unless otherwise directed by the Chairperson.

b. In order to ensure that all present feel comfortable expressing their views, and that the free speech rights of all individuals are respected, members of the public who are present but not currently speaking shall not engage in outward displays of support or opposition to those speaking at the citizens to be heard portion of the meeting. Persons who engage in disruptive conduct will be asked to leave the meeting.

5. **General Meeting Procedure; Consent Agenda.** Unless otherwise moved by the Commission, matters shall be considered in the order specified in the agenda. Where there are several routine or uncontested matters requiring approval, the Commission may elect to approve those items as a group under a consent agenda, and without extensive discussion. Any Commission member may request that any item to be removed from consideration under a consent agenda, in which case it will be reviewed individually.

a. All meetings should be conducted fairly and efficiently, and with respect for the participants. The Chairperson has discretion to conduct the meeting in a manner which is consistent with these goals.

6. **Review Procedure.** The Chairperson shall call an item up for discussion. The matter should typically be introduced by a member of the staff, who will outline the issues up for decision. The Chairperson may elect to call the applicant, and request that interested persons address the Commission on the matter under consideration. Commission members may ask questions of staff and proponents, and may review documents and information as necessary to understand the issue.

a. An applicant or member of staff may pull an item from consideration by delivering notice to the Chairperson prior to the commencement of the meeting. During the meeting the presiding officer should announce that the item has been pulled from the agenda.

7. **Manner of Acting.** To approve an item under consideration, a Commission member must move to approve the item, the motion must be seconded by another Commission member, and approved by a majority vote. In his/her discretion, the Chairperson may second a motion offered by another Commission member. In the absence of a second to a motion the motion fails.

- a. Prior to voting Commission members may discuss or debate the motion to the extent they see fit. The Chairperson has discretion to limit lengthy debate and may call the question on any item as he/she sees fit.
- b. At any time prior to voting, a moving Commission member may, without a second or vote, elect to withdraw the motion. A pending motion may be amended by offering an amendment by motion, which must be seconded. An amended motion offered prior to action on the primary motion shall be decided prior to voting on the original motion.
- c. A motion to table an item or adjourn a meeting shall be acted upon without debate.
- d. With respect to information requests to staff or similar routine items, the Commission may act informally or by consensus

8. **Voting.** Unless otherwise provided by law, all matters brought for action before the Commission shall be deemed approved by an affirmative vote of a majority of the Commission present and voting, including the Chairperson. In the case of a tie vote, the motion fails.

a. If the Commission wishes to enter into a closed session, as allowed by the Utah Open and Public Meetings Act, the decision to enter into a closed meeting must be preceded by an affirmative vote of 2/3 of the Commission, unless otherwise provided by law.

9. **Reconsideration.** Subject to applicable law, the Commission may elect to reconsider a matter which was previously acted upon. Reconsideration requires a motion, second, and affirmative vote of the majority. At the time of reconsideration the number of Commission members present must be equal to the number of Commission members present when the matter was first considered. Where reconsideration would have the effect of cancelling or abrogating a binding obligation of the City (such as rescinding a prior land use approval), the Chairperson shall require that the City Attorney provide a legal opinion to the Commission on the subject prior to any action on reconsideration.

10. **Conduct of Public Hearings.** By law the Commission is required to hold a public hearing prior to reaching a decision on certain adjudicatory or other matters. Public hearings are more formal than other proceedings, and shall be conducted in a manner which respects the due process rights of the applicant and all other participants. The following procedures shall apply to public hearings.

a. Where a staff report is generated prior to the public hearing the applicant shall be provided with a copy of the staff report a reasonable period of time prior to the public hearing.

b. At the public hearing the matter shall be introduced by staff, followed by testimony from the applicant. Interested persons shall then be given the opportunity to provide testimony for or against the matter. At the conclusion of testimony by interested persons the applicant shall be given the opportunity to offer rebuttal testimony.



c. Persons providing testimony will be requested to: i) identify themselves; ii) state clearly how the application would affect their interests; iii) state clearly their position on the matter under review; and iv) provide testimony, information, or data in support of their position. Unsupported argument or derogatory comments directed to the matter in question or the applicant are not useful to the Commission, and are discouraged.

d. Persons other than the applicant may only provide testimony once during a specific public hearing; this applies to hearings that are continued or postponed to future meetings. The Chairperson has discretion to limit the length of testimony or allocate the available time for the hearing to allow interested persons the opportunity to testify.

e. All testimony, evidence, documents, photographs, or other information received by the Commission shall be entered into the record of proceedings. The Commission has discretion to postpone action on a public hearing item, and it may continue to receive additional written comments or other evidence until such time as it closes the public hearing.

f. At the conclusion of the public hearing the Commission will consider the matter, and Commission members may engage in discussion and debate to the extent deemed necessary. Although the rules of evidence do not apply to public hearings, Commission members have discretion to weigh the evidence and measure the credibility of the testimony in the manner that they see fit. Irrelevant or incompetent evidence should be disregarded.

g. A final decision may be made in the manner provided for all other decisions, except that the Commission may: i) announce its findings in support of the decision orally on the record or; ii) give direction to staff to prepare a written order, permit, or decision consistent with the Commission findings, which the Commission may adopt or modify as it sees fit.

11. **Modification of these Rules.** To the extent these rules conflict with any other law or statute, the other law or statute shall prevail. The Commission or the Chairperson has discretion to modify these rules or the procedures under these rules to the extent necessary to accommodate the needs of a particular situation. The adoption of these rules shall not be deemed to confer any specific substantive or procedural rights upon any person participating at a Planning Commission hearing or meeting.

12. **Adjournment.** The Planning Commission may elect to adjourn a meeting without hearing all matters on the agenda if the meeting continues past 9:00 p.m. Matters not heard will be rescheduled on the next available agenda. The Commission may also adjourn at any time if disruptive conduct at a meeting prevents orderly action.

13. **Expulsion.** By majority vote the Planning Commission may elect to expel any person from a meeting where that person is engaged in disorderly, abusive, or criminal conduct during the meeting.

14. **Recusal.** Planning Commission members are subject to the provisions of the Municipal Officers and Employees Ethics Act, U.C.A. § 10-3-1301 et seq., as well as Moab Municipal Code

§ 2.28.130. Additionally, Planning Commission members must not engage in conduct which would have the effect of impairing the fundamental fairness of any matter which comes before the Commission for decision. If any Planning Commission member has a conflict of interest, due to: a) a personal ownership interest, or a family member connection to a matter which is subject to decision; or b) any other interest or action which would impair the impartiality of the person; then the Planning Commission Member shall announce the conflict at the meeting and withdraw from all discussion or voting on the matter.

The foregoing is approved and adopted by action of the Moab City Council, as set forth below. This resolution shall take effect immediately.

\_\_\_\_\_  
Mayor David L. Sakrison

\_\_\_\_\_  
Date

Attest:

\_\_\_\_\_  
Rachel Stenta, Recorder

\_\_\_\_\_  
Date

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