

Moroni City

Codes and Ordinances

2024-10-16A

Title 10 – Zoning Regulations

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Chapter 10-1 General Provisions

Section

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10-1-1: Short Title

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

10-1-2: Purpose

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

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

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

10-1-3: Conflicting Provisions

This Title shall not nullify the more restrictive provisions of covenants, agreements, other laws or general ordinances of the City, but shall prevail and take precedence over such provisions which are less restrictive. (Ord.2000-4-12, 4-1 2-2000)

10-1-4: Interpretation

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

10-1-5: Amendments

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

Chapter 10-2 Definitions

Section

- Definitions

10-2-1

10-2-1: Definitions

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

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

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

- **Car Wash:**
 - **Laundry Type:** A structure or portion thereof containing facilities for washing passenger automobiles, using production line methods such as, but not limited to, chain conveyer, moveable or revolving cleaning brushes, blower, steam cleaning or other mechanical devices.
 - **Manual Spray:** A structure or portion thereof containing facilities for washing passenger automobiles, limited to using only hand operated manual spray cleaning equipment and techniques.

- **Carport:** A covered automobile parking space not completely enclosed by walls or doors. A carport shall be subject to all regulations described in this Title for a private garage.

- **Cellar:** A story having more than one-half (1/2) its height below the average level of the adjoining ground. A cellar shall not be counted as a story for the purpose of height measurement.

- **Center Line of Street:** That line designated as “center line” in any street in the City of Moroni by the records of the County Recorder.

- **Common Open Space:** The land area in a planned unit development (PUD) reserved and set aside for recreational uses, landscaping, open green areas, parking and driveway areas for the common use and enjoyment of the residents of the PUD.
 - **Easement:** A required right of way granted to Moroni City by the owner of a planned unit development(PUD) on and over land in a PUD designated as common open space, which easement guarantees to the City that the designated common open space and recreation land is permanently reserved for access, parking and recreation, and open green space purposes in accordance with the plans and specifications approved by the Planning Commission and City Council at the time of approval of the PUD or as such plans are amended from time to time.

- **Conditional Use:** A non-approved use of land which is allowed by the Planning Commission. Conditional uses cannot adversely affect the surrounding area. Conditional uses generally have conditions placed upon the use.

- **Condominium Project:** A real estate condominium project where ownership of a single unit in a multi-unit project, together with an undivided interest in common in the common areas and facilities of the property, is transferred; a plan or project whereby four

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

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

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

- **Guest:** Any person or persons staying temporarily within a dwelling unit without payment of compensation to the owners, tenants or full-time inhabitants of said dwelling unit.
 - **House:** A separate dwelling structure located on a lot with one or more main dwelling structures and used for housing of guests or servants and not rented, leased or sold separate from the main building. Guest houses shall conform with all area, yard, frontage and height regulations of the zone district in which they are located.

- **Home Business:** Any use conducted entirely within a dwelling and carried on by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and in connection with which there is no display, nor stock in trade. The home occupation shall not involve the use of any building or yard space or activity outside the main building, not normally associated with residential use. Home occupations shall not use more than twenty five percent (25%) of the ground floor area of the home.

- **Hospital, Nursing or Rest Home:** A building or any portion thereof designed for the housing of sick, injured, convalescent or infirm persons; provided, that this definition shall not include rooms in any family dwelling, hotel, apartment hotel or other building not ordinarily designed nor intended to be occupied by said persons.

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

- **Household Pets:** Animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats or birds, but not including a sufficient number of dogs or cats to constitute a “kennel”, as defined in this Section.

- **Incombustible Material:** Any material which will not ignite at or below a temperature of one thousand two hundred degrees Fahrenheit (1,200°F) during an exposure of five (5) minutes and will not continue to burn or glow at that temperature. Tests shall be made as specified in the IFC.

- **Junkyard or Automobile Wrecking Yard:** The use of any lot, portion of a lot or tract of land for the storage, keeping or abandonment of junk, including scrap metal or other scrap materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles, or machinery or parts thereof; provided, that this definition shall not be deemed to include such uses which are clearly incidental to and accessory to any agricultural use permitted in the zone.

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

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

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

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

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

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

in accordance with the provisions of the Utah Vehicle Code, designed for the use of human habitation.

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

- **Swimming Pool:** Any artificial or semi-artificial container, whether indoors, and whether above or below the surface of the ground, or both, used or intended to be used to contain a body of water for swimming by any person or persons, together with all permanent structures, equipment, appliances and other facilities used or intended for use in and about the operation, maintenance and use of such pool.
 - **Family:** A swimming pool used and to be used solely by the owner, operator or lessee thereof and his family and by guests invited to use it without payment of any fee or consideration.

- **Theater:**
 - **Indoor Picture:** A building or part of a building devoted to the showing of moving pictures on a paid admission basis.
 - **Outdoor Drive-In:** An open lot or part thereof, with its appurtenant facilities devoted primarily to showing of moving pictures, on a paid admission basis, to patrons seated in automobiles.

- **This Title:** The combined chapters of zoning ordinances.

- **Trim, Non-Structural:** The molding, battens, caps, nailing strips, latticing, cutouts or letters and walkways which are attached to a sign structure.

- **Uniform Building Code (UBC):** The current edition of the Uniform Building Code as enforced by the Sanpete County Building Department.

- **Use:** The specific purposes for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.
 - **Accessory:** A subordinate use customarily incidental to and located upon the same lot occupied by the main use and devoted exclusively to the main use of the premises.
 - **Conditional:** A use or occupancy of a building, or use of land, permitted only when authorized upon issuance of a conditional use permit, and subject to the limitations and conditions specified therein. A conditional use permit is intended to allow compatible integration of uses which may be suitable only in certain locations within a particular zone, or only upon certain conditions and/or design criteria being achieved.

- **Permitted:** Any use lawfully occupying land or buildings as authorized in the zone regulations and for which no conditional use permit is required.
- **Variance:** A deviation from the established zoning code.
- **Yard:** An open space on a lot, other than a court, unoccupied and unobstructed from the ground upward by buildings, except as otherwise provided herein.
 - **Front:** An open space on the same lot with a building between the front line of the building (exclusive of steps) and the front lot line and extending across the full width of the lot. The “depth” of the front yard is the minimum distance between the front lot line and the front line of the building.
 - **Rear:** An open, unoccupied space on the same lot with a building between the rear line of the building (exclusive of steps) and the rear lot line and extending the full width of the lot.
 - **Side:** An open, unoccupied space on the same lot with a building between the side line of the building (exclusive of steps) and the side lot line and extending from the front yard to the rear yard.
- **Zone:** The geographical area of the City within which the zoning regulations are uniform.
- **Zoning Officer:** The official or other person charged with the administration and enforcement of this Title or his duly authorized representative or enforcement officer.
- **Zoning Ordinance or Ordinance:** The Zoning Ordinance of Moroni, Utah. (Ord, or 2000-4-12, 4-12-2000; amd. 2000 Code)

Chapter 10-3 Administration

Section

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

10-3-1: Enforcement

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

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

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

3. **Occupancy Permits:**

- a. A permit of occupancy shall be issued by the Zoning Officer to the effect that the use, building or premises shall conform to all provisions of this Title, prior to occupancy.
 - b. A permit of occupancy shall be issued by the County Building Inspector to the effect that any building erected, enlarged or altered structurally shall conform to the Uniform Building Code, prior to occupancy.
 - c. Occupancy permits are needed whenever the use or character of any building or land is to be changed.
 - d. This Title may be enforced by withholding an occupancy permit.
4. **Zoning Permit:** Building projects in all zones require a completed and approved zoning permit before applying for a County building permit

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

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

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

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

10-3-3: Licensing

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

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

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

1. **Application:** Applications made to the Planning Commission for any amendments shall contain the following:
 - a. Date and designation of the specific zone change or Title amendment desired.
 - b. The reason and justification for such zone change or Title amendment, and a statement setting forth the manner in which a proposed amendment or zone change would further promote the objectives and purposes of this Title.
 - c. A complete and accurate legal description of the area proposed to be rezoned, or a draft of the proposed Title amendment.
 - d. An accurate plat, drawn to scale, showing all areas to be included within the proposed rezoning, designating the present zoning of the property subject of the petition, and properties immediately adjacent thereto.
 - e. A list of all property owners within a radius of three hundred feet (300') of the requested amendment. The City shall send by registered mail a letter which states the purpose of requested zone change which would extend an invitation to attend and participate in the scheduled public hearing.
 - f. A nonrefundable filing fee set by resolution as listed in the City fee schedule.

2. **Procedure:**

- a. The applicant shall submit the application for zone change or amendment to the Planning Commission.
- b. The application, together with all pertinent information, shall be considered by the Planning Commission at its next regularly scheduled meeting.
- c. The Planning Commission may call a specific public hearing on any application after adequate notice if it is deemed in the public interest.
- d. The Planning Commission shall take action on the application by the second meeting of the Planning Commission after the application filing date.
- e. The Planning Commission shall recommend a) approval; b) modification and approval; or c) denial of the amendment to this Title or Zone Map to the City Council.

- f. The Planning Commission shall submit their recommendations on proposed changes and amendments to the City Council for its consideration within thirty (30) days after the public hearing, unless an agreement is reached by the applicant and the Planning Commission to table the matter until the next regular decision making meeting of the Planning Commission. Failure of the Planning Commission to table or submit its recommendation within the prescribed time shall be deemed a recommended approval by such Commission of the proposed change or amendment.

- g. The City Council shall, within fifteen (15) days of a public hearing which has been posted and published accordingly to Utah Code section 10-3-71 1: a) approve; b) modify and approve; or c) deny the amendment to this Title or Zone Map. (Ord. 2000-4-12, 4-12-2000)

10-3-5: Penalty

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

Chapter 10-4A Residential Agricultural Zoning (RA)

Section

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

The residential-agricultural zone permits and safeguards specific residential and agricultural use combinations within the city. This zone controls density and land coverage while promoting compatible land uses. Additionally, it is intended to protect nearby uses from potential negative impacts associated with certain agricultural operations.

10-4A-2: Permitted and Conditional Uses

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

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

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

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

i. **Farm Animals**

1. Horses, Cattle and Oxen:

a. **Property Requirements:** Not more than two (2) horse, cow or ox per dedicated (free of residential space) one quarter (1/4) acre of property. No other farm animals are allowed on property dedicated for a horse, cow or ox. For additional farm animals, additional dedicated space per the requirements of this section, is required.

All animals kept prior to the modification of this ordinance are hereby grandfathered.

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

2. Swine:

- a. **Property Requirements:** One (1) swine per dedicated (free of residential space) one quarter (1/4) acre of property. Maximum number of swine allowed within city limits is set at two (2), following the property requirements stated here. No other farm animals are allowed on property dedicated for swine. For additional farm animals, additional dedicated space per the requirements of this section, is required.
- b. **Piglets:** Piglets may be kept temporarily on a property for a period not exceeding eight (8) weeks from birth. These piglets must be kept with their mother and are exempt from the maximum swine limit during this period. After eight (8) weeks, the number of swine on the property must comply with the maximum limit set forth in this code.
- c. **Care and Maintenance:** All pet swine within city limits must be properly cared for and the property which is dedicated to their care must meet constant and proper hygiene requirements in conjunction with Moroni City Code 4 – Public Health and Safety.

3. Sheep and Goats:

- a. **Property Requirements:** ten (10) sheep or goats per dedicated (free of residential space) one quarter (1/4) acre of property. No other farm animals are allowed on property dedicated for sheep or goats. For additional farm animals, additional dedicated space per the requirements of this section is required.

All animals kept prior to the modification of this ordinance are hereby grandfathered.

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

- ii. **Small animals:** there shall be no more than thirty (30) such animals per dwelling unit with the minimum of ¼ acre lot. Small animals include, but are not limited to, the following:

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

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

- iii. **Household Pets:**

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

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

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

- 2. **Permitted Accessory Uses:** Accessory uses, and structures are permitted in the RA Zone, provided they are incidental to, and do not substantially alter, the character of the permitted principal use or structure.

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

- i. An accessory dwelling unit (ADU), consistent with the provisions of Moroni City Code 10-8-20.

- ii. Accessory buildings such as garages, carports, greenhouses, gardening sheds recreation rooms and similar structures which are customarily used in conjunction with and incidental to a principal use or structure.
- iii. Swimming pools and incidental bath houses.
- iv. Storage of materials used for the construction of a building, including a temporary contractor's office and/or tool shed; provided, that such uses are on the building site or immediately adjacent thereto; and provided further, that such shall be for only the period of construction and thirty (30) days thereafter.
- v. Individuals may use a Recreational Coach as a temporary dwelling in the city for a period not to exceed two (2) weeks per year if the Recreational Coach is being utilized for temporary housing by visiting guests. A longer period may be granted, by an issued permit, if the Recreational Coach is being used as a construction office or temporary housing and is placed on the Lot and off of the street, and only where a permanent structure is being constructed by the property owner. The individual must obtain a permit from City Administrator which shall not be granted unless the Individual also obtains, prior to or contemporaneously therewith, a building permit to construct the permanent structure and actual construction is commenced within thirty days (30) of obtaining the building permit. Upon issuance of a certificate of occupancy or within one year after this permit has been granted, whichever occurs first, the Recreational Coach must be removed as a temporary residence or construction office within fourteen days (14). The Recreational Coach must be located on the Lot and shall comply with all setbacks required in this Ordinance for storage or placement of a Recreational Coach.
 - 1. A Recreational Coach shall not to be used as a permanent dwelling within any zone. A Recreational Coach may be utilized as a temporary dwelling or as a Temporary Multiple-Family Dwelling under the following restrictions:
 - 2. (1) Individuals may use a Recreational Coach as a temporary dwelling in the city for a period not to exceed two (2) weeks to a bona fide guest of the occupants of a permanent premises, not being utilized for any commercial or residential rental purpose. A Recreational Coach shall not be located within a triangular area formed by the property lines connecting them at points twenty-five (25') from the intersection of property lines of any street corner or intersection as defined by Section 10-7-8 of this Title; nor shall it be a sight distance hazard to vehicular or pedestrian traffic.

3. (2) The City Administrator may administratively grant an additional one-week extension by issuing a seven (7) day permit after which the Recreational Coach must be removed for a period of at least thirty (30) days.
- vi. Buildings or structures required for the housing, nurture, confinement or storage of animals permitted in this Zone, or equipment required for the care and keeping thereof.
 - vii. Home occupations, subject to the conditions of this Title.
- b. All detached buildings or structures, including carports or shipping storage containers, must meet the following requirements:
- i. Must be located behind the front wall plane of the principal structure for non- corner lots.
 - ii. For corner lots, an accessory building may be located in the side yard provided it is placed behind the front wall plane of the principal structure. The accessory building must not encroach into the required front setback of the lot. While it may be adjacent to the side road, it must still comply with all applicable side and rear yard setbacks.
 - iii. Accessory buildings shall not cover more than 25% of the rear yard
 - iv. Accessory buildings, including carports, may be attached or detached to the existing house or any other structure, in accordance with applicable fire and building codes, including provisions for fire walls.
 - v. Accessory buildings or structures must meet the following requirements:
 1. Accessory buildings shall not exceed one story in height.
 2. The roof apex of the accessory building shall not exceed the height of the main structure's roof apex.
 3. Must be set back at least 5 feet from property lines unless firewalls are provided for walls which lay closest and parallel to property lines, as approved by the building inspector or designee
 4. The roof must be no taller than 12 feet tall at the property lines and may slope higher at the maximum rate of 1 vertical foot per horizontal foot away from the property line. Buildings taller than 12 feet must be set back from property lines at least 1 foot for every foot above 12 foot in height.
 5. All accessory buildings shall be built of like or similar material as the main building structure and shall not detract from other dwellings.
 - vi. Exceptions to this setback requirement for height may be granted by the Planning Commission if all adjoining property owners agree to the proposed height in writing.
 - vii. Accessory buildings or structures over 200 square feet in area must have a building permit and comply with all requirements of this ordinance and the building and fire codes.

- viii. Private garages and accessory buildings located less than 5 foot from the property line must also meet the following:
 1. the roof shall not project across the property line;
 2. storm water runoff from the building shall not flow onto adjacent property.
 3. the building shall not be placed over any designated easements.
- ix. Accessory buildings shall not provide living quarters nor act as a dwelling unit or an accessory apartment to the primary dwelling residence unless granted as an Accessory Dwelling Unit (ADU). Such accessory buildings used for residential occupancy shall only be permitted as specified in this ordinance.

3. **Conditional Uses:** The following uses and structures are permitted in the RA Zone only after a conditional use permit has been approved by the City Council and subject to the terms and conditions thereof:

- a. Animal hospital services.
- b. Communications facilities.
- c. Convalescent and rest home services.
- d. Governmental services.
- e. Public recreation activities.
- f. Utilities.
- g. Veterinarian services (small animals).

4. **Storage Units:** Storage units are prohibited in the C2 Zone.

10-4A-3: Lot Area

The minimum area for any lot or parcel of land in the RA Zone shall be one-half (1/2) acre.

10-4A-4: Lot Width

1. **Interior:** Each lot or parcel of land in the RA Zone, except corner lots, shall have a frontage width of not less than one hundred feet (100') on a public city street.
2. **Corner:** Each corner lot or parcel in the RA Zone shall be ten feet (10') wider than the minimum required for interior lots.

10-4A-5: Lot Frontage

Each lot or parcel of land in the RA Zone shall abut a public street for a minimum distance of one hundred feet (100') on a line parallel to the center line of the street or thirty five feet (35') along the circumference of a cul-de-sac improved to City standards. Frontage on a Street end

which does not have a cul-de-sac improved to City standards shall not be counted in meeting this requirement.

10-4A-6: Legal Non-Conforming Lots and Structures

1. Lots within approved subdivisions that were legally created prior to the application of the zone shall not be denied a building permit solely due to noncompliance with the parcel size, dimensions, or other lot requirements specified in this Article. Any other lot or parcel must comply with the current zoning regulations before a building permit may be issued. All other applicable building and zoning requirements must be met.
2. In the event that a legal non-conforming structure (including buildings, signs, or other structures) is damaged or destroyed by fire, natural disaster, or other causes beyond the owner's control, the owner may submit an application to replace the damaged structure within one (1) year of the event. The application may be approved provided that the replacement structure and use does not increase the degree of nonconformity. The replacement structure may be modified to reduce the degree of nonconformity, even if it does not bring the structure into full compliance with existing zoning regulations.
3. All applications for replacement of damaged structures must be reviewed and approved in accordance with the procedures established by the City. The City reserves the right to impose conditions or modifications to ensure that the replacement structure meets the intent of this Article and other applicable regulations.
4. This provision applies only to legal non-conforming uses and structures, as defined by this Article. Unauthorized or illegal non-conforming uses and structures are not eligible for replacement under this provision

10-4A-7: Lot Area per Dwelling

Not more than one primary single-family dwelling may be placed on a lot or parcel of land in the RA Zone.

10-4A-8: Yard Requirements

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

1. **Drainage:** All properties shall manage their stormwater drainage entirely within their property boundaries. Any new construction or modifications to existing buildings must ensure that no part of the structure, including eaves or overhangs, extends beyond the property lines. Additionally, all roof drainage, including rainwater runoff, must be directed to an appropriate drainage system on the property and must not flow onto neighboring properties.

2. **Setbacks:** See Table A – Setbacks for setback requirements of principle structures.
3. **Side Yard; Driveway:** When used for access to a garage, carport or parking area, a side yard shall be wide enough to provide an unobstructed twelve-foot (12') driveway.
4. **Side Yard; Accessory Building:** An accessory building may be located on a side property line if, and only if, all of the following conditions are met:
 - a. The accessory building is located behind the front wall plane of the principle building on the same lot or the lot adjacent to the property line on which said building is being placed.
 - b. It has no openings on the side, which is contiguous to the property line, and is of one-hour fire resistant construction on said side.
 - c. It has facilities for the discharge of all roof drainage onto the subject lot or parcel of land.

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

5. **Rear Yard; Accessory Building:** An accessory building may be located on the rear property line so long as:
 - a. It has no openings on the side which is contiguous to the rear property line.
 - b. It has one-hour fire resistant construction in the wall adjacent to said property line.
 - c. It provides for all roof drainage to be retained on the subject lot or parcel.

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

10-4A-9: Projections into Yards

1. **Permitted:** The following structures may be erected on or projected into any required yard:
 - a. Fences and walls in conformance with City codes or ordinances.

- b. Landscape elements, including trees, shrubs, agriculture crops and other plants.
 - c. Necessary appurtenances for utility services.
2. **Conditional:** The structures listed below may project into a minimum front or rear yard not more than four feet (4') and into a minimum side yard not more than two feet (2'):
- a. Cornices, eaves, belt courses, sills, buttresses or other similar architectural features.
 - b. Fireplace structures and bays; provided, that they are not wider than eight feet (8'), measured generally parallel to the wall of which they are part.
 - c. Stairways, balconies, door stoops, fire escapes and awnings.
 - d. Planting boxes of masonry planters not exceeding twenty-four inches (24") in height.
 - e. Carports and other similar structures over a driveway in a side yard, providing such structure is not more than one story in height and twenty-four feet (24') in length, and is entirely open on at least three (3) sides, except for necessary supporting columns and customary architectural features.

10-4A-10: Building Height

In the RA Zone, the height of every building or structure hereinafter designed, erected or structurally altered or enlarged shall be regulated according to Chapter 10-19-1 Table A Setbacks.

10-4A-11: Distance between Buildings

The distance between any accessory buildings and a dwelling shall not be less than six feet (6').

10-4A-12 Parking, Loading and Access

Each lot or parcel in the RA Zone shall have on the same lot or parcel off-street parking sufficient to comply with Chapter 10-8-16. Required parking spaces shall not be provided within a required front yard except as allowed by this ordinance.

10-4A-13: Site Plan Approval

No city officer shall grant a permit or license for the use of any building or land or for the construction or alteration of any building or structure that does not comply with the provisions of this land use ordinance. Approvals given in violation of this ordinance are void.

1. Land Use Permit Required: A signed Land Use Permit signifying that the proposed use complies with the land use ordinance and setting forth the relevant city fees shall be received before a building permit can be issued.
 - a. The permit must be signed by the Mayor, Planning Commission chair, Land Use Authority, Fire official, Public Works director, and City Recorder.
 - b. Some uses under this code require issuance of Conditional Use Permits by the City Council before a Zoning Permit can be signed.
 - c. Zoning Permits expire six (6) months from the date issued if substantive work under the permit has not begun. Significant physical construction work includes activities such as pouring concrete for footings or foundations, major structural work, or installation of essential infrastructure (e.g., plumbing, electrical, sewage). Preliminary activities such as site preparation, excavation, surveying, or delivery of materials are not considered significant physical construction work.
 - d. As part of the zoning permit, the applicant may be required to obtain approval from other affected entities, such as UDOT, local Irrigation Companies, utility companies, etc. having infrastructure on the proposed lot or which will be directly affected by the proposed development, before a zoning permit will be issued by the City.
 - e. Buildable area: Structures shall not be constructed on slopes of 20% or greater unless the final design is reviewed and approved by a professional geotechnical engineer or a similarly qualified professional, and a conditional use permit has been issued for the development. For projects on slopes less than 20%, the City Engineer may require a professional review if, in their opinion, the site's field conditions warrant additional scrutiny due to unusual conditions or terrain.
 - f. If the design or engineering of any application or proposed land use is beyond the expertise of the City Staff, the City may require third party review by an engineer approved by the City prior to the issuance of a land use permit.
 - i. The applicant shall pay an additional fee to cover the cost of the third party review.
 - g. Applicants must submit a complete application to the City by the close of business at least fourteen (14) days prior to the Planning Commission meeting. This timeframe ensures that the required reviews by the Development Review Committee (DRC) can be completed. An application will not be placed on the Planning Commission agenda for final approval until all necessary signatures from the DRC members, signifying their approval within their respective jurisdictions, are obtained.
2. Building Permit Required: Erection, alteration, repair, removal or relocation of any building shall not commence or proceed without a written building permit and/or demolition permit issued by the Building Official according to the requirements of the

adopted building code. Pools with electrical covers or submersed lighting, also require a permit. Flat concrete work such as driveways, sports courts, etc. do not require a building permit unless the flat work is done as part of a larger project involving buildings and/or structures which would normally require a building permit.

3. **Occupancy Permit Required:** No land shall be used or occupied and no building hereafter structurally altered or erected shall be used or changed in use until a certificate of occupancy shall have been issued by the Building Inspector stating that the building or the proposed use thereof, or the use of the land complies with the provisions of this ordinance and any other applicable local, state or federal regulation. Certificates of Occupancy are required within ten days of completion of work.
4. **Application Approvals:** Complete applications for land use approvals are to be considered under the law that was in place when a complete application was submitted and all fees have been paid, unless the application jeopardizes a compelling, countervailing public interest; or a pending amendment to the ordinances was initiated as provided in city ordinance prior to the application. Pending amendments are of no consequence if not adopted within 180 days of being proposed. (Utah Code §. 10-10a-509)
5. **Exactions:** The city (or town) may impose an exaction or exactions on proposed land use development if:
 - a. an essential nexus exists between a legitimate governmental interest and each exaction; and
 - b. each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.
6. **Application Made to Conform to Zoning Map:** An applicant is entitled to approval of a land use application if the application conforms to the requirements of the City's zoning map and applicable land use ordinance in effect when a complete application is submitted and all fees have been paid, unless:
 - a. The City Council, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application; or
 - b. In the manner provided by City ordinance and before the application is submitted, the municipality has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the application as submitted.
7. **Processing of Application:** The City shall process an application without regard to proceedings initiated to amend the municipality's ordinances if:
 - a. 180 days have passed since the proceedings were initiated; and
 - b. The proceedings have not resulted in an enactment that prohibits the approval of the application as submitted.

8. **Application Considered Complete:** An application for a land use approval is considered submitted and complete when the application is provided in a form that complies with the requirements of applicable ordinances and all applicable fees have been paid.
9. **Reasonable Diligence:** The ongoing validity of a land use application approval is contingent upon the applicant proceeding with the implementation of the approved plans with reasonable diligence after receiving approval.
10. **No Unexpressed Requirements:** The City shall not impose any requirements on the holder of an issued land use permit unless those requirements are:
 - a. Expressly stated in the land use permit or in the documents upon which the permit is based; or
 - b. Specified in the City's ordinances.
11. **Certificate of Occupancy:** The City will not withhold issuance of a certificate of occupancy because of an applicant's failure to comply with a requirement that is not expressed:
 - a. In the building permit or in documents on which the building permit is based; or
 - b. In the City's ordinances.
12. **Compliance:** The City is bound by the terms and standards of applicable land use ordinances and shall comply with mandatory provisions of those ordinances.

10-4A-14: Other Requirements

1. **Landscaping:** Landscaping requirements shall be in accordance with Chapter 10-9. All open areas between the front lot line and the rear line of the main building, except driveways, parking areas, walkways, utility areas, improved decks, patios, porches, etc., are required (encouraged) to be maintained with suitable landscaping.
2. **Trash Storage:** No trash materials or wrecked and abandoned vehicles or equipment shall be stored in an open area. All such materials must be screened from public streets and adjacent properties with an opaque fence, hedge or must be stored within an enclosed building.
3. **Walls and Fences:**
 - a. **Fence Permit Required:** No fence, opaque hedge or screening material shall be constructed, erected, or installed without first obtaining a fence permit from the city. Approval of said permit shall be solely for the purpose of approving height, type of fence material, and placement in all Zones. If replacing an existing fence, no permit is required unless altering the footprint, material type or height of the fence in all Zones.
 - b. **Side and Rear Yard Fences:** A fence not more than six feet (6') in height may be placed or installed in any side and rear yards.

- c. Clear Vision/corner lot: Notwithstanding the preceding subsection, solid or sight obscuring fences located within a triangular area formed by the property lines connecting them at points twenty-five feet (25') from the intersection of the property lines may not exceed three feet (3') in height. Chain-link or other similar fences that do not block vision may not exceed four feet (4') in height in that area.
- d. Front Yard Fences: In any front yard, chain-link or similar fences, which do not block vision, may be allowed up to four feet (4') in height. Solid or sight obscuring fences may not exceed three feet (3') in height in such front yards. This provision shall not be interpreted as to prohibit the erection of any open mesh type fence enclosing elementary or secondary school sites or public parks.
- e. In no case shall such a privacy wall extend into the clear vision area of a corner lot as defined by Section 10-8-8 of this Title; nor shall it be a sight distance hazard to vehicular or pedestrian traffic.
- f. Solid Type Fence Defined: A solid type fence is one that is closed sufficiently to block view of traffic.

Chapter 10-4B Single Family Residential Zoning (R1)

Section

- Purpose 10-4B-1
- Permitted and Conditional Uses 10-4B-2
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- Lot Frontage 10-4B-5
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- Lot Area per Dwelling 10-4B-7
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- Park, Loading and Access 10-4B-13
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- Other Requirements 10-4B-15

10-4B-1: Purpose

The Single Family Residential Zone (R1) is established to provide areas for the encouragement and promotion of an environment for family life by providing for the establishment of single-family dwellings on individual lots. This Zone is characterized by landscaped lots and open spaces with lawns, shrubs, small gardens and the keeping of minimal number of farm animals and fowl for noncommercial use. (Ord. 2000-4-12, 4-12-2000)

10-4B-2: Permitted and Conditional Uses

The following uses or categories, including but not limited to, are permitted in the R1 Zone.

1. **Permitted Principal Uses:** The following principal uses and structures are permitted in the R1 Zone.

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

- a. **Animal Keeping:** The limitations on the keeping and maintenance of animals and fowl permitted in the R1 Zone are described below. The mixing of animal types (i.e. a cow and a sheep on the same property) is only permitted as long as the one (1) or more property requirements noted below are both met (i.e. for a cow and sheep on the same property, 1/4 an acre must be available for both animals (1/2 acre) dedicated space).

i. **Farm Animals**

1. **Horses, Cattle and Oxen:**

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

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

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

2. Swine:

- a. **Property Requirements:** One (1) swine per dedicated (free of residential space) one quarter (1/4) acre of property. Maximum number of swine allowed within city limits is set at two (2), following the property requirements stated here. No other farm animals are allowed on property dedicated for swine. For additional farm animals, additional dedicated space per the requirements of this section, is required.
- b. **Piglets:** Piglets may be kept temporarily on a property for a period not exceeding eight (8) weeks from birth. These piglets must be kept with their mother and are exempt from the maximum swine limit during this period. After eight (8) weeks, the number of swine on the property must comply with the maximum limit set forth in this code.
- c. **Care and Maintenance:** All pet swine within city limits must be properly cared for and the property which is dedicated to their care must meet constant and proper hygiene requirements in conjunction with Moroni City Code 4 – Public Health and Safety.

3. Sheep and Goats:

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

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

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

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

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

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

- iii. **Household Pets:**

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

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

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

2. **Permitted Accessory Uses:** Accessory uses, and structures are permitted in the R1 Zone, provided they are incidental to, and do not substantially alter, the character of the permitted principal use or structure.

- Such permitted accessory uses, and structures include, but are not limited to, the following:
 - i. An accessory dwelling unit (ADU), consistent with the provisions of Moroni City Code 10-8-20.

- ii. Accessory buildings such as garages, carports, greenhouses, gardening sheds recreation rooms and similar structures which are customarily used in conjunction with and incidental to a principal use or structure.
- iii. Swimming pools and incidental bath houses.
- iv. Storage of materials used for the construction of a building, including a temporary contractor's office and/or tool shed; provided, that such uses are on the building site or immediately adjacent thereto; and provided further, that such shall be for only the period of construction and thirty (30) days thereafter.
- v. Individuals may use a Recreational Coach as a temporary dwelling in the city for a period not to exceed two (2) weeks per year if the Recreational Coach is being utilized for temporary housing by visiting guests. A longer period may be granted, by an issued permit, if the Recreational Coach is being used as a construction office or temporary housing and is placed on the Lot and off of the street, and only where a permanent structure is being constructed by the property owner. The individual must obtain a permit from City Administrator which shall not be granted unless the Individual also obtains, prior to or contemporaneously therewith, a building permit to construct the permanent structure and actual construction is commenced within thirty days (30) of obtaining the building permit. Upon issuance of a certificate of occupancy or within one year after this permit has been granted, whichever occurs first, the Recreational Coach must be removed as a temporary residence or construction office within fourteen days (14). The Recreational Coach must be located on the Lot and shall comply with all setbacks required in this Ordinance for storage or placement of a Recreational Coach.
 - 1. A Recreational Coach shall not to be used as a permanent dwelling within any zone. A Recreational Coach may be utilized as a temporary dwelling or as a Temporary Multiple-Family Dwelling under the following restrictions:
 - 2. (1) Individuals may use a Recreational Coach as a temporary dwelling in the city for a period not to exceed two (2) weeks to a bona fide guest of the occupants of a permanent premises, not being utilized for any commercial or residential rental purpose. A Recreational Coach shall not be located within a triangular area formed by the property lines connecting them at points twenty-five (25') from the intersection of property lines of any street corner or intersection as defined by Section 10-7-8 of this Title; nor shall it be a sight distance hazard to vehicular or pedestrian traffic.

3. (2) The City Administrator may administratively grant an additional one-week extension by issuing a seven (7) day permit after which the Recreational Coach must be removed for a period of at least thirty (30) days.
- vi. Buildings or structures required for the housing, nurture, confinement or storage of animals permitted in this Zone, or equipment required for the care and keeping thereof.
 - vii. Home occupations, subject to the conditions of this Title.
- All detached buildings or structures, including carports or shipping storage containers, must meet the following requirements:
 - i. Must be located behind the front wall plane of the principal structure for non-corner lots.
 - ii. For corner lots, an accessory building may be located in the side yard provided it is placed behind the front wall plane of the principal structure. The accessory building must not encroach into the required front setback of the lot. While it may be adjacent to the side road, it must still comply with all applicable side and rear yard setbacks.
 - iii. Accessory buildings shall not cover more than 30% of the rear yard
 - iv. Accessory buildings, including carports, may be attached or detached to the existing house or any other structure, in accordance with applicable fire and building codes, including provisions for fire walls.
 - v. Accessory buildings or structures must meet the following requirements:
 1. The roof must be no taller than 12 feet tall at the property lines and may slope higher at the maximum rate of 1 vertical foot per horizontal foot away from the property line. Buildings taller than 12 feet must be set back from property lines at least 1 foot for every foot above 12 foot in height.
 - vi. Exceptions to this setback requirement for height may be granted by the Planning Commission if all adjoining property owners agree to the proposed height in writing.
 - vii. Accessory buildings or structures over 200 square feet in area must have a building permit and comply with all requirements of this ordinance and the building and fire codes.
 - viii. Private garages and accessory buildings located less than 5 foot from the property line must also meet the following:
 1. the roof shall not project across the property line;
 2. storm water runoff from the building shall not flow onto adjacent property.
 3. the building shall not be placed over any designated easements.

ix. Accessory buildings shall not provide living quarters nor act as a dwelling unit or an accessory apartment to the primary dwelling residence unless granted as an Accessory Dwelling Unit (ADU). Such accessory buildings used for residential occupancy shall only be permitted as specified in this ordinance.

3. **Conditional Uses:** The following uses and structures are permitted in the R1 Zone only after a conditional use permit has been approved by the City Council and subject to the terms and conditions thereof:

- Communications facilities.
- Convalescent and rest home services.
- Governmental services.
- Public recreation activities.
- Utilities.

4. **Storage Units:** Storage units are prohibited in the R1 Zone.

10-4B-3: Lot Area

The minimum area for any lot or parcel of land in the R1 Zone shall be ten thousand (10,000) square feet. (Ord.2000-4-12, 4-12-2000)

10-4B-4: Lot Width

1. **Interior:** Each lot or parcel of land in the R1 Zone, except corner lots, shall have a frontage width of not less than one hundred feet (100') on a public city street.
2. **Corner:** Each corner lot or parcel in the R1 Zone shall be ten feet (10') wider than the minimum required for interior lots. (Ord.2000-4-12, 4-12-2000)

10-4B-5: Lot Frontage

Each lot or parcel of land in the R1 Zone shall abut a public street for a minimum distance of one hundred feet (100') on a line parallel to the center line of the street or thirty five feet (35') along the circumference of a cul-de-sac improved to City standards. Frontage on a Street end which does not have a cul-de-sac improved to City standards shall not be counted in meeting this requirement. (Ord. 2000-4-12, 4-12-2000)

10-4B-6: Legal Non-Conforming Lots and Structures

1. Lots within approved subdivisions that were legally created prior to the application of the zone shall not be denied a building permit solely due to noncompliance with the parcel size, dimensions, or other lot requirements specified in this Article. Any other lot

or parcel must comply with the current zoning regulations before a building permit may be issued. All other applicable building and zoning requirements must be met.

2. In the event that a legal non-conforming structure (including buildings, signs, or other structures) is damaged or destroyed by fire, natural disaster, or other causes beyond the owner's control, the owner may submit an application to replace the damaged structure within one (1) year of the event. The application may be approved provided that the replacement structure and use does not increase the degree of nonconformity. The replacement structure may be modified to reduce the degree of nonconformity, even if it does not bring the structure into full compliance with existing zoning regulations.
3. All applications for replacement of damaged structures must be reviewed and approved in accordance with the procedures established by the City. The City reserves the right to impose conditions or modifications to ensure that the replacement structure meets the intent of this Article and other applicable regulations.

This provision applies only to legal non-conforming uses and structures, as defined by this Article. Unauthorized or illegal non-conforming uses and structures are not eligible for replacement under this provision.

10-4B-7: Lot Area per Dwelling

Not more than one single-family dwelling may be placed on a lot or parcel of land in the R1 Zone. (Ord. 2000-4-12, 4-1 2-2000)

10-4B-8: Yard Requirements

The following minimum yard requirements shall apply in the R1 Zone:

1. **Drainage:** All properties shall manage their stormwater drainage entirely within their property boundaries. Any new construction or modifications to existing buildings must ensure that no part of the structure, including eaves or overhangs, extends beyond the property lines. Additionally, all roof drainage, including rainwater runoff, must be directed to an appropriate drainage system on the property and must not flow onto neighboring properties.
2. **Setbacks:** See Table A – Setbacks for setback requirements of principle structures.
3. **Side Yard; Driveway:** When used for access to a garage, carport or parking area, a side yard shall be wide enough to provide an unobstructed twelve-foot (12') driveway.

4. **Side Yard; Accessory Building:** An accessory building may be located on a side property line if, and only if, all of the following conditions are met:
- a. The accessory building is located behind the front wall plane of the principle building on the same lot or the lot adjacent to the property line on which said building is being placed.
 - b. It has no openings on the side, which is contiguous to the property line, and is of one-hour fire resistant construction on said side.
 - c. It has facilities for the discharge of all roof drainage onto the subject lot or parcel of land.
- An accessory building which is more than six feet (6') to the rear of a main building, but which does not conform to the above conditions, shall have a side yard of at least five feet (5'). All other accessory buildings shall maintain the same side yard as a main building.

5. **Rear Yard; Accessory Building:** An accessory building may be located on the rear property line so long as:
- a. It has no openings on the side which is contiguous to the rear property line.
 - b. It has one-hour fire resistant construction in the wall adjacent to said property line.
 - c. It provides for all roof drainage to be retained on the subject lot or parcel.

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

10-4B-9: Projections into Yards

1. **Permitted:** The following structures may be erected on or projected into any required yard:
- a. Fences and walls in conformance with City codes or ordinances.
 - b. Landscape elements, including trees, shrubs, agriculture crops and other plants.
 - c. Necessary appurtenances for utility services.

2. **Conditional:** The structures listed below may project into a minimum front or rear yard not more than four feet (4') and into a minimum side yard not more than two feet (2'):
 - a. Cornices, eaves, belt courses, sills, buttresses or other similar architectural features.
 - b. Fireplace structures and bays; provided, that they are not wider than eight feet (8'), measured generally parallel to the wall of which they are part.
 - c. Stairways, balconies, door stoops, fire escapes and awnings.
 - d. Planting boxes of masonry planters not exceeding twenty-four inches (24") in height.
 - e. Carports and other similar structures over a driveway in a side yard, providing such structure is not more than one story in height and twenty-four feet (24') in length, and is entirely open on at least three (3) sides, except for necessary supporting columns and customary architectural features. (Ord. 2000-4-12, 4-12-2000)

10-4B-10: Building Height

In the R1 Zone, the height of every building or structure hereinafter designed, erected or structurally altered or enlarged shall be regulated according to Chapter 10-19-1 Table A Setbacks.

10-4B-11: Distance between Buildings

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

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

Each lot or parcel in the R1 Zone shall have on the same lot or parcel off-street parking sufficient to comply with Chapter 10-8-16. Required parking spaces shall not be provided within a required front yard except as allowed by this ordinance. (Ord. 2000-4-12, 4-12-2000)

10-4B-13: Site Plan Approval

No city officer shall grant a permit or license for the use of any building or land or for the construction or alteration of any building or structure that does not comply with the provisions of this land use ordinance. Approvals given in violation of this ordinance are void.

1. Land Use Permit Required: A signed Land Use Permit signifying that the proposed use complies with the land use ordinance and setting forth the relevant city fees shall be received before a building permit can be issued.

- a. The permit must be signed by the Mayor, Planning Commission chair, Land Use Authority, Fire official, Public Works director, and City Recorder.
 - b. Some uses under this code require issuance of Conditional Use Permits by the City Council before a Zoning Permit can be signed.
 - c. Zoning Permits expire six (6) months from the date issued if significant physical construction work under the permit has not begun. Significant physical construction work includes activities such as pouring concrete for footings or foundations, major structural work, or installation of essential infrastructure (e.g., plumbing, electrical, sewage). Preliminary activities such as site preparation, excavation, surveying, or delivery of materials are not considered significant physical construction work.
 - d. As part of the zoning permit, the applicant may be required to obtain approval from other affected entities, such as UDOT, local Irrigation Companies, utility companies, etc. having infrastructure on the proposed lot or which will be directly affected by the proposed development, before a zoning permit will be issued by the City.
 - e. Buildable area: Structures shall not be constructed on slopes of 20% or greater unless the final design is reviewed and approved by a professional geotechnical engineer or a similarly qualified professional, and a conditional use permit has been issued for the development. For projects on slopes less than 20%, the City Engineer may require a professional review if, in their opinion, the site's field conditions warrant additional scrutiny due to unusual conditions or terrain.
 - f. If the design or engineering of any application or proposed land use is beyond the expertise of the City Staff, the City may require third party review by an engineer approved by the City prior to the issuance of a land use permit.
 - i. The applicant shall pay an additional fee to cover the cost of the third party review.
 - g. Applicants must submit a complete application to the City by the close of business at least fourteen (14) days prior to the Planning Commission meeting. This timeframe ensures that the required reviews by the Development Review Committee (DRC) can be completed. An application will not be placed on the Planning Commission agenda for final approval until all necessary signatures from the DRC members, signifying their approval within their respective jurisdictions, are obtained.
2. Building Permit Required: Erection, alteration, repair, removal or relocation of any building shall not commence or proceed without a written building permit and/or demolition permit issued by the Building Official according to the requirements of the adopted building code. Pools with electrical covers or submersed lighting, also require a permit. Flat concrete work such as driveways, sports courts, etc. do not require a building

permit unless the flat work is done as part of a larger project involving buildings and/or structures which would normally require a building permit.

3. **Occupancy Permit Required:** No land shall be used or occupied and no building hereafter structurally altered or erected shall be used or changed in use until a certificate of occupancy shall have been issued by the Building Inspector stating that the building or the proposed use thereof, or the use of the land complies with the provisions of this ordinance and any other applicable local, state or federal regulation. Certificates of Occupancy are required within ten days of completion of work.
4. **Application Approvals:** Complete applications for land use approvals are to be considered under the law that was in place when a complete application was submitted and all fees have been paid, unless the application jeopardizes a compelling, countervailing public interest; or a pending amendment to the ordinances was initiated as provided in city ordinance prior to the application. Pending amendments are of no consequence if not adopted within 180 days of being proposed. (Utah Code §. 10-10a-509)
5. **Exactions:** The city (or town) may impose an exaction or exactions on proposed land use development if:
 - a. an essential nexus exists between a legitimate governmental interest and each exaction; and
 - b. each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.
6. **Application Made to Conform to Zoning Map:** An applicant is entitled to approval of a land use application if the application conforms to the requirements of the City's zoning map and applicable land use ordinance in effect when a complete application is submitted and all fees have been paid, unless:
 - a. The City Council, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application; or
 - b. In the manner provided by City ordinance and before the application is submitted, the municipality has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the application as submitted.
7. **Processing of Application:** The City shall process an application without regard to proceedings initiated to amend the municipality's ordinances if:
 - a. 180 days have passed since the proceedings were initiated; and
 - b. The proceedings have not resulted in an enactment that prohibits the approval of the application as submitted.
8. **Application Considered Complete:** An application for a land use approval is considered submitted and complete when the application is provided in a form that complies with the requirements of applicable ordinances and all applicable fees have been paid.

9. Reasonable Diligence: The ongoing validity of a land use application approval is contingent upon the applicant proceeding with the implementation of the approved plans with reasonable diligence after receiving approval.
10. No Unexpressed Requirements: The City shall not impose any requirements on the holder of an issued land use permit unless those requirements are:
 - a. Expressly stated in the land use permit or in the documents upon which the permit is based; or
 - b. Specified in the City's ordinances.
11. Certificate of Occupancy: The City will not withhold issuance of a certificate of occupancy because of an applicant's failure to comply with a requirement that is not expressed:
 - a. In the building permit or in documents on which the building permit is based; or
 - b. In the City's ordinances.
12. Compliance: The City is bound by the terms and standards of applicable land use ordinances and shall comply with mandatory provisions of those ordinances.

10-4B-14: Other Requirements

1. **Landscaping:** Landscaping requirements shall be in accordance with Chapter 10-9. All open areas between the front lot line and the rear line of the main building, except driveways, parking areas, walkways, utility areas, improved decks, patios, porches, etc., shall be maintained with suitable landscaping in accordance with Chapter 10-9: Landscape Requirements.
2. **Trash Storage:** No trash materials or wrecked and abandoned vehicles or equipment shall be stored in an open area. All such materials must be screened from public streets and adjacent properties with an opaque fence, hedge or must be stored within an enclosed building.
3. **Walls and Fences:**
 - a. Fence Permit Required: No fence, opaque hedge or screening material shall be constructed, erected, or installed without first obtaining a fence permit from the city. Approval of said permit shall be solely for the purpose of approving height, type of fence material, and placement in all Zones. If replacing an existing fence, no permit is required unless altering the footprint, material type or height of the fence in all Zones.
 - b. Side and Rear Yard Fences: A fence not more than six feet (6') in height may be placed or installed in any side and rear yards.

- c. Clear Vision/corner lot: Notwithstanding the preceding subsection, solid or sight obscuring fences located within a triangular area formed by the property lines connecting them at points twenty-five feet (25') from the intersection of the property lines may not exceed three feet (3') in height. Chain-link or other similar fences that do not block vision may not exceed four feet (4') in height in that area.
- d. Front Yard Fences: In any front yard, chain-link or similar fences, which do not block vision, may be allowed up to four feet (4') in height. Solid or sight obscuring fences may not exceed three feet (3') in height in such front yards. This provision shall not be interpreted as to prohibit the erection of any open mesh type fence enclosing elementary or secondary school sites or public parks.
- e. In no case shall such a privacy wall extend into the clear vision area of a corner lot as defined by Section 10-8-8 of this Title; nor shall it be a sight distance hazard to vehicular or pedestrian traffic.
- f. Solid Type Fence Defined: A solid type fence is one that is closed sufficiently to block view of traffic.

Chapter 10-4C Medium Density Residential Zoning (R2)

Section

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- Permitted and Conditional Uses 10-4C-2
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10-4C-1: Purpose

The Medium Density Residential Zone (R2) designates appropriate locations for establishing, maintaining, and protecting medium-density residential neighborhoods on lots of at least 10,000 square feet. The regulations also allow for the establishment of public and semi-public uses, such as churches, schools, libraries, parks, and playgrounds, with proper controls to serve the needs of

families. Additionally, the regulations aim to prohibit uses that would be detrimental to a medium-density residential neighborhood.

10-4C-2: Permitted and Conditional Uses

The following uses or categories, including but not limited to, are permitted in the R2 Zone.

1. **Permitted Principal Uses:** The following principal uses and structures are permitted in the R2 Zone.

- Agriculture and agricultural related activities as limited herein.
 - Communication systems.
 - Mobile Home Park (Strictly as now existing)
 - Nursery, primary and secondary education facilities,
 - Religious Facilities.
 - Animals (noncommercial as limited herein).
 - Schools (Elementary, Junior High and High School)
 - Multiple family dwellings, as limited herein
 - Public parks.
 - Single-family dwellings.
- Animal Keeping: The limitations on the keeping and maintenance of animals and fowl permitted in the R2 Zone are described below. The mixing of animal types (i.e. a cow and a sheep on the same property) is only permitted as long as the one (1) or more property requirements noted below are both met (i.e. for a cow and sheep on the same property, 1/4 an acre must be available for both animals (1/2 acre) dedicated space).

i. **Farm Animals**

1. Horses, Cattle and Oxen:

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

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

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

2. Swine:

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

3. Sheep and Goats:

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

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

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

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

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

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

- iii. **Household Pets:**

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

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

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

2. **Permitted Accessory Uses:** Accessory uses, and structures are permitted in the R2 Zone, provided they are incidental to, and do not substantially alter, the character of the permitted principal use or structure.

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

- i. An accessory dwelling unit (ADU), consistent with the provisions of Moroni City Code 10-8-20.

- ii. Accessory buildings such as garages, carports, greenhouses, gardening sheds recreation rooms and similar structures which are customarily used in conjunction with and incidental to a principal use or structure.
- iii. Swimming pools and incidental bath houses.
- iv. Storage of materials used for the construction of a building, including a temporary contractor's office and/or tool shed; provided, that such uses are on the building site or immediately adjacent thereto; and provided further, that such shall be for only the period of construction and thirty (30) days thereafter.
- v. Buildings or structures required for the housing, nurture, confinement or storage of animals permitted in this Zone, or equipment required for the care and keeping thereof.
- vi. Individuals may use a Recreational Coach as a temporary dwelling in the city for a period not to exceed two (2) weeks per year if the Recreational Coach is being utilized for temporary housing by visiting guests. A longer period may be granted, by an issued permit, if the Recreational Coach is being used as a construction office or temporary housing and is placed on the Lot and off of the street, and only where a permanent structure is being constructed by the property owner. The individual must obtain a permit from City Administrator which shall not be granted unless the Individual also obtains, prior to or contemporaneously therewith, a building permit to construct the permanent structure and actual construction is commenced within thirty days (30) of obtaining the building permit. Upon issuance of a certificate of occupancy or within one year after this permit has been granted, whichever occurs first, the Recreational Coach must be removed as a temporary residence or construction office within fourteen days (14). The Recreational Coach must be located on the Lot and shall comply with all setbacks required in this Ordinance for storage or placement of a Recreational Coach.
 - 1. A Recreational Coach shall not be used as a permanent dwelling within any zone. A Recreational Coach may be utilized as a temporary dwelling or as a Temporary Multiple-Family Dwelling under the following restrictions:
 - 2. (1) Individuals may use a Recreational Coach as a temporary dwelling in the city for a period not to exceed two (2) weeks to a bona fide guest of the occupants of a permanent premises, not being utilized for any commercial or residential rental purpose. A Recreational Coach shall not be located within a triangular area

formed by the property lines connecting them at points twenty-five (25') from the intersection of property lines of any street corner or intersection as defined by Section 10-7-8 of this Title; nor shall it be a sight distance hazard to vehicular or pedestrian traffic.

3. (2) The City Administrator may administratively grant an additional one-week extension by issuing a seven (7) day permit after which the Recreational Coach must be removed for a period of at least thirty (30) days.
- vii. Home occupations, subject to the conditions of this Title.
- All detached buildings or structures, including carports or shipping storage containers, must meet the following requirements:
 - i. Must be located behind the front wall plane of the principal structure for non- corner lots.
 - ii. For corner lots, an accessory building may be located in the side yard provided it is placed behind the front wall plane of the principal structure. The accessory building must not encroach into the required front setback of the lot. While it may be adjacent to the side road, it must still comply with all applicable side and rear yard setbacks.
 - iii. Accessory buildings shall not cover more than 30% of the rear yard
 - iv. Accessory buildings, including carports, may be attached or detached to the existing house or any other structure, in accordance with applicable fire and building codes, including provisions for fire walls.
 - v. Accessory buildings or structures must meet the following requirements:
 1. Must be set back at least 5 feet from property lines unless firewalls are provided for walls which lay closest and parallel to property lines, as approved by the building inspector or designee
 2. The roof must be no taller than 12 feet tall at the property lines and may slope higher at the maximum rate of 1 vertical foot per horizontal foot away from the property line. Buildings taller than 12 feet must be set back from property lines at least 1 foot for every foot above 12 foot in height.
 - vi. Exceptions to this setback requirement for height may be granted by the Planning Commission if all adjoining property owners agree to the proposed height in writing.
 - vii. Accessory buildings or structures over 200 square feet in area must have a building permit and comply with all requirements of this ordinance and the building and fire codes.
 - viii. Private garages and accessory buildings located less than 5 foot from the property line must also meet the following:
 1. the roof shall not project across the property line;

2. storm water runoff from the building shall not flow onto adjacent property.
 3. the building shall not be placed over any designated easements.
 - ix. Accessory buildings shall not provide living quarters nor act as a dwelling unit or an accessory apartment to the primary dwelling residence unless granted as an Accessory Dwelling Unit (ADU). Such accessory buildings used for residential occupancy shall only be permitted as specified in this ordinance.
3. **Conditional Uses:** The following uses and structures are permitted in the R2 Zone only after a conditional use permit has been approved by the City Council and subject to the terms and conditions thereof:
- Animal hospital services.
 - Communications facilities.
 - Convalescent and rest home services.
 - Governmental services.
 - Public recreation activities.
 - Utilities.
 - Multiple family dwellings
4. **Storage Units:** Storage units are prohibited in the C2 Zone.

10-4C-3: Lot Area

The minimum area for any lot or parcel of land in the R2 Zone shall be ten thousand (10,000) square feet. (Ord.2000-4-12, 4-12-2000)

10-4C-4: Lot Width

1. **Interior:** Each lot or parcel of land in the R2 Zone, except corner lots, shall have a frontage width of not less than one hundred feet (100') on a public city street.
2. **Corner:** Each corner lot or parcel in the R2 Zone shall be ten feet (10') wider than the minimum required for interior lots. (Ord.2000-4-12, 4-12-2000)

10-4C-5: Lot Frontage

Each lot or parcel of land in the R2 Zone shall abut a public street for a minimum distance of one hundred feet (100') on a line parallel to the center line of the street or thirty five feet (35') along the circumference of a cul-de-sac improved to City standards. Frontage on a Street end which does not have a cul-de-sac improved to City standards shall not be counted in meeting this requirement. (Ord. 2000-4-12, 4-12-2000)

10-4C-6: Legal Non-Conforming Lots and Structures

1. Lots within approved subdivisions that were legally created prior to the application of the zone shall not be denied a building permit solely due to noncompliance with the parcel size, dimensions, or other lot requirements specified in this Article. Any other lot or parcel must comply with the current zoning regulations before a building permit may be issued. All other applicable building and zoning requirements must be met.
2. In the event that a legal non-conforming structure (including buildings, signs, or other structures) is damaged or destroyed by fire, natural disaster, or other causes beyond the owner's control, the owner may submit an application to replace the damaged structure within one (1) year of the event. The application may be approved provided that the replacement structure and use does not increase the degree of nonconformity. The replacement structure may be modified to reduce the degree of nonconformity, even if it does not bring the structure into full compliance with existing zoning regulations.
3. All applications for replacement of damaged structures must be reviewed and approved in accordance with the procedures established by the City. The City reserves the right to impose conditions or modifications to ensure that the replacement structure meets the intent of this Article and other applicable regulations.
4. This provision applies only to legal non-conforming uses and structures, as defined by this Article. Unauthorized or illegal non-conforming uses and structures are not eligible for replacement under this provision.

10-4C-7: Lot Area per Dwelling

A minimum lot size of 10,000 square feet shall be required for a single-family dwelling. For a multiple family dwelling, the following lot sizes shall apply:

Units	Lot size required (in square feet)
Duplex	18,390 sq ft
Triplex	26,780 sq ft
Four-plex	35,170 sq ft
Five-plex	43,560 sq ft
Additional units	None allowed

10-4C-8: Yard Requirements

The following minimum yard requirements shall apply in the R2 Zone:

1. **Drainage:** All properties shall manage their stormwater drainage entirely within their property boundaries. Any new construction or modifications to existing buildings must ensure that no part of the structure, including eaves or overhangs, extends beyond the property lines. Additionally, all roof drainage, including rainwater runoff, must be directed to an appropriate drainage system on the property and must not flow onto neighboring properties.
2. **Multiple Access Points Required:** Except single family dwellings, all developments in the multi-family, commercial, and manufacturing zones shall be designed to provide at least two points of vehicular access to public streets or roads. These access points must be designed to facilitate emergency vehicle access, reduce traffic congestion, and provide safe ingress and egress for all vehicles. Access points shall not be located within 50 feet of an intersection or stop sign in any zone to maintain traffic safety and flow.
 - a. **Access Point Locations:** The required access points should be spaced at appropriate distances to ensure traffic flow and safety, as determined by the City Engineer or other designated authority. When possible, access points should connect to different streets or roads to maximize connectivity and circulation.
 - b. **Exceptions:** The Planning Commission may approve a reduction in the number of access points required if it can be demonstrated that the site layout, size, or other unique characteristics make providing two access points impractical, and that public safety and traffic flow will not be compromised.
3. **Setbacks:** See Table A – Setbacks for setback requirements of principle structures.
4. **Side Yard; Driveway:** When used for access to a garage, carport or parking area, a side yard shall be wide enough to provide an unobstructed twelve-foot (12') driveway.
5. **Side Yard; Accessory Building:** An accessory building may be located on a side property line if, and only if, all of the following conditions are met:
 - a. The accessory building is located behind the front wall plane of the principle building on the same lot or the lot adjacent to the property line on which said building is being placed.
 - b. It has no openings on the side, which is contiguous to the property line, and is of one-hour fire resistant construction on said side.

- c. It has facilities for the discharge of all roof drainage onto the subject lot or parcel of land.

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

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

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

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

10-4C-9: Projections into Yards

1. **Permitted:** The following structures may be erected on or projected into any required yard:
 - a. Fences and walls in conformance with City codes or ordinances.
 - b. Landscape elements, including trees, shrubs, agriculture crops and other plants.
 - c. Necessary appurtenances for utility services.
2. **Conditional:** The structures listed below may project into a minimum front or rear yard not more than four feet (4') and into a minimum side yard not more than two feet (2'):
 - a. Cornices, eaves, belt courses, sills, buttresses or other similar architectural features.
 - b. Fireplace structures and bays; provided, that they are not wider than eight feet (8'), measured generally parallel to the wall of which they are part.
 - c. Stairways, balconies, door stoops, fire escapes and awnings.

- d. Planting boxes of masonry planters not exceeding twenty-four inches (24”) in height.

10-4C-10: Building Height

In the R2 Zone, the height of every building or structure hereinafter designed, erected or structurally altered or enlarged shall be regulated according to Chapter 10-19-1 Table A Setbacks.

10-4C-11: Distance between Buildings

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

10-4C-12 Parking, Loading and Access

Each lot or parcel in the R2 Zone shall have on the same lot or parcel off-street parking sufficient to comply with Chapter 10-8-16. Required parking spaces shall not be provided within a required front yard except as allowed by this ordinance. (Ord. 2000-4-12, 4-1 2-2000)

10-4C-13: Site Plan Approval

No city officer shall grant a permit or license for the use of any building or land or for the construction or alteration of any building or structure that does not comply with the provisions of this land use ordinance. Approvals given in violation of this ordinance are void.

1. Land Use Permit Required: A signed Land Use Permit signifying that the proposed use complies with the land use ordinance and setting forth the relevant city fees shall be received before a building permit can be issued.
 - a. The permit must be signed by the Mayor, Planning Commission chair, Land Use Authority, Fire official, Public Works director, and City Recorder.
 - b. Some uses under this code require issuance of Conditional Use Permits by the City Council before a Zoning Permit can be signed.
 - c. Zoning Permits expire six (6) months from the date issued if substantive work under the permit has not begun. Significant physical construction work includes activities such as pouring concrete for footings or foundations, major structural work, or installation of essential infrastructure (e.g., plumbing, electrical, sewage). Preliminary activities such as site preparation, excavation, surveying, or delivery of materials are not considered significant physical construction work.
 - d. As part of the zoning permit, the applicant may be required to obtain approval from other affected entities, such as UDOT, local Irrigation Companies, utility companies, etc. having infrastructure on the proposed lot or which will be directly affected by the proposed development, before a zoning permit will be issued by the City.

- e. Buildable area: Structures shall not be constructed on slopes of 20% or greater unless the final design is reviewed and approved by a professional geotechnical engineer or a similarly qualified professional, and a conditional use permit has been issued for the development. For projects on slopes less than 20%, the City Engineer may require a professional review if, in their opinion, the site's field conditions warrant additional scrutiny due to unusual conditions or terrain.
 - f. If the design or engineering of any application or proposed land use is beyond the expertise of the City Staff, the City may require third party review by an engineer approved by the City prior to the issuance of a land use permit.
 - i. The applicant shall pay an additional fee to cover the cost of the third party review.
 - g. Applicants must submit a complete application to the City by the close of business at least fourteen (14) days prior to the Planning Commission meeting. This timeframe ensures that the required reviews by the Development Review Committee (DRC) can be completed. An application will not be placed on the Planning Commission agenda for final approval until all necessary signatures from the DRC members, signifying their approval within their respective jurisdictions, are obtained.
2. Building Permit Required: Erection, alteration, repair, removal or relocation of any building shall not commence or proceed without a written building permit and/or demolition permit issued by the Building Official according to the requirements of the adopted building code. Pools with electrical covers or submersed lighting, also require a permit. Flat concrete work such as driveways, sports courts, etc. do not require a building permit unless the flat work is done as part of a larger project involving buildings and/or structures which would normally require a building permit.
 3. Occupancy Permit Required: No land shall be used or occupied and no building hereafter structurally altered or erected shall be used or changed in use until a certificate of occupancy shall have been issued by the Building Inspector stating that the building or the proposed use thereof, or the use of the land complies with the provisions of this ordinance and any other applicable local, state or federal regulation. Certificates of Occupancy are required within ten days of completion of work.
 4. Application Approvals: Complete applications for land use approvals are to be considered under the law that was in place when a complete application was submitted and all fees have been paid, unless the application jeopardizes a compelling, countervailing public interest; or a pending amendment to the ordinances was initiated as provided in city ordinance prior to the application. Pending amendments are of no consequence if not adopted within 180 days of being proposed. (Utah Code §. 10-10a-509)
 5. Exactions: The city (or town) may impose an exaction or exactions on proposed land use development if:

- a. an essential nexus exists between a legitimate governmental interest and each exaction; and
 - b. each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.
6. Application Made to Conform to Zoning Map: An applicant is entitled to approval of a land use application if the application conforms to the requirements of the City's zoning map and applicable land use ordinance in effect when a complete application is submitted and all fees have been paid, unless:
 - a. The City Council, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application; or
 - b. In the manner provided by City ordinance and before the application is submitted, the municipality has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the application as submitted.
7. Processing of Application: The City shall process an application without regard to proceedings initiated to amend the municipality's ordinances if:
 - a. 180 days have passed since the proceedings were initiated; and
 - b. The proceedings have not resulted in an enactment that prohibits the approval of the application as submitted.
8. Application Considered Complete: An application for a land use approval is considered submitted and complete when the application is provided in a form that complies with the requirements of applicable ordinances and all applicable fees have been paid.
9. Reasonable Diligence: The ongoing validity of a land use application approval is contingent upon the applicant proceeding with the implementation of the approved plans with reasonable diligence after receiving approval.
10. No Unexpressed Requirements: The City shall not impose any requirements on the holder of an issued land use permit unless those requirements are:
 - a. Expressly stated in the land use permit or in the documents upon which the permit is based; or
 - b. Specified in the City's ordinances.
11. Certificate of Occupancy: The City will not withhold issuance of a certificate of occupancy because of an applicant's failure to comply with a requirement that is not expressed:
 - a. In the building permit or in documents on which the building permit is based; or
 - b. In the City's ordinances.
12. Compliance: The City is bound by the terms and standards of applicable land use ordinances and shall comply with mandatory provisions of those ordinances.

10-4C-14: Other Requirements

1. **Landscaping:** Landscaping requirements shall be in accordance with Chapter 10-9. All open areas between the front lot line and the rear line of the main building, except driveways, parking areas, walkways, utility areas, improved decks, patios, porches, etc., are encouraged to be maintained with suitable landscaping.
2. **Trash Storage:** No trash materials, or wrecked, inoperable, unlicensed, or abandoned vehicles or equipment shall be stored in an open area. All such materials must be screened from public streets and adjacent properties with an opaque fence or hedge or must be stored within an enclosed building.
3. **Walls and Fences:**
 - a. **Fence Permit Required:** No fence, opaque hedge or screening material shall be constructed, erected, or installed without first obtaining a fence permit from the city. Approval of said permit shall be solely for the purpose of approving height, type of fence material, and placement in all Zones. If replacing an existing fence, no permit is required unless altering the footprint, material type or height of the fence in all Zones.
 - b. **Side and Rear Yard Fences:** All new multi-family dwelling units must install a sight obscuring fence at least 6 feet tall around the interior side and rear sides of the property at the time of obtaining a building permit or expansion. (This section does not supersede height requirements for front yard fences listed below.)
 - c. **Clear Vision/corner lot:** Notwithstanding the preceding subsection, solid or sight obscuring fences located within a triangular area formed by the property lines connecting them at points twenty-five feet (25') from the intersection of the property lines may not exceed three feet (3') in height. Chain-link or other similar fences that do not block vision may not exceed four feet (4') in height in that area.
 - d. **Front Yard Fences:** In any front yard, chain-link or similar fences, which do not block vision, may be allowed up to four feet (4') in height. Solid or sight obscuring fences may not exceed three feet (3') in height in such front yards. This provision shall not be interpreted as to prohibit the erection of any open mesh type fence enclosing elementary or secondary school sites or public parks.
 - e. In no case shall such a privacy wall extend into the clear vision area of a corner lot as defined by Section 10-8-8 of this Title; nor shall it be a sight distance hazard to vehicular or pedestrian traffic.
 - f. **Solid Type Fence Defined:** A solid type fence is one that is closed sufficiently to block view of traffic.

Chapter 10-4D Planned Unit Development (PUD)

Section

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10-4D-1: Purpose and Intent

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

10-4D-2: Use Regulations

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

2. **Development Plan:** An overall development plan for a PUD showing building types, locations, sizes, height, number of residential units, access roads, open spaces, parking and landscaping may be approved by the Planning Commission and City Council, and building permits issued in accordance with such plan, even though the residential uses, housing types and the location of the building proposed differ from the residential uses, housing types and regulations governing such uses in; provided, that the provisions of this Article are complied with.
3. **Accessory Uses:** Accessory nonresidential uses may be included in the development to provide a necessary service to the residents of the development as determined by the Planning Commission. (Ord.2000-4-12, 4-1 2-2000)
4. **Accessory Dwelling Unit (ADU):** Any ADU shall be consistent with the provisions of Moroni City Code 10-8-20

10-4D-3: Area Regulations

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

10-4D-4: General Requirements

1. **Ownership:** The development shall be in a single or corporate ownership or the application filed jointly by the owners of the property.

2. **Adjacent Property not Adversely Affected:** The property adjacent to the PUD shall not be adversely affected. The Planning Commission may require in the absence of appropriate physical boundaries the use of walls of the least intensity or greatest compatibility be arranged around the boundaries of the project. Yard and height requirements of the adjacent zone shall apply on the periphery of the project.
3. **Site Development Standards; Signs:** Site development standards and sign regulations shall be determined by approval of the site development plan.
4. **Open Space:** The City Council, upon recommendation of the Planning Commission, shall require the preservation, maintenance and ownership of open space utilizing, at the City's option, one of the following methods:
 - a. Dedication of the land as a public park; or
 - b. Granting to the City a permanent open space easement on and over the said private open spaces to guarantee that the open space remains perpetually in recreation use, with ownership and maintenance being the responsibility of a homeowners' association established with articles of association and bylaws which are satisfactory to the City; or
 - c. Complying with the provisions of the Condominium Ownership Act of 1963, Utah Code Annotated title 57, chapter 8, as amended, which provides for the payment of common expenses for the upkeep of common areas and facilities. Recreation uses and facilities may be developed within the common opens space areas in compliance with a recreation and landscaping plan approved as part of the approved final development plan of the PUD.

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

5. **Bond Required:** The developer shall be required to provide a bond, as determined by the Planning Commission, to the City guaranteeing the completion of the development of the open space, or a phase thereof. When completed in accordance with the approved plan, the bond shall be released. If uncompleted at the end of two (2) years, the City will

review the progress and may proceed to use the bond funds to make the improvements to the open space.

6. **Access Roads Creating Corner Lots:** Where access roads create corner lots of adjoining parcels of land, the location of the paved area of the access road shall be located so as to maintain the minimum corner lot side yard requirements of the zone in which the corner lot is located, plus an additional ten foot (10') planting and walking area.
7. **Division Boundaries:** If the PUD is to be subsequently divided either as a "subdivision" or into a phase development parcel of separately owned and operated units, such division boundaries shall be indicated in the development plan and preliminary subdivision approval concurrently obtained in the case of a "subdivision".
8. **Adaptability of Area:** The area shall be adaptable to a unit-type development and shall not contain within or through it any ownership or physical barrier which would tend to impair the unit cohesiveness.
9. **Changes, Alterations:** Once the overall development plan showing details of buildings, structures, and uses has been approved by the City Council after recommendation of the Planning Commission, no changes or alterations to such development plans or uses shall be made without first obtaining approval of the Planning Commission.

Major revisions require City Council approval. (Ord. 2000-4-12, 4-1 2-2000)

10-4D-5: Submission of Application

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

10-4D-6: Planning Commission Consideration

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

1. **Design:** The design of buildings and their relationship on the site and their relationship to development beyond the boundaries of the development.
2. **Streets; Traffic; Parking:** Which streets shall be public, and which shall be private; the entrances and exits to the development and the provisions for internal and external traffic circulation and off-street parking.

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

10-4D-7: Planning Commission Action

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

10-4D-8: City Council Action

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

10-4D-9: Building Permit Issuance

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

10-4D-10: Time Limit

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

Chapter 10-5A: Central Commercial Zoning (C1)

Section

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- Permitted and Conditional Uses 10-5A-2
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10-5A-1: Purpose and Objectives

1. The Central Commercial Zone (C1) is established to provide a district primarily for the accommodation of retail commercial and service uses to serve the needs of the citizens of the City.
2. The C1 Zone is applied to the existing commercial area which has a variety of characteristics. The provisions contained herein should be used to encourage greater integrity and aesthetic improvement as the area is redeveloped and improved. Integrated

and coordinated landscaping, parking, ingress and egress, signing and building design should be encouraged and coordinated through the Planning Commission. New construction should be in harmony with the character of the surrounding structures. (Ord. 2000-4-12, 4-12-2000)

10-5A-2: Permitted and Conditional Uses

The following uses or categories, including but not limited to, are permitted in the C1 Zone:

1. **Permitted Principal Uses:** The following principal uses and structures, are permitted in the C1 Zone:

- Bank or financial institution.
- Barber shop or Beauty culture school, beauty shop
- Bowling alley
- Clinics, medical or dental
- Employment agency
- Restaurant
- Automobile, new or used, sales and service. Automobile parts sales. Automobile repair,
- Bakery
- Car wash
- Clothing and accessory store.
- Hardware store
- Insurance agency
- Pawnshop

2. **Permitted Accessory Uses:** Accessory uses and structures are permitted in the C1 Zone, provided they are incidental to, and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

- a. An accessory dwelling unit (ADU), as part of an existing single-family home and consistent with the provisions of Moroni City Code 10-8-20.
- b. Accessory buildings such as garages, carports, equipment storage buildings and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in C1 Zone.
- c. Storage of materials used for construction of buildings, including the contractor's temporary office; provided, that such use be located on the building site or immediately adjacent thereto; and provided further, that such use shall be permitted only during the construction period and thirty (30) days thereafter.

- d. All detached buildings or structures, including carports or shipping storage containers, must meet the following requirements:
 - i. Must be located behind the front wall plane of the principal structure for non- corner lots.
 - ii. For corner lots, an accessory building may be located in the side yard provided it is placed behind the front wall plane of the principal structure. The accessory building must not encroach into the required front setback of the lot. While it may be adjacent to the side road, it must still comply with all applicable side and rear yard setbacks.
 - iii. Accessory buildings, including carports, may be attached or detached to the existing principle building or any other structure, in accordance with applicable fire and building codes, including provisions for fire walls.
 - iv. Accessory buildings or structures must meet the following requirements:
 - 1. Must be set back at least 5 feet from property lines unless firewalls are provided for walls which lay closest and parallel to property lines, as approved by the building inspector or designee
 - 2. The roof must be no taller than 12 feet tall at the property lines and may slope higher at the maximum rate of 1 vertical foot per horizontal foot away from the property line. Buildings taller than 12 feet must be set back from property lines at least 1 foot for every foot above 12 foot in height.
 - v. Exceptions to this setback requirement for height may be granted by the Planning Commission if all adjoining property owners agree to the proposed height in writing.
 - vi. Accessory buildings or structures over 200 square feet in area must have a building permit and comply with all requirements of this ordinance and the building and fire codes.
 - vii. Private garages and accessory buildings located less than 5 foot from the property line must also meet the following:
 - 1. the roof shall not project across the property line;
 - 2. storm water runoff from the building shall not flow onto adjacent property.
 - 3. the building shall not be placed over any designated easements.
 - viii. Accessory buildings shall not provide living quarters nor act as a dwelling unit or an accessory apartment to the primary building.
- 3. **Conditional Uses:** The following, including but not limited to, uses and structures are permitted on the C1 Zone only after a conditional use permit has been issued by the Planning Commission, and subject to the terms and conditions thereof:

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

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

4. Storage Units: Storage units are prohibited in the C1 Zone.

10-5A-3: Lot Area

There shall be no minimum lot area requirements in the C1 Zone, except as may be dictated by off-street parking requirements found in Chapter 10-8-16, adequate circulation and proper site utilization, and provisions of the Fire Code. (Ord. 2000-4-12, 4-12-2000)

10-5A-4: Lot Width

There shall be no lot width requirement, except as is found in Chapter 10-19-1 Table A Setbacks. (Ord. 2000-4-12,4-12-2000)

10-5A-5: Lot Frontage

Each lot or parcel of land in the C1 Zone shall have frontage on a public Street for a minimum distance of thirty-five feet (35'). (Ord. 2000-4-12, 4-12-2000)

10-5A-6: Legal Non-Conforming Lots and Structures

1. Lots within approved subdivisions that were legally created prior to the application of the zone shall not be denied a building permit solely due to noncompliance with the parcel size, dimensions, or other lot requirements specified in this Article. Any other lot or parcel must comply with the current zoning regulations before a building permit may be issued. All other applicable building and zoning requirements must be met.
2. In the event that a legal non-conforming structure (including buildings, signs, or other structures) is damaged or destroyed by fire, natural disaster, or other causes beyond the owner's control, the owner may submit an application to replace the damaged structure within one (1) year of the event. The application may be approved provided that the replacement structure and use does not increase the degree of nonconformity. The

replacement structure may be modified to reduce the degree of nonconformity, even if it does not bring the structure into full compliance with existing zoning regulations.

3. All applications for replacement of damaged structures must be reviewed and approved in accordance with the procedures established by the City. The City reserves the right to impose conditions or modifications to ensure that the replacement structure meets the intent of this Article and other applicable regulations.

This provision applies only to legal non-conforming uses and structures, as defined by this Article. Unauthorized or illegal non-conforming uses and structures are not eligible for replacement under this provision.

10-5A-7: Yard Requirements

The following minimum yard requirements shall apply in the C1 Zone:

1. **Drainage:** All properties shall manage their stormwater drainage entirely within their property boundaries. Any new construction or modifications to existing buildings must ensure that no part of the structure, including eaves or overhangs, extends beyond the property lines. Additionally, all roof drainage, including rainwater runoff, must be directed to an appropriate drainage system on the property and must not flow onto neighboring properties.
2. **Multiple Access Points Required:** Except single family dwellings, all developments in the multi-family, commercial, and manufacturing zones shall be designed to provide at least two points of vehicular access to public streets or roads. These access points must be designed to facilitate emergency vehicle access, reduce traffic congestion, and provide safe ingress and egress for all vehicles. Access points shall not be located within 50 feet of an intersection or stop sign in any zone to maintain traffic safety and flow.
 - a. **Access Point Locations:** The required access points should be spaced at appropriate distances to ensure traffic flow and safety, as determined by the City Engineer or other designated authority. When possible, access points should connect to different streets or roads to maximize connectivity and circulation.
 - b. **Exceptions:** The Planning Commission may approve a reduction in the number of access points required if it can be demonstrated that the site layout, size, or other unique characteristics make providing two access points impractical, and that public safety and traffic flow will not be compromised.
3. **Setbacks:** See Table A – Setbacks for setback requirements of principle structures.

4. **Side Yard; Driveway:** When used for access to a garage, carport or parking area, a side yard shall be wide enough to provide an unobstructed twelve-foot (12') driveway.
5. **Side Yard; Accessory Building:** An accessory building may be located on a side property line if, and only if, all of the following conditions are met:
 - a. The accessory building is located behind the front wall plane of the principle building on the same lot or the lot adjacent to the property line on which said building is being placed.
 - b. It has no openings on the side, which is contiguous to the property line, and is of four-hour fire resistant construction on said side.
 - c. It has facilities for the discharge of all roof drainage onto the subject lot or parcel of land.

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

6. **Rear Yard; Accessory Building:** An accessory building may be located on the rear property line so long as:
 - a. It has no openings on the side which is contiguous to the rear property line.
 - b. It has four-hour fire resistant construction in the wall adjacent to said property line.
 - c. It provides for all roof drainage to be retained on the subject lot or parcel.

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

10-5A-8: Projections into Yards

1. **Permitted:** The following structures may be erected on or project into any required yard, except into a required driveway:
 - a. Fences and walls in conformance with City codes and ordinances.
 - b. Landscaping elements, including trees, shrubs and other plants.

- c. Necessary appurtenances for utility service.
2. **Conditional:** The structures listed below may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two feet (2'), except that required driveways shall remain unobstructed from the ground upward:
- a. Cornices, eaves, belt courses, sills, buttresses or other similar architectural features.
 - b. Stairways, balconies, door stoops, fire escapes and awnings.
 - c. Planter boxes or masonry planters not exceeding twenty-four inches (24") in height.
 - d. Carports and loading docks in a side yard or rear yard; provided that such a structure is not more than one story in height and is entirely open on at least three (3) sides, except for necessary supporting columns and customary architectural features. (Ord.2000-4-12, 4-12-2000)
 - e. All roof drainage must be discharged onto the lot or parcel on which the structure is erected to prevent runoff onto adjacent properties.

10-5A-9: Building Height

In the C1 Zone, the height of every building or structure hereinafter designed, erected or structurally altered or enlarged shall be regulated according to Chapter 10-19-1 Table A Setbacks.

10-5A-10: Distance Between Buildings

Distance between buildings shall be in accordance with Chapter 10-19-1 Table A Setbacks, unless the City Council approves otherwise. (Ord. 2000-4-12,4-1 2-2000)

10-5A-11: Permissible Lot Coverage

No requirements, except as may be dictated by yard requirements, landscaping requirements and compliance with off-street parking provisions. (Ord.2000-4-12, 4-1 2-2000)

10-5A-12: Parking, Loading and Access

Each lot or parcel in the C1 Zone shall have, on the same lot or parcel, automobile parking sufficient to meet the requirements as set forth in Chapter 10-8-16. All parking spaces shall be paved with asphaltic cement or concrete and shall be provided with adequate drainage which shall not run across a public sidewalk. Parking spaces shall not be provided within a required

front yard or side yard adjacent to a public street except as allowed by this ordinance. (Ord. 2000-4-1 2, 4-12-2000) -

10-5A-13: Site Plan Approval

No city officer shall grant a permit or license for the use of any building or land or for the construction or alteration of any building or structure that does not comply with the provisions of this land use ordinance. Approvals given in violation of this ordinance are void.

1. Land Use Permit Required: A signed Land Use Permit signifying that the proposed use complies with the land use ordinance and setting forth the relevant city fees shall be received before a building permit can be issued.
 - a. The permit must be signed by the Mayor, Planning Commission chair, Land Use Authority, Fire official, Public Works director, and City Recorder.
 - b. Some uses under this code require issuance of Conditional Use Permits by the City Council before a Zoning Permit can be signed.
 - c. Zoning Permits expire six (6) months from the date issued if substantive work under the permit has not begun. Significant physical construction work includes activities such as pouring concrete for footings or foundations, major structural work, or installation of essential infrastructure (e.g., plumbing, electrical, sewage). Preliminary activities such as site preparation, excavation, surveying, or delivery of materials are not considered significant physical construction work.
 - d. As part of the zoning permit, the applicant may be required to obtain approval from other affected entities, such as UDOT, local Irrigation Companies, utility companies, etc. having infrastructure on the proposed lot or which will be directly affected by the proposed development, before a zoning permit will be issued by the City.
 - e. Buildable area: Structures shall not be constructed on slopes of 20% or greater unless the final design is reviewed and approved by a professional geotechnical engineer or a similarly qualified professional, and a conditional use permit has been issued for the development. For projects on slopes less than 20%, the City Engineer may require a professional review if, in their opinion, the site's field conditions warrant additional scrutiny due to unusual conditions or terrain.
 - f. If the design or engineering of any application or proposed land use is beyond the expertise of the City Staff, the City may require third party review by an engineer approved by the City prior to the issuance of a land use permit.
 - i. The applicant shall pay an additional fee to cover the cost of the third party review.

- g. Applicants must submit a complete application to the City by the close of business at least fourteen (14) days prior to the Planning Commission meeting. This timeframe ensures that the required reviews by the Development Review Committee (DRC) can be completed. An application will not be placed on the Planning Commission agenda for final approval until all necessary signatures from the DRC members, signifying their approval within their respective jurisdictions, are obtained.
2. Building Permit Required: Erection, alteration, repair, removal or relocation of any building shall not commence or proceed without a written building permit and/or demolition permit issued by the Building Official according to the requirements of the adopted building code. Pools with electrical covers or submersed lighting, also require a permit. Flat concrete work such as driveways, sports courts, etc. do not require a building permit unless the flat work is done as part of a larger project involving buildings and/or structures which would normally require a building permit.
3. Occupancy Permit Required: No land shall be used or occupied and no building hereafter structurally altered or erected shall be used or changed in use until a certificate of occupancy shall have been issued by the Building Inspector stating that the building or the proposed use thereof, or the use of the land complies with the provisions of this ordinance and any other applicable local, state or federal regulation. Certificates of Occupancy are required within ten days of completion of work.
4. Application Approvals: Complete applications for land use approvals are to be considered under the law that was in place when a complete application was submitted and all fees have been paid, unless the application jeopardizes a compelling, countervailing public interest; or a pending amendment to the ordinances was initiated as provided in city ordinance prior to the application. Pending amendments are of no consequence if not adopted within 180 days of being proposed. (Utah Code §. 10-10a-509)
5. Exactions: The city (or town) may impose an exaction or exactions on proposed land use development if:
 - a. an essential nexus exists between a legitimate governmental interest and each exaction; and
 - b. each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.
6. Application Made to Conform to Zoning Map: An applicant is entitled to approval of a land use application if the application conforms to the requirements of the City’s zoning map and applicable land use ordinance in effect when a complete application is submitted and all fees have been paid, unless:
 - a. The City Council, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application; or

- b. In the manner provided by City ordinance and before the application is submitted, the municipality has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the application as submitted.
7. Processing of Application: The City shall process an application without regard to proceedings initiated to amend the municipality's ordinances if:
 - a. 180 days have passed since the proceedings were initiated; and
 - b. The proceedings have not resulted in an enactment that prohibits the approval of the application as submitted.
8. Application Considered Complete: An application for a land use approval is considered submitted and complete when the application is provided in a form that complies with the requirements of applicable ordinances and all applicable fees have been paid.
9. Reasonable Diligence: The ongoing validity of a land use application approval is contingent upon the applicant proceeding with the implementation of the approved plans with reasonable diligence after receiving approval.
10. No Unexpressed Requirements: The City shall not impose any requirements on the holder of an issued land use permit unless those requirements are:
 - a. Expressly stated in the land use permit or in the documents upon which the permit is based; or
 - b. Specified in the City's ordinances.
11. Certificate of Occupancy: The City will not withhold issuance of a certificate of occupancy because of an applicant's failure to comply with a requirement that is not expressed:
 - a. In the building permit or in documents on which the building permit is based; or
 - b. In the City's ordinances.
12. Compliance: The City is bound by the terms and standards of applicable land use ordinances and shall comply with mandatory provisions of those ordinances.

10-5A-14: Other Requirements

1. **Signs:** All signs erected in the C1 Zone shall be in conformance with the sign provisions of Chapter 10-14 of this Title.
2. **Uses within Buildings:** All uses established in the C1 Zone shall be conducted entirely within a fully enclosed building, except those uses deemed by the Planning Commission to be customarily and appropriately conducted in the open. Such uses may include, but would not be limited to, service stations, ice skating, miniature golf, plant nurseries, etc.
3. **Landscaping:** Landscaping requirements shall be in accordance with Chapter 10-9. Parking areas shall be landscaped where possible around the periphery and at the ends of

parking rows in accordance with the landscaping plan approved by the Planning Commission.

4. **Trash Storage:** No trash used materials or wrecked or abandoned vehicles or equipment shall be stored in an open area. Containers for storage of trash of a size, type and quantity approved by the City shall be maintained in a location approved by the Planning Commission in conjunction with approval of the development plan.

5. **Walls and Fences:**

- a. **Fence Permit Required:** No fence, opaque hedge or screening material shall be constructed, erected, or installed without first obtaining a fence permit from the city. Approval of said permit shall be solely for the purpose of approving height, type of fence material, and placement in all Zones. If replacing an existing fence, no permit is required unless altering the footprint, material type or height of the fence in all Zones.
- b. **Side and Rear Yard Fences:** A fence not more than six feet (6') in height may be placed or installed in any side and rear yards.
- c. **Clear Vision/corner lot:** Notwithstanding the preceding subsection, solid or sight obscuring fences located within a triangular area formed by the property lines connecting them at points twenty-five (25') from the intersection of the property lines may not exceed three feet (3') in height. Chain-link or other similar fences that do not block vision may not exceed four feet (4') in height in that area.
- d. **Front Yard Fences:** In any front yard, chain-link or similar fences, which do not block vision, may be allowed up to four feet (4') in height. Solid or sight obscuring fences may not exceed three feet (3') in height in such front yards. This provision shall not be interpreted as to prohibit the erection of any open mesh type fence enclosing elementary or secondary school sites or public parks.
- e. In no case shall such a privacy wall extend into the clear vision area of a corner lot as defined by Section 10-7-8 of this Title; nor shall it be a sight distance hazard to vehicular or pedestrian traffic.
- f. A decorative wall or fence six feet (6') in height shall be erected along all property lines which lie adjacent to a residential zone.
- g. **Solid Type Fence Defined:** A solid type fence is one that is closed sufficiently to block view of traffic.

Chapter 10-5B: Mixed Use Commercial Zoning (C2)

Section

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10-5B-1: Purpose and Objectives

The objective of establishing the C2 zone is to designate areas for the city's mixed use commercial activities. Residences in the C2 zone must comply with all requirements under the R2 designation, including regulations related to the keeping of animals.

10-5B-2: Permitted and Conditional Uses

The following uses or categories, including but not limited to, are permitted in the C2 Zone:

1. **Permitted Principal Uses:** The following principal uses and structures, are permitted in the C2 Zone:

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

2. **Permitted Accessory Uses:** Accessory uses and structures are permitted in the C2 Zone, provided they are incidental to, and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

- a. An accessory dwelling unit (ADU), as part of an existing single-family home and consistent with the provisions of Moroni City Code 10-8-20.
- b. Accessory buildings such as garages, carports, equipment storage buildings and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in C2 Zone.
- c. Storage of materials used for construction of buildings, including the contractor's temporary office; provided, that such use be located on the building site or immediately adjacent thereto; and provided further, that such use shall be permitted only during the construction period and thirty (30) days thereafter.
- d. All detached buildings or structures, including carports or shipping storage containers, must meet the following requirements:
 - i. Must be located behind the front wall plane of the principal structure for non- corner lots.
 - ii. For corner lots, an accessory building may be located in the side yard provided it is placed behind the front wall plane of the principal structure. The accessory building must not encroach into the required front setback of the lot. While it may be adjacent to the side road, it must still comply with all applicable side and rear yard setbacks.

- iii. Accessory buildings, including carports, may be attached or detached to the existing primary building or any other structure, in accordance with applicable fire and building codes, including provisions for fire walls.
- iv. Accessory buildings or structures must meet the following requirements:
 1. Must be set back at least 5 feet from property lines unless firewalls are provided for walls which lay closest and parallel to property lines, as approved by the building inspector or designee
 2. The roof must be no taller than 12 feet tall at the property lines and may slope higher at the maximum rate of 1 vertical foot per horizontal foot away from the property line. Buildings taller than 12 feet must be set back from property lines at least 1 foot for every foot above 12 foot in height.
- v. Exceptions to this setback requirement for height may be granted by the Planning Commission if all adjoining property owners agree to the proposed height in writing.
- vi. Accessory buildings or structures over 200 square feet in area must have a building permit and comply with all requirements of this ordinance and the building and fire codes.
- vii. Private garages and accessory buildings located less than 5 foot from the property line must also meet the following:
 1. the roof shall not project across the property line;
 2. storm water runoff from the building shall not flow onto adjacent property.
 3. the building shall not be placed over any designated easements.
- viii. Accessory buildings shall not provide living quarters nor act as a dwelling unit or an accessory apartment to the primary dwelling residence unless granted as an Accessory Dwelling Unit (ADU). Such accessory buildings used for residential occupancy shall only be permitted as specified in this ordinance

Conditional Uses: The following, including but not limited to, uses and structures are permitted on the C2 Zone only after a conditional use permit has been issued by the Planning Commission, and subject to the terms and conditions thereof:

- Amusement enterprises
- Animal hospital, small animals only and provided it is conducted within completely enclosed buildings
- Circus, carnival or other transient amusement
- Dance hall
- Liquor store
- Lumber yard

- Miniature golf
- Parking lot or garage for passenger automobiles
- Rest home
- Nightclub or social club.
- Public utilities substation
- Theater, outdoor

10-5B-3: Lot Area

With the exception of single family homes, which shall conform to all ordinances described in the R1 zone, there shall be no minimum lot area requirements in the C2 Zone, except as may be dictated by off-street parking requirements, adequate circulation and proper site utilization, and provisions of the Fire Code.

10-5B-4: Lot Width

There shall be no lot width requirement, except as is found in Chapter 10-19-1 Table A Setbacks.

10-5B-5: Lot Frontage

Each lot or parcel of land in the C2 Zone shall have frontage on a public Street for a minimum distance of thirty-five feet (35’).

10-5B-6: Prior Created Lots

Lots or parcels of land which were created prior to the application of this Zone shall not be denied a building permit solely for reasons of nonconformance to the parcel requirements of this Title.

10-5B-7: Yard Requirements

The following minimum yard requirements shall apply in the C2 Zone:

1. **Drainage:** All properties shall manage their stormwater drainage entirely within their property boundaries. Any new construction or modifications to existing buildings must ensure that no part of the structure, including eaves or overhangs, extends beyond the property lines. Additionally, all roof drainage, including rainwater runoff, must be directed to an appropriate drainage system on the property and must not flow onto neighboring properties.
2. **Multiple Access Points Required:** Except single family dwellings, all developments in the multi-family, commercial, and manufacturing zones shall be designed to provide at least two points of vehicular access to public streets or roads. These access points must be designed to facilitate emergency vehicle access, reduce traffic congestion, and provide safe ingress and egress for all vehicles. Access points shall not be located within 50 feet of an intersection or stop sign in any zone to maintain traffic safety and flow.

- a. **Access Point Locations:** The required access points should be spaced at appropriate distances to ensure traffic flow and safety, as determined by the City Engineer or other designated authority. When possible, access points should connect to different streets or roads to maximize connectivity and circulation.
 - b. **Exceptions:** The Planning Commission may approve a reduction in the number of access points required if it can be demonstrated that the site layout, size, or other unique characteristics make providing two access points impractical, and that public safety and traffic flow will not be compromised.
3. **Setbacks:** See Table A – Setbacks for setback requirements of principle structures.
4. **Side Yard; Driveway:** When used for access to a garage, carport or parking area, a side yard shall be wide enough to provide an unobstructed twelve-foot (12') driveway.
5. **Side Yard; Accessory Building:** An accessory building may be located on a side property line if, and only if, all of the following conditions are met:
 - a. The accessory building is located behind the front wall plane of the principle building on the same lot or the lot adjacent to the property line on which said building is being placed.
 - b. It has no openings on the side, which is contiguous to the property line, and is of one-hour fire resistant construction on said side.
 - c. It has facilities for the discharge of all roof drainage onto the subject lot or parcel of land.

An accessory building which is more than six feet (6') to the rear of a main building, but which does not conform to the above conditions, shall have a side yard of at least five feet (5'). All other accessory buildings shall maintain the same side yard as a main building.
6. **Rear Yard; Accessory Building:** An accessory building may be located on the rear property line so long as:
 - a. It has no openings on the side which is contiguous to the rear property line.
 - b. It has one-hour fire resistant construction in the wall adjacent to said property line.
 - c. It provides for all roof drainage to be retained on the subject lot or parcel.

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

10-5B-8: Projections into Yards

1. **Permitted:** The following structures may be erected on or project into any required yard, except into a required driveway:
 - a. Fences and walls in conformance with City codes and ordinances.
 - b. Landscaping elements, including trees, shrubs and other plants.
 - c. Necessary appurtenances for utility service.

2. **Conditional:** The structures listed below may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two feet (2'), except that required driveways shall remain unobstructed from the ground upward:
 - a. Cornices, eaves, belt courses, sills, buttresses or other similar architectural features.
 - b. Stairways, balconies, door stoops, fire escapes and awnings.
 - c. Planter boxes or masonry planters not exceeding twenty-four inches (24") in height.
 - d. Carports and loading docks in a side yard or rear yard; provided that such a structure is not more than one story in height and is entirely open on at least three (3) sides, except for necessary supporting columns and customary architectural features.

10-5B-9: Building Height

In the C2 Zone, the height of every building or structure hereinafter designed, erected or structurally altered or enlarged shall be regulated according to Chapter 10-19-1 Table A Setbacks.

10-5B-10: Distance Between Buildings

Distance between buildings shall be in accordance with Chapter 10-19-1 Table A Setbacks, unless the City Council approves otherwise.

10-5B-11: Permissible Lot Coverage

With the exception of single family homes which shall conform to all ordinances described in the R1 zone, there shall be no requirements, except as may be dictated by yard requirements, landscaping requirements and compliance with off-street parking provisions.

10-5B-12: Parking, Loading and Access

Each lot or parcel in the C2 Zone shall have, on the same lot or parcel, automobile parking sufficient to meet the requirements of Chapter 10-8-16. All parking spaces shall be paved with asphaltic cement or concrete and shall be provided with adequate drainage which shall not run across a public sidewalk.

10-5B-13: Site Plan Approval

No city officer shall grant a permit or license for the use of any building or land or for the construction or alteration of any building or structure that does not comply with the provisions of this land use ordinance. Approvals given in violation of this ordinance are void.

1. Land Use Permit Required: A signed Land Use Permit signifying that the proposed use complies with the land use ordinance and setting forth the relevant city fees shall be received before a building permit can be issued.
 - a. The permit must be signed by the City designee over planning, as well as any other city officials relevant to the purpose of the permit being sought.
 - b. Some uses under this code require issuance of Conditional Use Permits by the City Council before a Zoning Permit can be signed.
 - c. Zoning Permits expire six months from the date issued if substantive work under the permit has not begun.
 - d. As part of the zoning permit, the applicant may be required to obtain approval from other affected entities, such as UDOT, local Irrigation Companies, utility companies, etc. having infrastructure on the proposed lot or which will be directly affected by the proposed development, before a zoning permit will be issued by the City.
 - e. Buildable area: Structures shall not be constructed on slopes of 20% or greater unless the final design is reviewed and approved by a professional geotechnical engineer or a similarly qualified professional, and a conditional use permit has been issued for the development. For projects on slopes less than 20%, the City Engineer may require a professional review if, in their opinion, the site's field conditions warrant additional scrutiny due to unusual conditions or terrain.
 - f. If the design or engineering of any application or proposed land use is beyond the expertise of the City Staff, the City may require third party review by an engineer approved by the City prior to the issuance of a land use permit.

- i. The applicant shall pay an additional fee to cover the cost of the third party review.
2. Building Permit Required: Erection, alteration, repair, removal or relocation of any building shall not commence or proceed without a written building permit and/or demolition permit issued by the Building Official according to the requirements of the adopted building code. Pools with electrical covers or submersed lighting, also require a permit. Flat concrete work such as driveways, sports courts, etc. do not require a building permit unless the flat work is done as part of a larger project involving buildings and/or structures which would normally require a building permit.
3. Occupancy Permit Required: No land shall be used or occupied and no building hereafter structurally altered or erected shall be used or changed in use until a certificate of occupancy shall have been issued by the Building Inspector stating that the building or the proposed use thereof, or the use of the land complies with the provisions of this ordinance and any other applicable local, state or federal regulation. Certificates of Occupancy are required within ten days of completion of work.
4. Application Approvals: Complete applications for land use approvals are to be considered under the law that was in place when a complete application was submitted and all fees have been paid, unless the application jeopardizes a compelling, countervailing public interest; or a pending amendment to the ordinances was initiated as provided in city ordinance prior to the application. Pending amendments are of no consequence if not adopted within 180 days of being proposed. (Utah Code §. 10-10a-509)
5. Exactions: The city (or town) may impose an exaction or exactions on proposed land use development if:
 - a. an essential nexus exists between a legitimate governmental interest and each exaction; and
 - b. each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.
6. Application Made to Conform to Zoning Map: An applicant is entitled to approval of a land use application if the application conforms to the requirements of the City's zoning map and applicable land use ordinance in effect when a complete application is submitted and all fees have been paid, unless:
 - a. The City Council, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application; or
 - b. In the manner provided by City ordinance and before the application is submitted, the municipality has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the application as submitted.
7. Processing of Application: The City shall process an application without regard to proceedings initiated to amend the municipality's ordinances if:

- a. 180 days have passed since the proceedings were initiated; and
 - b. The proceedings have not resulted in an enactment that prohibits the approval of the application as submitted.
8. **Application Considered Complete:** An application for a land use approval is considered submitted and complete when the application is provided in a form that complies with the requirements of applicable ordinances and all applicable fees have been paid.
9. **Reasonable Diligence:** The ongoing validity of a land use application approval is contingent upon the applicant proceeding with the implementation of the approved plans with reasonable diligence after receiving approval.
10. **No Unexpressed Requirements:** The City shall not impose any requirements on the holder of an issued land use permit unless those requirements are:
 - a. Expressly stated in the land use permit or in the documents upon which the permit is based; or
 - b. Specified in the City's ordinances.
11. **Certificate of Occupancy:** The City will not withhold issuance of a certificate of occupancy because of an applicant's failure to comply with a requirement that is not expressed:
 - a. In the building permit or in documents on which the building permit is based; or
 - b. In the City's ordinances.
12. **Compliance:** The City is bound by the terms and standards of applicable land use ordinances and shall comply with mandatory provisions of those ordinances.

10-5B-14: Other Requirements

1. **Signs:** All signs erected in the C2 Zone shall be in conformance with the sign provisions of Chapter 10-14.
2. **Uses within Buildings:** All uses established in the C2 Zone shall be conducted entirely within a fully enclosed building, except those uses deemed by the Planning Commission to be customarily and appropriately conducted in the open. Such uses may include, but would not be limited to, service stations, ice skating, miniature golf, plant nurseries, etc.
3. **Trash Storage:** No trash used materials or wrecked or abandoned vehicles or equipment shall be stored in an open area. Containers for storage of trash of a size, type and quantity approved by the City shall be maintained in a location approved by the Planning Commission in conjunction with approval of the development plan.

4. Walls and Fences:

- a. Fence Permit Required: No fence, opaque hedge or screening material shall be constructed, erected, or installed without first obtaining a fence permit from the city. Approval of said permit shall be solely for the purpose of approving height, type of fence material, and placement in all Zones. If replacing an existing fence, no permit is required unless altering the footprint, material type or height of the fence in all Zones.
- b. Side and Rear Yard Fences: A fence not more than six feet (6') in height may be placed or installed in any side and rear yards.
- c. Clear Vision/corner lot: Notwithstanding the preceding subsection, solid or sight obscuring fences located within a triangular area formed by the property lines connecting them at points twenty-five (25') from the intersection of the property lines may not exceed three feet (3') in height. Chain-link or other similar fences that do not block vision may not exceed four feet (4') in height in that area.
- d. Front Yard Fences: In any front yard, chain-link or similar fences, which do not block vision, may be allowed up to four feet (4') in height. Solid or sight obscuring fences may not exceed three feet (3') in height in such front yards. This provision shall not be interpreted as to prohibit the erection of any open mesh type fence enclosing elementary or secondary school sites or public parks.
- e. In no case shall such a privacy wall extend into the clear vision area of a corner lot as defined by Section 10-7-8 of this Title; nor shall it be a sight distance hazard to vehicular or pedestrian traffic.
- f. A decorative wall or fence six feet (6') in height shall be erected along all property lines which lie adjacent to a residential zone.
- g. Solid Type Fence Defined: A solid type fence is one that is closed sufficiently to block view of traffic.

Chapter 10-6: Manufacturing Zoning (M)

Section

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10-6-1: Purpose and Objectives

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

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

10-6-2: Permitted and Conditional Uses

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

1. **Permitted Principal Uses:** The following principal uses and structures, are permitted in the M Zone:
 - Carpenter, cabinet shop
 - Laboratory
 - Manufacture/maintenance
 - Office, business and/or professional
 - Veterinary
 - Wholesale business
 - Garage, public
 - Machine shop
 - Motor vehicles shop/business
 - Parking lot
 - Warehouse and storage

2. **Permitted Accessory Uses:** Accessory and uses and structures are permitted in the M Zone, provided they are incidental to and do not substantially alter the character of the permitted principal uses or structures. Such permitted accessory uses, and structures include, but are not limited to, the following:
- a. An accessory dwelling unit (ADU), as part of an existing single family home and consistent with the provisions of Moroni City Code 10-8-20.
 - b. Accessory buildings such as garages, carports, equipment storage buildings and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in the M Zone.
 - c. Temporary storage of materials used for the construction of a building, including a contractor's office; provided, that such use be located on the building site or immediately adjacent thereto; and provided further, that such use shall be permitted only during the construction period and thirty (30) days thereafter.
 - d. All detached buildings or structures, including carports or shipping storage containers, must meet the following requirements:
 - i. Must be located behind the front wall plane of the principal structure for non- corner lots.
 - ii. For corner lots, an accessory building may be located in the side yard provided it is placed behind the front wall plane of the principal structure. The accessory building must not encroach into the required front setback of the lot. While it may be adjacent to the side road, it must still comply with all applicable side and rear yard setbacks.
 - iii. Accessory buildings, including carports, may be attached or detached to the existing principle building or any other structure, in accordance with applicable fire and building codes, including provisions for fire walls.
 - iv. Accessory buildings or structures must meet the following requirements:
 1. Must be set back at least 5 feet from property lines unless firewalls are provided for walls which lay closest and parallel to property lines, as approved by the building inspector or designee
 2. The roof must be no taller than 12 feet tall at the property lines and may slope higher at the maximum rate of 1 vertical foot per horizontal foot away from the property line. Buildings taller than 12 feet must be set back from property lines at least 1 foot for every foot above 12 foot in height.
 - v. Exceptions to this setback requirement for height may be granted by the Planning Commission if all adjoining property owners agree to the proposed height in writing.

- vi. Accessory buildings or structures over 200 square feet in area must have a building permit and comply with all requirements of this ordinance and the building and fire codes.
- vii. Private garages and accessory buildings located less than 5 foot from the property line must also meet the following:
 - 1. the roof shall not project across the property line;
 - 2. storm water runoff from the building shall not flow onto adjacent property.
 - 3. the building shall not be placed over any designated easements.
- viii. Accessory buildings shall not provide living quarters nor act as a dwelling unit or an accessory apartment to the primary building.

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

- Building material sales yard
- Construction of buildings to be sold and moved off the premises
- Draying, freighting or trucking yard/terminal
- Foundry, casting light-weight nonferrous metal without causing noxious odors/fumes
- Public and quasi-public use
- Welding shop
- Coal, fuel, wood yards
- Contractor's equipment storage yard
- Manufacture, compounding, assembling and treatment of articles of merchandise from the following previously prepared materials
- Manufacture, compounding, processing, packaging and treatment of products:
- Tire retreading/vulcanizing
- Accessory uses and buildings customarily incidental to the above uses

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

10-6-3: Lot Area

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

10-6-4: Lot Width

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

10-6-5: Lot Frontage

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

10-6-6: Prior Created Lots

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

10-6-7: Area of Zone

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

10-6-8: Yard Requirements

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

1. **Drainage:** All properties shall manage their stormwater drainage entirely within their property boundaries. Any new construction or modifications to existing buildings must ensure that no part of the structure, including eaves or overhangs, extends beyond the property lines. Additionally, all roof drainage, including rainwater runoff, must be directed to an appropriate drainage system on the property and must not flow onto neighboring properties.
2. **Multiple Access Points Required:** Except single family dwellings, all developments in the multi-family, commercial, and manufacturing zones shall be designed to provide at least two points of vehicular access to public streets or roads. These access points must be designed to facilitate emergency vehicle access, reduce traffic congestion, and provide safe ingress and egress for all vehicles. Access points shall not be located within 50 feet of an intersection or stop sign in any zone to maintain traffic safety and flow.
 - a. **Access Point Locations:** The required access points should be spaced at appropriate distances to ensure traffic flow and safety, as determined by the City Engineer or other designated authority. When possible, access points should connect to different streets or roads to maximize connectivity and circulation.
 - b. **Exceptions:** The Planning Commission may approve a reduction in the number of access points required if it can be demonstrated that the site layout, size, or other unique characteristics make providing two access points impractical, and that public safety and traffic flow will not be compromised.
3. **Setbacks:** See Table A – Setbacks for setback requirements of principle structures.

4. **Side Yard; Driveway:** When used for access to a garage, carport or parking area, a side yard shall be wide enough to provide an unobstructed twelve-foot (12') driveway.
5. **Side Yard; Accessory Building:** An accessory building may be located on a side property line if, and only if, all of the following conditions are met:
 - a. The accessory building is located behind the front wall plane of the principle building on the same lot or the lot adjacent to the property line on which said building is being placed.
 - b. It has no openings on the side, which is contiguous to the property line, and is of one-hour fire resistant construction on said side.
 - c. It has facilities for the discharge of all roof drainage onto the subject lot or parcel of land.

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

6. **Rear Yard; Accessory Building:** An accessory building may be located on the rear property line so long as:
 - a. It has no openings on the side which is contiguous to the rear property line.
 - b. It has one-hour fire resistant construction in the wall adjacent to said property line.
 - c. It provides for all roof drainage to be retained on the subject lot or parcel.

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

10-6-9: Projections into Yards

1. **Permitted:** The following structures may be erected on or project into a required yard:
 - a. Fences and walls in conformance with City codes and ordinances.
 - b. Landscape elements, including trees, shrubs, agricultural crops and other plants.
 - c. Necessary appurtenances for utility service.

2. **Conditional:** The structures listed below may project into a minimum front yard or side yard adjacent to a street not more than four feet (4') and into a minimum side yard not more than two feet (2'), except that required driveways shall remain unobstructed from the ground up:
 - a. Cornices, eaves, belt courses, sills, buttresses or other similar architectural features.
 - b. Stairways, balconies, door stoops, fire escapes, awnings and planter boxes or masonry planters not exceeding twenty-four inches (24") in height. (Ord. 2000-4-12, 4-12-2000)

10-6-10: Building Height

In the M Zone, the height of every building or structure hereinafter designed, erected or structurally altered or enlarged shall be regulated according to Chapter 10-19-1 Table A Setbacks.

10-6-11: Distance Between Buildings

In the M Zone, the distance between buildings or structures shall be regulated according to Chapter 10-19-1 Table A Setbacks.

10-6-12: Permissible Lot Coverage

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

10-6-13: Parking, Loading and Access

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

10-6-14: Site Plan Approval

No city officer shall grant a permit or license for the use of any building or land or for the construction or alteration of any building or structure that does not comply with the provisions of this land use ordinance. Approvals given in violation of this ordinance are void.

1. Land Use Permit Required: A signed Land Use Permit signifying that the proposed use complies with the land use ordinance and setting forth the relevant city fees shall be received before a building permit can be issued.
 - a. The permit must be signed by the Mayor, Planning Commission chair, Land Use Authority, Fire official, Public Works director, and City Recorder.
 - b. Some uses under this code require issuance of Conditional Use Permits by the City Council before a Zoning Permit can be signed.
 - c. Zoning Permits expire six (6) months from the date issued if substantive work under the permit has not begun. Significant physical construction work includes activities such as pouring concrete for footings or foundations, major structural work, or installation of essential infrastructure (e.g., plumbing, electrical, sewage). Preliminary activities such as site preparation, excavation, surveying, or delivery of materials are not considered significant physical construction work.
 - d. As part of the zoning permit, the applicant may be required to obtain approval from other affected entities, such as UDOT, local Irrigation Companies, utility companies, etc. having infrastructure on the proposed lot or which will be directly affected by the proposed development, before a zoning permit will be issued by the City.
 - e. Buildable area: Structures shall not be constructed on slopes of 20% or greater unless the final design is reviewed and approved by a professional geotechnical engineer or a similarly qualified professional, and a conditional use permit has been issued for the development. For projects on slopes less than 20%, the City Engineer may require a professional review if, in their opinion, the site's field conditions warrant additional scrutiny due to unusual conditions or terrain.
 - f. If the design or engineering of any application or proposed land use is beyond the expertise of the City Staff, the City may require third party review by an engineer approved by the City prior to the issuance of a land use permit.
 - i. The applicant shall pay an additional fee to cover the cost of the third party review.
 - g. Applicants must submit a complete application to the City by the close of business at least fourteen (14) days prior to the Planning Commission meeting. This timeframe ensures that the required reviews by the Development Review Committee (DRC) can be completed. An application will not be placed on the Planning Commission agenda for final approval until all necessary signatures

from the DRC members, signifying their approval within their respective jurisdictions, are obtained.

2. **Building Permit Required:** Erection, alteration, repair, removal or relocation of any building shall not commence or proceed without a written building permit and/or demolition permit issued by the Building Official according to the requirements of the adopted building code. Pools with electrical covers or submersed lighting, also require a permit. Flat concrete work such as driveways, sports courts, etc. do not require a building permit unless the flat work is done as part of a larger project involving buildings and/or structures which would normally require a building permit.
3. **Occupancy Permit Required:** No land shall be used or occupied and no building hereafter structurally altered or erected shall be used or changed in use until a certificate of occupancy shall have been issued by the Building Inspector stating that the building or the proposed use thereof, or the use of the land complies with the provisions of this ordinance and any other applicable local, state or federal regulation. Certificates of Occupancy are required within ten days of completion of work.
4. **Application Approvals:** Complete applications for land use approvals are to be considered under the law that was in place when a complete application was submitted and all fees have been paid, unless the application jeopardizes a compelling, countervailing public interest; or a pending amendment to the ordinances was initiated as provided in city ordinance prior to the application. Pending amendments are of no consequence if not adopted within 180 days of being proposed. (Utah Code §. 10-10a-509)
5. **Exactions:** The city (or town) may impose an exaction or exactions on proposed land use development if:
 - a. an essential nexus exists between a legitimate governmental interest and each exaction; and
 - b. each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.
6. **Application Made to Conform to Zoning Map:** An applicant is entitled to approval of a land use application if the application conforms to the requirements of the City's zoning map and applicable land use ordinance in effect when a complete application is submitted and all fees have been paid, unless:
 - a. The City Council, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application; or
 - b. In the manner provided by City ordinance and before the application is submitted, the municipality has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the application as submitted.
7. **Processing of Application:** The City shall process an application without regard to proceedings initiated to amend the municipality's ordinances if:

- a. 180 days have passed since the proceedings were initiated; and
 - b. The proceedings have not resulted in an enactment that prohibits the approval of the application as submitted.
- 8. **Application Considered Complete:** An application for a land use approval is considered submitted and complete when the application is provided in a form that complies with the requirements of applicable ordinances and all applicable fees have been paid.
- 9. **Reasonable Diligence:** The ongoing validity of a land use application approval is contingent upon the applicant proceeding with the implementation of the approved plans with reasonable diligence after receiving approval.
- 10. **No Unexpressed Requirements:** The City shall not impose any requirements on the holder of an issued land use permit unless those requirements are:
 - a. Expressly stated in the land use permit or in the documents upon which the permit is based; or
 - b. Specified in the City's ordinances.
- 11. **Certificate of Occupancy:** The City will not withhold issuance of a certificate of occupancy because of an applicant's failure to comply with a requirement that is not expressed:
 - a. In the building permit or in documents on which the building permit is based; or
 - b. In the City's ordinances.
- 12. **Compliance:** The City is bound by the terms and standards of applicable land use ordinances and shall comply with mandatory provisions of those ordinances.

10-6-15: Other Requirements

- 1. **Signs:** All signs erected in the M Zone shall be in conformance with the sign provisions of Chapter 10-14 of this Title.
- 2. **Uses within Buildings:** All uses in the M Zone shall be conducted entirely within a fully enclosed building, except those uses deemed by the Planning Commission to be customarily and appropriately conducted in the open. Open storage of materials and equipment permitted in this Zone may be accomplished only when fully screened from public view by an opaque fence or wall approved by the Planning Commission in conjunction with the issuance of a conditional use permit for said use.
- 3. **Landscaping:** The following landscaping provisions shall apply in the M Zone:
 - a. Landscaping requirements shall be in accordance with Chapter 10-9.

- b. The front yard area and side yard areas adjacent to a public street, except those portions devoted to driveways, shall be maintained with suitable landscaping of plants, shrubs, trees, grass and similar landscaping materials.
 - c. All parking areas which are open to public view shall be landscaped where possible around the periphery and at the ends of parking rows in accordance with the landscaping plan approved as part of the site plan approval procedure.
4. **Trash Storage:** No trash used materials or wrecked or abandoned vehicles or equipment shall be stored in an open area. Containers for trash storage of the size, type and quantity approved by the City shall be maintained at a location approved by the Planning Commission in conjunction with the approval of the site development plan.
5. **Walls and Fences:**
- a. Fence Permit Required: No fence, opaque hedge or screening material shall be constructed, erected, or installed without first obtaining a fence permit from the city. Approval of said permit shall be solely for the purpose of approving height, type of fence material, and placement in all Zones. If replacing an existing fence, no permit is required unless altering the footprint, material type or height of the fence in all Zones.
 - b. No wall, fence or opaque hedge or screening material higher than thirty-six inches (36”) shall be maintained within a front yard or side yard adjacent to a public street in an M Zone.
 - c. A minimum 6’ site obscuring fence shall be erected along all property lines which lie immediately adjacent to any residential zone.
 - d. The clear vision area as defined in Section 10-7-8 of this Title shall be maintained clear to the extent set forth in that Section.

Chapter 10-7 Sensitive Lands Zoning (SL)

Section

- Purpose and Intent 10-7-1
- Permitted Uses 10-7-2
- Development Restrictions 10-7-3
- Setback Requirements 10-7-4
- Review and Approval Process 10-7-5

10-7-1: Purpose and Intent

1. The purpose of the Sensitive Lands (SL) Zone is to protect areas of significant environmental value, including but not limited to, the Sanpitch River and other sensitive natural areas within Moroni City. This zone aims to preserve natural habitats, water resources, and the overall ecological balance while allowing for minimal, carefully regulated use.

10-7-2: Permitted Uses

1. **Non-Development Uses:** The SL Zone is designated to remain free from development activities except where necessary for environmental protection, maintenance, or scientific study.
2. **Fencing:** Fencing is permitted provided it meets the following criteria:
 - a. **Setback:** Fences must be set back at least 15 feet from the sensitive land boundary.
 - b. **Design:** Fences should be constructed in a manner that does not impede natural water flow or wildlife movement.

10-7-3: Development Restrictions

1. **No Building Construction:** No buildings, structures, or other permanent improvements shall be constructed on or over sensitive lands within the SL Zone.
2. **Permitted Development:** Any development activities, including but not limited to grading, filling, or construction, shall require strict review and approval from the following:

- a. **Army Corps of Engineers:** Compliance with all regulations and permits required by the Army Corps of Engineers.
- b. **Federal and State Agencies:** Any other federal or state agencies with jurisdiction over environmental protection and land use.
- c. **City Review:** Additional review and approval from Moroni City's Planning Commission and City Council as required.

10-7-4: Setback Requirements

1. **Engineered Plans:** Setback requirements from sensitive lands must be established in accordance with engineered plans that consider environmental impacts.
2. **Approval:** All setbacks and development plans must be reviewed and approved by the Army Corps of Engineers, relevant federal and state agencies, and Moroni City's Planning Commission.

10-7-5: Review and Approval Process

1. **Application:** Applicants proposing any activity or development within the SL Zone must submit a detailed application including environmental impact assessments, engineering plans, and permits.
2. **Public Notice:** Public notice and opportunity for public comment must be provided before any approvals are granted.
3. **Compliance:** Ongoing compliance with all applicable environmental regulations and permits is required for any permitted activities.

Chapter 10-8: Supplementary Development Standards

Section

- Purpose 10-8-1
- Establishment of Uses Not Specified 10-8-2
- Clarification of Ambiguity 10-8-3
- Public Utilities; Exception 10-8-4
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10-8-1: Purpose:

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

10-8-2: Establishment of Uses Not Specified:

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

10-8-3: Clarification of Ambiguity

If ambiguity arises concerning, the appropriate classification of a particular use within the meaning and intent of the Title, or with respect to matters to height, yard requirement, area requirements or zone boundaries, as set forth herein and as they may pertain to unforeseen circumstances, including technological changes and processing of materials, it shall be the duty of the Planning Commission to ascertain all pertinent facts and set forth its findings and its interpretations, and thereafter such findings and interpretations shall govern. (Ord. 2000-4-1 2, 4-12-2000)

10-8-4: Public Utilities; Exceptions

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

10-8-5: Location of Boats, Boat Trailers and Travel Trailers

1. Boats, boat trailers or travel trailers may not be placed, kept or maintained within the front yard area of the Residential Zones (R1 and R2). Boats or trailers may be located anywhere on the lot, except in a clear vision zone of a corner lot, for a temporary period not to exceed twenty-four (24) hours for loading and unloading purposes, or for temporary storage not to exceed seven (7) days, if such facility is owned by a bona fide guest of the occupants of the premises.
2. A Recreational Coach shall not be used as a permanent dwelling within any zone. A Recreational Coach may be utilized as a temporary dwelling or as a Temporary Multiple-Family Dwelling under the following restrictions:
 - (1) Individuals may use a Recreational Coach as a temporary dwelling in the city for a period not to exceed two (2) weeks to a bona fide guest of the occupants of a permanent premises, not being utilized for any commercial or residential rental purpose. A Recreational Coach shall not be located within a triangular area formed by the property lines connecting them at points twenty-five (25') from the intersection of property lines of any street corner or intersection as defined by Section 10-7-8 of this Title; nor shall it be a sight distance hazard to vehicular or pedestrian traffic.
 - (2) The City Administrator may administratively grant an additional one-week extension by issuing a seven (7) day permit after which the Recreational Coach must be removed for a period of at least thirty (30) days.

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

10-8-6: Abandoned, Wrecked or Junked Vehicles

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

10-8-7: Height Limitation; Exceptions:

1. **Measurement from Finished Grade:** Where doubt exists as to height of fences, hedges, buildings, structures, etc., provided for in this Title, height limitations shall be measured from the average finished grade of the front yard for buildings, or from the average finished grade of the yard in which fences, hedges or other such structures are located.
2. **Exceptions:** All buildings and structures must conform to the height limit of the zoning district in which they are located. No space above the height limit shall be allowed for the purpose of providing additional floor space. However, the following exceptions to height limits are permitted in any zoning district:
 - a. **Building Equipment and Structures:**
 - i. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building.
 - ii. Properly screened mechanical appurtenances usually carried above the roof level of a building.
 - b. **Architectural and Decorative Features:**
 - i. Church spires, belfries, cupolas, domes not used for human occupancy, and cornices without windows.
 - ii. Skylights, steeples, flagpoles, chimneys, smokestacks, fire or parapet walls.
 - c. **Utility and Communication Structures:**

- i. Antennas, radio towers, wireless and television masts, provided they are issued a conditional use permit by the City Council.
- ii. Towers, water tanks, and silos, subject to City Council approval through a conditional use permit.
- d. **Public and Quasi-Public Buildings:**
 - i. Medical, emergency service, religious, public, and quasi-public utility buildings.

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

In all zones which require a front yard, no obstruction to view more than three feet (3') in height shall be placed on any corner within a triangular area formed by the property lines connecting them at points twenty-five (25') from the intersection of property lines. Chain-link or similar fences that do not block vision may not exceed four feet (4') in height. Street trees are permitted which are pruned at least seven feet (7') above the established grades of the curb so as not to obstruct clear view by motor vehicle drivers. Those properties which adjoin a driveway of the adjacent property must preserve a ten-foot sight triangle to allow visibility to pedestrians for those backing out of the adjoining driveway.

10-8-9: Minimum Yard Areas to be Preserved

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

10-8-10: Side Yard Modification; Combined Lots

When the common boundary separating two (2) or more contiguous lots is currently covered by a building or a permitted group of buildings, those lots shall constitute a single building site. The side yard requirements of this Title shall not apply to such common boundary lines. The side yard requirements shall apply only to the exterior boundaries of the contiguous lots so joined.

1. **Prohibition of Future Construction Over Boundary Lines:**
 - a. Moving forward, no new buildings or structures shall be constructed over the boundary line between two (2) or more contiguous lots. All new development must comply with the current code requirements, which required setbacks and prohibit construction across property lines.
2. **Compliance for Existing Buildings:**
 - e. For properties where an existing building currently crosses a boundary line, any further development, modification, or redevelopment of the property shall require

the property owner to bring the property into compliance with the current code. This means the boundary line must be amended, such as through a lot line adjustment, so that the building is no longer built over the boundary line.

10-8-11: Front Yard Modifications; Developed Areas

In blocks with more than fifty percent (50%) of the buildable lots already developed, the minimum front yard requirement for new construction shall be equal to the average front yards existing on said developed lots; provided, however, this regulation shall not be interpreted to require a front yard of more than thirty feet (30') in depth. (Ord. 2000-4-1 2, 4-1 2-2000)

10-8-12: Minimum Lot Area to be Preserved

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

10-8-13: Minimum Lot Area; Portion for Public Use

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

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

10-8-14: Lot Area Reduction; Public Use

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

10-8-15: Double Frontage Lots; Two Front Yards

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

10-8-16: Parking Requirements

1. Parking Design Standards:

- a. **Parking Space:** A minimum of 9 ft by 20 ft space for parking or storage for one automobile.
- b. **Garage, Carport Size:** A garage or carport must have inside dimensions of not less than ten feet by twenty feet (10' x 20').
- c. **Backing Space:** Backing space must be provided for parking areas which are composed of four (4) or more spaces so that cars need not back into a public street or alley. Public sidewalks shall not be permitted to be used as part of the required backing area.
- d. **Angle Parking:** Acute angle parking, one degree to eighty-nine degrees (1° to 89°) shall be designed for one-way traffic only.
- e. **Exits:** Separate exits shall be provided for acute angle and one-way parallel parking of four (4) or more spaces so that cars need not exit by backing into a street or alley.
- f. **Tandem Parking:** Tandem parking (front to rear) shall not be permitted, except for single-family and duplex dwellings when the front and back spaces are both designated to serve the same dwelling unit. (Ord. 2000-4-12, 4-12-2000)
- g. **Yard:** An open space on a lot, other than a court, unoccupied and unobstructed from the ground upward by buildings, except as otherwise provided herein.
 - i. **Front:** An open space on the same lot with a building between the front line of the building (exclusive of steps) and the front lot line and extending across the full width of the lot. The "depth" of the front yard is the minimum distance between the front lot line and the front line of the building.
 - ii. **Rear:** An open, unoccupied space on the same lot with a building between the rear line of the building (exclusive of steps) and the rear lot line and extending the full width of the lot.
 - iii. **Side:** An open, unoccupied space on the same lot with a building between the side line of the building (exclusive of steps) and the side lot line and extending from the front yard to the rear yard.

2. Permanent Parking to be Provided

- a. Every building structure, improvement or use hereafter constructed, reconstructed or enlarged, shall be provided with permanent maintained parking spaces as

specified in this Chapter for the area of said construction, reconstruction or enlargement. (Ord. 2000-4-12, 4-1 2-2000)

3. Continuing Obligation

- a. The required off-street parking facilities shall be a continuing obligation of the property owner so long as the use requiring vehicle parking or vehicle loading facilities continues. It shall be unlawful for any owner of any building or use to discontinue or dispense with the required vehicle parking facilities without providing some other vehicle parking area which meets the requirements of the Chapter (Ord. 2000-4-1 2, 4-12-2000)

4. Non-Conforming Facilities

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

5. Parking, Loading, Driveways and Access

- a. Each lot or parcel in the Residential Zones shall have on the same lot or parcel off-street parking sufficient to comply with Chapter 10-19-2 Table B of this Title.
- b. Except for one and two-family dwellings, access to each parking space shall be from a private driveway and not from a public street.
- c. Driveways for residential lots shall not be more than thirty-six feet wide.
 - i. A driveway in a front yard is permitted, provided it leads either to covered parking or to a parking area in the side or rear yard.
- d. Driveways for commercial uses shall be at least twenty feet wide, unless approved otherwise by the city engineer, except uses in the C2 zone may be treated as residential uses.
- e. Driveways shall be spaced at least twelve feet apart.
- f. Limit on number of driveways:
 - i. Residential uses shall be limited to two driveways per lot.
 - ii. Commercial uses shall be limited to two driveways per 100 feet of road frontage.
- g. In no case shall the total amount of driveway width exceed 50% of the frontage.
- h. Driveways shall not be more than thirty-six feet wide.
- i. Driveways shall not be closer than fifty feet to an intersection.
- j. Driveways may be shared by adjoining properties.
- k. Standards for width and access in this section do not supersede requirements of the fire code.

6. Parking Spaces Required

- a. See Chapter 10-19-2 Table B for parking spaces required based on use.
- b. When a building or lot will contain more than one use, the parking requirements shall be calculated separately for each use and totaled. In the event a use is not

listed in Chapter 10-19-2 Table B, the City Council may determine the requirement based on the nearest comparable use standard in the table.

7. General Provisions

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

i. Location: Off-street parking facilities shall be located as hereinafter specified. Where distance is specified, such distance shall be walking distance measure from the nearest point of the building that such facility is required to serve:

1. Parking shall be allowed on any permitted driveway.

2. For any type of dwelling, including hospitals, sanitariums, rest homes, asylums, orphanages and club rooms, parking facilities shall be located on the same lot or building site as the buildings which they are required to serve.

3. For uses other than those specified above, parking spaces shall not be over two hundred feet (200') from the building they are required to serve. All parking areas are to be located in the same block they are to serve with a direct access way that does not cross a public street.

ii. Illumination: Any lights provided to illuminate any parking area permitted by this Chapter shall be arranged so as to reflect the light away from adjacent premises. Lighting shall be positioned in accordance with Chapter 10-13.

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

b. Exception for Parking in Public Right-of-Way:

iv. Commercial vehicles exceeding the rated capacity of two (2) tons, as well as visitors' vehicles, may be parked within the public right-of-way (the space between the road and the property line) under the following conditions:

1. Off-Street Parking Unavailable: The property owner demonstrates that there is insufficient space to park the vehicle on their private property behind the house.

2. **Safety and Visibility:** Vehicles must be parked in a manner that does not obstruct visibility for traffic or pedestrians and does not pose a safety hazard.
 3. **Road Maintenance and Condition:** Vehicles must not cause damage to the road or interfere with road maintenance. The City reserves the right to prohibit parking in certain areas if it is determined that the presence of commercial vehicles is causing significant road wear or maintenance issues.
 4. **Limited Duration:** Parking of commercial vehicles and visitors' vehicles is allowed only during non-operational hours (e.g., evenings, weekends) and should not become a long-term storage solution. Visitors' vehicles may be parked temporarily for a reasonable duration, not to exceed 14 days.
- c. **City's Discretion:**
- v. The City reserves the right to review and address any parking situations that result in safety concerns, road damage, or other public nuisances. If specific areas are found to be problematic, the City may designate no-parking zones or impose additional restrictions as needed to protect public safety and road integrity.

10-8-17: Effect of Street Plan

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

10-8-18: Swimming Pools

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

10-8-19: Adult Entertainment Businesses Prohibited

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

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

10-8-20: Accessory Dwelling Units

The purpose of Accessory Dwelling Unit standards and requirements is to:

1. Create new housing units while respecting the appearance and scale of single-family residential development
2. Provide more housing choices in residential zones
3. Allow more efficient use of existing housing stock, public infrastructure, and the embodied energy contained within existing structures
4. Provide housing options for family caregivers, adult children, aging parents, and families seeking smaller households
5. Offer a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship, and services
6. Broaden the range of affordable housing throughout Moroni City
7. Support sustainability objectives by increasing housing close to jobs, schools, and services, thereby reducing greenhouse gas emissions and fossil fuel consumption
8. Offer a long-term rental of 30 consecutive days or longer

Standards and Requirements:

1. A permit is required for an Accessory Dwelling Unit. The City may permit one (1) Accessory Dwelling Unit for each lot that contains a single-family dwelling. A building permit is also required from the Sanpete County Building Inspectors office.
2. Property owner requesting a permit for an Accessory Dwelling Unit agrees that the lot upon which the primary residence and Accessory Dwelling Unit are to be located cannot be split, and that this agreement or covenant will run with the property and will bind and apply to any heirs, assigns and successors of the property owner. The property owner consents to the recording of this agreement as a notice imparting this covenant to the public.
3. An Accessory Dwelling Unit shall be a permanent structure with a foundation; portable units such as trailers, mobile homes, converted shipping containers and similar items are prohibited. An Accessory Dwelling Unit may be created through, but not limited to, the following methods:
 - a. Converting existing living area within a single-family dwelling as an addition to an existing single-family dwelling, or within the footprint of a single-family dwelling created as new construction; or
 - b. Converting an existing detached accessory building as an addition to an existing accessory building; or as a newly constructed Accessory Dwelling Unit.
4. The City shall only permit an Accessory Dwelling Unit when an owner occupant lives on the property within either the principal residence or Accessory Dwelling Unit.
5. An Accessory Dwelling Unit shall require two on-site parking spaces for vehicles associated with the Accessory Dwelling Unit and shall have adequate on-site parking for all vehicles associated with the primary residence.

6. Accessory Dwelling Units shall comply with the building height, yard requirements, setbacks and building zone requirements.
7. A Detached Accessory Dwelling Unit shall not cover more than twenty-five (25) percent of the rear yard. Existing detached or newly constructed dwelling units shall not exceed nine hundred (900) square feet of living space.
8. All Accessory Dwelling Units located in an accessory building or new construction shall be subject to the following setback requirements:
 - a. Shall be located a minimum of ten (10) feet from the single-family dwelling located on the same parcel.
 - b. Side and rear yard setbacks:
 - i. New Accessory Buildings: Shall be located minimum of ten (10) feet from any side or rear lot line.
 - ii. Additions to existing accessory buildings: The addition shall be located a minimum of ten (10) feet from any side or rear lot line. If any existing accessory building includes an addition, all of or portions of the existing structure may be used as an Accessory Dwelling Unit provided the existing setbacks are not further reduced and the structure complies or can be altered to comply with the applicable sections of the adopted Fire Code of the City, and it does not exceed nine hundred (900) square feet of living space, and an existing detached Accessory Dwelling Unit shall not substantially alter the structure or appearance of the existing structure, and shall be architecturally compatible with the primary structure.
9. An Accessory Dwelling Unit may be permitted in a side yard provided that it meets all the required side and front yard setbacks for the zone and is at least ten (10) feet from the main dwelling.
10. Utility services to an Accessory Dwelling Unit shall be as follows:
 - a. For an internal Accessory Dwelling Unit, all utility services (water, power, electricity, gas, etc.) shall be connected to the primary residence and may not be separated.
 - b. A detached Accessory Dwelling Unit may have separate utility services from the primary residence if the detached accessory building or new construction deems it necessary.

Chapter 10-9: Reserved

Section

(Reserved)

Chapter 10-10: Conditional Use Permits

Section

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- Policies, Procedures and Considerations
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10-10-1: Purpose

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

10-10-2: Definition

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

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

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

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

3. **Recommendation by Planning Commission:** The Planning Commission shall recommend approval of the proposed use by the City Council if evidence is presented establishing that the proposed use will provide a service or facility which will contribute to the general well-being of the zoning district and community.
4. **Policies Set by City Council:** The City Council shall promote and establish policies as set forth in this Title in regard to: landscaping, fencing, lighting, ingress/egress, parking, building size and location, and signs, when considering the following zones:
 - a. Residential Zone:
 - i. Will the proposed use generate detrimental traffic?
 - ii. Will the proposed use overload street capacity?
 - iii. Will internal traffic adversely affect adjacent residences?
 - iv. Will parking facilities be screened from adjacent residences?
 - v. Will parking facilities be effectively screened?
 - vi. Will landscaping and watering system be sufficiently enhancing?
 - b. Commercial Zone:
 - i. Will ingress/egress adversely affect general traffic patterns?
 - ii. Will parking area adversely affect internal or access flow to public street circulation?
 - iii. Will building location create blind approaches to sidewalks for pedestrians?
 - iv. Will building design be compatible/complimentary to already established structures?
 - v. Will building location, lighting, parking or traffic adversely affect any adjacent residential use or zone?
 - vi. Will signage be complimentary to overall aesthetic nature of the immediate area?
 - vii. Will project have any adverse effect on water or sewer system?
 - viii. Will parking be adequate for numbers of employees, clients, loading, unloading and other business functions?
 - ix. Will landscaping, watering system and parking area be aesthetically satisfactory as stated in site plan?
 - x. Are there provisions for storage?

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

c. Manufacturing Zone:

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

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

10-10-4: Permit Required

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

10-10-5: Application

Application made to the Planning Commission shall contain the following:

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

10-10-6: Procedure

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

10-10-8: Appeals

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

10-10-9: Issuance of Building Permit

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

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

10-10-9: Expiration

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

10-10-10: Modification or Revocation of Permit

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

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

Chapter 10-11: Temporary Uses

Section

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10-11-1: Purpose

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

10-11-2: Uses Allowed

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

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

10-11-3: Permit, Prior Approval Required

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

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

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

10-11-4: Action of Planning Commission

The Planning Commission may approve a use which they deem to have satisfactorily met the above requirements, may deny a use which does not meet said requirements, or may approve the establishment of a use with such additional conditions as the Planning Commission may deem appropriate to assure the use will be compatible and will not pose any detriment to persons or property. Said conditions may include a limitation upon hours of operation and/or a time limitation which is less than the maximum established by this Chapter. (Ord. 2000-4-1 2, 4-12-2000)

Chapter 10-12: Non-Conforming Uses

Section

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10-12-1: Non-Conforming Use Defined

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

10-12-2: Use of Open Land

A non-conforming use of land lawfully existing on the effective date of such ordinance may be continued, provided such nonconforming use shall not be expanded or extended into any other portion of a conforming building or open land, and no structures, additions, alterations or enlargements thereto shall be made thereon, except those required by law. If said non-conforming use is discontinued for a continuous period of more than six (6) months, any future use of such land shall conform to the provisions of the zone in which it is located. (Ord. 2000-4-1 2, 4-12-2000)

10-12-3: Non-Conforming Buildings

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

10-12-4: Non-Conforming Use of Conforming Buildings

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

10-12-5: Non-Conforming Use of Non-Conforming Buildings

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

10-12-6: Change in Status of Non-Conforming Use

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

10-12-7: Reconstruction of Non-Conforming Building Partially Destroyed

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

10-11-8: Non-Conforming Limited to Zone Groups

Notwithstanding any other provisions of this Title, no uses permitted in the residential zones and lawfully existing in the residential zones at the time of the effective date of this Chapter shall be

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

10-12-9: Non-Conforming Detrimental to Health and Safety not included

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

Chapter 10-13: Dark Sky (Lighting) Regulations

Section

- Purpose 10-13-1
- Definitions 10-13-2
- Non-Conforming Lighting 10-13-3
- Lighting Standards 10-13-4
- Lighting Plan Required 10-13-5
- Right Of Way Lighting 10-13-6
- Conflicting Provisions 10-13-7

Dark Sky Lighting Ordinance

10-13-1: Purpose

1. The purpose of these regulations is to preserve the night sky and reduce the impact of lighting from multi-family, commercial, manufacturing, and other non-residential developments on surrounding residential areas.

10-13-2: Definitions

1. **Direct Light:** Light emitted directly from a fixture without interruption, making the lighting element visible from areas being illuminated.
2. **Full Cut-Off:** A fixture design where the lighting element is recessed, preventing light from emitting above a 90-degree angle from the fixture, ensuring no upward light trespass.
3. **Holiday Lighting:** Temporary lighting used in celebration of national, state, local, cultural, or religious holidays.
4. **Lighting Element:** The component of a fixture emitting light, such as LED panels or bulbs.
5. **Net Acres:** The portion of a parcel excluding public rights-of-way and undeveloped areas.
6. **Reflected Light:** Light reflected off surfaces in the urban environment, creating ambient illumination.
7. **Shoobox Fixtures:** Square or rectangular box-shaped lighting fixtures mounted on poles.

10-13-3: Non-Conforming Lighting

1. All lighting installed before the adoption of this ordinance is considered non-conforming but may remain in place. Non-conforming lighting must be updated to comply with these regulations upon redevelopment, site expansion, or a change in land use.

10-13-4: Lighting Standards

1. Non-Residential and Multi-Family Residential Lighting

- a. **Full Cut-Off Fixtures:** All exterior lighting must use full cut-off fixtures directed downward, ensuring that lighting elements are not visible from beyond the property line.
- b. **Height Limit:** Fixtures must be mounted no higher than 16 feet.
- c. **Light Containment:** Direct light shall not spill beyond the property line, and reflective light should be minimized.
- d. **LED Requirement:** All fixtures must use LED technology.
- e. **Prohibited Fixtures:** Shoebox-style fixtures are not allowed. Poles and fixtures must be of a decorative design.
- f. **Color Temperature:** Lighting fixtures must have a color temperature of 3000 Kelvin or lower.
- g. **Lumen Cap:** Total site lighting must not exceed 100,000 lumens per net acre.
- h. **Operating Hours:** Exterior lighting must be turned off during non-business hours, except for essential security lighting.
- i. **Dimming:** Lights essential for security or non-standard operating hours may be dimmed to at least 50% of full output, as approved by the Planning Commission. Motion sensor lights may operate after business hours.
- j. **24-Hour Businesses:** Businesses adjacent to residential properties must dim exterior lighting to reduce the impact on nearby residences while ensuring site security.

2. Single Family Residential Standards

- a. The following provisions shall be applicable to all residential developments and building approved after the date of adoption of this ordinance.
 - i. All lighting shall be full cut-off and directed downward. The lighting element shall not be visible from the property line.
 - ii. Height – All fixtures shall be mounted no higher than 16 feet.
 - iii. LED Required – All fixtures shall be LED.
 - iv. All lighting fixtures shall be 3000 K or less in color.

- v. Home Owners Associations (HOA's) in new residential subdivisions shall include dark sky compliant regulations in their Covenants Conditions and Regulations (CC&R's).

3. Exemptions

- a. **Flag Lighting:** Up-lighting for national, state, or local government flags is exempt but should be minimized by lowering flags at night.
- b. **Holiday Lighting:** Holiday lighting is exempt from these regulations.

10-13-5: Lighting Plan Required

- 1. A lighting plan is required for all non-residential and multi-family residential developments and must be submitted as part of the site plan approval process. The plan must include:
 - a. **Fixture Details:** Including type, dimensions, color, lighting element type, wattage, color temperature (in Kelvin), and lumens output.
 - b. **Photometric Plan:** A plan showing light levels across the site.
 - c. **Fixture Locations:** Indicating the location of exterior building, site, and right-of-way lighting.
 - d. **Ongoing Compliance:** Property owners are responsible for ensuring that both existing and new lighting meet the city's lighting standards.

10-13-6: Right-of-Way Lighting

- 1. All lighting within public rights-of-way must conform to current engineering standards and specifications.

10-13-7: Conflicting Provisions

- 1. In cases where these regulations conflict with other sections of the city code, the stricter provision shall apply.

Chapter 10-14: Sign Regulations

Section

- Purpose 10-14-1
- Residential Zones (RA, R1, R2) 10-14-2
- Commercial and Manufacturing Zones (C1, C2, M) 10-14-3
- General Provisions 10-14-4
- Temporary Signs 10-14-5
- Nonconforming Signs 10-14-6
- Enforcement 10-14-7

10-14-1: Purpose

1. The purpose of this Chapter is to standardize the size and limits placed on signs in Moroni City to ensure public safety, maintain the aesthetic appeal, and protect the character of the city. No sign in the city may display anything that is illegal, obscene, or morally degrading. Safety and aesthetics are of major importance, and all signs must be approved by the Planning Commission before a zoning application and building application are submitted.

10-14-2: Residential Zones (RA, R1, R2)

1. Signs in residential zones are limited to the following types and must adhere to the conditions outlined below:
2. **Nameplate Signs:**
 - a. Signs or nameplates not exceeding two (2) square feet in area and displaying only the name and address of the occupant.
3. **Temporary Signs:**
 - a. Two (2) temporary signs with a maximum area of six (6) square feet each.
 - b. Temporary signs may be erected no more than thirty (30) days prior to the event they pertain to and must be removed within thirty (30) days after the event.
4. **Identification Signs:**
 - a. Signs or monuments identifying points of interest or sites of historic significance.

- b. The size of these signs or monuments shall be specifically approved by the Planning Commission.

5. Government and Public Facility Signs:

- a. Signs necessary for the identification, operation, or protection of public facilities are permitted without a sign permit.

10-14-3: Commercial and Manufacturing Zones (C1, C2, M)

In the C1, C2, and M zones, signs are allowed under the following conditions:

1. Commercial and Manufacturing Signs:

- a. Maximum sign area of 200 square feet per lot.
- b. Signs must be on the property they represent (no off-site signs).
- c. Signs attached to a building may not extend higher than the highest point of the building.
- d. Freestanding signs must maintain an open vision.

2. Animation and Lighting:

- a. No animation or sounds.
- b. Exterior lighting must be Dark Sky friendly in accordance with chapter 10-13 and shall minimize light pollution and must be directed to avoid glare onto adjacent properties and streets.

3. Projection and Placement:

- a. Signs shall not project into or over any public property.
- b. Freestanding signs must not obstruct pedestrian or vehicular traffic and must comply with sight distance requirements.

10-14-4: General Provisions

1. Permit Requirement:

- a. No sign shall be erected, displayed, or maintained without a sign permit issued by the City and Sanpete County Building Department.

2. Safety and Maintenance:

- a. All signs must be maintained in a safe, presentable, and sound structural condition at all times.

- b. The Planning Commission reserves the right to inspect signs for compliance.

3. Prohibited Signs:

- a. Signs that flash, blink, or have moving lights are prohibited, except as allowed for electronic message centers or time/temperature signs.
- b. Signs attached to vehicles that are parked conspicuously to display advertising.

10-14-5: Temporary Signs

1. General Guidelines:

- a. Temporary signs are allowed for grand openings, special promotions, property availability, and holiday decorations.
- b. Temporary signs must be secured and shall not create safety hazards.

2. Residential Zones:

- a. Limited to two (2) temporary signs, each not exceeding six (6) square feet.

3. Commercial and Manufacturing Zones:

- a. Limited to two (2) temporary signs, each not exceeding sixteen (16) square feet.

4. Duration:

- a. Temporary signs may be displayed for a maximum of thirty (30) days before and after the event they pertain to.

10-14-6: Nonconforming Signs

1. Intent:

- a. To regulate and eventually phase out nonconforming signs.

2. Maintenance and Alteration:

- a. Nonconforming signs may not be altered, moved, or expanded unless brought into full compliance with this ordinance.

10-14-7: Enforcement

1. Notice of Violation:

- a. The Planning Commission may issue a notice of violation for any sign erected or maintained in violation of this ordinance.

2. Unsafe Signs:

- a. Signs posing an immediate safety hazard may be removed by the City without notice.

3. Appeals:

- a. Appeals against decisions or orders by the Planning Commission may be made to the Appeal Authority.

Chapter 10-15: Business in the Home

Section

- Permit Required 10-15-1
- Procedure 10-15-2
- Conditions 10-15-3
- Duration and Renewal 10-15-4
- Fees 10-15-5
- Non-Compliance 10-15-6
- Appeal 10-15-7
- Business License Required 10-15-8

10-15-1: Permit Required

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

10-15-2: Procedure

1. The Planning Commission may, upon application, issue a home occupation permit which shall state the home occupation permitted, the conditions attached thereto, and any time limitations imposed thereon. The permit shall not be issued unless the Planning Commission is satisfied that the application will meet all of the conditions listed in Section 10-17-3 of this Chapter and that the applicant has agreed in writing to comply with all of said conditions. (Ord. 2000-4-1 2, 4-1 2-2000)

10-15-3: Conditions

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

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

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

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

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

10-15-4: Non-Compliance

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

10-15-5: Appeal

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

10-15-6: Business License Required

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

Chapter 10-16: Flood Damage Prevention

Section

- Statutory Authorization, Findings of Fact, Purpose and Methods 10-16-1
- Definitions 10-16-2
- General Provisions 10-16-3
- Administration 10-16-4
- Provisions for Flood Hazard Reduction 10-16-5
- Certification 10-16-6

10-16-1: Statutory Authorization, Findings of Fact, Purpose and Methods

1. **Statutory Authorization:** The Legislature of the State of Utah has in Utah Code Unannotated 10-3-701 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of Moroni City Corporation does or has delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses.
2. **Findings of Fact:**
 - a. The flood hazard areas of Moroni City Corporation are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
 - b. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood proofed or otherwise protected from flood damage.
3. **Statement of Purpose:** It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
 - a. Protect human life and health;

- b. Minimize expenditure of public money for costly flood control projects;
- c. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d. Minimize prolonged business interruptions;
- e. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains
- f. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- g. Insure that potential buyers are notified that property is in a flood area.

4. Methods of Reducing Flood Losses:

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

10-16-2: Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.

- **Alluvial Fan Flooding:** Flooding occurring on the surface of an alluvial fan or similar landform, which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.
- **Apex:** A point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.
- **Area of Shallow Flooding:** A designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- **Area of Special Flood Hazard:** The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.
- **Base Flood:** The flood having a one percent chance of being equaled or exceeded in any given year.
- **Base Flood Elevation (BFE):** Is the water surface elevation of the one (1) percent annual chance flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas. It is also the elevation shown on the FIRM and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1-percent chance of equaling or exceeding that level in any given year.
- **Basement:** Any area of the building having its floor sub-grade (below ground level) on all sides.
- **Critical Feature:** An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.
- **Development:** Any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- **Elevated Building:** A non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the

building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

- **Existing Construction:** For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."
- **Existing Manufactured Home Park or Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
- **Expansion to an Existing Manufactured Home Park or Subdivision:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- **Flood or Flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - The overflow of inland or tidal waters.
 - The unusual and rapid accumulation or runoff of surface waters from any source
- **Flood Insurance Rate Map (FIRM):** An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- **Flood Insurance Study:** The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map
- **Floodplain or Flood Prone Area:** Any land area susceptible to being inundated by water from any source (see definition of flooding).
- **Floodplain Management:** The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

- **Floodplain Management Regulations:** Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
- **Flood Protection System:** Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.
- **Flood Proofing:** Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- **Floodway (Regulatory Floodway):** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
- **Functionally Dependent Use:** A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
- **Highest Adjacent Grade:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- **Historic Structure:** Any structure that is:
 - Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district
 - Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

- Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either: by an approved state program as determined by the Secretary of the Interior or; directly by the Secretary of the Interior in states without approved programs
- **Levee:** A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or diverts the flow of water so as to provide protection from temporary flooding.
- **Levee System:** A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.
- **Lowest Floor:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; **provided** that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood insurance Program regulations.
- **Manufactured Home:** A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".
- **Manufactured Home Park or Subdivision:** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- **Mean Sea Level:** For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
- **New Construction:** For the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
- **New Manufactured Home Park or Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
- **Recreational Vehicle:** A vehicle which is:

- Built on a single chassis;
 - 400 square feet or less when measured at the largest horizontal projections;
 - Designed to be self-propelled or permanently towable by a light duty truck; and
 - Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use
- **Start of Construction:** (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
 - **Structure:** A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
 - **Substantial Damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
 - **Substantial Improvement:** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:
 - Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications, which have been identified by the local code enforcement official and which are the minimum necessary conditions or
 - Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

- **Variance:** A grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)
- **Violation:** The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.
- **Water Surface Elevation:** The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

10-16-3: General Provisions

1. **Lands to which this Ordinance Applies:** The ordinance shall apply to all areas of special flood hazard within the jurisdiction of Moroni City.
2. **Basis for Establishing the Areas of Special Flood Hazard:** The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Moroni City, dated May 29, 2009 with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.
3. **Establishment of Development Permit:** A Development Permit shall be required to ensure conformance with the provisions of this ordinance.
4. **Compliance:** No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.
5. **Abrogation and Greater Restrictions:** This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
6. **Interpretation:** In the interpretation and application of this ordinance, all provisions shall be:
 - a. Considered as minimum requirements;
 - b. Liberally construed in favor of the governing body; and

- c. Deemed neither to limit nor repeal any other powers granted under State statutes
7. **Warning and Disclaimer or Liability:** The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.
8. **Severability:** If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.

10-16-4: Administration

1. **Designation of the Floodplain Administrator:** The Councilmember Luke R. Freeman is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.
2. **Duties and Responsibilities of the Floodplain Administrator:** Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:
 - a. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.
 - b. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding
 - c. Review, approve or deny all applications for development permits required by adoption of this ordinance.
 - d. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required
 - e. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
 - f. Notify, in riverine situations, adjacent communities and the State Coordinating Agency, which is Utah NFIP Coordinator, prior to any alteration or relocation of a

watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

- g. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
 - h. When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article 5.
3. **Permit Procedures:** Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
- a. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
 - b. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
 - c. A certificate from a registered professional engineer or architect that the nonresidential flood proofed structure shall meet the flood proofing criteria of Article 5, Section B (2);
 - d. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development
 - e. Maintain a record of all such information in accordance with Article 4, Section (B)(1).

Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

- f. The danger to life and property due to flooding or erosion damage;
- g. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- h. The danger that materials may be swept onto other lands to the injury of others
- i. The compatibility of the proposed use with existing and anticipated development;
- j. The safety of access to the property in times of flood for ordinary and emergency vehicles;

- k. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
- l. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
- m. The necessity to the facility of a waterfront location, where applicable;
- n. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- o. The relationship of the proposed use to the comprehensive plan for that area.

4. Variance Procedures:

- a. The appeal Board as established by the community shall hear and render judgment on requests for variances from the requirements of this ordinance.
- b. The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance
- c. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.
- d. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- e. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.
- f. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C(2) of this Article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- g. Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Article 1, Section C).
- h. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

- i. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
 - j. Prerequisites for granting variances:
 - i. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - ii. Variances shall only be issued upon:
 - 1. Showing a good and sufficient cause;
 - 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - iii. Any application as to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
 - k. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - i. The criteria outlined in Article 4, Section D(1)-(9) are met, and
 - ii. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
5. **Automatic Adoption (Optional):** Effective FEMA Flood Insurance Rate Maps and effective FEMA Flood Insurance Studies are automatically adopted.

10-16-5: Provisions for Flood Hazard Reduction

- 1. **General Standards:** In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

- a. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
 - c. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
 - d. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - e. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 - f. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into floodwaters; and,
 - g. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
2. **Specific Standards:** In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Article 3, Section B, (ii) Article 4, Section B(8), or (iii) Article 5, Section C(3), the following provisions are required:
- a. Residential Construction: New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C(1)a., is satisfied.
 - b. Non Residential Construction: New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor(including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which

includes the specific elevation (in relation to mean sea level) to which such structures are flood proofed shall be maintained by the Floodplain Administrator.

- c. Manufactured Homes: Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

3. Standards for Subdivision Proposals:

- a. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of this ordinance.
- b. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of this ordinance.
- c. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section B (8) of this ordinance.
- d. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- e. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

10-16-6: Certification

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

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

Chapter 10-17: Bee Keeping

Section

- Definitions 10-17-1
- Certain Conduct Unlawful 10-17-2
- Hives on Residential Lots 10-17-3
- Beekeeper Registration 10-17-4
- Hives 10-17-5
- Flyways 10-17-6
- Water 10-17-7
- Beekeeping Equipment 10-17-8
- Conflict with County or Health Department Regulations 10-17-9
- Violations 10-17-10

10-17-1: Definitions:

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

10-17-2: Certain Conduct Unlawful:

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

10-17-3: Hives on Residential Lots:

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

10-17-4: Beekeeper Registration:

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

10-17-5: Hives:

1. Honeybee colonies shall be kept in hives with removable frames which shall be kept in sound and usable condition.
2. Hives shall be placed at least five (5) feet from any property line (in addition to the requirements of section 10-17-3, above) and six (6) inches above the ground, as measured from the ground to the lowest portion of the hive; provided, however, that this requirement may be waived in writing by the adjoining property owner.
3. Hives shall be operated and maintained as provided in the Utah Bee Inspection Act.
4. Each hive shall be conspicuously marked with the owner's name, address, telephone number, and state registration number.
5. No open feeding is permitted.

10-17-6: Flyways:

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

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

10-17-7: Water:

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

10-17-8: Beekeeping Equipment:

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

10-17-9: Conflict with County or Health Department Regulations:

In the event of a conflict between any regulation set forth in this ordinance and honeybee management regulations adopted by the county or health department, the most restrictive regulations shall apply.

10-17-10: Violations:

A violation of this section follows the resulting progressive penalties:

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

Chapter 10-18: Storage Containers

Section

- Definition 10-18-1
- Use 10-18-2
- Violation of Ordinance 10-18-3

10-18-1: Definition

a large receptacle or enclosure for holding materials either temporarily or for long term storage, i.e. shipping containers.

10-18-2: Use

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

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

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

10-18-3: Violation of Ordinance

A violation of this section follows the resulting progressive penalties:

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

Chapter 10-19: Tables & Diagrams

Section

10-19-1: Table A – Setbacks

10-19-2: Off-Street Parking Requirements

10-19-1: Table A - Setbacks

This table provides setback and other development standards governing lots in the city in an easy-to-read format. It is not the complete set of regulations governing property development and should not be used except in conjunction with the rest of this ordinance.

Table A: Setbacks and Density

Zone	Min. Lot Size	Max Density	Min Lot Frontage	Front Yard	Side Yard	Rear Yard	Corner Lot Side Yard	Max Height
RA	½ acre	1 unit per lot	100'	25'	10' *	30'	20' **	35'
R1	10,000 sq. ft.	1 unit per lot	100'	25'	10' *	30'	20' **	35'
R2	10,000 sq. ft.	5 units per acre	100'	25'	10' *	30'	20' **	35'
C1	None	Commercial use only	35'	5'	10'	None	5'	35'
C2	None	5 units per acre	35'	5'	10'	None	5'	35'
M	10,000 sq. ft.	Manufacturing use only	35'	10'	None	None	10'	50'

* The combined sum of the two (2) side yards shall not be less than twenty-four feet (24').

** Side yard shall not be used for vehicle parking except such portion as is devoted to driveway use for access to a garage or carport.

10-19-2 Table B: Off-Street Parking Requirements

This table lists the off-street parking requirements for different uses.

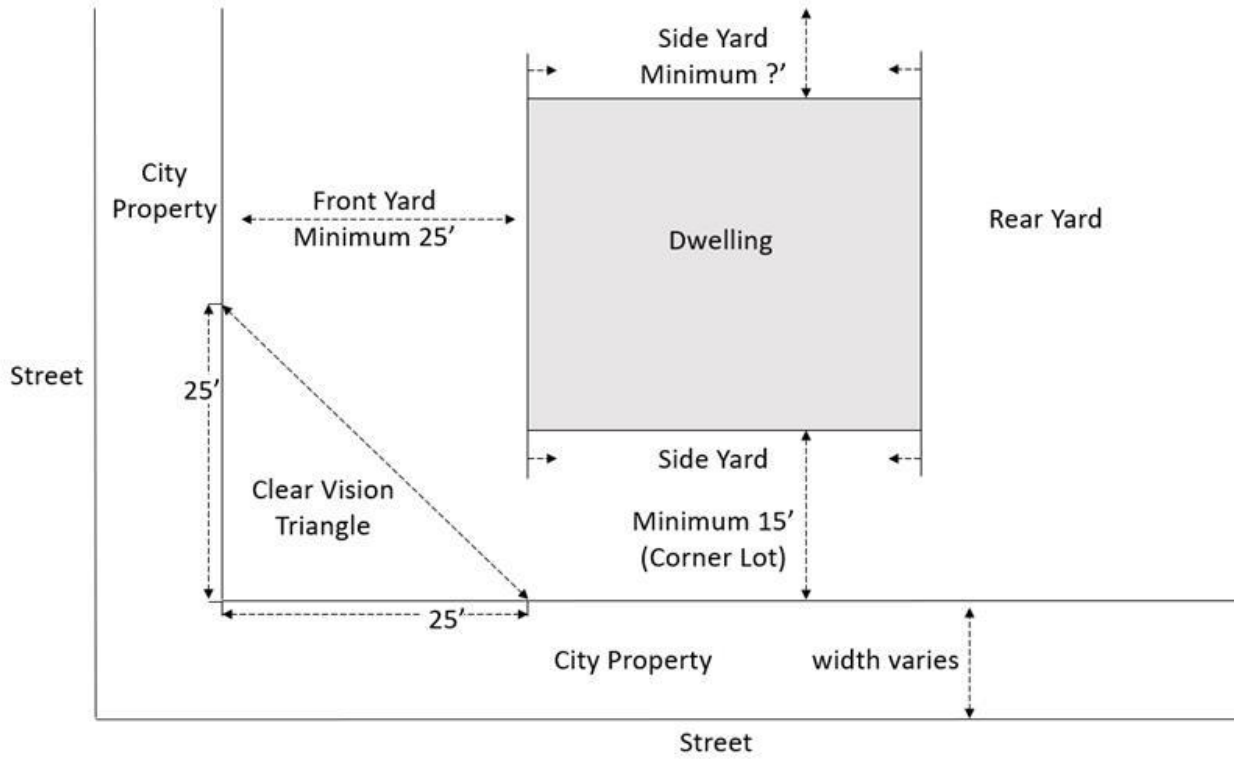
Table D: Parking Requirements

Use	Minimum # of spaces
One and two family dwellings	2/unit

Condominiums (New construction and conversions)	2/unit
All other dwellings	2/unit
Automobile Courts	1 space for each sleeping unit or dwelling unit.
Banks, business or professional office	1 space per 500 sq. ft. of gross floor area.
Offices not providing customer services or sales on the premises	1 space per 500 sq. ft. of gross floor area.
Professional offices for attorneys, CPA's, Architects, Engineers, etc	1 space per 500 sq. ft. of gross floor area.
Bowling alleys	4 spaces for each alley.
Mixed Use Commercial and Residential	Total of office and residential. May be reduced by up to 25% if commercial use will be significantly reduced after normal business hours.
Church	1/4 permanent seats + 1/40 sq. ft. without permanent seats in the largest seating area.
Museums and similar non assembly cultural facilities	1 space per 400 sq. ft of gross floor area.
Stadium, arena, rodeo, etc.	1/4 seats + 1/75 sq. ft. seating area without permanent seats.
Stores, supermarkets, etc.	1/250 sq. ft. sales area.
Medical and Dental clinics/offices	1 space per 500 sq. ft. of gross floor area.
Hospital	1 space per 300 sq. ft. of gross floor area.
Sanitariums, children homes, homes for the aged, asylums, nursing homes, etc.	2 parking spaces plus 1 space for every 2 beds
Hotel, motel, inn, etc.	1/unit + 2 additional spaces
Mortuary, funeral home	1/250 sq. ft. + 1/3 seats
Auto repair	4 spaces plus 1 additional parking space for each bay
Libraries	3/1000 sq. ft. public area

Restaurant, tavern, eatery, food establishment for the sale and consumption of food and beverage on premises	1 space per 100 sq. ft. of gross floor area.
Retail Stores, except as otherwise specified herein	1 parking space for each 200 sq. ft. of gross floor area on the ground floor
Childcare	1 space per 600 sq ft of gross floor area plus a drop-off and pick-up area of no less than four (4) spaces
Recreational facility	1 space per 5 persons at maximum occupancy
Tennis, pickleball, racquetball, etc.	2 spaces per court
Health club, spa, gym, etc.	1 space per 400 sq. ft.: 10 spaces minimum
Non-Residential Schools, Private, Vocational, Etc.	1 parking space for each employee and 1 space for each 3 students of driving age
Elementary school	2 spaces per classroom plus 1 space per 400 sq feet of administrative office areas
Junior and senior high schools	8 spaces per classroom plus 1 space per 400 sq feet of administrative office areas
Veterinary hospitals	1 space per 300 sq. ft.
Manufacturing plant, uses, research and testing laboratories, creameries, bottling establishment, bakeries, canneries, printing and engraving shops, etc.	1 space per 600 sq. ft. of gross floor area
Warehouse and wholesale storage guiding (dead storage or high-volume distribution)	1 space per 1,000 sq. ft. of gross floor area
Service commercial (cabinet shop, printing shop, furniture and appliance store, hardware store, household equipment, service shop, clothing or show repair, or similar personal shops, etc.)	1 space per 600 sq. ft. of gross floor area.
Outdoor sales lots	1 space per 2500 sq. ft.

10-19-3 Exhibit A: Site Triangle Diagram



10-19-4 Exhibit B:

(Reserve)