

ZONING ORDINANCES
ADOPTED
FOR ELMO TOWN

20 JANUARY 1975

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ORDINANCE NO 01-20-76a
ZONING ORDINANCE

An Ordinance establishing zones within Elmo City, Utah; regulating and restricting within said zones the use, location, height, and size of buildings, and structures, the use of land, the size of lots, yards and other open spaces; providing methods of administration and enforcement; providing penalties for the violation thereof; repealing all other ordinances and parts of ordinances in conflict herewith; and declaring an emergency.

BE IT ORDAINES BY THE CITY COUNCIL OF ELMO CITY, UTAH:

02.100 TITLE, INTENT AND PURPOSE

This ordinance shall be known as, and shall be entitled THE ZONING ORDINANCE OF ELMO CITY, UTAH, and may be so cited and pleaded. It is the intent and purpose of the City Council of Elmo City, Utah, to promote the health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of the city by guiding development within said city in accordance with the comprehensive plan which plan has been designed.

- 1) To encourage and facilitate orderly growth and development in the area.
- 2) To promote safety from fire, floods, traffic hazards, and other dangers.
- 3) To promote sanitation and health of the inhabitants.
- 4) To discourage undue scattering of population and unnecessary expenditure of the monies for excessive streets, water and sewer lines, and other public requirements.
- 5) To stabilize and improve property values.
- 6) To protect the residents from objectionable noise, order dust, fumes, and other deleterious substances or conditions.

- 7) To promote a more attractive and wholesome environment. It is also the intent and purpose of the city council, of said
- 8) city, that the regulations and restrictions as set forth in this
- 9) ordinance shall be so interpreted and construed as to further the purpose of this Ordinance.

02.200 DECLARATION

In establishing the zones, the boundaries thereof, and regulations and restrictions applying within each of the zones, due and careful consideration was given, among other things, to the suitability of the land for particular uses, and to the character of the zone, with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

02.300 INTERPRETATIONS

In interpreting and applying this Ordinance, the provisions thereof shall be held to the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare. Except as specifically herein provided, it is not intended by the adoptions of this Ordinance to repeal, abrogate, annul, or in any way to impart or interfere with any existing provisions of law or ordinance, or any rules, regulations, or permits previously adopted or issued or which shall be adopted or issued pursuant to law relating to the erections, construction, establishment, moving, alteration or enlargement of a building or improvements, nor is it intended by this Ordinance to interfere with or abrogate or annul any easement, covenant, or other agreement between parties, provided however, that in cases in which this Ordinance imposes a greater restriction than is imposed required by other existing provisions of law or ordinances, then in such case the provision of this Ordinance shall control.

02.400 DEFINITIONS

02.0401 Intent

It is the intent of the city council to define certain words and phrases as a means of facilitating understanding of terms which may not be universally understood in the sense that the town board intends that they should be understood.

02.0402 Agriculture

Agriculture shall mean the growing of soil crops in the customary manner in the open. It shall not include livestock raising activities, nor shall it include retailing of products on the premises.

02.0403 Apartment House (Multiple Dwelling)

Any building or portion thereof which is designed, built, rented, or leased, let or hired to be occupied or which is occupied as the home or residence of three (3) or more families living independently of each other and doing their own cooking within the premises.

02.0404 Boarding House – Lodging House

A building containing not more than one kitchen, where for compensations, meals are provided to previous arrangements on a daily, weekly, or monthly basis as distinguished from a motel, café, or rooming house.

02.0405 Building

Any structure built for the support, shelter, or enclosure of person, animals, chattels, or property of any kind.

A. Building, accessory

A subordinate building, the use of which is incidental to that of the main building.

B. Building, main

One or more of the principle buildings upon a lot.

C. Building, line

A line designating the minimum distance which buildings must be set back from a street or lot line.

02.0406 Carport

A structure not completely enclosed by walls for the shelter of automobiles.

02.0407 Clinic

A building used for the diagnosis and treatment of ill, infirm, and injured persons, but which building does not provide board, room or regular hospital care and services.

02.0408 Club

A building used, occupied, and operated by an organized association of persons for social, fraternal, religious, or patriotic purpose, whose activities are confined to the members and their guests, but shall not include any organization, group or associations the principle activity of which is to render a service usually and ordinarily carried on as a business.

02.0409 Common Area

An area designed to serve two or more dwelling units or separate uses with convenient access to the area.

02.0410 Comprehensive Plan

A coordinated plan, which has been prepared and adopted for the purposes of guiding development, including, but no limited to, a plan or plans of land use, circulation, housing and public facilities and grounds.

02.0411 Conditional Use

Generally, a use which required approval of the planning commission, board of adjustment, or city council before the zoning administrator may issue a permit therefore. Uses which require individual consideration of surrounding conditions and circumstances to carry out the intent and purpose of the land use plan. A use for which a conditional use permit is required by this Ordinance.

02.0412 Convalescent Home

See “Rest Home”

02.0413 Curb Cut

A cut in the curb line for the passage of vehicles.

02.0414 Density

Density of population measured by the number of dwelling units per acre of land.

02.0415 Drive-in-retail

Any form of merchandising, serving, or dispensing of goods in which the customer is served while in his automobile.

02.0416

Dwelling

A. Dwelling Units

One of more rooms in a building designed for living purposes, having one kitchen or set of cooking facilities, and an independent water closet and bathing facilities.

B. Dwelling, One Family

A building containing one (1) dwelling unit which is designed for or occupied by one (1) family.

C. Dwelling – Two Family

A building containing two (2) separate dwelling unit, each of which is designed for or occupied by one (1) family.

D. Dwelling, Multi Family

A building containing three (3) or more separate dwelling units each of which is designed for an occupied by one (1) family.

E. Dwelling, Caretaker's

A dwelling which is occupied by a person whose function is to watch or take care of a business or industry which is located on the same premises as the dwelling.

F. Dwelling, Bachelors

A dwelling unit which is occupied by four (4) or more non-related adults.

02.0417 Family

An individual or two or more persons related by blood, married or adoption, living together in a single dwelling unit and maintaining a common household. A family may include two, but not more than two non-related persons living as guests with the residing family. The term family shall not be construed to mean a group of unrelated individuals, a fraternity, club or institutional group.

02.0418 Fence, Sight-Obscuring

A fence having a height of at least six (6) feet above grade which permits vision through not more than two percent of each square foot more than eight (8) inches above ground.

02.0419 Floor Area

The floor area of a building is the sum of the areas of several floors of the building, including basement, mezzanines, and penthouses, of headroom height, measured from the exterior walls or from the center line of walls separating buildings. The floor area does not include unoccupied features such as pipe trenches, exterior terrace, or steps, chimneys, roof overhangs, etc.

02.0420 Fractional Numbers or Measurements

In determining the requirement of this Ordinance, whenever a fraction of a number or a unit is one-half or more, and whenever a fraction of a number or a unit resulting from a computation is one-half more, said fraction shall be considered as a whole number or a unit, where the fraction is less than $\frac{1}{2}$, said fraction shall not be included in determining requirements.

02.0421 Garage, Private

A building or part thereof designed for the parking or temporary storage of automobiles of the occupants of the premises.

02.0422 Grade

A. For buildings fronting one street only – the elevation of the sidewalk or center line of a street, whichever is higher, at right angles to the mid-point of the fronting wall.

- B. For building, fronting more than one street – the average of the elevations of the sidewalk or center line of street, at right angles to the mid-point of the fronting walls.
- C. For buildings having no wall fronting the street – the average level of the sidewalk or center line of surrounding streets, whichever is higher.

02.0423 Height of Building

The vertical distance from the grade to top of the building walls. Where the building walls vary in height along a side, the height of the buildings shall be determined by multiplying the length of each sections of said wall by its heights and dividing the sum derived there from by the total length of said wall.

02.0424 Home Occupation

Any occupations conducted within a dwelling and carried on by persons residing in the dwelling.

02.0425 Junk Yard

A place where scrap, waste, discarded, or salvaged materials are bought, sold, exchanges, baled, packed, disassembled, or handled or stored, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment, but not including such places where such uses are conducted entirely within a completely enclosed building or where salvaged materials are kept incidental to manufacturing operations conducted on the premises.

02.0426 Kennel

Land or building used in the keeping of four or more dogs over four months old.

- 02-0427 Landscaping
- Landscaping shall mean some combination of planted trees, shrubs, vines, ground clover, flowers, or lawns. In addition, the combination or design may include rocks and such structural features as fountains, pools, art works, screens, walls, fences or benches, but such objects alone shall not meet the requirements of this Ordinance. The selected combination of objects for landscaping purposes shall be arranged in a harmonious manner as determined by the zoning administrator.
- 02.0428 Land Use Plan
- A plan adopted and maintained by the city council which shows how the land should be used – an element of the master plan.
- 02.0429 Livestock Corral
- A place or pen where livestock are kept on a seasonal basis as part of an agricultural enterprise or operation as distinguished for a livestock feed yard.
- 02.0430 Living Open Space
- Living open space is that portion of the yards on a zoning lot which is not used by automotive vehicles, but reserved for outdoor living space, recreational space, and landscaping.
- 02.0431 Lodging House
- See “Boarding House”.
- 02.0432 Lot
- A single parcel or tract of land.
- A. Lot, corner
- A lot situated at a junction of two public streets or situated on a curved street or way the radius of which is thirty-five (35) feet or less and where the angle formed by the intersection of the tangent is one hundred five (105) degrees or less.

B. Lot, interior

A lot other than a corner lot.

C. Lot of Record

A lot designed on a subdivision plat or deed, duly recorded pursuant to the statute in the county recorder's office. A lot of record may or may not coincide with a zoning lot.

D. Lot, zoning

A parcel of land, composed of one or more recorded lots, occupied or to be occupied by a principal building or buildings or principal use or uses along with permitted accessory buildings or uses, meeting all the requirements for area, buildable area, frontage, width, yards, setbacks, and any other requirements set forth in this Ordinance.

02.0433 Manufactured Home

A dwelling unit which meets the building code for permanent structures designed to be transported after fabrication and which is ready for occupancy as an independent unit except for connection to utilities and location on a foundation.

02.0434 Mobile Home

Shall mean a dwelling unit designed to be transported, after fabrication, on its own wheels or on detachable wheels and which is ready of occupancy as an independent dwelling unit except for connection to utilities and/or location on a foundation. The term "mobile home" shall not include conventional houses which are manufactured elsewhere and moved into an area for use as permanent housing.

02.0435 Mobile Home Park

An area or tract of land used to accommodate two or more mobile homes.

02.0436 Non-Conforming Building

A building, structure, or portion thereof, which does not conform to the regulations of this Ordinance applicable to the zone or district in which such building is situated but which was in existence on the effective date of this Ordinance.

02.0437 Non-Conforming Use

A use of premises which does not conform to the regulations of this Ordinance, but which was in existence on the effective date of this Ordinance.

02.0438 Nursery, Day Care

A home or building in which children are tended or kept for compensation. Does not include overnight accommodations for such children as does a foster home or an orphanage.

02.0439 Parking Space

Space within a building or parking area, exclusive of driveways, ramps, columns, office and working area, for the parking of a motor vehicle, not less than twenty (20) feet in length and not less than eight and five-tenths (8.5) feet in width.

02.0440 Rest Home – Nursing Home – Convalescent Home

A building for the care and keeping of elderly or infirm people affected with infirmities or chronic illness.

02.0441 Salvage Yard

See “Junk Yard”.

02.0442 Setback

The shortest distance between the property line and the foundation wall, or main frame of the building.

02.0443 Sign

Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public but not including a flag pole.

A. Sign, Accessory

A sign which directs attention to a business or profession conducted on the premises.

B. Sign, Area of

The area of a sign shall be considered to include all lettering, wording and accompanying designs or symbols together with any background material whether painted or applies. Where a sign consists of individual letters attach to or painted on a building or wall or window the area of the sign shall be considered to be that of the smallest rectangle which encompasses all the letter of symbols.

C. Sign, Non-Accessory – Billboard

A sign which directs attention to a business, commodity, service, or entertainment, conducted, sold or offered elsewhere than on the premises, and only incidentally on the premises, if at all.

02.0444 Special Exception – Conditional Use

A use which is not specifically permitted in a zone, such as an industrial use in a residential zone, but which is permitted as a special exception to the ordinance subject to compliance with conditions prescribed by the Board of Adjustment.

02.0445 Street - Major

One of the principal thoroughfares, as shown or designated on the Master Street Plan.

02.0446 Street - Minor

Any dedicated street serving as the principal means of access to property, which street is not shown in the Master Street Plan, as a principal thoroughfare.

02.0447 Recreational Vehicle

A vehicle with or without self power or maintained primarily as a temporary dwelling for travel, vacation, or recreation purposes and having a width of eight (8) feet or less. This includes, but is not limited to, a travel trailer, truck camper, camping trailer, and motor home.

02.0448 Recreational Vehicle Court

An area or tract of land used to accommodate two or more recreational vehicles.

02.0449 Variance

A waiver of specific regulations of this Ordinance granted by the Board of Adjustments in accordance with the provisions set forth in this Ordinance for the purpose of assuring that no property of special circumstances applicable to it shall be deprived of privileges commonly enjoyed by other properties in the same zone.

02.0450 Yard

An open space on the same lot with a building unoccupied or unobstructed from the ground upward, except as otherwise provided in this Ordinance.

A. Yard – Front

The minimum horizontal distance between the street line and the front line of the building or any projection thereof, excluding non-enclosed steps. On a corner lot, the front yard may be applied to either street.

B. Yard – Rear

An open, unoccupied space on the same lot as a building, measured from the rear line of the building (exclusive of steps) and the rear lot line, and extending from the entire width of the lot. In case of the corner lot where the building façade faces on the side street, the rear yard may be established from the side of the house to the side property line.

C. Yard , Required

The open space around buildings which is required by the term of this Ordinance.

D. Yard, Side

A yard between the building and the side line of the lot and extending from the front yard to the rear yard.

02.0500 SUPPLEMENTARY REQUIREMENTS AND PROCEDURES APPLICABLE WITHIN ZONES.

02.0501 Intent

The intent of this section is to accumulate under one heading, regulations which apply to two or more zones, rather than to repeat them several times.

02.0502 Yard Space For One Building Only

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

02.0503 Every Dwelling To be On A Zoning Lot

Only one building which contains a dwelling shall be located and maintained on a zoning lot as defined in this Ordinance, except for dwellings within a mobile home park, or other large-scale development.

02.0504 Sales Or Lease of Required Space Prohibited

No space needed to meet the width, yard, area, coverage, parking, or other requirements of this Ordinance for a lot or building may be sold or leased apart from such lot or building unless other space so complying is provided.

02.0505 Yards To Be Unobstructed – Exceptions

Every part of a required yard shall be open to the sky and unobstructed except for permitted accessory buildings and except for ordinary and customary projection of sills, belt courses, cornices, and other ornamental porches, and carports, which may project up to three feet into a required yard. No projection into a required court which is provided in connection with a court apartment shall be constructed except for customary sills, belt courses, and cornices which may extend into a court not more than sixteen inches.

02.0506 Accessory Buildings Prohibited As Living Quarters

Living and sleeping quarters in any building other than the main residential building is prohibited.

02.0507 Storage Of Commercial Vehicles In Residential Zones Prohibited

The storage and/or continuous parking of trucks having a rated capacity of one and one-half (1 ½) tons or greater, and construction equipment such as bulldozers, graders, compressors, etc., shall not be permitted in any residential zones, provided that construction equipment may be stored on a lot during construction of a building thereon, but not to exceed one year.

02.0508 Storage Of Junk and Debris in Residential Zones Prohibited

No yard or other open spaces surrounding an existing building in any agricultural or residential zones, or which is hereafter provided around any building in any agricultural or residential zone, shall be used for the storage of junk, debris, or obsolete vehicles; and no land shall be used for such purposes, except as specifically permitted herein.

02.0509 Additional Height Allowed For Public Buildings

Public buildings and churches may be erected to any height provided the building is set back from required building setback lines a distance of at least one (1) foot for each additional foot of building height above the maximum height otherwise permitted in the zone in which the building is located.

02.0510 Minimum Height of Dwellings And Fences

No dwelling shall be erected which has a ceiling height of less than 7'6" or one story above grade, whichever is greater. No fence or wall shall be constructed higher than four feet above the ground in any required front or side yard that fronts on a street.

02.0511 Location of Barns

No barns, corral, or coop shall be constructed closer than 100 feet from any existing dwelling.

02.0512 Drainage

Surface water from roof tops, lots or irrigation ditches shall not be allowed to drain onto adjacent lots or streets.

02.0513 Clear View of Intersecting Streets

In all zones which require a front yard, no obstruction which will obscure the view of automobile drivers shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points of forty-five (45) feet from the intersection of the street lines.

02.0514 Effect of Street Plan

Wherever a front or side yard is required for a building, which building abuts on a proposed street which has not been constructed, but which has been designated by the planning commission as a future street, the depth of such front or side yard shall be measured from the planned street lines.

02.0515 Exception to Front and Side Setback Requirements

The setback from the street for any dwelling located between two existing dwellings in any residential zone may be the same as the average for said two existing dwellings, provided the existing dwellings are on the same side of the street and are located within one hundred fifty (150) feet of each other.

02.0516 Concessions In Public Parks and Playgrounds

Concessions, including but not limited to, amusement devices, recreational buildings, and refreshment stands, shall be permitted on a public park or playground when approved by the city council.

02.0517 Sewage Disposal

Where domestic sewage disposal facilities are used which are not connected to a public sewer, approval of such facilities shall be obtained from the health department before a building permit shall be issued thereof.

02.0518 Location of Gasoline Pumps

Gasoline pump islands shall be set back not less than fifteen (15) feet from any street line to which the pump island is vertical and twelve (12) feet from any street line to which the pump island is parallel and not less than twelve (12) feet from any residential zone boundary line. If the pump island is set in an angle on the property, it shall be so located that automobiles stopped for service will not extend over the property line. In no case shall pumps be set closer than twelve (12) feet from any street line, nor closer than ten (10) feet from any side or rear property line. Lots from which gasoline is dispensed to customer at retail shall be no less than 75 by 100 feet in size. Canopies over pump islands may extend to within five feet to the property line.

02.0519 Off Street Parking and Loading

- A. Off street loading and unloading space shall be provided on the same Lot for every building used for manufacturing, storage, warehousing, goods display, department stores, grocery, hotel, hospital, mortuary, laundry, dry cleaning, or other use similarly involving the receipt or distribution by vehicles of materials or

merchandise. Such space, unless otherwise adequately provided, shall include a minimum ten (10) feet by twenty-five (25) feet loading space with a minimum fourteen (14) feet height clearance for every twenty thousand (20,000) square feet of floor space in the building or fraction thereof.

- B. Not less than two (2) off street parking spaces shall be provided on same lot for any one-family dwelling, plus one space for each additional dwelling unit. All off street parking spaces shall be graded and graveled.

02.0520 Motor Vehicle Access

Access to all lots and parcels of land having a frontage on a public street shall be controlled as follows:

1. Access shall be by not more than two driveways from any one street, Except as may be permitted by the Board of Adjustment, when it can be shown that additional driveways will promote traffic safety.
2. Driveways shall be not closer to each other than twenty (20) feet.
3. Each driveway shall be not more than thirty (30) feet in width in any commercial or industrial zone measured at right angle to the center line of the driveway. In residential zones, driveways shall be not more than twenty (20) feet in width except when approval from large-scale developments.
4. On corner lots, no driveways shall be closer than fifteen (15) feet to The point of intersection of the front property line with the side property line which abuts upon a street.
5. Where there is no existing curb and gutter or sidewalk, a curb or Fence may be required by the city.

02.0521 Landscaping Required

Front yards and side yards of all dwellings which front on public streets must be landscaped except that up to 25 percent of the front yard or side yard which faces on a public street may be devoted to driveways and off street parking.

02.0522 Signs

Advertising signs shall be regulated as follows:

A. Signs in Residential Zone

No advertising signs of any kind shall be allowed in any residential zone, except signs pertaining to the sale or lease of residential property, and except for name plates or signs indicating the existence of an office or a professional person and a home occupation.

B. Setbacks

All advertising signs shall be set back from public streets a distance at least equal to the distance that buildings are required to be set back within the zone in which said signs are located.

C. Screening Requirements

Except in those zones where non-accessory signs are permitted, all signs shall display thereon only information pertaining to products or services sold on the premises.

D. Permits Required

Regardless of cost, no sign shall be erected or placed within the city, without first making applications for, and obtaining a building permit therefore, except temporary window and political posters, temporary signs pertaining to the sale of adjacent property, and name plates or identification signs indicating the existence of an approved home occupation or professional office. In addition to the requirements of this Ordinance, all signs located within six hundred and sixty (660) feet of the right-of-way line of a federally designated highway shall be conformed to the standards and regulations for such signs established by the State of Utah. Any approval or permits required by said regulations shall be in addition to the building permit herein above required and construction or placement of a sign shall not be commenced until all approvals and permits have been obtained.

02.0523 Pollution Prevention

Any use which emits or discharges gases, fumes, dust, glare, noise, or other pollutants into the atmosphere in amounts which exceed the standards as prescribed by the Utah State Air Conservation Board or the Board of Health, and any use which emits or discharges liquids or solid materials onto the soil or water in amounts which results in pollutants entering ground water in amounts exceeding the standards prescribed by the Utah State Water Pollution Control Board or the Board of Health, shall be prohibited.

02.0524 Recreation Vehicles and Mobile Homes Prohibited - Exceptions

It shall be unlawful to place any recreational vehicle on any lot or parcel of land in the area covered by the zoning map and to use the same for human habitation, except when located in a recreational vehicle court.

It shall be unlawful to place a mobile home on any lot or parcel of land in an area covered by the zoning map and to use the same for human habitation except in compliance with one or more of the following conditions:

- A. When temporarily located on a lot on which a building is being constructed and connected to approved water and sewer facilities but not to exceed one (1) year.
- B. When placed on a licensed mobile home park.
- C. When placed on a zoning lot that complies with the regulations of the zone in which the mobile home is located provided:
 - 1. The mobile home and site comply with the use, width, location, height, size of building, and special provision requirements for structures within the zone;
 - 2. The mobile home is independently connected to an approved water supply and sewage disposal facility;
 - 3. The mobile home is constructed in accordance with the building code for mobile homes in effect within the city; .
Outside dimensions of a mobile home shall not be less than 24 feet by 24 feet. (Amended 6-5-2013)

4. The mobile home is placed upon a permanent masonry type ~~or concrete foundation~~ or skirted by a permanent masonry type ~~skirt~~; (Amended 6-5-2013)
5. That according to the records of the county recorder, the lot And mobile home are in single ownership;
6. The mobile home will be entered upon the tax roles of Emery County as real property as evidence by a letter or other proof from the County Assessor.
7. The mobile home will have both tongue and wheels removed.
8. Mobile Home shall not be older than 10 years from present date.
9. Mobile Homes can not be attached to any existing dwelling or mobile home. (amendment - 4-3-2015)

02.0525 Conditional Uses

The following uses shall be permitted only after approval as set forth herein:

A. Home Occupations

The Board of Adjustment may grant a permit for a home occupation subject to the following conditions:

1. Home occupations are permitted in the zone.
2. The home occupation is conducted entirely within a dwelling and is carried on in the dwelling only by members of the residing family.
3. The home occupation does not involve the use of any Accessory buildings or yard space for storage or activities outside of the dwelling.
4. No commercial vehicles are used except one delivery truck which does not exceed three-fourths ton rated capacity.

5. The home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the building from that of a dwelling.
6. Signs are limited to one non-flashing sign not larger in area than two-hundred twenty-six (226) square inches. If lighted, the light shall be diffused or shielded.

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7. Not more than the equivalent of twenty-five percent (25%) of the ground floor area of the dwelling is devoted to the home occupation.
8. The home occupation shall be registered with the license division or department.
9. Entrance to the house occupation from outside shall be the same entrance normally used by the residing family except when required otherwise by regulations of the State Health Department or other public agency.
10. In the opinion of the Board of Adjustment, the physical appearance, traffic, and other activities in connection with the home occupation is not contrary to the objectives and characteristics of the zone in which the home occupation is located and does not depreciate surrounding residential values.

B. Small Lots

Where a parcel of land at the time of the adoption of this Ordinance is at least one and eight-tenths times as wide and one eight-tenths times as large in area as required for a lot in the zone, the Board of Adjustment may permit the division of a parcel into two lots, provided:

1. Such division will not cause undue concentration of buildings.
2. The Characteristics of the zone in which the lot is located will be maintained.

3. In the opinion of the Board of Adjustment, values in the area will be safeguarded.

C. Utility Buildings and Structures Permitted

Water, sewer, and electric buildings and structures may be constructed in all residential zones subject to the approval of the Board of Adjustment. The Board of Adjustment may require

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conditions which are reasonably necessary to protect surrounding property values and residential amenities.

D. Dwelling Sites to Have Frontage on a Public Street

Except as otherwise provided for in this Ordinance, at least once side of each lot used as a dwelling site shall abut upon a street which has been designed or dedicated to the public for street purposes and the length of such abutting side measured at the setback line shall be at least as great as the width required for dwelling sites in the zone in which such building site is located.

E. Uses Prohibited in Zones Unless Expressly Permitted

Uses of land which are not expressly permitted within a zone are expressly prohibited therein, except, as may be permitted by action of the Board of Adjustment pursuant to express authority under the terms of this Ordinance. The Board of Adjustment shall not permit a use within a zone which is not expressly permitted by the terms of this Ordinance unless it can be shown that the use is similar to other uses permitted in the zone. Where the Board of Adjustment determines a use to be similar, such use shall thereafter be deemed to be a permitted use as if it were listed therein on the effective date of this Ordinance.

F. Moved Building

No permit for moving of a residential, commercial, or industrial building within the city, which has had prior use shall be issued as required under Section 02.1000, without first filing an application with the Zoning Administrator. Said application shall contain the following information:

(a) Location and address of the old and new site.

- (b) Plot plan of the new location, also showing adjacent lots on all sides of the property and indicating all structures and improvements on said lot.

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- (c) Plans and specifications for the proposed improvements at the new location, including plans for landscaping treatment when required by the Zoning Administrator.
- (d) Certification by the Zoning Administrator that the structure is sound enough to be moved and that the condition, location, and use of the building will comply with the Zoning Ordinance and all other applicable code and ordinances.

Before approving said application and authorizing the issuance of a permit, the Zoning Administrator must find:

- (a) That the building will have no appreciable detrimental effect on the living environment and property values in the area into which the structure is to be moved.
- (b) That the building is in conformity with the quality of building existing in the area into which it is proposed to be moved.
- (c) That said building and the lot on which the building is to be located will conform to the requirements of the Zoning Ordinance and other applicable codes, ordinances and regulations.
- (d) That its location on the lot does not in any substantial way adversely affect buildings or uses in abutting properties.

- (e) That all requirements, dedications, and improvements for streets and facilities and buildings shall be provided in conformity with the standards of the city.

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- (f) That adequate provisions has been made through the posting of a bond or other assurance that the building and grounds shall be brought up to the standard of a new building before it is occupied and that the vacated site shall be restored to a safe and sightly condition.

The requirements of this provision shall also apply to the moving of mobile homes, demountable homes, manufactured homes, and similar movable structures except when being moved from outside the city into a mobile home park.

G. Transitional Uses

Uses which are permitted on either portion of a lot which lot is divided by a zone boundary line or which is coterminous with a zone boundary line may be permitted to extend to the entire lot, but not more than one hundred (100) feet beyond the boundary line of such zone which such use is permitted. Before a permit for such a use may be granted, however, the Board of Adjustment must find that the comprehensive plan of zoning will be maintained and that a more harmonious mixing of uses will be achieved thereby.

H. Adjust or Reduce Off Street Parking Requirements

The Board of Adjustment may approve substitute parking locations and may reduce the amount of off street parking required where sufficient off street parking is readily available within the vicinity, and/or where acquisition of land for such use if unnecessary in order to carry out the spirit of this Ordinance.

02.0600 GENERAL PROVISIONS

02.0601 Intent

The intent of this section is to accumulate provisions applying to all land and buildings within the incorporated area of the city into one section rather than to repeat them several times.

02.0602

Non-conforming Buildings and Uses

In view of the fact that no further development of change in use can be undertaken contrary to the provisions of this Ordinance, it is the intent of this Ordinance that non-conforming uses shall not be increased nor expanded except where a health or safety official, acting in his official capacity, requires such increases or expansion. Such expansions shall be no greater than that which is required to comply with the minimum requirements as set forth by the health or safety official. Nevertheless, a non-conforming buildings or structure or use of land may be continued to be the same extent and character as that which legally existed on the effective day of the applicable regulations. Repairs may also be made to a non-conforming building or to a building housing a non-conforming use.

A. Damage Building May Be Restored

A non-conforming building or structure or a building and Structure occupied by a non-conforming use which is damaged or destroyed by fire, flood, wind, earthquake, or other calamity or act of God or public enemy, may be restored , and the occupancy or use of such buildings, structure, or part thereof which legally existed at the time of such damage or destruction may be continued or resumed, provided that such restoration is started within a period of one year from the date of destruction and is diligently prosecuted to completion and provided that such restoration does not increase the floor space devoted to the non-conforming use over that which existed at the time the building became non-conforming.

B. Discontinuance or Abandonment

A non-conforming building or structure or portion thereof

or a lot occupied by a non-conforming use which is, or hereafter becomes, abandoned or is discontinued for a continuous period of one year or more shall not thereafter be occupied, except by a use which conforms to be the use regulations of the zone in which it is located.

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C. Change to a Conforming Use

A non-conforming use or building may be changed to a conforming use or building. Any non-conforming use or building which has been changed to a conforming use or building shall not thereafter be changed back to a non-conforming use.

D. Change to Another Non-conforming Use Prohibited

A non-conforming use of a building or lot shall not be changed to another non-conforming use whatsoever. Changes in use shall be made only to a conforming use.

E. Reclassification of Territory

The provision pertaining to non-conforming uses of land and buildings shall also apply to land and buildings which hereafter become non-conforming due to an amendment in the Zoning Ordinance.

F. Permits Granted Prior to Passage of this Ordinance or Amendment Thereto

Notwithstanding the issuance of a permit therefore, no building which becomes non-conforming upon the passage of this Ordinance or which becomes non-conforming due to an amendment to this Ordinance or which becomes non-conforming due to an amendment to this Ordinance shall be built unless construction has taken place thereon to the extent of at least \$500 in replaceable value by the date on which this Ordinance or said amendment becomes effective. Replaceable value shall be construed to mean the expenditure necessary to duplicate the materials and labor at market prices.

Notwithstanding any other provision of this Ordinance, a one-family dwelling may be permitted on any lot of record in any zone which dwellings are permitted, even though such lot fails to meet the area or width requirements for one-family dwelling within the zone, provided that where two or more contiguous lots of record have continuous frontage are owned by the same person at the time of the passage of the controlling ordinance, the land included in the lots shall be considered to be an

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undivided parcel and no portion of said does not meet the area and width requirements of the zone in which the lot is located. Yard dimensions and other requirements not involving area or width shall conform to the regulations of the zone in which the lot is located except when granted by a variance by the Board of Adjustment.

02.0604 Annexations

All land hereafter annexed to the city shall be classified in the R-1 Residential Zone until the Planning Commission shall submit its recommendations for the zoning of the land to the city council and until the city council shall hold a public hearing thereon as required for amendments to the Zoning Ordinance and map.

02.0605 Amendments to Ordinance and Map

This Zoning Ordinance, including the map, may be amended as hereinafter provided:

A. Intent With Respect to Amendments

It is hereby declared to be public policy that this ordinance shall not be changed except to correct manifest errors or to more fully carry out the intent and purpose of the Master Plan for the city and of this Ordinance.

B. Procedure

Any person seeking an amendment to this Zoning Ordinance or map shall submit to the Planning Commission a written petition designating the change desired and the reasons therefore and shall pay a filing fee of \$25.00 to the city. Upon receipt of the petition and the payment of the filing fee, the Planning Commission shall consider the request and shall certify its recommendations to the City.

Council with respect to the request within thirty (30) days from receipt of the request. Failure on the part of the Planning Commission to certify its recommendations to the City Council within thirty (30) days shall be deemed to constitute approval unless a longer period is granted by the City Council. The fee required herein shall not be returned to the applicant. The Planning Commission or City Council may also initiate amendments to this ordinance.

C. Public Hearing Required Before Amending – Notice

Amendments to this Ordinance may be adopted only after a public hearing in relations thereto before the City Council at which parties in interest and citizens shall have an opportunity to be heard. A notice of the time and place of such hearing shall be published in a newspaper of general circulation within the area at least fifteen (15) days before the date of hearing as required by law.

02.0604

Annexations

Anyone who shall make an annexation into the City must be responsible for and pay for the roads and other improvements on their property.

02.0700

ESTABLISHMENT OF ZONES

02.0701

Zones Established

In order to carry out the purposes of this Ordinance, Elmo, Utah, is hereby divided into zones as follows:

- A-1 AGRICULTURAL ZONE
- R-1 RESIDENTIAL ZONE
- C-1 COMMERCIAL ZONE
- I-1 INDUSTRIAL ZONE

02.0702

Official Zone Map

The location and boundaries of each of the ones are shown on the Official Zone Map of Elmo, Utah, and said Map is hereby declared to be an official record and a part of this Ordinance.

Whenever amendments of changes are made in zone boundaries, such amendment or changes shall be made on the Official Zone Map promptly. No amendments or changes shall become effective until after it has been properly noted and attested to on the Official Zone Map.

No changes of any nature shall be made in the Official Zone Map except in conformity with the procedures set

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forth in this Ordinance. Any unauthorized changes of whatever kind of any person or persons shall be considered a violation of this Ordinance and punishable as provided in this Ordinance.

Regardless of the existence of purported copies of the Official Zone Map which may from time to time be made or published, the Official Zone which shall be located in the office of the shall be the final authority in determining current zoning status.

02.0703 Boundaries of Zones

Where uncertainty exists with respect to the boundaries of various zones, the following rules shall apply.

- A. Where the intended boundaries on the zone map are approximately street or alley lines, said street or alleys shall be construed to be the zone boundaries.
- B. Where the indicated boundaries are approximately lot lines, said lot lines shall be construed to be the zone boundaries, unless otherwise indicated.
- C. Where land has not been subdivided into lots, the zone boundary shall be determined by the use of the scale of measurement shown on the map.
- D. Where other uncertainty exists, the Board of Adjustment shall interpret the map.

02.0800 REGULATIONS WITHIN ZONES

Within each of the zones, the use, location, height, and size of buildings, and structure, the use of land and size of lots, yards, courts, and other open spaces and the density of population are regulated as hereinafter set forth.

02.0810 A-1 AGRICULTURE ZONE

02.0811 Objectives and Characteristics of Zone

The A-1 Agricultural Zone has been established for the primary purpose of providing a location where the cultivation of crops and the raising and keeping of livestock and related uses can be carried on and where such uses can be protected and encouraged. While dwellings and certain other uses not related to agriculture are permitted, such development is not encouraged in the A-1 Agricultural Zone, because of the conflict which occurs between farm and non-farm uses. For this reason, owners or developers of land should bear in mind that primacy is given in this zone to agricultural and livestock raising and any development should be undertaken in recognition thereof.

The A-1 Agricultural Zone is characterized by large lots and tracts of land intermixed with dwellings.

In order to accomplish the objectives and purposes of this Ordinance and to stabilize and protect the essential characteristics of this zone, the following regulations shall apply in the A-1 Agriculture Zone.

02.0812 Use Requirements

The following buildings, structures, and uses of land shall be permitted in the A-1 Agricultural Zone upon compliance with requirements set forth in this Ordinance.

1. Agriculture, including but not limited to, the raising of row crops, grains, and fruits, and buildings incidental to the use of land for agricultural purposes.
2. The raising of animals and fowl in unlimited numbers.

3. Barns, corrals, pens, coops, and feed storage buildings, for the keeping of animals and fowl, and the storage of farm products provided such uses for the care and keeping of livestock and fowl are located at least one hundred (100) feet in distance from any existing dwelling.
4. One and two dwellings and buildings accessory thereto.
5. The office of a professional person when located in a dwelling in which the professional person resides.

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6. Home occupations and industries related to agriculture and livestock raising, such as livestock and feed yards, fur farms, plant nurseries, and animal hospital. Any byproduct rendering plants shall be prohibited in the A-1 Agricultural Zone.
7. Day-Care Nurseries which have been approved by the State Health Department and the State Welfare Department.
8. Rest homes.
9. Water reservoirs and water facilities, and oil and gas wells.
10. Kennels, riding academies, and beehives.
11. Fair grounds and golf courses.
12. Accessory advertising signs not exceeding 15 square feet in area provided such signs are maintained in good repair.
13. Fences, walls, and hedges.
14. Public utility buildings and facilities and airports.
15. Individual mobile homes which comply with the requirements set forth in Section 02.0524 of this Ordinance.
16. Temporary buildings and yards for the storage of construction materials and equipment incidental and necessary to construction of uses otherwise permitted in the zone. A permit, therefore, shall be valid for not more than one (1) year and shall not be renewable for more than two (2) successive periods at the same location.
17. Home occupations when approved by Board of Adjustment (See Section 02.0525-A of this Ordinance.)

18. School, churches.
19. Other uses ruled by the Board of Adjustment to be similar to uses specifically permitted in the zone and which will harmonize with the objectives and characteristics of the A-1 Agricultural Zone.

02.0813 Area Requirements

Each dwelling and individual mobile home shall be located on a lot containing at least 16,000 square feet of land, except that when connected to a public sewer a one-family dwelling may be located on a lot containing not less than 8,000 square feet and a two-family dwelling may be located on a lot containing not less than 9,000 square feet. Lots upon which animals or fowl, except customary household pets, are kept or upon which barns, pens, coops or corrals for the keeping of such animals or fowl are maintained shall contain 20,000 square feet. Rest homes, schools, churches shall be located upon a lot containing at least one (1) acre. Except as otherwise may be provided for other uses, there shall be no area requirements.

02.0814 Width Requirements

The minimum width of any building site for a dwelling shall be 115 feet measured at a distance of 30 feet back from the front lot line. For uses other than dwellings, there shall be no width requirements.

02.0815 Location Requirements

A. Front Setback

All buildings and structures shall be set back at least thirty (30) feet from the front lot line.

B. Side Setback

All dwellings and individual mobile homes shall be set back from the side property line a distance of at least eight (8) feet and the total distance of the two side setbacks shall be at least twenty (20) feet. The minimum side setback for accessory buildings shall be the same as for main buildings, except that no side setback shall be

required for accessory buildings which are located more than one hundred (100) feet from the front lot line and at least twelve (12) feet in the rear of any dwellings. On corner lots, the side setback from the street for any dwelling or other main building shall not be less than twenty (20) and not less than thirty (30) feet for an accessory building.

C. Rear Set Back

For interior lots, all dwellings and other main buildings shall be set back from the rear property line a distance of at least thirty (30) feet. Accessory buildings on interior lots shall be set back not less than eight (8) feet from the rear property line, except that no rear setback shall be required for accessory buildings having fire-resistive walls of two (2) hours or more. For corner lots, all dwellings and other main buildings shall be set from the rear property line a distance of at least thirty (30) feet, except that for dwellings having as attached garage or carport, the setback shall not be less than twenty (20) feet. Accessory buildings on corner lots shall be set back from the rear property line a distance of not less than eight (8) feet.

02.0816 Height Requirements

The maximum height of any building measured from grade to the square of the building shall be twenty (20) feet, and the minimum height of any dwelling shall be eight (8) feet. Where the ground or the square of the building is uneven in height, the average elevation shall apply. Chimneys, flag poles, television antennas, church towers, and similar structures not used for human occupancy are excluded in determining height.

02.0817 Size of Dwellings and Description

The ground floor area of any one-family dwelling shall be not less than 550 square feet and 600 square feet for each additional dwelling unit, provided that this requirement shall not apply to mobile homes situated within an approved mobile home park. **Outside dimensions of a mobile home shall not be less than 24 feet by 24 feet.** (Amended 6-5-2013)

02-0817-A Mobile Homes can not be attached to any existing dwelling or mobile home. Mobile Homes can not be older than 10 years from present. (Amendment 4-3-2015)

02.0818 Special Provisions

For the purpose of determining front, side, and rear setback requirements, any separate building separated building situated within 12 feet from a dwelling or other main building shall be considered as a part of the main building and not as an accessory building. No dwelling shall be located a distance of more than 200 feet from a public street.

02-0819 See also Supplementary Requirements and Procedures applicable within zones.

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02.0820 R-1 RESIDENTIAL ZONE: The entire City of Elmo shall be zoned as R-1 Residential with the exception of the northwest quarter of lot 3 block 5, Elmo Town site Survey. (David Tanner Property)

02.0821 Objectives and Characteristics of Zone

The R-1 Residential Zone covers the portion of this city which is primarily suited for residential development represented by a comingling of one-family, two-family and multiple-family dwellings, plus parks, playgrounds, schools, churches and other community facilities designed to serve the resident of the zone. The zone is characterized by spacious lots, uncrowded buildings, and quiet residential conditions favorable to the rearing of children. Owners and developers of property within this zone shall bear in mind that primary is given to residential development and maintain their properties in recognition thereof. In order to accomplish the objectives and purposes of the Ordinance and to stabilize and protect the essential characteristics of this zone, the following regulations shall apply in the R-1 Residential Zone.

02.0822 Use Requirements

The following buildings, structures, and uses of land shall be permitted in the R-1 Residential Zone upon compliance with requirements as set forth in this Ordinance.

1. One, two, and multiple-family dwellings and accessory buildings, including a private garage for the storage of vehicles owned by persons residing on the premises, green houses for private use only, private swimming pools, and arbors, also bachelor dwellings and boarding houses.
2. Individual mobile homes which comply with the requirements set forth in Section 02.0524 of this Ordinance; also mobile home parks when connected to a sewer subject to the requirements relating to said uses as set forth under Section 02.0900 of this Ordinance.

3. Home occupations when approved by the Board of Adjustments. (See Section 02.0525-A)
4. Public parks, public recreation grounds, not including privately owned amusement parks or recreation grounds.
5. Agriculture will mean a limited number of livestock. Such as not more than 4 large animals or not more than 4 feeder pigs, or not more than 12 sheep, also not more than 24 rabbits or not more than 24 chickens, or other similar number.
6. A signboard not exceeding eight (8) square feet in area, appertaining to the lease or sale of property, also nameplates in connection with dwellings or offices of professional persons not exceeding 226 square inches in area and construction and maintained in harmony with the residential character of the zone.

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7. Fences, walls, and hedges which do not exceed seven (7) feet in height, provided that no fence, wall or hedge shall exceed four (4) feet in height within the required front or side yard that fronts on the street.
8. Schools and churches.
9. Public utility buildings and facilities subject to the approval of the Board of Adjustments. (See Section 02.0525-0 of this Ordinance.)
10. Rest homes and day care nurseries.
11. Temporary buildings and yards for the storage of construction materials and equipment incidental and necessary to construction of uses otherwise permitted in the Zone. A permit, therefore, shall be valid for not more than one (1) year and shall not be renewable for more than two (2) successive periods at the same location.

02.0823 Area Requirements

An area of not less than thirteen thousand (13,000) square feet shall be designated and maintained for each one-family dwelling.

02.0824 Width Requirements

The minimum width of any dwelling site shall be one hundred and fifteen (115) feet measured at a distance of thirty (30) feet back from the front lot line.

02.0825 Location Requirements

Same as is required in the A-1 Agricultural Zone.

02.0826 Height Requirements

Same as is required in the A-1 Agricultural Zone.

02.0827 Size of Dwellings

Same as is required in the A-1 Agricultural Zone.

02.0828 Special Provisions

Same as is required in the A-1 Agricultural Zone.

02.0829 See Also Supplementary Requirements and Procedures applicable within zones.

02.0830 C-1 COMMERCIAL ZONE Northwest quarter of lot 3, Block 5.

02.0831 Objectives and Characteristics of Zone

The C-1 Commercial Zone has been established for the primary purpose of providing a location where retail, commercial, and service facilities can be provided to residents and to the traveling public in the area. The zone is characterized by a mixture of dwellings and commercial uses; however, an assurance that the goods and devices will be made available without undue detrimental effects upon the surrounding dwellings, certain requirements have been imposed upon the use of land and buildings within the zone.

In order to accomplish the objectives and purposes of this Ordinance and to stabilize and protect essential characteristics of this zone, the following regulations shall apply in the C-1 Commercial Zone.

02.0832 Use Requirements

The following buildings, structures, and uses of land shall be permitted in the C-1 Commercial Zone upon compliance with requirements as set forth in this Ordinance.

1. Agriculture.
2. Buildings, structures, and uses permitted in the R-1 Residential Zone subject to the same requirements and conditions of uses applying in the R-1 Residential Zone.

3. Motels.
4. Recreational vehicle courts subject to the requirement relating to said uses as set forth under Section 02.0900 of this Ordinance.
5. All retail establishments.
6. All service enterprises such as barber shops, garages, plumbing shops, carpenter shops, and similar service enterprises and buildings and structures related thereto, provided all merchandise, materials and equipment except automobiles, trucks, and other vehicles in running order and except automobiles, trucks, and other vehicles in running order and except for seasonal items such as Christmas trees shall be stored within an enclosed building or within an enclosure surrounded by a sight-obscuring mental fence or masonry wall at least six (6) feet in height.
7. Accessory signs and bulletins boards.

02.0833 Area, Width, Location, Height, and Size Requirements

Area, width, location, height, and size requirements for dwellings shall be the same as required in the R-1 Residential Zone.

All buildings shall be set back from any public street distance of no less than thirty (30) feet or not less than sixty-five (65) feet from the center line of any public street whichever is the greater. Gasoline dispensing pumps shall be set back at least fifteen (15) feet from all property lines abutting upon streets or alleys.

02.0834 Special Provisions

All off street parking space shall be hard surface and all tanks for the storage of gasoline and other flammable liquids shall be installed in accordance with the regulations and requirements as contained in the fire prevention code adopted in the city.

02.0835 See also Supplementary Requirements and Procedures applicable within zones.

02.0840 I-1 INDUSTRIAL ZONE

02.0841 Objectives and Characteristics of Zone

The I-1 Industrial Zone has been established for the primary purpose of providing a location where manufacturing, processing, warehousing, fabrication of goods and material can be carried on most appropriately and with minimum conflict or deleterious

effects upon surrounding properties. This zone is characterized by a mixture of industrial, manufacturing, and processing establishments with intermittent open land that is served by street, power, water and other utilities and facilities, or where such facilities can be readily provided. In order to accomplish the objectives and purposes of this Ordinance and to stabilize and protect the essential characteristics of this zone, the following regulations shall apply in the I-1 Industrial Zone.

02.0842 Use Requirements

The following buildings, structures, and uses of land shall be permitted in the I-1 Industrial Zone upon compliance with requirements as set forth in this Ordinance.

- A. Agriculture.
 - B. Livestock in unlimited numbers.
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- C. Barns, corrals, pens, coops, machinery sheds, and other buildings and structures related to agriculture related to agriculture and the raising of livestock.
 - D. Manufacturing, compounding, processing, packaging, fabrication of goods and materials, except the processing or animal byproducts and livestock feeding establishments of over one hundred (100) head.
 - E. Asphalt mixing plants, coal yards, contractors' equipment storage, concrete mixing plants, gas and oil storage facilities, public buildings, and public utility facilities and buildings, shops, craft, tire recapping establishments, oil and gas wells.
 - F. Automobiles wrecking and salvage yards, when surrounded by a sight obscuring mental fence constructed to a height of at least eight (8) feet so that the material stored in the enclosure cannot be observed from any street adjacent to the yard.
 - G. Other uses ruled by the Board of Adjustment to be similar to uses specifically permitted in the zone and which will harmonize with the objectives and characteristics of the I-1 Industrial Zone.

02.0843 Area Requirements

There shall be no area requirements except that an area sufficient to accommodate setbacks, off street parking, loading, and unloading, and vehicular access shall be provided and maintained.

02.0844 Width Requirements

No Requirements.

02.0845 Location Requirements

All buildings shall be set back at least sixty-five (65) feet from the center of any public road or thirty (30) feet from the right-of-way line, whichever is the greater distance, except that all buildings situated adjacent to a state or federally designed highway except non-access highways, shall be set back at least fifty (5) feet from the right-of-way line.

02.0846 Height and Size Requirements

No Requirements.

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02.0847 Special Provisions

All buildings used for human occupancy having walls made of combustible material shall be located at least twenty (20) feet apart.

02.0848 See also Supplementary Requirements and Procedures applicable within zones.

02.0900 LARGE SCALE DEVELOPMENT

02.0901 Intent

The intent of this title is to (1) provide for the construction of certain large scale development which will permit increased flexibility in land development and efficiency in the use of our land resources and (2) establish minimum standards and procedures for the construction and maintenance of such developments to the end that the quality of the living environment will be maintained.

The following scale developments shall be permitted upon compliance with the regulations set forth herein but only in the zones in which such large scale developments are permitted.

- A. Mobile home parks.
- B. Recreational vehicle courts.

02.0902 Mobile Home Parks

Mobile home parks shall be permitted only the zones in which mobile home parks are specifically permitted. All such uses shall be subject to the restrictions and conditions contained within the zone requirements and also as hereinafter set forth.

02.0903 Approval of Plans and Documents Necessary

Any person wishing to construct a mobile home park shall be obtained, from the Planning and Zone Administrator, information pertaining to the city's plan of land use, streets, public facilities and other requirements affecting the land within the development. Before a permit can be issued for any construction connected with a mobile home park, the preliminary plans, required documents pertaining to the development, and the final plan shall have been approved as hereinafter set forth.

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02.0904 Preliminary Plans and Documents

The preliminary plan and documents shall be prepared and submitted as follows:

A. Plan Requirements

Three (3) copies of the preliminary plan must be submitted to the Planning and Zoning Administrator at least two (2) weeks prior to the meeting of the Planning and Zoning Commission at which the plan will be considered. The preliminary plan shall be drawn to a scale not smaller than one inch equals one hundred feet or as recommended by the Planning and Zoning Administrator and shall show the following information:

1. The topography represented by contours shown at no greater intervals than two (2) feet when required by the Planning Commission.
2. The proposed street mobile home space layout.
3. Proposed reservations for parks, playgrounds, and open spaces.
4. Size and character of recreation buildings and other structures associated with land and facilities to be used by the mobile home park occupants.
5. Layout of typical mobile home spaces.
6. Tabulation showing:

- (a) area of land within the mobile home park
 - (b) number of mobile homes permitted
 - © number of mobile homes provided for the mobile home park
 - (d) percent of area to be devoted to parks and playgrounds
 - (e) number of off street parking spaces
7. Proposed location of off street parking spaces.
 8. Proposed landscape planning plan, including type and location of plant materials

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9. Location of existing and proposed utility lines and easements, water and sewer lines, fire hydrants, storm drains and facilities, curbs, and other improvements.
10. Draft of proposed documents including:
 - (a) management policies, covenants, and restrictions
 - (b) maintenance agreements
11. Typical street cross-sections.
12. Any other data that the Planning Commission may require.

B. Standards and Requirements

The development of a mobile home park shall conform to the following standards and requirements.

1. The area shall be in one ownership and shall remain in one ownership and the same shall not be subdivided.
2. The final plan must be prepared by an engineer, architect, or landscape architect licensed to practice in the State of Utah.

3. The minimum initial site size for the mobile home park shall be two (2) acres.

4. The mobile homes may be clustered and individual mobile home sites sizes may be reduced below that required for single family dwellings within the zone in which the development is located provided that the gross density of mobile home units within the development does not exceed eight (8) units per acre and that all lots or spaces are served by an approved central culinary water and sewage disposal system. Each lot or space must be served by individual culinary water, secondary water and sewage connection. Each water connection requiring 4 shares of Huntington-Cleveland Water and 10 shares for secondary connection.
Amended - Each water connection requiring 3 for culinary and 3 for secondary. Connection fees: Culinary Water - 3/4" line - \$1400; 1.5" - \$1550; 2"- \$28600
Secondary - 1.5 - \$1500; 2" - \$1700
Sewer - \$1050
Total - 3/4" line - \$3950
1.5" line - \$4100
2" line - \$5350

5. The land area not contained in individual lots, roads, or parking shall be set aside and developed as parks, playgrounds and serve areas for the common use and enjoyment of the occupants of the mobile home park.

6. No less than ten percent of the gross area of the mobile home park shall be set aside for common use. The land covered by vehicular roadways, sidewalks, off street parking and landscaped areas surrounding mobile home spaces which are pertinent to each mobile home and area devoted to service facilities shall not be construed as being part of the area required for parks and playgrounds.

7. No mobile home or add-on shall be located closer than fifteen feet from the nearest portion of any other mobile home or add-on provided that when a carport side shall be at least six (6) feet from the side lot line, or not less than twelve (12) feet between structures, whichever is greater. All mobile homes and add-ons shall be set back at least five (5) feet from all roadways.

8. All area not covered by mobile homes, buildings, parking space or driveways shall be planted in lawn, trees, and shrubs or otherwise landscaped within two years from date of final approval of the park.
9. All construction and required surfacing shall be applied to all off street parking space and driveways prior to occupancy of the park.
10. A strip of land at least eight (8) feet wide surrounding the mobile home park shall be left unoccupied by mobile homes and shall be planted and maintained in lawn, shrubs, and trees designed to afford privacy to the development.
11. All storage and solid waste receptacles outside of the confines of a mobile home must be housed in a closed structure compatible in design and construction to the mobile homes and to any service buildings, within the mobile home and to any service buildings within the mobile home park; all patios, garage, carports, and other add-ons must also be compatible to design and construction with the mobile home and with the service buildings, as approved by the Planning Commission.
12. Occupancy shall be by written lease which lease shall be made available to the officials of the city upon demand.
13. Roadways shall be of adequate width to accommodate anticipated traffic as follows:

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- a. For one-way with no parking twelve (12) feet in width, plus extra width as necessary for maneuvering mobile homes.
 - b. For two-way with no parking: twenty-four (24) feet in width.
 - c. For entrance streets: minimum of thirty-six (36) feet in width. All streets shall be constructed so as to provide adequate drainage of surface water and shall be graded and graveled to produce an all weather roadway.
14. There shall be no more than two (2) entrances from the mobile home park into any one street, which entrances shall be no closer than twenty-five (25) feet from each other, no closer than seventy (70) feet to the corner of an intersection.

15. Access shall be provided to each mobile home stand by means of an access way reserved for maneuvering mobile homes into position and shall be kept free from trees and other immovable obstructions.

Use of planks, steel mats, or other means during placement of a mobile home shall be allowed so long as the same are moved immediately after placement of the mobile home.

16. Off-street parking shall be provided at the rate of two (2) parking spaces per mobile home space contained within the mobile home park. In no case shall the parking space be located greater than one hundred feet away from the mobile home space it is designed to serve, except that one-fourth (1/4) of the required parking spaces may be located not more than three-hundred (300) feet away from the mobile home spaces it is designated to serve.
17. In addition to meeting the above requirements and conforming to the other laws of the City all mobile home parks shall also conform to requirements set forth in the CODE OF CAMP – TRAILER COURT, HOTEL, MOTEL, AND RESORT SANITATION REGULATIONS adopted by the Utah State Board of Health, and the city's FIRE PREVENTION CODE, which codes are hereby adopted by reference, three (3) copies of which are filed with the office of the clerk for use of the public and all restrictions,

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regulations, and notations contained therein shall be made a part of this Ordinance as fully set forth herein. In the event of any conflict between said regulations or codes and this chapter, this chapter shall take precedence.

18. Mobile home parks containing not less than twenty-five (25) mobile homes may include a launderette for convenience of the occupants of the park but not for the general public.
19. All mobile homes shall be located at least thirty (30) feet back from public street and the resulting yards must be landscaped except for driveways.

An area of at least 100 square feet for each mobile home space contained

within the park shall be provided for the storage of boats, trailers, and campers. Said storage space shall be enclosed with a sign-obscuring fence of not less than six (6) feet nor more than eight (8) feet in height.

3. Documents

Documents shall also be submitted with the preliminary plan, consisting of:

1. A declaration of management policies, covenants, and restrictions setting forth the responsibilities and duties of the renters or occupants within the mobile home park.
2. Agreement between the developers and the city stating among other things:
 - a. that in the event of failure or neglect on the part of the owners, successors, or assigns to maintain the common area, landscaping and other improvements in good condition, the city may perform the necessary work and for the purpose may enter in upon the land and do said work and charge the cost thereof, including reasonable attorney's fees, against the owners or their successors or assigns.
 - b. that the developer will construct the project in accordance with approved plans.
 - c. that the contract shall be binding upon heirs, assigns, receivers, successors of the project for the life of the buildings or the project.
 - d. any other conditions that the Planning Commission deems to be reasonable necessary to carry out the intent of this Ordinance.

02.0905 Review and Approvals

The Planning Commission shall review the plan and proposed documents to determine compliance with all portions of the city's master plan. In considering said plan, the Planning Commission, among other things, shall make sure that such developments shall constitute a residential environment of sustained desirability and stability and that it will not adversely affect amenities in the surrounding areas. The Planning Commission may require changes to be made in the plan. They may also require additional yards or buffers or other improvements to be installed along with greater amounts of landscaping or parking spaces. Said changes may be imposed as conditions of approval where it is determined by the Planning Commission that such changes are necessary to insure that the development will mix harmoniously with adjoining or nearby uses.

As application for approval of a mobile home park shall be granted or denied only after a public hearing shall be given at least five (5) days prior to said hearing. If approved by the Planning Commission, the application, with the Planning Commissions' recommendations shall be submitted to the city council. Said appeal must be made, in writing, within ten (10) days after the denial is made by the Planning Commission. Approval of the preliminary plan shall be valid for a period of (1) year.

02.0906 Final Site Plan

Upon approval of the preliminary plan by the city council, the developer shall submit to the Planning Commission, a final site plan of either the entire mobile home park or the first stage of such development that is to be constructed. Such plan shall be drawn to scale and provided, in detail, the information required under _____ of this Ordinance.

Copies of the final approved document shall also be recorded in the office of the county recorder. No building permit shall be issued for said mobile home park until final plans have been approved by the Planning Commission and the required documents recorded in the office of the county recorder and also until the bond required under 02.0908 of this Ordinance has been properly posted.

02.0907 Guarantee of Performance

A. Type and Amount of Guarantee:

In order to insure that the mobile home park will be constructed in acceptable manner, developers shall post a bond, mortgage, or other assurance acceptable to the city council in the amount or other assurance acceptable to the city council in an amount equal to the estimated cost of constructing all required landscaping, road improvements, pedestrian ways, curbs and gutter, hard surfacing, water and sewer lines and other domestic sewage disposal facilities, and common facilities as shown on the final site plan.

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B. Duration

The duration of the bond or other assurance shall be for two (2) years from the date of approval of the development by the city council. An extension of time may be granted by the city council upon application by the developer, provided such application is submitted at least sixty (60) days prior to the expiration of the bond, and provided the issuer of the bond is willing to extend the time of the assurance.

C. Default

In the event the developer defaults or neglects to satisfactorily install the required improvements within two (2) years from the date of approval of the development by the city council, the said council may declare the bond or other assurance forfeited and the

town may install or cause the required improvements to be installed using the proceeds from the collection of the bond or other assurance to defray the expense thereof.

D. Final Dispositions and Release

The developer shall be responsible for the quality of all materials and workmanship. At the completion of the work, or not less than ten (10) days prior to the release date of the bond or other assurance, the city council shall make an inspection of the improvements. If the conditions of said facilities are found to be satisfactory, the council shall release the bond or other assurance. If the condition of material or workmanship show unusual depreciation or does not comply with the acceptable standards of durability, the town board may declare the developer in default.

02.0909 Continuing Obligation

Any failure on the part of the developer or him assigns to maintain the mobile home park in accordance with the approved management policies, covenants, conditions, and restrictions and agreements shall be, and the same is hereby declared to be, a public nuisance endangering the health, safety, and general welfare of the public and a detriment to the surrounding area and that in addition to any other remedy provided by law for the abatement or removal of such public nuisance, the city may remove or abate the nuisance and charge the cost thereof, including reasonable attorney fees to the owners as provided by Chapter 11 of Title 10, Utah Code Annotated, as amended.

02.0910 Development in Parks

The parks and play area shall be protected against building development by conveying to the city an open space easement over such open areas, restricting the area against any future building or use, except as is consistent with that of providing landscaped open space for the aesthetic and recreational satisfaction of the residents. Buildings or uses for non-commercial, recreational, or cultural purposes, compatible with open space objectives, may be permitted only with the

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express approval of the city council, following approval of buildings, site, and operational plans by the Planning Commission.

02.09011 Licensed Required

Pre-requisite to the operation of any mobile home park shall be the obtaining of an animal license which shall be issued only after inspection by the Zoning Administrator. It shall be unlawful to operate a mobile home park without first obtaining a license and said license shall be refused or revoked upon failure of the owner and/or to maintain the park in accordance with the standards and requirement as here in set forth.

02.09020 Recreational Vehicle Courts

Recreational vehicle courts shall be permitted only in the zones in which uses are specifically permitted. All such courts shall be permitted subject to restrictions and conditions contained within the zone requirements and also as hereinafter set forth.

02.09021 Intent

It is the intent of these recreational vehicle courts provisions to provide safety, sanitary, and attractive facilities for the tourist to park a recreational vehicle while visiting the area. It is also the intent of these provisions to prevent the use of a recreational vehicle court as a substandard mobile home park and to protect the integrity and characteristics of the zone or zones in which recreational vehicle courts are located.

02.0922 Approval of Plans and Documents Necessary

The preliminary plan and documents shall be prepared and submitted as follows:

A. Plan Requirements

Three (3) copies of the preliminary plan must be submitted to the Planning and Zoning Administrator at least two (2) weeks prior to the meeting of the Planning and Zoning Commission at which the plan will be considered. The preliminary plan shall be drawn to a scale not smaller than one inch equals one hundred (100) feet or as recommended by the Planning and Zoning Administrator and shall show the following information:

1. Proposed road and recreational vehicle space layout.
2. Proposed reservation for parks, playgrounds, and other open spaces.
3. Proposed location for service facilities.

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4. A generalized landscape plan.
5. Location of existing and proposed utility lines and easements, water and sewer lines, fire hydrants, storm drains and facilities, curbs, and other improvements.
6. Any other data that the Planning Commission may require.
7. Draft copies of proposed documents including statements of management policies, covenants, and restrictions, and maintenance agreements.

B. Standards and Requirements

1. Each recreational vehicle court shall be held in one ownership and shall contain at least one 1) acre of land.
2. All recreational vehicle courts shall abut upon a collector or arterial street, as set forth in the major street plan of the city.
3. All recreational vehicles shall be set back at least twenty (20) feet from any public street.
4. The roadway system shall provide convenient circulation through the recreational vehicle court and provide access to each recreational vehicle space. No recreational vehicle space will be permitted direct access to a public street, road, or highway, other than by means of the recreational vehicle court roadway system. All entrances and exits from the recreational vehicle court shall be by forward motion only. No exits or entrance from a recreation vehicle court shall be through a residential zone and no entrance or exit shall be located closer that fifty (50) feet to the intersection of two (2) streets.
5. All one-way roadways shall be at least twelve (12) feet in width and all two-way roadways at least (20) feet in width and all roadways shall be graded and graveled.
6. All area within the court which are not hard surfaced, including the twenty foot (20) setback space, shall be landscaped and maintained with lawns, trees, and shrubs designed to provide privacy and noise containment and shall be equipped with adequate sprinkling devices as determined by the building inspector.
7. Each recreational vehicle space shall be at least twenty (20) feet in width and at least forty (40) feet in length.
8. Each recreational vehicle spaces shall be approved water system and sewage disposal system.

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9. No recreational vehicle space shall be rented for a period of more than thirty (30) days and no recreational vehicle shall be placed in a recreational vehicle court which exceeds eight (8) feet in width.
10. In addition to meeting the above requirements, all travel trailer courts shall conform to the requirements set for in the Code of Camp, Trailer Courts, Hotel, Motel and Resort Sanitation Requirements.

C. Documents

Same as required for mobile home parks. (See Section 02.0904-C of this Ordinance.)

02.0924 Review and Approvals

The Planning Commission shall review the plan to determine its compliance with the portion of the master plan that shall have been adopted by the Planning Commission. In considering approval of the development, the Planning Commission shall, among other things, make sure that such development will mesh harmoniously with the surrounding area, that it will not produce a volume of traffic beyond the capacity of the surrounding street system, that requirements for utilities, off-street parking, traffic circulation and other public requirements will be adequately met and that the standards and intent of this section shall be adequately complied with.

The Planning Commission may require changes to be made in the plan. They may also require additional yards and buffers or other improvements to be installed along with greater amounts of landscaping or parking spaces. Said changes may be imposed as conditions of approval where it is determined by the Planning Commission that such are necessary to insure that the development will mix harmoniously with adjoining or nearby uses.

An application for approval of a recreation vehicle court shall be granted or denied only after a public hearing by the Planning Commission. Notice of the hearing shall be given at least five (5) days prior to said hearing. If approved by the Planning Commission, the application, with the Planning Commission's recommendations, shall be submitted to the city council for its approval. An application denied by the Planning Commission may be appealed to the city council ten (10) days after the denial is made by the Planning Commission. Approval of the preliminary plan shall be valid for a period of one (1) year.

02.0925 Final Site Plan

Upon approval of the preliminary plan by the city council, the developer shall submit to the Planning Commission a final site plan of either the entire recreational vehicle court or the first stage of such development that is to be constructed. Such plan shall be drawn to scale, and provide, in detail, the information required under 02.0923 of this Ordinance.

Copies of the final approved documents shall also be recorded in the office of the county recorder. No building permit shall be issued for said recreational vehicle court until final plans have been approved by the Planning Commission and the required documents recorded in the office of the county recorder and also until the bond required under Section 02.0927 of this Ordinance.

02.0926 Staged Construction Permitted

Development may be carried out in progressive stages in which events each stage shall be so planned that the requirements and intent of this Ordinance shall be fully complied with at the completion of each stage. No final plan for the initial stage shall cover less than one (1) acre.

02.0927 Guarantee of Performance

Same as required for mobile home parks.

02.0928 Continuing Obligation

Same as required for mobile home parks.

02.0929 License Required

Same as required for mobile home parks.

02.1000 ADMINISTRATION AND ENFORCEMENT

02.1001 Building Permits Required – Application

No person, firm, or corporation shall commence to construct, alter or move a building or structure, or to make a change in use of any land within the territory shown on the zone map which has been adopted as a part of this Ordinance without first submitting an application and obtaining a permit therefore from the Zoning Administrator or other authorized officer, provided, however, that permits for the moving of structure shall be granted only in compliance with the requirements as set forth in Section 02.0525-F of this Ordinance. Said permit shall also be required for the moving and/or improvement of mobile homes, demountable homes, manufactured homes, and similar movable structures except when being moved from outside the town into an approved mobile home park.

02.1002 Plans Required

All applications for building permits shall be accompanied by plans which have been drawn to scale showing the actual dimensions of the lot to be built upon, the size and location of existing buildings, lots to be built upon, the size and location of existing

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buildings, and as required, the location and layout of off-street parking and a planting plan showing how the premises will be landscaped. A careful record of said application and plans shall be kept in the office of the Zoning Administrator for a period of five (5) years from date of receipt thereof.

02.1003 Permits to Comply with Ordinances

From the time of the effective date of this Ordinance, permits shall not be granted for the construction or alteration of any buildings or structure or for the moving of a building or structure onto a lot or for the change in use of any land, building, or structure, if such construction, alteration, moving, or change in use would be a violation of any provision of this Ordinance, nor shall any sewer or water service line or electric

utilities be installed to serve the premises if such use would be in violation of this Ordinance.

02.1004 License to Comply with Ordinance

No license shall be issued by an official or employee vested with the duty and authority to issue licenses which would not be in conformance with the provisions of this Ordinance. Any license so issued shall be null and void.

02.1005 Construction Defined

For the purposes of the above provisions, construction and alteration shall be defined as the erection, reconstruction, remodeling, or razing of a structure to the extend of \$100 in replaceable value.

02.1006 Zoning Administrator Appointed

The building inspector appointed under the building code is hereby designated as the Zoning Administrator who shall be charged with the administration and enforcement of this Ordinance. The city council may also appoint other officers to assist in the administration and enforcement of this Ordinance.

02.1007 Powers and Duties of Zoning Administrator

- A. It shall be the duty of the Zoning Administrator to inspect or cause to be inspected all buildings in the course of construction or repair. He shall enforce all the provisions of this Ordinance, entering actions in the courts, when necessary, and his failure to do so shall not legalize any set in violations of such provisions.
- B. Upon appeal of the Board of Adjustment of any matters on which said board is required to pass, the Zoning Administrator shall forthwith transmit all papers, records, and other pertinent data by the terms of this Ordinance. The Zoning

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Administrator shall also refer matters to the Planning Commission and City Council as set for in this Ordinance.

02.1008 Board of Adjustments Created, Members, Terms

There is hereby created a Board of Adjustment which shall consist of five (5) members, each to be appointed by the City Council for a term of five (5) years, provided that the terms of the members of the first board so appointed shall be such that the term of one member shall expire each year. One member but not more than one term of one member shall expire each year. One member but not more than one member of the Planning Commission shall be a member of the Board of Adjustment. Any member may be removed for cause by the City Council upon written charges and after a public

hearing, if such public hearing is requested. Vacancies shall be filled for the unexpired term of any member whose term has not been completed.

02.1009 Organization – Meetings - Records

The Board of Adjustments shall organize and elect a chairman and adopt rules in accordance with the provision of this Ordinance. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman or, in his absence, the acting chairman, shall conduct all meetings of the board shall be opened to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such facts, and shall keep records of its examination and other official acts, and shall be a public record. Roberts' Rules of Order shall be followed in the conduct of meetings wherever applicable.

02.1010 Powers and Duties of the Board of Adjustment

The Board of Adjustment shall have judicial power to interpret the provisions of this Ordinance. It shall also have administrative duties to grant variance and special exceptions or conditional use permits, as follows:

A. Interpret Ordinance and Map

1. Intent

It is the intent of this Provision to provide a way whereby applicants who think that the Zoning Administrator is in error or does not interpret the provision of the zoning ordinance correctly, to obtain a relief from such error in an expeditious and inexpensive manner without having to resort to the courts.

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2. Duty to Interpret

The Board of Adjustment shall hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, or refusal made in the enforcement of this Ordinance. The Board of Adjustment shall also interpret the zone map and boundaries thereof in cases of dispute or disagreement.

B. Grant Variances

The Board of Adjustments may authorize, upon appeal, variance from the terms of this Ordinance pertaining to area and width of lot, size of yards, and height and

size of buildings, where owing to special conditions, peculiar to the property, a literal enforcement of this provisions of this Ordinance would result in the hardship which is unnecessary in carrying out the intent of this Ordinance. Before any variance may be granted however, it must be shown that:

1. The variance will not substantially affect the comprehensive plan of zoning and the adherence to the strict letter of the Ordinance will cause difficulties and hardships upon the petitioners which are unnecessary in order to carry out the purposes of this Ordinances.
 2. Special circumstances attach to the property covered by the application that do not apply to other property in the same zone.
 3. That because of said special circumstances, property covered by the application is deprived of privileges possessed by other properties in the same zone; and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.
 4. That the difficulties and hardships were not created by any act of the appellant subsequent to the effective date of the regulation appealed forms.
- C. Grant Certain Special Exceptions or Conditional Uses

1. Intent

There are certain uses which are not permitted within particular zones unless they are made to comply with conditions which are compatible with other uses in the same zone. It is the intent of this provision to authorize the Board of Adjustment to use its discretion in prescribing these conditions. However, the Board of Adjustment may not authorize a conditional use unless such use is specifically permitted by the terms of this Ordinance.

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2. Duty to Prescribe Conditions in Connection with Special Exceptions or Conditional Uses

The Board of Adjustments shall hear and decide requests for “special exceptions” but only when authorized by the terms of this Ordinance to do so. In deciding whether or not to grant a special exception, the board shall be guided by the conditions set forth in this Ordinance with respect thereto, which conditions shall be deemed to be the minimum standards which must be complied with.

02.1011 May Attach Reasonable Conditions

The Board of Adjustment may attach reasonable conditions or requirements to the grant of a variance, special exceptions or conditional use which the petitioner must comply with as a condition of the grant or approval. A time limit of one year shall be attached to this exercise or non-exercise of any grant unless specifically extended by the action of the board.

02.1012 May Reverse or Affirm Zoning Administrator

In performing the duties and powers as set forth herein, the Board of Adjustment is hereby empowered to reverse and affirm wholly or partly or modify the order, requirements, decisions, or determination of the enforcing officer and may make such order or requirement as ought to be made, provided; however, that in interpreting and applying the provisions of this Ordinance, the requirements contained herein shall be deemed to be the minimum requirements for the purpose set forth.

02.1013 Authority Limited

The powers and duties of the Board of Adjustment are limited to judicial and administrative matters as set forth in this Ordinance. The Board of Adjustment shall not have the authority to amend this Ordinance nor to correct what it may consider to be an unwise requirement. Nevertheless, the Board of Adjustment shall have powers and duties as set forth in this Ordinance and within the limitations and intent of the provisions of this Ordinance shall perform its duties and shall have the power to perform those acts as herein set forth.

02.1014 Vote

The concurring vote of three (3) members of the board shall be necessary to decide upon any matter which it is required to pass.

02.1015 Application to Appear Before the Board of Adjustment

Any citizen or person, or any office of department of the municipality may appeal to the Board of Adjustment by filing a request in writing with the Zoning Administrator and by paying a fee of \$5.00, provided such appeal is made with thirty (30) days from the grant or refusal of a building permit by the Zoning Administrator. The request to appear before the Board of Adjustment shall be made on forms furnished by the Zoning Administrator.

02.1016 Procedure

Upon receipt of the application, the Zoning Administrator shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken. The Board of Adjustment shall review the application and shall return the same to the Zoning Administrator with its decision pertaining hereto within thirty (30) days. Failure to return said application within thirty (30) days shall constitute approval. An administrator certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reasons of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by restraining order which may be granted by the Board of Adjustment or by the district court on application and notice to the Zoning Administrator and on due cause shown.

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof by publication of notice at least five (5) days prior to the date of hearing, as well as notice by mail to adjacent property owners, and decide the same within a reasonable time. Any party may appear at the hearing, I person, or by agent or by attorney.

02.1017 Action of the Board of Adjustment

The Board of Adjustment shall make determinations in harmony with the provisions of this Ordinance and shall notify the Zoning Administrator of the action taken.

02.1018 Recourse from Decision of Board

Any person aggrieved by any decision of the Board of Adjustment may have and maintain a plenary action for relief there from in any court or competent jurisdiction, provided that petition for such relief is presented to the court within thirty (30) days after the filing of such decision to the office of the Board of Adjustment.

02.1100 CONFLICT, SEVERABILITY, VIOLATIONS A PUBLIC NUISANCE,
RESPONSIBILITY FOR VIOLATIONS, PENALTY, EFFECTIVE DATE

20.1101 Conflict

Whenever regulations in this Ordinance require higher standards than are required in other Ordinances or laws, the provisions of this Ordinance shall govern. Whenever regulations of other Ordinances or laws require higher standards then the provisions of this Ordinances, then said other Ordinances or laws shall govern. All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

02.1102 Severability

This Ordinance and the various parts, sections, and clauses are hereby declared to be severable. If any part, section, paragraph, sentence, clause, or phrase is adjudged to be unconstitutional or invalid, it is hereby declared that the remainder of the Ordinance shall not be affected thereby. The City Council of Elmo City, Utah, hereby declares that it would have passed this Ordinance on each part, section, paragraph, sentence, clause or phase thereof, irrespective of the fact that any one or more portion thereof be declared valid.

02.1103 Responsibility for Violations

It shall be the duty of all architects, contractors, subcontractors, builders and other persons having to do with the establishment of any use of land or the erection, altering, changing, or remodeling of any building or structure to see that a proper permit has been granted before such work is begun. Any such architect, builders, contractors, or other persons doing or performing any such work without a permit having been issued is in conflict with the requirements of this Ordinance, and shall be deemed guilty of violation of this Ordinance in the same manner and to the same extent that the owner of the premises or the persons for whom the use is established, or for whom such buildings are erected or altered, and shall be subject to the penalties herein prescribed for violations.

02.1104 Penalty

Any person, firm, or corporation, whether as principal, agent, employee or otherwise, who shall erect, construct or reconstruct any building which involves structural alterations or which involved as increase in floor area without first obtaining a permit therefore from the Planning Administrator (Building Inspector) shall be guilty of a misdemeanor, or any person, firm, or corporation, whether as principal, agent, or employee or otherwise, who shall change the use of any building or other structure or use of any land within Elmo City, Utah, in violation of the provisions of this Ordinance,

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shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine in any sum, not to exceed two hundred ninety-nine (\$299.00), or by imprisonment in the county jail for a period of not longer than six (6) months or by both fine and imprisonment. Such person, firm, or corporation violating this Ordinance or any part thereof shall be deemed to be guilty of a separate offense for each and every day during which such violation is committed, continued or permitted by such persons, firm, or corporation and shall be punishable as provided by law as a separate offense.

02.1105 Effective Date

Because of impending development in Elmo City, an emergency exists; therefore, this Ordinance shall become effective upon its passage and due posting in three (3) public places in Elmo City, as required by law.

Passes by the Elmo City Council this 20th day of January, 1975 A.D.

ATTEST

Approved

Maryla Adams
City Recorder

Udell Atwood
Mayor

Councilmen Voting "Nay"

Councilmen Voting "AYE"

Dennis Mortensen
Varden Willson
