

4.29.2021- Land Use Definitions- Redline

ANIMAL KEEPING: The keeping of animals and fowl for food production or for pleasure. [This does not include the keeping of household pets.](#)

~~APARTMENT, HOTEL: Any building which contains dwelling units and also satisfies the definition of a "hotel", as defined in this section.~~

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~~APARTMENT HOUSE: A building designed to be occupied by more than four (4) families.~~

ASSISTED LIVING FACILITY: An assisted living facility is a housing facility for people with disabilities or for adults who cannot or choose not to live independently, but rather live in a group living environment under the care of State licensed professionals. An assisted living facility does not house individuals under care for drug or alcohol rehabilitation, nor can one serve as transitional housing for individuals reentering society from the penal system.

~~BASEMENT: A story partly portion of a dwelling unit which is partly underground. All portions of a basement shall be counted as a story for height measurement where such projects above the natural grade of the property. See definition of "Building, Height" where more than one-half ($\frac{1}{2}$) its height is above the average level of the adjoining ground or where more than three-fourths ($\frac{3}{4}$) of any wall is above the level of the adjoining ground. The average level of adjoining ground shall not be measured against raised planters or soil raised in a berm against the structure.~~

~~BASEMENT HOUSE: A one-levelstory dwelling where more than twenty five percent (25%) of the floor area is below the finished surface grade at the front yard level. Basement houses are not permitted under this title.~~

~~[BEAUTY & BARBER SERVICES: See Personal Care Services.](#)~~

BOARDING HOUSE AND/OR ROOMING HOUSE: A building used for the purpose of providing meals or lodging, or both meals and lodging for pay or compensation of any kind for three (3) or more persons.

BUILDABLE AREA: That portion of a building lot not included within any required yard or open space which a main building may be located upon.

BUILDING: Any structure having walls and/or a roof supported by columns or walls intended for or used for the shelter or housing or enclosure of any person, animal, chattel or property of any kind.

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~~BUILDING, ACCESSORY: A subordinate building customarily incidental to and located upon the same lot occupied by the main building. On any lot upon which is located a dwelling which is incidental to the conducting of agricultural use shall be deemed to be an accessory building.~~

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~~BUILDING, HEIGHT OF: The vertical distance shall be measured from the average existing or natural grade at the outside corners of the front facade of the building to the highest point of the roof. Where, due to unusual building design, there is no corner, the average grade will be measured at point of tangency with a line perpendicular to the front property line.~~

BUILDING, HEIGHT OF: (A) The vertical distance above the lowest original ground surface, as measured from all sides of the building, at a point on the perimeter of the building to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the ridge or highest point of a pitched or hipped roof. (B) Buildings may be stepped to accommodate the slope of the terrain; provided, that each step shall be at least twelve feet (12') in horizontal dimension. The height of each stepped building segment shall be measured as provided in subsection (A) of this definition. (C) For the purpose of this definition "original ground surface" means the elevation of the ground surface in its natural state before manmade alterations, including, but not limited to, grading, excavation, or filling, excluding improvements required by land use ordinances. When the elevation of the original ground surface is not readily apparent because of previous manmade alterations, the elevation of the original grade shall be determined by the Planning Commission using the best information available. No portion or point of the building shall exceed the height limit prescribed in the regulations of the zone in which the building is located.

BUILDING, MAIN: The principal building or one of the principal buildings upon a lot or a building or one of the principal buildings housing the principal use upon the lot.

BUILDING, PUBLIC: A building owned and operated or owned and intended to be operated by a public agency of the United States of America or the State of Utah or any of its subdivisions in connection with public use.

BUSINESS SERVICES AND PROFESSIONAL OFFICES: A use which provides various executive, management, and/or administrative services and support but does not include on premises sales of goods or commodities. Typical uses are legal services, real estate, insurance, advertising and mailing, building maintenance, employment service, management and consulting, protective services, equipment rental and leasing, auction services, commercial research, development and testing, and photo finishing. Medical and dental offices are not included in this definition.

CANNABIS means marijuana.

CANNABIS CULTIVATION FACILITY means a person that: (a) possesses cannabis; (b) grows or intends to grow cannabis; and (c) sells or intends to sell cannabis to a cannabis cultivation facility, a cannabis processing facility, or a medical cannabis research licensee.

CANNABIS PROCESSING FACILITY means a person that: (a) acquires or intends to acquire cannabis from a cannabis production establishment; (b) possesses cannabis with the intent to

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manufacture a cannabis product; (c) manufactures or intends to manufacture a cannabis product from unprocessed cannabis or a cannabis extract; and (d) sells or intends to sell a cannabis product to a medical cannabis pharmacy or a medical cannabis research licensee.

CANNABIS PRODUCT means a product that: (a) is intended for human use; and (b) contains cannabis or tetrahydrocannabinol.

CANNABIS PRODUCTION ESTABLISHMENT means a cannabis cultivation facility, a cannabis processing facility, or an independent cannabis testing laboratory.

CARPORT: A private garage not completely enclosed by walls or doors. For the purpose of this title, a carport shall be subject to all of the regulations prescribed for a private garage, whether attached or detached, unless specifically provided otherwise.

CHURCHES, SYNAGOGS, TEMPLES/RELIGIOUS INSTITUTION: See definition of Quasi-Public Use.

COMMERCIAL STORAGE: See Self-Service Storage.

COMMUNICATIONS TOWER: A tower which supports or contains communications antennas or related equipment of one of the following types:

Guyed Tower: A tower requiring guy wires or other stabilizers for support.

Lattice Tower: A self-supporting multiple sided steel frame tower.

Monopole Tower: A self-supporting tower consisting of a single pole without guy wires or stabilizers.

CONSTRUCTION: The materials, architecture, assembly, and installation of a building or structure, including landscaping.

CONSTRUCTION ACTIVITY: All grading, excavation, construction, grubbing, or other site preparation or development activity which disturbs or changes the natural vegetation, grade, or any existing building or structure, or the act of adding an addition to an existing building or structure, or the erection of a new primary or accessory building or structure on a lot or parcel.

CONSTRUCTION SERVICES: An establishment which primarily sells services constituting the construction, remodeling or maintenance of buildings or grounds; or sells wholesale goods to companies engaged in providing these services. This definition includes general, electrical, plumbing, heating or air conditioning, roofing, landscaping, pest control, etc. This use also includes lumberyards.

CONTRACTOR'S OFFICE/STORAGE YARD: A facility providing building construction and maintenance services including carpentry, plumbing, roofing, electrical, air conditioning and heating, with a base of operations and which may include the indoor and outdoor storage of building materials, equipment, or vehicles used by the construction business.

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COURT: An open, unoccupied space other than a yard on the same lot with a building or group of buildings which is bounded on two (2) or more sides by such building or buildings. ~~The width of a court is its least horizontal dimension measured between opposite sides in the same general direction as the yard or lot line on which the court opens. The length of the court is its horizontal dimension measured at right angles to its width. Courts shall have a minimum width of not less than thirty feet (30').~~

DAIRY: A farming operation for the production of milk in commercial quantity and which is regularly inspected by the State Department of Agriculture or its cooperating agencies.

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~~DAY CARE, NURSERY: Any building or premises used for the care of children other than those residing upon the premises. Where a day care/nursery exists, any children that reside upon the premises and who are not attending public school or an accredited private school are counted as part of the total number of children under care.~~

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~~DWELLING: A building designed and used for residential purposes including one , two , three or four family units, but not including apartments, boarding houses, hotels, lodging houses or tourist courts.~~

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~~DWELLING, GROUP PLANNED: Two (2) or more dwelling structures arranged to create a park like environment and not subdivided into customary streets and lots which will not be so subdivided, providing access from a dedicated street for parking and each dwelling unit of which has separate utility connections.~~

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~~DWELLING, MULTI FAMILY: A building designed to be occupied by more than four (4) families.~~

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~~DWELLING UNIT: One or more connected rooms occupied by or designed for residential purposes by one household.~~

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DAY CARE, COMMERCIAL: A facility, operated by a person qualified and licensed by the State of Utah, which provides children with day care and/or preschool instruction as a commercial business and complying with all applicable State standards and licensing and having regularly scheduled, ongoing enrollment for direct or indirect compensation that provides childcare for less than twenty-four (24) hours per day. Commercial Daycare Facilities excludes the following: (1) Kindergartens or nursery schools or other daytime programs operated by public or private elementary or secondary schools or institutions of higher learning; (2) Facilities operated in connection with a fitness center, shopping center or other activity where children are cared for temporarily while parents or custodians of the children are occupied on the premises or are in the immediate vicinity and readily available; (3) Special activities or programs, including athletics, crafts instruction and similar activities, conducted on a periodic basis by civic, charitable, private, or governmental organizations; or (4) Clearly identified as an Accessory Use.

DAY CARE, HOME: The care of children who are family and non-family members in an occupied dwelling unit, and complying with all State standards and licensing, by a resident of the dwelling unit at least twice a week for more than three (3) children, but fewer than ten (10) children. The total number of children being cared for shall include children under the age of four (4) years residing in the dwelling unit, who are under the supervision of the provider during the period of time the childcare is provided. When a caregiver cares for only three (3) children under age two (2), the group size, at any given time shall not exceed six (6). If there are eight or more children, there must be two or more providers present.

DEVELOPER: Any person or organization that develops or intends to develop or sell property for the purpose of future development subject to the provisions of this Ordinance, or other Land Use Ordinances.

DEVELOPMENT ACTIVITY: Any of the following: (a) Any man-made change to improved or unimproved lands, including but not limited to buildings or structures, mining, dredging, filling, grading, paving, excavation or drilling operations; (b) Any construction, reconstruction, or expansion of a building, structure, or use; (c) Any change in the use of a building or structure; (d) Any change in the use of land that creates additional demand and need for public facilities or services; (e) The act of subdividing; or (f) The act, process or result of developing. This definition excludes the routine landscaping of a single residence, building, or business.

DEVELOPMENT AGREEMENT: A contract between an Applicant or owner and the City pursuant to the provisions of City Code or Ordinance.

DEVELOPMENT SITE: The perimeters and total area of a tract, lot, or parcel of land intended to be used for a development activity.

DOG KENNELS: See Kennel.

DRIVE-THROUGH FACILITY: A facility which by design, physical facilities, service or packaging procedures, encourages or permits customers to transact business or receive services or goods while remaining in their motor vehicles.

DRYCLEANING SERVICES: See Laundry.

DWELLING, ACCESSORY UNIT: An attached dwelling unit to a single-family home, or located above a detached garage serving a single-family home, which is located on the same lot as the single-family home designed to be clearly subordinate to the principle dwelling. An accessory dwelling unit provides complete, independent living facilities with a separate dwelling entrance than the principal dwelling.

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DWELLING, ACCESSORY UNIT FOR OWNER OR EMPLOYEE: An attached, or detached, dwelling unit for an employee or owner and incidental and clearly subordinate to the existing primary building or use and located on the same lot as the primary building or use.

DWELLING, CONDOMINIUM: An individually owned dwelling unit, the ownership of which includes an undivided interest in the land and other common areas and facilities, as provided and recorded in a property deed or other instrument, as required by Utah law, and which is typically maintained by an association of the owners. Must meet allowed density requirements.

DWELLING, MULTI-FAMILY: A building containing three (3) or more dwelling units.

DWELLING, SINGLE-FAMILY: A building containing one (1) dwelling unit.

DWELLING, TWIN HOME: Two (2) single-family, individual dwelling units located on a contiguous and individually owned lot, which has adjacent walls on one side.

DWELLING, TWO-FAMILY: A building on a single lot containing two (2) attached dwelling units. Sometimes referred to as duplex.

DWELLING UNIT: A building, occupied by no more than one (1) family, designed and used for residential purposes, containing one (1) or more rooms, one (1) or more kitchens, one (1) or more bathrooms, and including one (1) or more areas for living and sleeping, designed to be used for human occupancy, and complying with all provisions of the Building Code. A dwelling unit does not include transient lodging.

DWELLING UNIT, MANUFACTURED: A transportable factory built housing unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code), in one or more Sections, which, in the traveling mode, is eight (8) feet or more in width or forty (40) feet or more in length, or when erected on site, is four hundred (400) or more square feet, and which is built on a permanent chassis and is designed to be used as a dwelling unit with, or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. To meet the requirements of this Ordinance and State laws, when erected on the site the home must be at least 24 feet in width at the narrowest dimension, have exterior and roofing materials acceptable to the Building Code, as adopted by the South Weber City, have a minimum roof pitch of 2:12, and be located on a permanent foundation, in accordance with plans providing for vertical loads, uplift, and lateral forces and frost protection in compliance with the Building Code. All appendages, including carports, garages, storage buildings, additions, or alterations must be built in compliance with the Building Code. The manufactured dwelling must be connected to the required utilities, including plumbing, heating, air-conditioning, and electrical systems. All manufactured dwelling units constructed on or after June 15, 1976, shall be identifiable by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD

standards. A Manufactured Dwelling Unit shall be identified as real property on the property assessment rolls of Davis County.

ELDERLY PERSON: A person who is sixty (60) years of age or older, who desires or needs to live with other elderly persons in a group setting, but is capable of living independently.

ELECTRONIC COMMUNICATIONS FACILITIES AND EQUIPMENT: As used in this title, refers only to low power radio transmission and not to other forms of telecommunication technologies and generally consists of an antenna for transmitting or receiving electromagnetic radiation as authorized by the Federal Communications Commission, and a communication tower which supports or contains the antenna(s) and related communications equipment.

EXCAVATION OR EXTRACTION: The moving or removal of boulders, gravel, rocks, earth, or similar naturally occurring deposits from its natural position.

FAMILY: An individual or two (2) or more persons related by blood, marriage or adoption, or a group of not more than five (5) persons who are not so related living together as a single nonprofit housekeeping unit doing their own cooking and domestic service for such a family or group. FAMILY does not include any group of individuals whose association is temporary or seasonal in nature or who are in a group living arrangement because of criminal offenses.

FAMILY FOOD PRODUCTION OR FARM ANIMALS: The keeping of domestic animals and fowl to produce food for the sole use of the family occupying the premises.

FARM OPERATIONS: Operations carried out to support agricultural or farming activities on a tract or parcel of land.

FARMING: A farm industry which includes generally all phases of farm operation: the keeping and raising of animals and/or fowl for domestic or commercial use, fur farms, livestock feed yards, pig farms, dairy farms and similar uses, and accessory uses thereto. Farming shall not include a Concentrated Animal Feeding Operation or "feed lot," as defined by the U.C.A., 1953, as amended, and subject to the Utah Pollutant Discharge Elimination System (UPDES), or similar activities.

FARM INDUSTRY: Includes generally all phases of ~~farm operation~~ farming, the keeping and raising of animals and/or fowl for domestic or commercial use on parcels of five (5) acres or larger, together with accessory uses thereto, ~~except.~~ Farm Industry does not include commercial ~~stock~~ animal slaughter feed lots or pig farms.

FARM STAND: A farmer's market limited to the sale of produce and related food items grown on site.

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FARMER'S MARKET: An area used for the sale of fresh produce and related food items, which may have outdoor storage and sales. A farmers' market may provide space for one or more vendors.

GARAGE, PRIVATE: An accessory building designed or used for the storage of not more than four (4) automobiles used by the occupants of the dwelling unit to which it is accessory. On a property occupied by a multiple dwelling containing more than four (4) dwelling units, the capacity of such private garage shall not provide more than two (2) garage stalls and one parking stall, or three (3) stalls per unit. A private garage having any part of one or more walls of the garage common to the dwelling shall be considered a part of the dwelling, i.e., an attached garage. Any attached garage shall be subject to the same front and side yard regulations as applied to the dwelling which it is accessory to.

GARAGE, PUBLIC: A building or portion thereof other than a private garage, designed or used for storing, ~~servicing, repairing, equipping, hiring or selling motor~~ driven vehicles.

GASOLINE SERVICE STATIONS: See Service Station.

GOLF COURSE: An area used for the purposes of playing golf, but which may include associated restaurants, commercial retail sales areas, and course maintenance facilities.

GRADE, FINISHED SURFACE: The average level of the finished surface of the ground adjacent to the front setback line of a building or structure. On a corner or ~~multifrontage~~multi-frontage lot, the average level of the ground adjacent to and measured along all frontage setback lines of the building.

GREENHOUSE: See Nursery.

GROUP HOME: A ~~residential facility for elderly persons or handicapped persons consistent with the zoning of the desired location, building or portion thereof~~ that is occupied on a twenty-four (24) hour per day basis by no more than eight (8) ~~or fewer~~ individuals living at a given point in time; not a place of temporary sojourn or transient visit.

GROUP HOME, RESIDENTIAL FACILITY FOR ELDERLY PERSONS: A dwelling unit that is occupied on a twenty-four (24) hour per day basis by no more than eight (8) elderly persons in a family type arrangement~~and in conformance with applicable standards. A residential facility for elderly persons shall not include any of the following: A facility which is operated as a business, provided that such facility may not be considered to be operated as a business solely because a fee is charged for food or for actual and necessary costs of preparation and maintenance of the facility; A facility where persons being treated for alcoholism or drug abuse are placed; A facility where placement is not on a strictly voluntary basis or where placement is part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution; A facility which is a healthcare facility as defined in Utah Code Annotated section 26-21-2, as amended; or A facility which is a residential facility for persons with a disability.~~

GROUP HOME, RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY: A residence in which more than one person with a disability resides and which is: Licensed or certified by the Department of ~~Social~~Human Services under title 62A, chapter 2, of the Utah Code, licensure of programs and facilities; or Licensed or certified by the Department of Human Health under Utah Code Annotated title 26, chapter 21, Health Care Facilities Licensing and Inspection Act.

GUN RANGE, INDOOR: An enclosed, indoor facility designed and used for rifle shooting, pistol shooting, trapshooting, skeet shooting, or other target shooting and related training or practice for the purpose of sharpshooting or improving in the use of firearms.

HOME OCCUPATION: An occupation conducted entirely, or in part, within the dwelling and which is clearly incidental and secondary to the use of the property for dwelling purposes. Regulations applying to home occupations shall not apply to any portion of an occupation not conducted upon the residential property. Home occupations shall not be interpreted to include kennels, commercial stables, ~~real estate offices~~, restaurants or other uses which are foreign in character to a residential use.

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HORSES, FOR PRIVATE USE: Horses maintained by occupants of dwellings for riding purposes of a noncommercial nature.~~

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HOTEL: A building designed or occupied as the more or less temporary abiding place of fifteen (15) or more individuals who are, for compensation, lodged with or without meals.~~

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HOUSEHOLD PET: Animals which are customarily allowed in the home for the sole pleasure and enjoyment of the occupants but not raised or kept for commercial purposes or for food, but not including a sufficient number of dogs to constitute a "kennel", as defined in this title. Not more than a total of two (2) pairs of small animals (such as rabbits, squirrels, chinchillas, hamsters, guinea pigs, etc.) and their dependent young, not more than four (4) months old may be classed as household pets; provided, that they are penned or caged, and the pen or cage for the same is located at least seventy five feet (75') from any dwelling on an adjacent lot.~~

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HOTEL: A building and associated facilities offering overnight accommodations for guests, with access provided through a common entrance, lobby, or hallway to individual guestrooms, and which may include additional services, such as restaurants, conference and meeting rooms, entertainment, and recreational facilities.~~

HOUSEHOLD PET: Domesticated animals and birds ordinarily allowed in a dwelling unit and kept for company or pleasure of the owner, including, but not limited to dogs, cats, and caged birds. Household Pets do not include domestic livestock or fowl, as defined herein or inherently or potentially dangerous animals, fowl, reptiles, or exotic animals.

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INDIVIDUALS WITH DISABILITIES: A person who has a severe, chronic disability attributable to a mental or physical impairment or to a combination of mental and physical impairments, which is likely to continue indefinitely and which results in a substantial functional limitation in three (3) or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living or economic self-sufficiency; and who requires a combination or sequence of special interdisciplinary or generic care, treatment or other services that are individually planned and coordinated to allow the person to function in and contribute to, a residential neighborhood.

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

~~KENNEL-AND HOBBY, COMMERCIAL: A facility providing for the indoor and/or outdoor commercial boarding, breeding, buying, grooming, or training for fee or sale of household pets not owned by the owner or occupant of the premises.~~

~~KENNEL-A, SPORTSMAN'S OR HOBBY: A kennel is any lot of at least one acre use, accessory to a single-family dwelling unit in A, A-10 or T-1 Zone on which three (3) or but not more than five (5) dogs, cats or ferrets, at least four (4) months old or older, owned by the owner or occupant of the premises, are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing, and which use has a valid permit from the City.~~

~~—B. Hobby kennel is any lot of at least one acre in an R-L or R-M Zone on which no more than five (5) dogs over one year old are kept, together with dependent young up to four (4) months in age and one dog up to one year in age.~~

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LAUNDRY: An establishment providing home-type washing, drying, and/or ironing machines, household laundry and dry-cleaning services~~

LOT: A parcel of land occupied or to be occupied by a main building or group of main buildings and accessory buildings, together with such yards, open spaces, lot widths and lot areas as are required by this title in having frontage upon a street, except for group dwellings, where more than one dwelling is placed on a lot, each dwelling structure shall be provided with a minimum lot area as required for one such dwelling on a lot in the same zone.

LOT CENTER LINE FOR CORNER: An imaginary straight line lying midway between and in the main direction of the longest interior lot line and the boundary line lying midway between and in the main direction of the longest interior lot line and the boundary line lying opposite thereto, when it is apparent that such center line would intersect to front lot lines, all interior boundary lines shall be deemed to be side lot lines and said lot shall not also be classified as a ~~multifrontage~~multi-frontage lot. See section 10-1-11, appendix A of this chapter.

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LOT, CORNER: A building lot abutting on two (2) intersecting or intercepting streets where the interior angle of interception or intersection does not exceed one hundred thirty five degrees (135°). See section 10-1-11, appendix A of this chapter.

LOT DEPTH FOR INSIDE LOTS: The mean horizontal distance between the front lot line and the rear lot line. See section 10-1-11, appendix A of this chapter.

LOT DEPTH FOR MULTIFRONTAGE AND CORNER LOTS: The horizontal distance between opposite boundaries of the lot measured along the center line thereof. See section 10-1-11, appendix A of this chapter.

~~LOT, INSIDE: An imaginary straight line lying midway between and in the mean direction of the side lot lines. See section 10-1-11, appendix A of this chapter.~~

~~LOT, INSIDE GORE SHAPED: Any inside lot, the interior lines of which converge towards the rear thereof. For the purpose of locating a dwelling thereon, an owner of a corner lot may have the option of classifying such lot as a gore shaped inside lot, in which case the interior lines of the same shall be designated as side lot lines, and the rear lot lines shall be determined the same as required for inside lots. See section 10-1-11, appendix A of this chapter.~~

~~LOT, INSIDE OTHER THAN RECTANGULAR: A. A yard extending across the full width of a lot between the most rear of the main building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest part of a main building to the nearest part of a rear lot line.~~

~~B. On the lots that are other than rectangular in shape, the required minimum rear yard may be an average of the distances measured from the rear corners of a dwelling to the nearest point of the rear lot line, however the shortest distances used in determining the average may be not less than fifteen feet (15'). See section 10-1-11, appendix A of this chapter.~~

~~LOT LINE FRONT: The boundary of a lot line of separating a lot bordering a from an existing street right-of-way or, where a new street is proposed, the proposed street right-of-way. In the case of a corner lot or multifrontage lot, any lot boundary line having adequate a multi-frontage to meet lot, the requirements of lot line shall be the particular zone may be designated by the owner as the front lot line. See section 10-1-11, appendix A of this chapter City Planner when the building permit is issued.~~

LOT LINE INTERIOR: Any boundary of a lot which is not coterminous with a public street.

LOT LINE REAR FOR INSIDE LOTS: The interior line lying opposite the front lot line where such lot is also a gore- shaped lot and the side lot lines thereof converge either to a point or to a rear boundary which is less than one-half (1/2) of the minimum required lot width. The rear lot line

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shall be construed to be an imaginary straight line across the center line of the lot at right angles, which is one-half ($\frac{1}{2}$) of the required lot width in length. See section 10-1-11, appendix A of this chapter.

LOT LINE REAR FOR MULTI-FRONTAGE AND CORNER LOTS: On multi- frontage lots, the exterior lot line so designated; corner lots, that interior lot line which has been designated as a rear lot line by the lot owner or authorized person applying for the building permit.

LOT LINE SIDE FOR INSIDE LOTS: Those interior lines lying opposite of each other running between the front and the rear lot lines or in the case of multi-frontage lots, those interior lines which run between the two (2) possible front lot lines. See section 10-1-11, appendix A of this chapter.

LOT LINE SIDE FOR MULTIPLE FRONTAGE IN CORNER LOTS: For multiple frontage lots, all interior lot lines; for corner lots, that interior lot line which has been designated as the side lot line by the lot owner.

LOT, MULTI-FRONTAGE: Any building lot, the center line of which intersects two (2) possible front lot lines. See section 10-1-11, appendix A of this chapter.

LOT WIDTHS FOR CORNER LOTS: The horizontal distance between opposite lot boundary lines measured at right angles to the center line of the lot on the main point of such center line. See section 10-1-11, appendix A of this chapter.

LOT WIDTHS FOR INSIDE LOTS: A. Rectangular-Shaped: The horizontal distance between the side lot lines measured along a line lying at right angles to the center line of the lot at a point thirty feet (30') back from the front lot line, intersecting both side lot lines.

B. Nonrectangular-Shaped: The horizontal distance between the side lot lines measured along a line lying at right angles to the center line of the lot at a point sixty feet (60') back from the front lot line, intersecting both side lot lines.

MAJOR INTERSECTION: An intersection of a minor arterial street and a major collector street or the intersection of two (2) major collector streets. The classification of streets shall be as specified in the currently adopted South Weber City General Plan.

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~~MANUFACTURED HOME: A single family dwelling unit which is fabricated in one or more sections in a location other than the home site by assembly line production techniques after June 15, 1976, to standards established by the U.S. Department of Housing and Urban Development. Such dwellings shall be installed on a permanent foundation and according to other standards contained herein.~~
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MANUFACTURING, HEAVY: The assembly, fabrication or processing of large or bulky goods and materials which typically require extensive building areas or land areas using raw materials or previously prepared materials, using processes and that may have impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare, or health and safety hazards.

MANUFACTURING, LIGHT: The assembly, fabrication or processing of goods and materials using processes that are not offensive or create any odor, dust, smoke, noxious gases, noise, vibration, glare, heat or other impacts to adjacent property, nor create any health and safety hazards by way of materials, process, product or waste, and where all assembly, storage, fabrication or processing is conducted within a building or structure and where all, equipment, compressors, generators and other ancillary equipment is located within a building or structure.

MEDICAL, DENTAL & RELATED HEALTH SERVICES: A facility or group of offices for one or more physicians, chiropractors, physical therapists, dentists or other related health service for the examination and treatment of ill and afflicted outpatients provided that the patients are not kept overnight except under emergency circumstances.

MEDICAL LABORATORY: An indoor establishment that includes laboratories and/or experimental equipment for medical testing, prototype design and development, and product testing.

MOBILE BUSINESS: A business that sells goods or serves food or beverages from a self-contained unit either motorized or in a trailer on wheels, is readily movable, without disassembling, for transport to another location.

MOTEL: A group of attached or detached buildings containing individual sleeping rooms or dwelling units or a combination of both designed for or used for the temporary occupancy of automobile tourists or transients with parking space or garage attached, or located convenient to each unit. Includes also auto-courts, tourist parks and motor lodges.

NATURAL WATERWAYS: These areas of varying widths along streams, creeks, springs, gullies or washes which are natural drainage channels, as determined by the building inspector, in which areas no buildings shall be constructed.

NONCONFORMING BUILDING LOT: A parcel of land of record with frontage on a public street that was held in separate ownership from adjacent property on the effective date of the ordinance codified herein, the dimensions of which do not meet the minimum requirements for a building lot in the zone in which it is located. Adjacent properties in the same ownership at the time of the adoption of the ordinance codified herein, but described separately, shall be considered one lot for the purpose of the ordinance codified herein.

4.29.2021- Land Use Definitions- Redline

NONCONFORMING BUILDING OR STRUCTURE: A building or structure or portions thereof lastly existing at the time the ordinance codified herein became effective which does not conform to all height, area and setback regulations prescribed in the zone in which it is located.

NONCONFORMING USE: A use which lastly occupied a building or land at the time the ordinance codified herein became effective and which does not conform with the use regulations of the zone in which it is located.

NURSERY, GARDEN CENTER: A use including a building, part of a building or open space for the growth, display and/or sale of plants, shrubs, trees, and other materials used in indoor or outdoor planting.

PARKING LOT: An open area other than a street used for the temporary parking of automobiles and available for public use, whether free, for compensation or as an accommodation for clients or customers.

PARKING SPACE: The space within a building lot or parking lot for the temporary parking or storage of one automobile.

PERSONAL CARE SERVICE: A use primarily engaged in providing services generally involving the care of a person or the person's appearance such as beauty and barber services, tanning, nails, massage therapy, aesthetician, permanent cosmetics, or day spa, but excluding a body art/tattoo or sexually oriented business.

PET: See Household Pet.

PLANNED DWELLING GROUP: A group of two (2) detached residential buildings, under single ownership, located on one building lot, arranged in a harmonious and spacious configuration.

PLANNED UNIT DEVELOPMENT: An integrated design for development of residential, nonresidential, commercial, or a combination of such uses.

PLOT PLAN: A plat of the lot drawn to scale showing its actual measurements, the size and location of any existing buildings and buildings to be erected, and showing the location of the lot and abutting streets.

~~**PRESCHOOL HOME OCCUPATION:** An activity conducted within a residence for the care, whether or not for compensation, of up to twelve (12) children at any one time, for less than four (4) hours, other than members of the family residing on the premises.~~

~~**RECREATION:** The act of reinvigorating one's self through play or amusement solely for personal, physical or mental benefit and not for, or as part of, a business enterprise.~~

4.29.2021- Land Use Definitions- Redline

~~RECREATIONAL VEHICLE: A vehicle which is:~~

- ~~—A. Built on a single chassis;~~
 - ~~—B. Four hundred (400) square feet or less when measured at the largest horizontal projection;~~
 - ~~—C. Designed to be self-propelled or permanently towable by a one-ton or lighter truck or passenger vehicle; and~~
 - ~~—D. Designed to provide accommodation for recreational, camping, travel, or seasonal use.~~
- ~~A recreational vehicle also includes campers, travel trailers, fifth wheel trailers, motor homes, park models, and tiny homes.~~

~~Tiny Home: A vehicle designed for living in temporary locations which:~~

- ~~—A. Is towable by a bumper hitch, frame towing hitch or fifth wheel connection;~~
- ~~—B. Is no larger than allowed by Utah State law for movement on public highways without special escorts;~~
- ~~—C. Contains at least one hundred forty (140) square feet of the first floor interior living space and does not exceed five hundred (500) square feet of first floor interior living space; and~~
- ~~—D. Meets ANSI 119.2 or ANSI 119.5 or NFPA 1192 or is RVIA certified.~~

PUBLIC USE: A use or facility owned or operated exclusively by a public entity, having the purpose of serving the public health, safety, or general welfare. Typical uses include a street, public school, park, playground, recreational facility, library, community building, fire stations, police station, and administrative and service facilities.

PUBLIC UTILITY: A structure or facility used by a public agency to store, distribute or chemically treat water, power, natural gas, or sewer.

QUASI-PUBLIC USE: A use or facility owned or operated exclusively by a private nonprofit religious, recreational, charitable or philanthropic institution. Such use shall have the purpose of serving the general public, and would include such uses as a church, hospital, civic or social club, museum, etc.

RECREATION CENTER: A use providing a variety of recreation activities including activities that are enclosed within a structure along with outdoor recreational activities on the same premises, including but not limited to aerobics, weight training, running track, live theater, baseball batting cages, riding arena, tennis facility, miniature golf, swimming pool, or similar activities that are operated for the use of persons who do not reside on the same lots as that on which the recreation use is located. This use may include associated eating and drinking areas, retail sales areas, and staff offices. This use specifically excludes a firearm shooting range, motor vehicle and/or motorbike tracks, or similar activities that may create noise, dust, or other nuisances to adjoining and surrounding uses.

RECREATIONAL VEHICLE: A self-propelled or permanently towable, mobile living unit typically used for temporary human occupancy away from the user's permanent place of residence.

4.29.2021- Land Use Definitions- Redline

Recreational vehicles also include such vehicles as a travel trailer, camper, boat/watercraft, tiny home, and other similar types of vehicles. For the purpose of this title, this definition does not include motorcycles, off road or other similar vehicles.

RECREATIONAL VEHICLE SALES AND RENTAL: A business that sells, leases, and/or rents new and/or used recreational vehicles.

RECREATIONAL VEHICLE PARK: Any site, tract or parcel of land on which facilities have been developed to provide temporary living quarters or recreational amenities for two or more recreational vehicles. Such a park may be developed or owned by a private, public, or non-profit organization catering to the public or restricted to the organizational or institutional members and their guests.

RECREATIONAL VEHICLE PARK OCCUPANCY: The length of stay at a recreational vehicle park shall be no greater than ~~one hundred eighty (180)~~ thirty (30) consecutive days provided that:

- A. The recreational vehicle:
 1. Is not permanently connected to utilities.
 2. Maintains wheels attached to the unit.
 3. Shall not have any permanent additions attached.
 4. Has left the park for at least ~~five (5)~~ seven (7) consecutive days before returning.

RESIDENTIAL FACILITY FOR HANDICAPPED PERSONS: A single family or multiple family dwelling unit, consistent with existing zoning of the desired location, that is occupied on a twenty four (24) hour per day basis by eight (8) or fewer handicapped persons in a family type arrangement under the supervision of a house family or manager, and that conforms to all applicable standards and requirements of the Department of Social Services, and is operated by or operated under contract with that department.

RECYCLING COLLECTION CENTER: A use, often accessory in nature, providing designated containers for the collection, sorting, and temporary storage of recoverable resources (such as paper, glass, metal and plastic products) to be transferred to a recycling processing facility. Recycling Collection Centers involve no more than three (3) collection containers up to forty (40) cubic yards in total size.

RECYCLING PROCESSING FACILITY: A facility where recyclable and organic materials are collected, stored, and processed. Processing includes but is not limited to baling, briquetting, compacting, flattening, crushing, mechanical sorting, shredding, and cleaning. Recycling Facility does not include Salvage Yard.

REPAIR SERVICES: See Vehicle and Equipment Repair.

RESIDENTIAL FACILITY: See Group Home.

RETAIL SALES & SERVICES: Establishments engaged in the retail sale of goods and services, except those uses as otherwise clearly defined herein.

RETAIL SALES AND SERVICES (COMMUNITY COMMERCIAL): Establishments engaged in the retail sale of goods and services. Community Commercial Retail Sales and Service businesses must conduct all sales of goods and services, with all associated storage of goods and materials, within a totally enclosed building (with the exception of occasional outdoor "sidewalk" promotions), with no separate individual building to exceed 3,000 square feet in total gross building and the total gross floor area of all buildings, on any separate, individual lot, does not exceed more than 6,000 square feet of gross building area. Community Commercial Retail Sales and Services specifically excludes all sales, accessory uses, and service uses that typically display goods or services, or store goods or product in open, unenclosed areas, including but not limited to, automotive, truck, recreational vehicle, trailer, and manufactured home sales lots, repair yards, open storage areas, and all similar outside display and storage areas of goods, materials, equipment, and vehicles.

RETAIL SALES AND SERVICES (REGIONAL): A commercial retail business that occupies more than 80,000 square feet of floor space, is a car or motor vehicle dealer, is a retail shopping facility (shopping center) that has at least one (1) anchor tenants if the total floor area of all tenants is more than 150,000 square feet, or is a grocery store of more than 30,000 square feet.

RESTAURANT: A place of business where food is prepared and served to the public for consumption on or off the premises.

ROAD, PRIVATE: A thoroughfare held in private ownership and controlled, serviced and maintained by one or more private persons, firms or corporations and used or held for use primarily as a means of access to adjoining property.

SELF-SERVICE STORAGE: An enclosed commercial storage facility providing independent, fully enclosed bays, which are leased to persons exclusively for storage of their household goods or personal property.

SERVICE ACCESSORY USE: A use of ~~the land in conjunction with~~ zoned residential for a business purpose that is clearly incidental and secondary to the use of the dwelling for dwelling purposes. ~~The, such that the~~ accessory uses of the land are in a location, of a size and screened ~~so as~~ to create minimal adverse impact on current and future land uses of adjoining property. The storage of any motorized equipment shall be in operable order. At no time will junked or inoperable equipment or vehicles be allowed.

SERVICE STATION: An area where fuel (gasoline or diesel) or electricity is dispensed into motor vehicles, and where no repairs are conducted, except work that may be conducted that is closely similar in character to the following: sale and installation of oil, lubricants, batteries and belts and similar accessories and safety and emission inspections, and sale of pre-packaged

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propane. This use may include a "convenience store," provided that all of the requirements for such use are also met. A business that maintains an accessory use of providing motor fuel only for use by vehicles operated by that business shall not, by itself, be considered a service station. This use shall not include activity meeting the definition of a "truck stop."

SETBACK: The shortest horizontal distance between the boundary line of the lot and the building or structure or part thereof.

SEXUAL-ORIENTED BUSINESS: A business which depicts, portrays, or describes "specified sexual activities" or "specified anatomical areas," or instruments, devices, or paraphernalia which are designated or used in connection with specified sexual activities, including but not limited to adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, or nude or seminude model studio.

SHORT-TERM RENTAL: A transient lodging facility in a single-family dwelling unit, in public lodging facilities as part of a planned unit development (PUD), or in an accessory dwelling unit (ADU), occupied by a single group on a temporary basis for less than thirty (30) consecutive days as an alternative to a hotel or motel.

STABLE, PRIVATE: A detached accessory building for the keeping of horses 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 portion of a building other than a cellar, included between the surface of any floor and the surface of the floor or ceiling next above.

STORY, HALF: A story with at least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds ($\frac{2}{3}$) of the floor directly below it.

STREET, PUBLIC: An open way, space and/or thoroughfare, fifty feet (50') or more in width, provided or dedicated and/or accepted by South Weber City or the State of Utah, for public use for the purpose of providing all of the following:

- A. A thoroughfare for public use, designated primarily for vehicular traffic.
- B. The principal means of access to abutting properties.
- C. For the installation of public utilities, service lines and/or pipes.
- D. Drainage facilities and other public works and appurtenances for the convenience and welfare of the public generally, and the roadway of which has been stabilized and maintained by the said proper public authority or has been otherwise improved according to the accepted street construction standards of the City. Also, any street which has been dedicated as a part of the filing of a subdivision plat or as otherwise provided by law, and the required improvements of which have been assured as required. Any street or highway, the access rights of which are owned or controlled by a public authority shall not be construed to be a public street, except for access for the purpose of this title.

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E. Where a public thoroughfare existed prior to the adoption of the ordinance codified herein which fulfills all the requirements for a public street, except for the required width, said thoroughfare may be classified as a public street for the purposes of establishing building lots fronting thereon; provided, that the depth of that portion of each intended building lot needed to complete the required width for a public street, as determined by the Planning ~~Director~~[Commission](#) and the City Engineer is dedicated to public use.

STRUCTURAL ALTERATIONS: See definition of alteration, structural, as defined in this section.

STRUCTURE: That which is framed, erected, constructed or placed upon the ground, but not including fences which are six feet (6') or less in height.

TEMPORARY BUILDING INCIDENTAL TO CONSTRUCTION: A structure which is intended for temporary or short term use and incidental to construction.

TEMPORARY USE: A use or event established for a maximum period of ninety (90) days, such use or event being discontinued after the expiration of ninety (90) days.

TINY HOME: See ~~definition of~~ recreational vehicle.

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~~TRAVEL TRAILER: A vehicular portable structure not more than eight feet wide and thirty five feet long (8' x 35'), which is designed for extended highway travel, to be pulled by a private vehicle which requires no special permit for the same and intended for vacation and recreational purposes only; or a camp car, a motor home, or a tent trailer, with or without motive power, and identified as a recreational vehicle by the manufacturer.~~

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~~TRAVEL TRAILER PARK: A parcel of land under single ownership, where one or more spaces are rented or leased or held out for rent or lease to persons for occupancy of travel trailers, whether or not a fee is charged for the use of the space.~~

—
~~TRAVEL TRAILER SPACE: That part of a travel trailer park rented for the exclusive use of the occupants of a single travel trailer. The travel trailer space shall include the exclusive adjoining park space and the required open space around the travel trailer.~~

—
~~TWIN HOME: Two (2) single family, individual dwelling units located on a contiguous and individually owned lot, which has adjacent walls on one side.~~

TRANSIENT LODGING: A building, facility, or portion thereof, excluding inpatient medical care facilities and group homes in which sleeping accommodations and sanitary facilities are offered to the public and intended for rental to transients with daily, weekly or seasonal charge. A transient lodging facility includes any unit, group of units, dwelling, building, or group of

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buildings within a single complex of buildings rented to guests more than three times in a calendar year for periods of less than 30 days or one calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests for periods of less than 30 days or one calendar month, whichever is less. Transient lodging includes but is not limited to a boarding house, short-term rental, dormitory, motor lodge, tourist court, or similar building or group of buildings.

TRUCK STOP: A commercial use that primarily involves providing fuel to tractor-trailer trucks owned by numerous different companies. Such use may also include related retail sales, repair services, laundry services, and showers. It may also include activities associated with a service station.

VACATION RENTAL: See short-term rental.

VEHICLE: A Licensed and operable automobile, truck, trailer, boat or other device in which a person or thing is or can be transported from one (1) place to another.

VEHICLE AND EQUIPMENT REPAIR (MAJOR): An establishment primarily engaged in the major repair or painting of motor vehicles or heavy equipment, including auto body repairs, installation of major accessories and transmission and engine rebuilding services. Typical uses include major automobile repair garages, farm equipment repair, paint, and body shops.

VEHICLE AND EQUIPMENT REPAIR (MINOR): An establishment providing motor vehicle repair or maintenance services and conducted entirely within completely enclosed buildings, but not including paint and body shops or other activities associated with Vehicle and Equipment Repair (Major). Typical uses include businesses engaged in the following activities: electronic tune-ups, brake repairs (including drum turning), air conditioning repairs, generator and starter repairs, tire repairs, frontend alignments, battery recharging, lubrication, and sales, repair and installation of minor parts and accessories such as tires, batteries, windshield wipers, hoses, windows, etc. Vehicle and Equipment Repair (Minor) may include the retail sale of fuels, lubricants and other supplies for motor vehicles.

Vehicle and Equipment Sale and Rental: A facility providing for the sale, lease, or rental of new or used vehicles, including automobiles, trucks, motorcycles, recreational vehicles, or boats. The cleaning and routine maintenance of motor vehicles is allowed as an accessory use.

WAREHOUSING: A building or structure used to maintain an inventory of materials, supplies, or goods related to one or more businesses.

WHOLESALE TRADE OR DISTRIBUTION: A business that maintains an inventory of materials, supplies and goods related to one or more industries and sells bulk quantities of such materials,

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supplies and goods from its inventory to retail companies within the industry and which may include the parking and storage of distribution vehicles and accessory activities.

WIND ENERGY SYSTEM: a system of components which converts the kinetic energy of the wind into electricity or mechanical power, and which includes but is not limited to equipment for energy storage, power conditioning, control systems, and transmission systems, where appropriate, to provide electricity or mechanical power for individual, residential, agricultural, commercial, industrial, utility, or governmental use.

WIND ENERGY SYSTEMS, LARGE: Tower mounted or roof mounted wind energy systems with a rated nameplate capacity of more than one hundred (100) kW.

WIND ENERGY SYSTEMS, SMALL: Tower mounted or roof mounted wind energy systems with a rated nameplate capacity of one hundred (100) kW or less.

WIRELESS TELECOMMUNICATION FACILITY: A facility used for the transmission or reception of electromagnetic or electro-optic information, including wireless telecommunications facilities such as “cellular” or “PCS” (Personal Communications Systems) – communication and paging systems. This use is not required to be located on a separate lot or to comply with the minimum lot size requirement for the District in which it is located but is required to meet the design and locational requirements, as established for such uses, as provided by this Ordinance. Telecommunications Site/Facility does not include radio antennas complying with the ruling of the Federal Communications Commission in “Amateur Radio Preemption, 101 FCC 2nd 952 (1985)” or a regulation related to amateur radio service adopted under 47 C.F.R. Part 97.

YARD: A space or lot other than a court, unoccupied and unobstructed from the ground upward.

YARD, FRONT: Any yard between the front lot line and the front setback line of the main building and extending for the full width of the lot; any yard meeting the minimum frontage requirements of the applicable zone may be designated as the front yard. See section 10-1-11, appendix A of this chapter.

YARD, REAR: A yard between the rear lot line and the rear setback line of a main building extending across a full width of the inside lot; and for corner lots, a yard between the rear lot line and the rear setback line of the building, extending between the side lot line and the front frontage line opposite thereto. ~~On lots with five (5) or more sides, the required minimum rear yard setback may be reduced to fifteen feet (15') measured from any point of the building foundation to the nearest point of a lot line. Only one corner of a dwelling may project into the required rear yard space. See section 10-1-11, appendix A of this chapter.~~

YARD, SIDE: Any yard between the side lot line and the side setback line of the main building extending from the front yard to the rear yard. See section 10-1-11, appendix A of this chapter. (Ord. 18-07, 9-25-2018)

ORDINANCE 2021-05

AN ORDINANCE OF THE SOUTH WEBER CITY COUNCIL AMENDING PROVISIONS OF TITLE 10 OF THE CITY CODE TO AMEND THE DEFINITIONS OF LAND USES WITHIN SOUTH WEBER CITY.

WHEREAS, the South Weber City Council adopted the General Plan in 2020; and

WHEREAS, after adoption of the General Plan, the City determined that it would be necessary and proper to review and amend the definitions for various land uses throughout the City; and

WHEREAS, the City Council is authorized by State statute and municipal ordinances to make such amendments; and

WHEREAS, the South Weber City Planning Commission has made a favorable recommendation to the City Council that the land uses be amended.

NOW, THEREFORE, BE IT ORDAINED by the City Council of South Weber City, Utah, as follows:

Section 1. Amendment. The attached Exhibit A, "Land Use Definitions", is hereby adopted and incorporated as Title 10, Chapter 1, Section 10 of the South Weber City Code.

Section 2. Severability. If any section, part, or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance; and all sections, parts, and provisions of this Ordinance shall be severable.

Section 3. Effective Date. In accordance with Utah Code Ann. § 10-3-701 et seq. and Title 1, Chapter 2, Section 5 of South Weber City Code, this Ordinance shall take effect immediately upon adoption and recordation.

PASSED AND ADOPTED by the City Council of South Weber, Davis County, on the 25th day of May 2021.

MAYOR: Jo Sjoblom

ATTEST: City Recorder, Lisa Smith

Roll call vote is as follows:		
Council Member Winsor	FOR	AGAINST
Council Member Petty	FOR	AGAINST
Council Member Soderquist	FOR	AGAINST
Council Member Alberts	FOR	AGAINST
Council Member Halverson	FOR	AGAINST

**CHAPTER 5
ZONING DISTRICTS**

SECTION:

10-5-1: Zoning Map

10-5-2: Boundary Determination

10-5-2: BOUNDARY DETERMINATION:

A. Street, Alley Or Block: Whenever the boundary is indicated as being approximately upon the centerline of a street, alley or block, or along a property line, then unless otherwise definitely indicated on the map, the centerline of such street, alley or block or such property line shall be construed to be the boundary.

B. Waterway: Whenever such boundary line is indicated as being approximately at the line of any river, irrigation canal or other waterway or any section line, then in such case the center of such stream, canal or waterway or the boundary line of such public land or such section line shall be deemed to be the boundary.

C. Undetermined; Use Of Scale: Where such boundary lines cannot be determined by the above rules, their location may be found by the use of the scale appearing upon the map. (1989 Code § 12-2-002)

ARTICLE A. RESIDENTIAL MODERATE DENSITY ZONE (R-M)

SECTION:

10-5A-1: Purpose

10-5A-2: Permitted Uses

10-5A-3: Conditional Uses

10-5A-4: Building Lot Requirements

10-5A-5: Location Of Structures

10-5A-6: Maximum Structure Height

10-5A-7: Off Street Parking

10-5A-8: Permitted Signs

10-5A-1: PURPOSE:

To provide for areas in appropriate locations where quiet, moderate density, residential neighborhoods may be established and protected. The regulations of this zone are designed to promote compatible land uses consistent with a suburban environment enjoyed by residents within the zone. With proper controls that ensure the integrity of the zone, alternate forms of residential living are provided for by allowing flexibility in housing type, preference and costs. (Ord. 2000-9, 7-11-2000)

10-5A-2: PERMITTED USES:

Permitted uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title.

10-5A-3: CONDITIONAL USES:

Conditional uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title. Conditions for approval shall be made in accordance with the provisions of chapter 7 of this title.

10-5A-4: BUILDING LOT REQUIREMENTS:

A. Density: There shall be no more than 2.80 building lots per acre contained within the boundaries of each phase of every subdivision or planned unit development; except when previously completed phases of the same

development have sufficiently low density so that the average is still 2.80 building lots per acre or less. (Ord. 15-05, 7-14-2015)

B. Lot Area: There shall be a minimum of nine thousand (9,000) square feet in each lot.

C. Lot Width:

1. A maximum of twenty five percent (25%) of all lots within any development phase may be a minimum of eighty feet (80') in width; and

2. A minimum of twenty five percent (25%) of all lots within any development phase shall be a minimum of one hundred feet (100') in width; and

3. The width of all lots within any development phase shall average a minimum of ninety feet (90') in width. (Ord. 2000-9, 7-11-2000)

10-5A-5: LOCATION OF STRUCTURES:

All buildings and structures shall be located as provided in chapter 11 of this title and as follows:

Structures	Front Setback	Side Setback	Rear Setback
Dwellings	60 foot right-of-way: 25 feet from all front lot lines	10 feet minimum on each side, except 20 feet minimum for side fronting on a street	25 feet
	70 foot right-of-way: 20 feet from all front lot lines		
Other main buildings	60 foot right-of-way: 25 feet from all front lot lines	20 feet minimum for each side	25 feet
	70 foot right-of-way: 20 feet from all front lot lines		
Detached accessory buildings and garages	25 feet from all front lot lines	Same as for dwellings, except when the structure is at least 10 feet behind the main building or 10 feet behind a line extending from the rear corners of the main building to the side lot lines parallel to the rear lot line(s); the side and rear setbacks may be reduced to 1 foot; provided, that the structure must be at least 20 feet from main buildings on adjacent lots; and on corner lots the minimum setback for a side facing a street is 20 feet and minimum rear setback adjacent to a side lot line is 10 feet	

(Ord. 09-09, 8-11-2009)

10-5A-6: MAXIMUM STRUCTURE HEIGHT:

Main buildings or structures, two and one-half (21/2) stories or thirty five feet (35'). (Ord. 2000-9, 7-11-2000)

10-5A-7: OFF STREET PARKING:

The provisions of chapter 8 of this title shall apply and shall be in full force and effect in this zone, except in the case of a bona fide temporary use. (Ord. 2000-9, 7-11-2000)

10-5A-8: PERMITTED SIGNS 1 :

Class 1 signs shall be permitted. For home occupations or service accessory businesses, Class 2 signs will be allowed in addition to Class 1 signs. For public and institutional uses as allowed by conditional use permit, Class 3 signs will be allowed in addition to Class 1 signs. (Ord. 2000-9, 7-11-2000; amd. Ord. 2001-4, 2-13-2001)

Notes

1. See also chapter 9 of this title.

ARTICLE B. RESIDENTIAL LOW-MODERATE DENSITY ZONE (R-LM)

SECTION:

10-5B-1: Purpose

10-5B-2: Permitted Uses

10-5B-3: Conditional Uses

10-5B-4: Building Lot Requirements

10-5B-5: Location Of Structures

10-5B-6: Maximum Structure Height

10-5B-7: Off Street Parking

10-5B-8: Permitted Signs

10-5B-1: PURPOSE:

To provide for areas in appropriate locations where quiet, moderate/low density, residential neighborhoods may be established and protected and where there may be animal keeping on some parcels. The regulations of this district are designed to promote compatible land uses consistent with a suburban environment enjoyed by residents within the district. With proper controls that ensure the integrity of the district, alternate forms of residential living are provided for by allowing flexibility in housing type, preference and costs. (Ord. 2000-9, 7-11-2000)

10-5B-2: PERMITTED USES:

Permitted uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title.

10-5B-3: CONDITIONAL USES:

Conditional uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title. Conditions for approval shall be made in accordance with the provisions of chapter 7 of this title.

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10-5B-4: BUILDING LOT REQUIREMENTS:

A. Density: There shall be no more than 1.85 building lots per acre contained within the boundaries of each phase of every subdivision or planned unit development; except when previously completed phases of the same development have sufficiently low density so that the average is still 1.85 building lots per acre or less. (Ord. 15-05, 7-14-2015)

B. Lot Area: There shall be a minimum of ten thousand (10,000) square feet in each lot.

C. Lot Width:

1. A maximum of twenty five percent (25%) of all lots within any development phase may be a minimum of eighty feet (80') in width; and

2. A minimum of twenty five percent (25%) of all lots within any development phase shall be a minimum of one hundred feet (100') in width; and

3. The width of all lots within any development phase shall average a minimum of ninety feet (90') in width. (Ord. 2000-9, 7-11-2000)

10-5B-5: LOCATION OF STRUCTURES:

All buildings and structures shall be located as provided in chapter 11 of this title and as follows:

Structures	Front Setback	Side Setback	Rear Setback
Dwellings	60 foot right-of-way: 25 feet from all front lot lines	10 feet minimum on each side, except 20 feet minimum for side fronting on a street	25 feet
	70 foot right-of-way: 20 feet from all front lot lines		
Other main buildings	60 foot right-of-way: 25 feet from all front lot lines	20 feet minimum for each side	25 feet
	70 foot right-of-way: 20 feet from all front lot lines		
Detached accessory buildings and garages	25 feet from all front lot lines	Same as for dwellings, except when the structure is at least 10 feet behind the main building or 10 feet behind a line extending from the rear corners of the main building to the side lot lines parallel to the rear lot line(s); the side and rear setbacks may be reduced to 1 foot; provided, that the structure must be at least 20 feet from main buildings on adjacent lots; and on corner lots the minimum setback for a side facing a street is 20 feet and minimum rear setback adjacent to a side lot line is 10 feet	

(Ord. 09-09, 8-11-2009)

10-5B-6: MAXIMUM STRUCTURE HEIGHT:

Main buildings or structures, two and one-half (2 1/2) stories or thirty five feet (35'). (Ord. 2000-9, 7-11-2000)

10-5B-7: OFF STREET PARKING:

The provisions of chapter 8 of this title shall apply and shall be in full force and effect in this zone, except in the case of a bona fide temporary use. (Ord. 2000-9, 7-11-2000)

10-5B-8: PERMITTED SIGNS 1 :

Class 1 signs shall be permitted. For home occupations or service accessory businesses, Class 2 signs will be allowed in addition to Class 1 signs. For public and institutional uses as allowed by conditional use permit, Class 3 signs will be allowed in addition to Class 1 signs. (Ord. 2000-9, 7-11-2000; amd. Ord. 2001-4, 2-13-2001)

Notes

1. See also chapter 9 of this title.

ARTICLE C. RESIDENTIAL MULTI-FAMILY SEVEN ZONE (R-7)

SECTION:

10-5C-1: Purpose

10-5C-2: Architectural Site Plan Review

10-5C-3: Permitted Uses

10-5C-4: Conditional Uses

10-5C-5: Building Lot Requirements

10-5C-6: Location Of Structures

10-5C-7: Maximum Structure Height

10-5C-8: Off Street Parking And Loading

10-5C-9: Permitted Signs

10-5C-10: Special Conditions

10-5C-11: Landscaping Requirements

10-5C-1: PURPOSE:

To provide for areas in appropriate locations where neighborhoods of varying degrees of density may be established, maintained and protected. The regulations of this zone are designed to promote an intensively developed residential environment suitable primarily for adult living. With proper controls that ensure the integrity of the zone, alternate forms of residential living ranging from single- family to twelve-family dwellings and necessary public services. (Ord. 2000-9, 7-11-2000; amd. Ord. 2001-4, 2-13-2001)

10-5C-2: ARCHITECTURAL SITE PLAN REVIEW:

All dwellings which are designed to be occupied by three (3) or more families shall receive architectural site plan approval according to the requirements of chapter 12 of this title. (Ord. 2000-9, 7-11-2000)

10-5C-3: PERMITTED USES:

Permitted uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title.

10-5C-4: CONDITIONAL USES:

Conditional uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title. Conditions for approval shall be made in accordance with the provisions of chapter 7 of this title.

10-5C-5: BUILDING LOT REQUIREMENTS:

A. Density: There shall be no more than seven (7) dwelling units per acre contained within the boundaries of each phase of every development; except when previously completed phases of the same development have sufficiently low density so that the average is still seven (7) dwelling units per acre or less.

B. Lot Area:

1. There shall be a minimum of twelve thousand (12,000) square feet in each lot on which a single-family or two-family dwelling is built.

2. There is no minimum lot area for other dwelling types, but the density requirement listed above must be adhered to in all cases.

C. Lot Width: Each lot shall have a minimum width of one hundred feet (100'). (Ord. 2000-9, 7-11-2000; amd. Ord. 19-16, 11-26-2019)

10-5C-6: LOCATION OF STRUCTURES:

All buildings and structures shall be located as provided in chapter 11 of this title and as follows:

Structures	Front Setback	Side Setback	Rear Setback
Dwellings	30 feet from all front lines	10 feet minimum for each side, except 20 feet minimum for side fronting on a street	30 feet
Other main buildings	30 feet from all front lot lines	20 feet minimum for each side	30 feet
Detached accessory buildings and garages	30 feet from all front lot lines	Same as for dwellings, except when the structure is at least 10 feet behind the main building or 10 feet behind a line extending from the rear corners of the main building to the side lot lines parallel to the rear lot line(s); the side and rear setbacks may be reduced to 1 foot; provided, that the structure must be at least 20 feet from main buildings on adjacent lots; and on corner lots the minimum setback for a side facing a street is 20 feet and minimum rear setback adjacent to a side lot line is 10 feet	

(Ord. 2000-9, 7-11-2000)

10-5C-7: MAXIMUM STRUCTURE HEIGHT:

Main, accessory and temporary buildings and structures are not to exceed thirty five feet (35'). (Ord. 2000-9, 7-11-2000)

10-5C-8: OFF STREET PARKING AND LOADING:

The provisions of chapter 8 of this title shall apply and shall be in full force and effect in this zone, except in the case of a bona fide temporary use. (Ord. 2000-9, 7-11-2000)

10-5C-9: PERMITTED SIGNS 1 :

Class 1 signs shall be permitted. For home occupations, Class 2 signs will be allowed in addition to Class 1 signs. For public and institutional uses as allowed by conditional use permit, Class 3 signs will be allowed in addition to Class 1 signs. (Ord. 2000-9, 7-11-2000; amd. Ord. 2001-4, 2-13-2001)

Notes

1. See also chapter 9 of this title.

10-5C-10: SPECIAL CONDITIONS:

Due to the higher residential densities permitted by this article, the following conditions are required in order to assure a quality livable environment:

- A. Minimum And Maximum Area: The minimum area that may be zoned R-7 shall be two (2) acres and the maximum area which may be zoned R-7 in any zone district shall be nine point five (9.5) acres.
- B. Open Space: Multi-family dwellings shall provide usable functional open space for outdoor leisure in the following amounts:
 1. Eight hundred (800) square feet per unit for one- and two- family dwellings;
 2. Six hundred (600) square feet per unit for three- and four- family dwellings; and
 3. An additional four hundred (400) square feet per dwelling unit for each additional unit over four (4).
- C. Outdoor Storage Space: Three-family, four-family and multi- family dwellings shall provide enclosed outside storage space of at least thirty (30) square feet for each dwelling unit. (Ord. 2000-9, 7-11-2000; amd. Ord. 19-16, 11-26-2019)

10-5C-11: LANDSCAPING REQUIREMENTS:

- A. General Landscaping: At least fifteen percent (15%) of the total site shall be thoroughly landscaped, including an irrigation system to maintain such landscaping. Landscaping shall meet the requirements of chapter 15 of this title. For use of exceptional design and materials, as determined by the Planning Commission, the landscaping may be reduced to ten percent (10%) of the total site.
- B. Fencing: A six foot (6') tall solid screening fence shall be required between the Residential Multi-Family (R-7) Zone and all lower density residential zones. (Ord. 18-05, 8-14-2018; amd. Ord. 19-16, 11-26-2019)

ARTICLE D. RESIDENTIAL LOW DENSITY ZONE (R-L)

SECTION:

- 10-5D-1: Purpose
- 10-5D-2: Permitted Uses
- 10-5D-3: Conditional Uses
- 10-5D-4: Building Lot Requirements
- 10-5D-5: Location Of Structures
- 10-5D-6: Maximum Structure Height
- 10-5D-7: Off Street Parking And Loading
- 10-5D-8: Permitted Signs

10-5D-1: PURPOSE:

To provide for areas in appropriate locations where quiet, low density, residential neighborhoods may be established and protected. The regulations of this zone are designed to promote compatible land uses consistent with a semirural residential environment enjoyed by residents within those districts. With proper controls that ensure the integrity of the zone, alternate forms of residential living are provided for by allowing diversity in housing type, preference and costs. (Ord. 2000-9, 7-11-2000)

10-5D-2: PERMITTED USES:

Permitted uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title.

10-5D-3: CONDITIONAL USES:

Conditional uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title. Conditions for approval shall be made in accordance with the provisions of chapter 7 of this title.

10-5D-4: BUILDING LOT REQUIREMENTS:

A. Density: There shall be no more than 1.45 building lots per acre contained within the boundaries of each phase of every subdivision or planned unit development; except when previously completed phases of the same development have sufficiently low density so that the average is still 1.45 building lots per acre or less. (Ord. 15-05, 7-14-2015)

B. Lot Area: There shall be a minimum of twelve thousand (12,000) square feet in each lot.

C. Lot Width:

1. A maximum of twenty five percent (25%) of all lots within any development phase may be a minimum of eighty feet (80') in width; and

2. A minimum of twenty five percent (25%) of all lots within any development phase shall be a minimum of one hundred feet (100') in width; and

3. The width of all lots within any development phase shall average a minimum of ninety feet (90') in width. (Ord. 2000-9, 7-11-2000)

10-5D-5: LOCATION OF STRUCTURES:

All buildings and structures shall be located as provided in chapter 11 of this title and as follows:

Structures	Front Setback	Side Setback	Rear Setback
Dwellings	60 foot right-of-way: 30 feet from all front lines	10 feet minimum for each side, except 20 feet minimum for side fronting on a street	30 feet
	70 foot right-of-way: 25 feet from all front lot lines		
Other main buildings	60 foot right-of-way: 30 feet from all front lot lines	20 feet minimum for each side	30 feet
	70 foot right-of-way: 25 feet from all front lot lines		
Detached accessory	30 feet from all front lot lines	Same as for dwellings, except when the structure is at least 10 feet behind the main building or 10 feet behind a line extending from	

buildings and garages		the rear corners of the main building to the side lot lines parallel to the rear lot line(s); the side and rear setbacks may be reduced to 1 foot; provided, that the structure must be at least 20 feet from main buildings on adjacent lots; and on corner lots the minimum setback for a side facing a street is 20 feet and minimum rear setback adjacent to a side lot line is 10 feet
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(Ord. 09-09, 8-11-2009)

10-5D-6: MAXIMUM STRUCTURE HEIGHT:

Main, accessory and temporary buildings and structures, two and one-half (21/2) stories, not to exceed thirty five feet (35'). (Ord. 2000-9, 7-11-2000)

10-5D-7: OFF STREET PARKING AND LOADING:

The provisions of chapter 8 of this title shall apply and shall be in full force and effect in this zone, except in the case of a bona fide temporary use. (Ord. 2000-9, 7-11-2000)

10-5D-8: PERMITTED SIGNS 1 :

Class 1 signs shall be permitted. For home occupations or service accessory businesses, Class 2 signs will be allowed in addition to Class 1 signs. For public and institutional uses as allowed by conditional use permit, Class 3 signs will be allowed in addition to Class 1 signs. (Ord. 2000-9, 7-11-2000; amd. Ord. 2001-4, 2-13-2001)

Notes

1. See also chapter 9 of this title.

ARTICLE E. AGRICULTURAL ZONE (A)

SECTION:

10-5E-1: Purpose

10-5E-2: Permitted Uses

10-5E-3: Conditional Uses

10-5E-4: Building Lot Requirements

10-5E-5: Location Of Structures

10-5E-6: Maximum Structure Height

10-5E-7: Off Street Parking And Loading

10-5E-8: Permitted Signs

10-5E-1: PURPOSE:

The purpose of this zone is to promote and preserve open space and areas where families may engage in food production and keep limited numbers of animals and fowl. (Ord. 2000-9, 7-11-2000)

10-5E-2: PERMITTED USES:

Permitted uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title.

10-5E-3: CONDITIONAL USES:

Conditional uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title. Conditions for approval shall be made in accordance with the provisions of chapter 7 of this title.

10-5E-4: BUILDING LOT REQUIREMENTS:

A. Density: There shall be no more than 0.90 building lots per acre contained within the boundaries of each phase of every subdivision or planned unit development; except when previously completed phases of the same development have sufficiently low density so that the average is still 0.90 building lots per acre or less. (Ord. 15-05, 7-14-2015)

B. Lot Area: There shall be a minimum of twelve thousand (12,000) square feet in each lot.

C. Lot Width:

1. For lots less than one-half (1/2) acre, the same as subsection 10-5D-4C of this chapter.

2. Lots one-half (1/2) acre to ninety nine one-hundredths (0.99) acre in area shall be at least one hundred feet (100') in width.

3. Lots one acre or larger shall be at least one hundred fifty feet (150') in width. (Ord. 2000-9, 7-11-2000)

10-5E-5: LOCATION OF STRUCTURES:

All buildings and structures shall be located as provided in chapter 11 of this title and as follows:

Structures	Front Setback	Side Setback	Rear Setback
Dwellings	60 foot right-of-way: 30 feet from all front lot lines	10 feet minimum for each side, except 20 feet minimum for side fronting on a street	30 feet
	70 foot right-of-way: 25 feet from all front lot lines		
Other main buildings	60 foot right-of-way: 30 feet from all front lot lines	20 feet minimum for each side	30 feet
	70 foot right-of-way: 25 feet from all front lot lines		
Detached accessory buildings and garages	30 feet from all front lot lines	Same as for dwellings, except when the structure is at least 10 feet behind the main building or 10 feet behind a line extending from the rear corners of the main building to the side lot lines parallel to the rear lot line(s); the side and rear setbacks may be reduced to 1 foot; provided, that the structure must be at least 20 feet from main buildings on adjacent lots; and on corner lots the minimum setback for a side facing a street is 20 feet and minimum rear	

		setback adjacent to a side lot line is 10 feet
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(Ord. 09-09, 8-11-2009)

10-5E-6: MAXIMUM STRUCTURE HEIGHT:

Main buildings and structures, two and one-half (21/2) stories, not to exceed thirty five feet (35'). (Ord. 2000-9, 7-11-2000)

10-5E-7: OFF STREET PARKING AND LOADING:

The provisions of chapter 8 of this title shall apply and shall be in full force and effect in this zone, except in the case of a bona fide temporary use. (Ord. 2000-9, 7-11-2000)

10-5E-8: PERMITTED SIGNS 1 :

Class 1 signs shall be permitted. For home occupations or service accessory businesses, Class 2 signs will be allowed in addition to Class 1 signs. For public and institutional uses as allowed by conditional use permit, Class 3 signs will be allowed in addition to Class 1 signs. (Ord. 2000-9, 7-11-2000; amd. Ord. 2001-4, 2-13-2001)

Notes

1. See also chapter 9 of this title.

ARTICLE F. AGRICULTURAL-AIRCRAFT HAZARD ZONE (A-10)

Repealed by Ordinance _____

ARTICLE G. COMMERCIAL ZONE (C)

SECTION:

- 10-5G-1: Description And General Limitation
- 10-5G-2: Commercial Development Over One Acre
- 10-5G-3: Architectural Site Plan Review
- 10-5G-4: Permitted Uses
- 10-5G-5: Conditional Uses
- 10-5G-6: Building Lot Requirements
- 10-5G-7: Location Of Structures
- 10-5G-8: Maximum Structure Height
- 10-5G-9: Off Street Parking And Loading
- 10-5G-10: Permitted Signs And Lighting
- 10-5G-11: Special Provisions And Limitations
- 10-5G-12: Landscaping Requirements

10-5G-1: DESCRIPTION AND GENERAL LIMITATION:

Zone C has been established for the purpose of providing space within the various neighborhoods of the City for the establishment of neighborhood shopping centers used primarily to provide the retailing of convenience goods, the furnishing of certain personal services and the weekly household or personal needs of the residents of abutting

residential neighborhoods. C Districts are located generally on neighborhood feeder streets or on minor traffic streets rather than on main arterial highways. Such districts are almost always small in size, its area being determined by the size of the neighborhood it is designed to serve. Characteristically, it is surrounded by residential districts. (Ord. 2002-4, 3-26-2002)

10-5G-2: COMMERCIAL DEVELOPMENT OVER ONE ACRE:

A. Conditional Use: Because of the possible adverse impacts of large scale commercial developments on surrounding neighborhoods, in terms of site design and layout, traffic control, as well as visual appearance, all C developments greater than one acre shall fall under the conditional use permit procedure pursuant to chapter 7 of this title. (Ord. 2002-4, 3-26-2002)

B. Subdivided Parcels: In the event commercial parcels are subdivided and retained under single ownership or sold separately and the total sum of all the commercial properties was greater than one acre at the time of adoption of the ordinance codified herein, then each commercial development must be approved as a conditional use. (1989 Code § 12-8-002)

10-5G-3: ARCHITECTURAL SITE PLAN REVIEW:

All proposed C developments shall meet the requirements of chapter 12 of this title. (Ord. 2002-4, 3-26-2002)

10-5G-4: PERMITTED USES:

Permitted uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title.

10-5G-5: CONDITIONAL USES:

Conditional uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title. Conditions for approval shall be made in accordance with the provisions of chapter 7 of this title.

10-5G-6: BUILDING LOT REQUIREMENTS:

All buildings must comply with the provisions of this section, except those exempted as provided in chapter 11 of this title.

A. Lot width: No particular requirements, as approved by the Planning Commission.

B. Lot area: No particular requirements, as approved by the Planning Commission. (1989 Code § 12-8-006)

10-5G-7: LOCATION OF STRUCTURES:

Structures	Front Setback	Side Setback	Rear Setback
Main and accessory structures	10 feet	No requirement, except 10 feet minimum for sides fronting on street	No requirement, except that 20 feet shall be provided where the lot line is coterminous with any residential zone boundary
Temporary structures	10 feet	10 feet	30 feet

(1989 Code § 12-8-007)

10-5G-8: MAXIMUM STRUCTURE HEIGHT:

Main buildings and structures, two and one-half (2 1/2) stories or thirty five feet (35'). Temporary structures, one story. (1989 Code § 12-8-008)

10-5G-9: OFF STREET PARKING AND LOADING:

Provisions of chapter 8 of this title shall apply and shall be in full force and effect in this zone, except in the case of a bona fide temporary use. (1989 Code § 12-8-009)

10-5G-10: PERMITTED SIGNS AND LIGHTING 1 :

Class 5 signs shall be permitted. (Ord. 2004-04, 6-22-2004)

Notes

1 1. See also chapter 9 of this title.

10-5G-11: SPECIAL PROVISIONS AND LIMITATIONS:

Where accessory living quarters are provided as permitted herein, no window shall be permitted in any wall of the same which is located within eight feet (8') of a side property line. (1989 Code § 12-8-011)

10-5G-12: LANDSCAPING REQUIREMENTS:

A. General Landscaping: At least fifteen percent (15%) of the total site shall be thoroughly landscaped, including an irrigation system to maintain such landscaping. Landscaping shall meet the requirements of chapter 15 of this title. For use of exceptional design and materials, as determined by the Planning Commission, the landscaping may be reduced to ten percent (10%) of the total site.

B. Buffer Yard Landscaping: A buffer yard shall be required between the C Zone and all residential zones and shall meet the requirements of chapter 15 of this title.

C. Park Strip Landscaping: Park strip landscaping shall meet the requirements of chapter 15 of this title. (Ord. 18-05, 8-14-2018)

ARTICLE H. HIGHWAY-COMMERCIAL ZONE (C-H)

SECTION:

10-5H-1: Purpose

10-5H-2: Development Over One Acre

10-5H-3: Architectural Site Plan Review

10-5H-4: Permitted Uses

10-5H-5: Conditional Uses

10-5H-6: Building Lot Requirements

10-5H-7: Location Of Structures

10-5H-8: Maximum Structure Height

10-5H-9: Off Street Parking

10-5H-10: Permitted Signs And Lighting

10-5H-11: Special Provisions And Limitations

10-5H-12: Landscaping Requirements

10-5H-1: PURPOSE:

To provide areas in appropriate locations adjacent to highways or major streets where activities dependent upon or catering to thoroughfare traffic and the traveling public may be established, maintained and protected. The regulations of this district are designed to encourage harmony between traffic needs and centers for retail commercial, entertainment, automotive facilities and other appropriate highway related activities. (1989 Code § 12-9-001)

10-5H-2: DEVELOPMENT OVER ONE ACRE:

Development over one acre must follow the conditional use permit procedure of chapter 7 of this title. (1989 Code § 12-9-002)

10-5H-3: ARCHITECTURAL SITE PLAN REVIEW:

All proposed C-H development shall meet the requirements of chapter 12 of this title. (1989 Code § 12-9-003)

10-5H-4: PERMITTED USES:

Permitted uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title.

10-5H-5: CONDITIONAL USES:

Conditional uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title. Conditions for approval shall be made in accordance with the provisions of chapter 7 of this title.

10-5H-6: BUILDING LOT REQUIREMENTS:

The provisions of this section pertain to all buildings, except those exempted in chapter 11 of this title.

- A. Lot width: No particular requirements, as approved by the Planning Commission.
- B. Lot area: No particular requirements, as approved by the Planning Commission. (1989 Code § 12-9-006)

10-5H-7: LOCATION OF STRUCTURES:

Structures	Front Setback	Side Setback	Rear Setback
Main and accessory structures	50 feet	No requirement, except 20 feet minimum for sides fronting on street. Where any wall has no windows exposed on that side, then no side setback shall be required, except that 10 feet shall be provided where the lot line is coterminous with any residential boundary	10 feet from other zones, 20 feet from residential zones
Temporary structures	30 feet	10 feet	10 feet

(1989 Code § 12-9-007)

10-5H-8: MAXIMUM STRUCTURE HEIGHT:

Main buildings and structures, two and one-half (21/2) stories or thirty five feet (35'). Temporary structures, one story. (1989 Code § 12-9-008)

10-5H-9: OFF STREET PARKING:

The provisions of chapter 8 of this title shall apply and shall be in full force and effect in this zone, except in the case of a bona fide temporary use. (1989 Code § 12-9-009)

10-5H-10: PERMITTED SIGNS AND LIGHTING 1 :

Class 5 signs shall be permitted. (1989 Code § 12-9-010)

Notes

1. See also chapter 9 of this title.

10-5H-11: SPECIAL PROVISIONS AND LIMITATIONS:

Where accessory living quarters are provided as permitted herein, no window shall be permitted in any wall of the same which is located within eight feet (8') of a side property line. (1989 Code § 12-9-011)

10-5H-12: LANDSCAPING REQUIREMENTS:

A. General Landscaping: At least fifteen percent (15%) of the total site shall be thoroughly landscaped, including an irrigation system to maintain such landscaping. Landscaping shall meet the requirements of chapter 15 of this title. For use of exceptional design and materials, as determined by the Planning Commission, the landscaping may be reduced to ten percent (10%) of the total site.

B. Buffer Yard Landscaping: A buffer yard shall be required between the C-H Zone and all residential zones and shall meet the requirements of chapter 15 of this title.

C. Park Strip Landscaping: Park strip landscaping shall meet the requirements of chapter 15 of this title. (Ord. 18-05, 8-14-2018)

ARTICLE I. TRANSITIONAL LIGHT INDUSTRIAL ZONE (T-1)

SECTION:

10-5I-1: Purpose

10-5I-2: Development Over One Acre

10-5I-3: Architectural Site Plan Review

10-5I-4: Permitted Uses

10-5I-5: Conditional Uses

10-5I-6: Landscaping Requirements

10-5I-7: Building Lot Requirements

10-5I-8: Location Of Structures

10-5I-9: Building Coverage Regulations

10-5I-10: Off-Street Parking

10-5I-11: Permitted Signs And Lighting

10-5I-12: Performance Standards

10-5I-1: PURPOSE:

To provide a zone which will act as a buffer between residential uses and natural resource excavations and where some industrial uses are appropriate and to provide a review procedure to ensure compatibility of uses internal to this zone and with uses in adjacent zones. (1989 Code § 12-10-001)

10-5I-2: DEVELOPMENT OVER ONE ACRE:

Light industrial development over one acre must follow the conditional use permit procedure pursuant to chapter 7 of this title. (1989 Code § 12-10-002)

10-5I-3: ARCHITECTURAL SITE PLAN REVIEW:

All proposed T-1 development shall meet the requirements of chapter 12 of this title. (1989 Code § 12-10-003)

10-5I-4: PERMITTED USES:

Permitted uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title.

10-5I-5: CONDITIONAL USES:

Conditional uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title. Conditions for approval shall be made in accordance with the provisions of chapter 7 of this title.

10-5I-6: LANDSCAPING REQUIREMENTS:

A. General Landscaping: At least fifteen percent (15%) of the total site shall be thoroughly landscaped, including an irrigation system to maintain such landscaping. Landscaping shall meet the requirements of chapter 15 of this title. For use of exceptional design and materials, as determined by the Planning Commission, the landscaping may be reduced to ten percent (10%) of the total site.

B. Buffer Yard Landscaping: A buffer yard shall be required between the T-1 Zone and all residential zones and shall meet the requirements of chapter 15 of this title.

C. Park Strip Landscaping: Park strip landscaping shall meet the requirements of chapter 15 of this title. (Ord. 18-05, 8-14-2018)

10-5I-7: BUILDING LOT REQUIREMENTS:

A. Lot width: No minimum requirement, as approved by the Planning Commission.

B. Lot area: No minimum requirement, as approved by the Planning Commission. (1989 Code § 12-10-007)

10-5I-8: LOCATION OF STRUCTURES:

No minimum requirements, except no commercial or industrial building or structure shall be located closer than twenty feet (20') to any street or the average of existing buildings where at least fifty percent (50%) of the frontage is developed. (1989 Code § 12-10-008)

10-5I-9: BUILDING COVERAGE REGULATIONS:

No building, structure or group of buildings, including accessory buildings, shall cover more than sixty percent (60%) of the area of the lot. (1989 Code § 12-10-009)

10-5I-10: OFF STREET PARKING:

Provisions of chapter 8 of this title shall apply and shall be in full force and effect in this zone, except in the case of a bona fide temporary use. (1989 Code § 12-10-010)

10-5I-11: PERMITTED SIGNS AND LIGHTING 1 :

Class 4 signs shall be permitted. (1989 Code § 12-10-011)

Notes

1. See also chapter 9 of this title.

10-5I-12: PERFORMANCE STANDARDS:

The following performance standards are intended to ensure that all uses within the T-1 Zone will provide the necessary control methods to protect the City from hazards and nuisances:

A. General: No land or building devoted to uses authorized in this article shall be used or occupied in any manner so as to create dangerous, injurious, noxious or otherwise objectionable hazards, noise, odor, smoke, heat, glare or other disturbance. The determination of the existence of these elements shall be made at the lot line in the case of elements that are objectionable only if they travel off the site.

B. Sound Emission 1 : No use shall emit or cause the emission of sound from a stationary source such that the one hour equivalent sound level (Leq) caused by ground transportation as estimated for that point of measurement and at that time of day, pursuant to FHWA-RD-77-108 highway traffic noise prediction model, or by other techniques at least as accurate. The sound level measuring instrumentation shall conform with ANSI S1.4-1971 type 1, and the measurement procedure shall be compatible with that, according to ANSI S1.13-1971.

C. Odorous Gases: No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be readily detectable at the property line. (1989 Code § 12-10-012)

Notes

1. See also subsection 10-13-7A of this title.

ARTICLE J. NATURAL RESOURCE ZONE (N-R)

SECTION:

10-5J-1: Purpose

10-5J-2: Establishment Of Zone

10-5J-3: Permitted Uses

10-5J-4: Conditional Uses

10-5J-5: Area, Height And Yard Regulations

10-5J-6: Permitted Signs And Lighting

10-5J-1: PURPOSE:

To permit the extraction and processing of a natural resource in the city such as sand, gravel, clay, burrow, stone, rock, topsoil and road base material. (1989 Code § 12-11-001)

10-5J-2: ESTABLISHMENT OF ZONE:

The natural resource zone has been established to identify areas which contain significant native natural resources either: a) where extraction and related activities are currently underway; or b) where planning studies indicate that the land is necessary for future extraction of the natural resource. Where it can be determined that the resource is available and where existing land uses may be somewhat buffered, the establishment of the N-R zone will be considered. The natural resource zone would be for the purpose of conservation and protection of mineral

resources which are vital to the orderly development of the city. There is hereby created natural resource zones, the boundaries of which are designated on the zoning map. (1989 Code § 12-11-002)

10-5J-3: PERMITTED USES:

Permitted uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title.

10-5J-4: CONDITIONAL USES:

Conditional uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title. Conditions for approval shall be made in accordance with the provisions of chapter 7 of this title.

10-5J-5: AREA, HEIGHT AND YARD REGULATIONS:

- A. Area: No requirement. (1989 Code § 12-11-005)
- B. Height: No building or structure shall be erected to a height greater than sixty feet (60') and no dwelling structure shall be erected to a height greater than thirty five feet (35'), except as otherwise provided by the planning commission. (1989 Code § 12-11-010)
- C. Width: The minimum width of any lot shall be three hundred feet (300') at building or operation site, with a minimum street frontage of seventy feet (70'). (1989 Code § 12-11-006)
- D. Yard:
 - 1. Side: The minimum side yard for any building shall be twenty feet (20') and a total side yard requirement of forty feet (40'), except as otherwise provided in chapter 11 of this title. (1989 Code § 12-11-007)
 - 2. Front: The minimum front yard for structures with a twenty foot (20') side yard shall be forty feet (40'). Those with one hundred foot (100') side yards shall be one hundred feet (100') from zone boundary and as close as twenty feet (20') to the property line with planning commission approval, except as otherwise provided in chapter 11 of this title. (1989 Code § 12-11-008)
 - 3. Rear: The minimum depth of the rear yard for any building shall be forty feet (40'). Those with one hundred foot (100') side yards shall be one hundred feet (100') from zone boundary and as close as twenty feet (20') to the property line with planning commission approval, except as otherwise provided in chapter 11 of this title. (1989 Code § 12-11-009)

10-5J-6: PERMITTED SIGNS AND LIGHTING 1 :

Class 7 signs shall be permitted. (Ord. 2004-04, 6-22-2004)

Notes

- 1. See also chapter 9 of this title.

ARTICLE K. PROFESSIONAL OFFICE ZONE (P-O)

SECTION:

- 10-5K-1: Description And General Limitation
- 10-5K-2: Professional Office Development Over One Acre
- 10-5K-3: Architectural Site Plan Review
- 10-5K-4: Permitted Uses
- 10-5K-5: Conditional Uses

10-5K-6: Building Lot Requirements

10-5K-7: Location Of Structures

10-5K-8: Maximum Structure Height

10-5K-9: Off-Street Parking And Loading

10-5K-10: Permitted Signs And Lighting

10-5K-11: Landscaping Requirements

10-5K-1: DESCRIPTION AND GENERAL LIMITATION:

The Professional Office Zone is established to provide areas where professional and business offices, laboratories, studios, and other office facilities may be located in the City. The intent of the zone is to allow only those uses which will promote a professional office environment. Uses which produce loud noises, excessive vehicle traffic, excessive parking needs, objectionable odors, storage of large amounts of hazardous materials, or the outside storage of equipment or supplies are not appropriate in this zone. Buildings, signs and other structures in this zone should be architecturally compatible with their surroundings. (Ord. 2000-13, 12-12-2000)

10-5K-2: PROFESSIONAL OFFICE DEVELOPMENT OVER ONE ACRE:

A. Conditional Use: Because of the possible adverse impacts of large-scale office developments on surrounding neighborhoods, in terms of site design and layout, traffic control, as well as visual appearance, all development in this zone that includes a site greater than one acre in area shall fall under the conditional use permit procedure pursuant to chapter 7 of this title.

B. Subdivided Parcels: In the event professional office parcels are subdivided and retained under single ownership or sold separately and the total sum of all the commercial properties was greater than one acre at the time of adoption of the ordinance codified herein, then each professional office development must be approved as a conditional use. (Ord. 2000-13, 12-12-2000)

10-5K-3: ARCHITECTURAL SITE PLAN REVIEW:

All proposed development in this zone shall meet the requirements of chapter 12 of this title and shall receive architectural site plan approval from the Planning Commission prior to the issuance of any building permits or the commencement of any construction. (Ord. 2000-13, 12-12-2000)

10-5K-4: PERMITTED USES:

Permitted uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title.

10-5K-5: CONDITIONAL USES:

Conditional uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title. Conditions for approval shall be made in accordance with the provisions of chapter 7 of this title.

10-5K-6: BUILDING LOT REQUIREMENTS:

All buildings must comply with the provisions of this section, except those exempted as provided in chapter 11 of this title.

A. Lot width: No particular requirements, as approved by the Planning Commission.

B. Lot area: No particular requirements, as approved by the Planning Commission. (Ord. 2000-13, 12-12-2000)

10-5K-7: LOCATION OF STRUCTURES:

Structures	Front Setback	Side Setback	Rear Setback
Main and accessory structures	10 feet	No requirement, except 20 feet minimum for sides fronting on a street	No requirement, except that 30 feet shall be provided where the lot line is coterminous with any residential zone boundary
Temporary structures	10 feet	10 feet	30 feet

(Ord. 2000-13, 12-12-2000)

10-5K-8: MAXIMUM STRUCTURE HEIGHT:

Main buildings and structures, two and one-half (21/2) stories or thirty five feet (35'). Temporary structures, one story. (Ord. 2000-13, 12-12-2000)

10-5K-9: OFF STREET PARKING AND LOADING:

Provisions of chapter 8 of this title shall apply and shall be in full force and effect in this zone, except in the case of a bona fide temporary use. (Ord. 2000-13, 12-12-2000)

10-5K-10: PERMITTED SIGNS AND LIGHTING 1 :

Class 6 shall be permitted. (Ord. 2000-13, 12-12-2000)

Notes

1. See also chapter 9 of this title.

10-5K-11: LANDSCAPING REQUIREMENTS:

A. General Landscaping: At least fifteen percent (15%) of the total site shall be thoroughly landscaped, including an irrigation system to maintain such landscaping. Landscaping shall meet the requirements of chapter 15 of this title. For use of exceptional design and materials, as determined by the Planning Commission, the landscaping may be reduced to ten percent (10%) of the total site.

B. Buffer Yard Landscaping: A buffer yard shall be required between the P-O Zone and all residential zones. Buffer yards shall meet the requirements of chapter 15 of this title.

C. Park Strip Landscaping: Park strip landscaping shall meet the requirements of chapter 15 of this title. (Ord. 18-05, 8-14-2018)

ARTICLE L. LIGHT INDUSTRIAL ZONE (L-I)

SECTION:

10-5L-1: Purpose

10-5L-2: Development Over One Acre

10-5L-3: Architectural Site Plan Review

10-5L-4: Permitted Uses

10-5L-5: Conditional Uses

- 10-5L-6: Landscaping Requirements
- 10-5L-7: Building Lot Requirements
- 10-5L-8: Location Of Structures
- 10-5L-9: Building Coverage Regulations
- 10-5L-10: Off Street Parking
- 10-5L-11: Permitted Signs And Lighting
- 10-5L-12: Performance Standards

10-5L-1: PURPOSE:

To provide a zone where some low impact industrial uses are appropriate and to provide a review procedure to ensure compatibility of uses internal to this zone and adjacent zones. (Ord. 08-03, 2-26-2008)

10-5L-2: DEVELOPMENT OVER ONE ACRE:

Light industrial development over one acre must follow the conditional use permit procedure pursuant to chapter 7 of this title. (Ord. 08-03, 2-26-2008)

10-5L-3: ARCHITECTURAL SITE PLAN REVIEW:

All proposed L-I development shall meet the requirements of chapter 12 of this title. (Ord. 08-03, 2-26-2008)

10-5L-4: PERMITTED USES:

Permitted uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title.

10-5L-5: CONDITIONAL USES:

Conditional uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title. Conditions for approval shall be made in accordance with the provisions of chapter 7 of this title.

10-5L-6: LANDSCAPING REQUIREMENTS:

A. General Landscaping: At least fifteen percent (15%) of the total site shall be thoroughly landscaped, including an irrigation system adequate to maintain such landscaping. Landscaping shall meet the requirements of chapter 15 of this title.

B. Buffer Yard Landscaping: A buffer yard shall be required between the L-I Zone and all residential zones. Buffer yards shall meet the requirements of chapter 15 of this title.

C. Park Strip Landscaping: Park strip landscaping shall meet the requirements of chapter 15 of this title. (Ord. 18-05, 8-14-2018)

10-5L-7: BUILDING LOT REQUIREMENTS:

A. Lot width: No minimum requirement, as approved by the Planning Commission.

B. Lot area: No minimum requirement, as approved by the Planning Commission. (Ord. 08-03, 2-26-2008)

10-5L-8: LOCATION OF STRUCTURES:

No minimum requirements, except no commercial or industrial building or structure shall be located closer than twenty feet (20') to any street or the average of existing buildings where at least fifty percent (50%) of the frontage is developed. (Ord. 08-03, 2-26-2008)

10-5L-9: BUILDING COVERAGE REGULATIONS:

No building, structure or group of buildings, including accessory buildings, shall cover more than sixty percent (60%) of the area of the lot. (Ord. 08-03, 2-26-2008)

10-5L-10: OFF STREET PARKING:

Provisions of chapter 8 of this title shall apply and shall be in full force and effect in this zone, except in the case of a bona fide temporary use. (Ord. 08-03, 2-26-2008)

10-5L-11: PERMITTED SIGNS AND LIGHTING:

Class 4 signs shall be permitted. (Ord. 08-03, 2-26-2008)

10-5L-12: PERFORMANCE STANDARDS:

The following performance standards are intended to ensure that all industries will provide necessary modern control methods to protect the City from hazards and nuisances; to set objective quantitative standards for the maximum tolerated levels of frequently hazardous or annoying emissions; and to protect any industry from arbitrary exclusion or persecution based solely on the characteristics of that type of industry's past controlled operation.

A. Noise:

1. Level: No use shall emit or cause the emission of sound from a stationary source such that the one hour equivalent sound level (Leq) of resultant sound measurement at the lot line of the establishment or use exceeds by six (6) dB or more than one hour equivalent sound level (Leq) caused by ground transportation as estimated for that point of measurement and that time of day, pursuant to FHWA-RD-77-108 highway traffic noise prediction model, or by other techniques at least as accurate as those set out in FHWA-RD-77-108. The sound level measuring instrumentation shall conform with ANSI S1.4-1971 type 1, and the measurement procedure shall be compatible with that according to ANSI S1.13-1971, with the following adjustments:

a. Temporal And Tonal Characteristics Of Sound: If the sound has a pronounced audible tonal quality such as a whine, screech, buzz or hum, or if the sound has an audible cyclic variation in sound level such as beating or other amplitude modulation, five (5) dB shall be added to the measured sound level to allow for increased subjective response to the sound.

b. Quasi-Steady Impulsive Sound: Where the sound is of a repetitive impulse nature so that a steady reading is obtained using the "slow response" setting on the sound level meter, then ten (10) dB shall be added to the measured value to allow for the increased subjective response to the sound. An adjustment may be made under only one of subsection A1a of this section and this subsection A1b. In a case where both subsections apply, then this subsection A1b takes precedence.

2. Stationary Source: No use shall emit or cause to permit the emission of sound of an impulsive nature from a stationary source such that it results in an impulsive sound level at a point of measurement in excess of eighty (80) dB or in a one hour equivalent level (Leq) exceeding that one hour equivalent level (Leq) caused by ground transportation as estimated for that point of measurement and that time of day, pursuant to FHWA-RD-77-108 or equivalent method.

B. Vibration: No vibration (other than from transportation facilities or temporary construction work) shall be permitted which is discernable without instruments at the property line.

C. Odors: No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air to four (4) volumes of clean air (1:4) at the point of greatest concentration. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should fail.

D. Glare: No direct or sky reflected glare, whether from floodlights or from high temperature processes, such as combustion or welding or otherwise, shall be permitted to be visible at the property lines. This restriction shall not apply to signs or lighting of buildings or grounds for advertising or protection otherwise permitted by the provisions of this chapter.

E. Fire And Explosion Hazards: All activities involving and all storage of flammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fires is prohibited at any point.

F. Air Pollution: No particulate or gaseous pollutants shall be emitted into the air in violation of the Utah State Air Conservation Act, its amendments, or resulting regulations.

G. Liquid Or Solid Wastes: No discharges at any point into a public sewer, private sewage system or stream, or into the ground shall be allowed contrary to the Utah State Water Pollution Control Act, its amendments, the subsequent wastewater disposal regulations or the Utah Code of Solid Waste Disposal regulations. (Ord. 08-03, 2-26-2008)

ARTICLE M. COMMERCIAL RECREATION ZONE (C-R)

SECTION:

10-5M-1: Purpose

10-5M-2: Development Over One Acre

10-5M-3: Architectural Site Plan Review

10-5M-4: Permitted Uses

10-5M-5: Conditional Uses

10-5M-6: Landscaping Requirements

10-5M-7: Building Lot Requirements

10-5M-8: Location Of Structures

10-5M-9: Building Coverage Regulations

10-5M-10: Off Street Parking

10-5M-11: Permitted Signs And Lighting

10-5M-12: Performance Standards

10-5M-1: PURPOSE:

To provide a zone that will facilitate and encourage the establishment and growth of retail commercial areas that support the wide range of recreational/sporting opportunities in the region. This zone allows for retail sales and rental of recreational/sporting equipment and the conducting of recreational/sporting activities for profit. It is also intended to allow other land uses that support recreational/sporting retail facilities and uses. (Ord. 08-12, 9-9-2008)

10-5M-2: DEVELOPMENT OVER ONE ACRE:

Development over one acre must follow the conditional use permit procedure pursuant to chapter 7 of this title. (Ord. 08-12, 9-9-2008)

10-5M-3: ARCHITECTURAL SITE PLAN REVIEW:

All proposed C-R developments shall meet the requirements of chapter 12 of this title. (Ord. 08-12, 9-9-2008)

10-5M-4: PERMITTED USES:

Permitted uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title.

10-5M-5: CONDITIONAL USES:

Conditional uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title. Conditions for approval shall be made in accordance with the provisions of chapter 7 of this title.

10-5M-6: LANDSCAPING REQUIREMENTS:

A. General Landscaping: At least fifteen percent (15%) of the total site shall be thoroughly landscaped, including an irrigation system adequate to maintain such landscaping. Landscaping shall meet the requirements of chapter 15 of this title. For use of exceptional design and materials, as determined by the Planning Commission, the landscaping may be reduced to ten percent (10%) of the total site.

B. Buffer Yard Landscaping: A buffer yard shall be required between the C-R Zone and all residential zones, except where there are legal restrictions on the residential zoned property that prevent the construction of residences.

C. Park Strip Landscaping: Park strip landscaping shall meet the requirements of chapter 15 of this title. (Ord. 18-05, 8-14-2018)

10-5M-7: BUILDING LOT REQUIREMENTS:

A. Lot width: No minimum requirement, as approved by the Planning Commission.

B. Lot area: No minimum requirement, as approved by the Planning Commission. (Ord. 08-12, 9-9-2008)

10-5M-8: LOCATION OF STRUCTURES:

No minimum requirements, except no commercial building or structure shall be located closer than twenty feet (20') to any street or the average of existing buildings where at least fifty percent (50%) of the frontage is developed. (Ord. 08-12, 9-9-2008)

10-5M-9: BUILDING COVERAGE REGULATIONS:

No building, structure or group of buildings, including accessory buildings, shall cover more than sixty percent (60%) of the area of the lot. (Ord. 08-12, 9-9-2008)

10-5M-10: OFF STREET PARKING:

Provisions of chapter 8 of this title shall apply and shall be in full force and effect in this zone, except in the case of a bona fide temporary use. (Ord. 08-12, 9-9-2008)

10-5M-11: PERMITTED SIGNS AND LIGHTING:

Class 4 signs shall be permitted. (Ord. 08-12, 9-9-2008)

10-5M-12: PERFORMANCE STANDARDS:

The following performance standards are intended to ensure that all uses within the C-R Zone will provide the necessary control methods to protect the City from hazards and nuisances:

A. General: No land or building devoted to uses authorized in this article shall be used or occupied in any manner so as to create dangerous, injurious, noxious or otherwise objectionable hazards, noise, odor, smoke, heat, glare or other disturbance. The determination of the existence of these elements shall be made at the lot line in the case of elements that are objectionable only if they travel off the site.

B. Sound Emission: No use shall emit or cause the emission of sound from a stationary source such that the one hour equivalent sound level (Leq) caused by ground transportation as estimated for that point of measurement and at that time of day is exceeded, pursuant to FHWA-RD-77-108 highway traffic noise prediction model, or by other techniques at least as accurate. The sound level measuring instrumentation shall conform with ANSI S1.4-1971 type 1, and the measurement procedure shall be compatible with that, according to ANSI S1.13-1971.

C. Odorous Gases: No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be readily detectable at the property line. (Ord. 08-12, 9-9-2008)

ARTICLE N. COMMERCIAL OVERLAY ZONE (C-O)

(Rep. by. Ord. 19-15, 9-24-2019)

ARTICLE O. BUSINESS COMMERCE ZONE (B-C)

SECTION:

10-5O-1: Purpose

10-5O-2: Development Over One Acre

10-5O-3: Architectural Site Plan Review

10-5O-4: Permitted Uses

10-5O-5: Conditional Uses

10-5O-6: Landscaping Requirements

10-5O-7: Building Lot Requirements

10-5O-8: Location Of Structures

10-5O-9: Hillside Development

10-5O-10: Building Coverage Regulations

10-5O-11: Off Street Parking

10-5O-12: Permitted Signs And Lighting

10-5O-13: Performance Standards

10-5O-1: PURPOSE:

To provide a zone that will act as a buffer between residential uses and higher commercial or industrial uses. A zone in which job creation and business commerce can be combined. All uses within this zone shall be reviewed in order to ensure compatibility with surrounding uses and to preserve hill sight views and maximize safety in developing the upper bench area of South Weber City. (Ord. 11-04, 3-8-2011)

10-5O-2: DEVELOPMENT OVER ONE ACRE:

Business commerce development over one acre must follow the conditional use permit procedure pursuant to chapter 7 of this title. (Ord. 11-04, 3-8-2011)

10-5O-3: ARCHITECTURAL SITE PLAN REVIEW:

All proposed B-C development shall meet the requirements of chapter 12 of this title. (Ord. 11-04, 3-8-2011)

10-5O-4: PERMITTED USES:

Permitted uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title.

10-5O-5: CONDITIONAL USES:

Conditional uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title. Conditions for approval shall be made in accordance with the provisions of chapter 7 of this title.

10-50-6: LANDSCAPING REQUIREMENTS:

A. General Landscaping: At least fifteen percent (15%) of the total site shall be thoroughly landscaped, including an irrigation system adequate to maintain such landscaping. Landscaping shall meet the requirements of chapter 15 of this title. For use of exceptional design and materials, as determined by the Planning Commission, the landscaping may be reduced to ten percent (10%) of the total site.

B. Buffer Yard Landscaping: A buffer yard shall be required between the B-C Zone and all residential zones. Buffer yards shall meet the requirements of chapter 15 of this title.

C. Park Strip Landscaping: Park strip landscaping shall meet the requirements of chapter 15 of this title. (Ord. 18-05, 8-14-2018)

10-50-7: BUILDING LOT REQUIREMENTS:

A. Lot width: No minimum requirement, as approved by the Planning Commission.

B. Lot area: No minimum requirement, as approved by the Planning Commission. (Ord. 11-04, 3-8-2011)

10-50-8: LOCATION OF STRUCTURES:

No minimum requirements, except no commercial or industrial building or structure shall be located closer than twenty feet (20') to any street or the average of existing buildings where at least fifty percent (50%) of the frontage is developed. (Ord. 11-04, 3-8-2011)

10-50-9: HILLSIDE DEVELOPMENT:

A. Slope Distance: No development is allowed on or within fifty feet (50') (map distance) of very steep slopes, areas subject to landsliding, and other high hazard geologic areas. As used herein, an area of very steep slopes must cover a topographic area at least twenty five feet (25') vertically (upslope or downslope) and fifty feet (50') horizontally in any direction to be subject to this prohibition.

B. Visually Sensitive Areas: Generally, development may not be placed on any hillside or ridge top in a manner that causes significant portions of a structure to extend into the skyline as viewed from public roadways when the roadway is located below the ground elevation of the structure. Visually sensitive areas shall be determined at the time of a development application.

C. Hillside Development: Development shall minimize the highly visible placement of homes and other structures on hillsides. Whenever possible, development shall be sensitively sited in order to encourage effective open space and the conservation of the natural appearance and aesthetic beauty of the mountains. When hillside development is permitted, it shall be integrated into the site, using topography, vegetation and other reasonable techniques, in a manner that causes it to blend into the hillside. Development near the toe of the hill, including the transitional area between the hillside and flat meadow areas, is appropriate. (Ord. 11-04, 3-8-2011)

10-50-10: BUILDING COVERAGE REGULATIONS:

No building, structure or group of buildings, including accessory buildings, shall cover more than sixty percent (60%) of the area of the lot. (Ord. 11-04, 3-8-2011)

10-50-11: OFF STREET PARKING:

Provisions of chapter 8 of this title shall apply and shall be in full force and effect in this zone, except in the case of a bona fide temporary use. (Ord. 11-04, 3-8-2011)

10-50-12: PERMITTED SIGNS AND LIGHTING:

Class 4 signs shall be permitted. (Ord. 11-04, 3-8-2011)

10-50-13: PERFORMANCE STANDARDS:

The following performance standards are intended to ensure that all uses within the B-C Zone will provide the necessary control methods to protect the City from hazards and nuisances:

A. General: No land or building devoted to uses authorized in this article shall be used or occupied in any manner so as to create dangerous, injurious, noxious or otherwise objectionable hazards, noise, odor, smoke, heat, glare or other disturbance. The determination of the existence of these elements shall be made at the lot line in the case of elements that are objectionable only if they travel off the site.

B. Sound Emission: No use shall emit or cause the emission of sound from a stationary source such that the one hour equivalent sound level (Leq) caused by ground transportation as estimated for that point of measurement and at that time of day, pursuant to FHWA-RD-77-108 highway traffic noise prediction model, or by other techniques at least as accurate. The sound level measuring instrumentation shall conform with ANSI S1.4-1971 type 1, and the measurement procedure shall be compatible with that, according to ANSI S1.13-1971.

C. Odorous Gases: No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be readily detectable at the property line.

D. Hillside Impacts: No land use or building devoted to uses in this article shall be positioned in any manner as to create an unsafe or unstable hillside environment. Uses shall be pulled back from the top of the hillside in a manner to limit visual impacts along the top of the bluff.

E. Design Guidelines: Commercial development shall be consistent with South Weber City Business Commerce Zone design guidelines. (Ord. 11-04, 3-8-2011)

ARTICLE P. RESIDENTIAL PATIO (R-P)

SECTION:

10-5P-1: Purpose

10-5P-2: Permitted Uses

10-5P-3: Conditional Uses

10-5P-4: Building Lot Requirements

10-5P-5: Location Of Structures

10-5P-6: Maximum Structure Height

10-5P-7: Off Street Parking And Loading

10-5P-8: Permitted Signs

10-5P-9: Special Conditions

10-5P-10: Landscaping Requirements

10-5P-1: PURPOSE:

To provide for areas in appropriate locations where residential neighborhoods of moderately high density may be established, maintained and protected. The regulations of this zone are designed to promote an intensively developed residential environment in a one building per lot design suitable primarily for adult living. (Ord. 14-02, 8-12-2014)

10-5P-2: PERMITTED USES:

Permitted uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title.

10-5P-3: CONDITIONAL USES:

Conditional uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title. Conditions for approval shall be made in accordance with the provisions of chapter 7 of this title.

10-5P-4: BUILDING LOT REQUIREMENTS:

A. Density: There shall be no more than 4.0 dwelling units per acre contained within the boundaries of each phase of every development; except when previously completed phases of the same development have sufficiently low density so that the average is still no more than 4.0 dwelling units per acre.

B. Lot Area: There shall be a minimum of six thousand (6,000) square feet in each lot on which a single-family dwelling is located. Single-family dwellings shall each be located on a separate lot.

C. Lot Width: Each lot shall have a minimum width of sixty five feet (65'). (Ord. 17-16, 11-21-2017)

10-5P-5: LOCATION OF STRUCTURES:

All buildings and structures shall be locate as provided in chapter 11 of this title and as follows:

Structures	Front Setback	Side Setback	Rear Setback
Dwellings	20 feet from all front lines	6 feet minimum for each side, except 20 feet minimum for side fronting on a street	10 feet
Other main buildings	30 feet from all front lot lines	20 feet minimum for each side	30 feet
Detached accessory buildings and garages	20 feet from all front lot lines	Same as for dwellings, except when the structure is at least 10 feet behind the main building or 10 feet behind a line extending from the rear corners of the main building to the side lot lines parallel to the rear lot line(s); the side and rear setbacks may be reduced to 1 foot; provided, that the structure must be at least 20 feet from main buildings on adjacent lots; and on corner lots the minimum setback for a side facing a street is 20 feet and minimum rear setback adjacent to a side lot line is 10 feet	

(Ord. 14-02, 8-12-2014)

10-5P-6: MAXIMUM STRUCTURE HEIGHT:

Main, accessory and temporary buildings and structures are not to exceed twenty five feet (25'). (Ord. 17-16, 11-21-2017)

10-5P-7: OFF STREET PARKING AND LOADING:

The provisions of chapter 8 of this title shall apply and shall be in full force and effect in this zone, except in the case of a bona fide temporary use. (Ord. 17-16, 11-21-2017)

10-5P-8: PERMITTED SIGNS:

Class 1 signs shall be permitted. For home occupations, Class 2 signs will be allowed in addition to Class 1 signs. For public and institutional uses as allowed by conditional use permit, Class 3 signs will be allowed in addition to Class 1 signs. (Ord. 14-02, 8-12-2014)

10-5P-9: SPECIAL CONDITIONS:

Due to the higher residential densities permitted by this article, the following conditions are required in order to assure a quality livable environment:

A. Minimum And Maximum Area: The minimum area that may be zoned R-P shall be two (2) acres and the maximum area which may be zoned R-P in any zone district shall be ten (10) acres. (Ord. 17-16, 11-21-2017)

10-5P-10: LANDSCAPING REQUIREMENTS:

A. General Landscaping: At least fifteen percent (15%) of the total site shall be thoroughly landscaped, including an irrigation system to maintain such landscaping. Landscaping shall meet the requirements of chapter 15 of this title. For use of exceptional design and materials, as determined by the Planning Commission, the landscaping may be reduced to ten percent (10%) of the total site.

B. Screening Fence: A fence of at least six feet (6') in height and that provides a visual screen shall be provided between the R-P Zone and all lower density residential zones. (Ord. 17-16, 11-21-2017)

**CHAPTER 5
ZONING DISTRICTS**

SECTION:

10-5-1: Zoning Map

10-5-2: Boundary Determination

10-5-2: BOUNDARY DETERMINATION:

A. Street, Alley Or Block: Whenever the boundary is indicated as being approximately upon the centerline of a street, alley or block, or along a property line, then unless otherwise definitely indicated on the map, the centerline of such street, alley or block or such property line shall be construed to be the boundary.

B. Waterway: Whenever such boundary line is indicated as being approximately at the line of any river, irrigation canal or other waterway or any section line, then in such case the center of such stream, canal or waterway or the boundary line of such public land or such section line shall be deemed to be the boundary.

C. Undetermined; Use Of Scale: Where such boundary lines cannot be determined by the above rules, their location may be found by the use of the scale appearing upon the map. (1989 Code § 12-2-002)

ARTICLE A. RESIDENTIAL MODERATE DENSITY ZONE (R-M)

SECTION:

10-5A-1: Purpose

10-5A-2: Permitted Uses

10-5A-3: Conditional Uses

10-5A-4: Building Lot Requirements

10-5A-5: Location Of Structures

10-5A-6: Maximum Structure Height

10-5A-7: Off Street Parking

10-5A-8: Permitted Signs

10-5A-1: PURPOSE:

To provide for areas in appropriate locations where quiet, moderate density, residential neighborhoods may be established and protected. The regulations of this zone are designed to promote compatible land uses consistent with a suburban environment enjoyed by residents within the zone. With proper controls that ensure the integrity of the zone, alternate forms of residential living are provided for by allowing flexibility in housing type, preference and costs. (Ord. 2000-9, 7-11-2000)

10-5A-2: PERMITTED USES:

Permitted uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title..

~~Accessory uses and buildings.~~

~~Agriculture.~~

~~Dwellings, one family.~~

~~Home occupations, except preschools and daycare.~~

~~Mobile businesses.~~

~~Pets, the keeping of household pets. (Ord. 2000-9, 7-11-2000; amd. Ord. 16-21, 9-13-2016)~~

10-5A-3: CONDITIONAL USES:

Conditional uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title. Conditions for approval shall be made in accordance with the provisions of chapter 7 of this title.

Conditions for approval shall be determined by the Planning Commission for the following uses:

- ~~—Churches, excluding temporary churches held in the open area or in tents or in temporary structures.~~
- ~~—Daycare centers and preschools when not in a residence.~~
- ~~—Excavations of over two hundred (200) cubic yards, as allowed by chapter 6 of this title.~~
- ~~—Golf courses, public or privately owned, whether or not operated as a business.~~
- ~~—Hobby kennels.~~
- ~~—Planned dwelling groups with a maximum of two (2) dwellings.~~
- ~~—Planned unit developments.~~
- ~~—Public buildings and public utility buildings.~~
- ~~—Public parks or playgrounds, also privately owned playgrounds and recreational grounds or parks not operated as a business, in whole or in part, and to which no admission charge is made.~~
- ~~—Schools, public or privately owned.~~
- ~~—Small wind energy systems.~~
- ~~—Temporary businesses only in public parks, on church properties, or on other public properties as approved by the Planning Commission, not to exceed ninety (90) days in length.~~
- ~~—Two family dwellings on corner lots of an intersection involving a collector road. (Ord. 19-13, 5-21-2019)~~

10-5A-4: BUILDING LOT REQUIREMENTS:

A. Density: There shall be no more than 2.80 building lots per acre contained within the boundaries of each phase of every subdivision or planned unit development; except when previously completed phases of the same development have sufficiently low density so that the average is still 2.80 building lots per acre or less. (Ord. 15-05, 7-14-2015)

B. Lot Area: There shall be a minimum of nine thousand (9,000) square feet in each lot.

C. Lot Width:

1. A maximum of twenty five percent (25%) of all lots within any development phase may be a minimum of eighty feet (80') in width; and
2. A minimum of twenty five percent (25%) of all lots within any development phase shall be a minimum of one hundred feet (100') in width; and
3. The width of all lots within any development phase shall average a minimum of ninety feet (90') in width. (Ord. 2000-9, 7-11-2000)

10-5A-5: LOCATION OF STRUCTURES:

All buildings and structures shall be located as provided in chapter 11 of this title and as follows:

Structures	Front Setback	Side Setback	Rear Setback
Dwellings	60 foot right-of-way: 25 feet from all front lot lines 70 foot right-of-way: 20 feet	10 feet minimum on each side, except 20 feet minimum for side fronting on a street	25 feet

Other main buildings	from all front lot lines 60 foot right-of-way: 25 feet from all front lot lines 70 foot right-of-way: 20 feet from all front lot lines	20 feet minimum for each side	25 feet
Detached accessory buildings and garages	25 feet from all front lot lines	Same as for dwellings, except when the structure is at least 10 feet behind the main building or 10 feet behind a line extending from the rear corners of the main building to the side lot lines parallel to the rear lot line(s); the side and rear setbacks may be reduced to 1 foot; provided, that the structure must be at least 20 feet from main buildings on adjacent lots; and on corner lots the minimum setback for a side facing a street is 20 feet and minimum rear setback adjacent to a side lot line is 10 feet	

(Ord. 09-09, 8-11-2009)

10-5A-6: MAXIMUM STRUCTURE HEIGHT:

Main buildings or structures, two and one-half (21/2) stories or thirty five feet (35'). (Ord. 2000-9, 7-11-2000)

10-5A-7: OFF STREET PARKING:

The provisions of chapter 8 of this title shall apply and shall be in full force and effect in this zone, except in the case of a bona fide temporary use. (Ord. 2000-9, 7-11-2000)

10-5A-8: PERMITTED SIGNS 1 :

Class 1 signs shall be permitted. For home occupations or service accessory businesses, Class 2 signs will be allowed in addition to Class 1 signs. For public and institutional uses as allowed by conditional use permit, Class 3 signs will be allowed in addition to Class 1 signs. (Ord. 2000-9, 7-11-2000; amd. Ord. 2001-4, 2-13-2001)

Notes

- 1. See also chapter 9 of this title.

ARTICLE B. RESIDENTIAL LOW-MODERATE DENSITY ZONE (R-LM)

SECTION:

- 10-5B-1: Purpose
- 10-5B-2: Permitted Uses
- 10-5B-3: Conditional Uses
- 10-5B-4: Building Lot Requirements
- 10-5B-5: Location Of Structures
- 10-5B-6: Maximum Structure Height
- 10-5B-7: Off Street Parking
- 10-5B-8: Permitted Signs

10-5B-1: PURPOSE:

To provide for areas in appropriate locations where quiet, moderate/low density, residential neighborhoods may be established and protected and where there may be animal keeping on some parcels. The regulations of this district are designed to promote compatible land uses consistent with a suburban environment enjoyed by residents within the district. With proper controls that ensure the integrity of the district, alternate forms of residential living are provided for by allowing flexibility in housing type, preference and costs. (Ord. 2000-9, 7-11-2000)

10-5B-2: PERMITTED USES:

Permitted uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title.

~~Accessory uses and buildings.~~

- ~~—Agriculture.~~
- ~~—Animal keeping on lots of one half (1/2) acre or more.~~
- ~~—Dwellings, one family.~~
- ~~—Home occupations, except preschools and daycare.~~
- ~~—Mobile businesses.~~
- ~~—Pets, the keeping of household pets. (Ord. 2000-9, 7-11-2000; amd. Ord. 16-21, 9-13-2016)~~

10-5B-3: CONDITIONAL USES:

Conditional uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title. Conditions for approval shall be made in accordance with the provisions of chapter 7 of this title.

~~Conditions for approval shall be determined by the Planning Commission or as otherwise provided in chapter 7 of this title.~~

- ~~—Church (temporary churches held in the open area or in tents or in temporary structures excluded).~~
- ~~—Daycare centers and preschools, whether held within a residence or in a separate facility.~~
- ~~—Excavations of over two hundred (200) cubic yards, as allowed by section 10-6-2 of this title.~~
- ~~—Golf courses, public or privately owned, whether or not operated as a business.~~
- ~~—Hobby kennels.~~
- ~~—Planned dwelling group with a maximum of two (2) dwellings.~~

- ~~—Planned unit developments (PUDs).~~
- ~~—Public buildings and public utility buildings.~~
- ~~—Public parks and/or playgrounds, also privately owned playgrounds and recreational grounds or parks not operated as a business, in whole or in part, and to which no admission charge is made.~~
- ~~—Schools, public or privately owned.~~
- ~~—Small wind energy systems.~~
- ~~—Temporary businesses only in public parks, church properties or other public properties as approved by the Planning Commission and not to exceed ninety (90) days in length.~~
- ~~—Two family dwelling on a corner of a major intersection. (Ord. 18-07, 9-25-2018)~~

10-5B-4: BUILDING LOT REQUIREMENTS:

- A. Density: There shall be no more than 1.85 building lots per acre contained within the boundaries of each phase of every subdivision or planned unit development; except when previously completed phases of the same development have sufficiently low density so that the average is still 1.85 building lots per acre or less. (Ord. 15-05, 7-14-2015)
- B. Lot Area: There shall be a minimum of ten thousand (10,000) square feet in each lot.
- C. Lot Width:
 1. A maximum of twenty five percent (25%) of all lots within any development phase may be a minimum of eighty feet (80') in width; and
 2. A minimum of twenty five percent (25%) of all lots within any development phase shall be a minimum of one hundred feet (100') in width; and
 3. The width of all lots within any development phase shall average a minimum of ninety feet (90') in width. (Ord. 2000-9, 7-11-2000)

10-5B-5: LOCATION OF STRUCTURES:

All buildings and structures shall be located as provided in chapter 11 of this title and as follows:

Structures	Front Setback	Side Setback	Rear Setback
Dwellings	60 foot right-of-way: 25 feet from all front lot lines	10 feet minimum on each side, except 20 feet minimum for side fronting on a street	25 feet
	70 foot right-of-way: 20 feet from all front lot lines		
Other main buildings	60 foot right-of-way: 25 feet from all front lot lines	20 feet minimum for each side	25 feet
	70 foot right-of-way: 20 feet from all front lot lines		
Detached accessory buildings and garages	25 feet from all front lot lines	Same as for dwellings, except when the structure is at least 10 feet behind the main building or 10 feet behind a line extending from the rear corners of the main building to the side lot lines parallel to the rear lot line(s); the side and rear setbacks may be reduced to 1 foot; provided, that the structure must be at least 20 feet from main buildings on adjacent lots; and on corner lots the minimum setback for a side facing a street is 20 feet and minimum rear setback adjacent to a side lot line is 10 feet	

(Ord. 09-09, 8-11-2009)

10-5B-6: MAXIMUM STRUCTURE HEIGHT:

Main buildings or structures, two and one-half (21/2) stories or thirty five feet (35'). (Ord. 2000-9, 7-11-2000)

10-5B-7: OFF STREET PARKING:

The provisions of chapter 8 of this title shall apply and shall be in full force and effect in this zone, except in the case of a bona fide temporary use. (Ord. 2000-9, 7-11-2000)

10-5B-8: PERMITTED SIGNS 1 :

Class 1 signs shall be permitted. For home occupations or service accessory businesses, Class 2 signs will be allowed in addition to Class 1 signs. For public and institutional uses as allowed by conditional use permit, Class 3 signs will be allowed in addition to Class 1 signs. (Ord. 2000-9, 7-11-2000; amd. Ord. 2001-4, 2-13-2001)

Notes

- 1. See also chapter 9 of this title.

ARTICLE C. RESIDENTIAL MULTI-FAMILY SEVEN ZONE (R-7)

SECTION:

- 10-5C-1: Purpose
- 10-5C-2: Architectural Site Plan Review
- 10-5C-3: Permitted Uses
- 10-5C-4: Conditional Uses
- 10-5C-5: Building Lot Requirements
- 10-5C-6: Location Of Structures
- 10-5C-7: Maximum Structure Height
- 10-5C-8: Off Street Parking And Loading
- 10-5C-9: Permitted Signs
- 10-5C-10: Special Conditions
- 10-5C-11: Landscaping Requirements

10-5C-1: PURPOSE:

To provide for areas in appropriate locations where neighborhoods of varying degrees of density may be established, maintained and protected. The regulations of this zone are designed to promote an intensively developed residential environment suitable primarily for adult living. With proper controls that ensure the integrity of the zone, alternate forms of residential living ranging from single- family to twelve-family dwellings and necessary public services. (Ord. 2000-9, 7-11-2000; amd. Ord. 2001-4, 2-13-2001)

10-5C-2: ARCHITECTURAL SITE PLAN REVIEW:

All dwellings which are designed to be occupied by three (3) or more families shall receive architectural site plan approval according to the requirements of chapter 12 of this title. (Ord. 2000-9, 7-11-2000)

10-5C-3: PERMITTED USES:

Permitted uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title.

~~Accessory uses and buildings.~~

~~—Agriculture.~~

~~—Dwellings, multi-family, up to twelve (12) dwelling units per building.~~

~~—Dwellings, one-, two-, three- and four-family.~~

~~—Home occupations, except preschools and daycare.~~

~~—Mobile businesses.~~

~~—Pets, the keeping of household pets. (Ord. 2000-9, 7-11-2000; amd. Ord. 16-21, 9-13-2016)~~

10-5C-4: CONDITIONAL USES:

Conditional uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title. Conditions for approval shall be made in accordance with the provisions of chapter 7 of this title.

~~Conditions for approval shall be determined by the Planning Commission or as otherwise provided in chapter 7 of this title.~~

~~—Assisted living facilities.~~

~~—Church (temporary churches held in open areas, tents or in temporary structures excluded).~~

~~—Daycare centers and preschools, whether held within residence or in a separate facility.~~

~~—Excavations of over two hundred (200) cubic yards, as allowed by section 10-6-2 of this title.~~

~~—Golf courses, public or privately owned, whether or not operated as a business.~~

~~—Group homes.~~

~~—Planned dwelling group.~~

~~—Planned unit developments (PUDs).~~

~~—Public buildings and public utility buildings and uses.~~

~~—Public parks and/or playground. Also privately owned playgrounds and recreational grounds or parks not operated as a business in whole or in part to which no admission charge is made.~~

~~—Schools, public or privately owned.~~

~~—Small wind energy systems.~~

~~—Temporary businesses only in public parks, church properties or other public properties as approved by the Planning Commission and not to exceed ninety (90) days in length.~~

~~—Twin homes subject to regulations set forth in chapter 7, article C of this title. (Ord. 2000-9, 7-11-2000; amd. Ord. 2001-4, 2-13-2001; Ord. 01-24, 11-27-2001; Ord. 02-7, 5-28-2002; Ord. 13-11, 5-14-2013; Ord. 16-22, 9-13-2016)~~

10-5C-5: BUILDING LOT REQUIREMENTS:

A. Density: There shall be no more than seven (7) dwelling units per acre contained within the boundaries of each phase of every development; except when previously completed phases of the same development have sufficiently low density so that the average is still seven (7) dwelling units per acre or less.

B. Lot Area:

1. There shall be a minimum of twelve thousand (12,000) square feet in each lot on which a single-family or two-family dwelling is built.

2. There is no minimum lot area for other dwelling types, but the density requirement listed above must be adhered to in all cases.

C. Lot Width: Each lot shall have a minimum width of one hundred feet (100'). (Ord. 2000-9, 7-11-2000; amd. Ord. 19-16, 11-26-2019)

10-5C-6: LOCATION OF STRUCTURES:

All buildings and structures shall be located as provided in chapter 11 of this title and as follows:

Structures	Front Setback	Side Setback	Rear Setback
Dwellings	30 feet from all front lines	10 feet minimum for each side, except 20 feet minimum for side fronting on a street	30 feet
Other main buildings	30 feet from all front lot lines	20 feet minimum for each side	30 feet
Detached accessory buildings and garages	30 feet from all front lot lines	Same as for dwellings, except when the structure is at least 10 feet behind the main building or 10 feet behind a line extending from the rear corners of the main building to the side lot lines parallel to the rear lot line(s); the side and rear setbacks may be reduced to 1 foot; provided, that the structure must be at least 20 feet from main buildings on adjacent lots; and on corner lots the minimum setback for a side facing a street is 20 feet and minimum rear setback adjacent to a side lot line is 10 feet	

(Ord. 2000-9, 7-11-2000)

10-5C-7: MAXIMUM STRUCTURE HEIGHT:

Main, accessory and temporary buildings and structures are not to exceed thirty five feet (35'). (Ord. 2000-9, 7-11-2000)

10-5C-8: OFF STREET PARKING AND LOADING:

The provisions of chapter 8 of this title shall apply and shall be in full force and effect in this zone, except in the case of a bona fide temporary use. (Ord. 2000-9, 7-11-2000)

10-5C-9: PERMITTED SIGNS 1 :

Class 1 signs shall be permitted. For home occupations, Class 2 signs will be allowed in addition to Class 1 signs. For public and institutional uses as allowed by conditional use permit, Class 3 signs will be allowed in addition to Class 1 signs. (Ord. 2000-9, 7-11-2000; amd. Ord. 2001-4, 2-13-2001)

Notes

- 1. See also chapter 9 of this title.

10-5C-10: SPECIAL CONDITIONS:

Due to the higher residential densities permitted by this article, the following conditions are required in order to assure a quality livable environment:

A. Minimum And Maximum Area: The minimum area that may be zoned R-7 shall be two (2) acres and the maximum area which may be zoned R-7 in any zone district shall be nine point five (9.5) acres.

B. Open Space: Multi-family dwellings shall provide usable functional open space for outdoor leisure in the following amounts:

1. Eight hundred (800) square feet per unit for one- and two- family dwellings;
2. Six hundred (600) square feet per unit for three- and four- family dwellings; and
3. An additional four hundred (400) square feet per dwelling unit for each additional unit over four (4).

C. Outdoor Storage Space: Three-family, four-family and multi- family dwellings shall provide enclosed outside storage space of at least thirty (30) square feet for each dwelling unit. (Ord. 2000-9, 7-11-2000; amd. Ord. 19-16, 11-26-2019)

10-5C-11: LANDSCAPING REQUIREMENTS:

A. General Landscaping: At least fifteen percent (15%) of the total site shall be thoroughly landscaped, including an irrigation system to maintain such landscaping. Landscaping shall meet the requirements of chapter 15 of this title. For use of exceptional design and materials, as determined by the Planning Commission, the landscaping may be reduced to ten percent (10%) of the total site.

B. Fencing: A six foot (6') tall solid screening fence shall be required between the Residential Multi-Family (R-7) Zone and all lower density residential zones. (Ord. 18-05, 8-14-2018; amd. Ord. 19-16, 11-26-2019)

ARTICLE D. RESIDENTIAL LOW DENSITY ZONE (R-L)

SECTION:

10-5D-1: Purpose

10-5D-2: Permitted Uses

10-5D-3: Conditional Uses

10-5D-4: Building Lot Requirements

10-5D-5: Location Of Structures

10-5D-6: Maximum Structure Height

10-5D-7: Off Street Parking And Loading

10-5D-8: Permitted Signs

10-5D-1: PURPOSE:

To provide for areas in appropriate locations where quiet, low density, residential neighborhoods may be established and protected. The regulations of this zone are designed to promote compatible land uses consistent with a semirural residential environment enjoyed by residents within those districts. With proper controls that ensure the integrity of the zone, alternate forms of residential living are provided for by allowing diversity in housing type, preference and costs. (Ord. 2000-9, 7-11-2000)

10-5D-2: PERMITTED USES:

Permitted uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title.

~~Accessory uses and buildings.~~

~~—Agriculture.~~

- ~~—Animal keeping on lots one half (1/2) acre and larger in area.~~
- ~~—Dwellings, one family.~~
- ~~—Home occupations, except for preschool and daycare.~~
- ~~—Mobile businesses.~~
- ~~—Pets, the keeping of household pets. (Ord. 2000-9, 7-11-2000; amd. Ord. 16-21, 9-13-2016)~~

10-5D-3: CONDITIONAL USES:

Conditional uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title. Conditions for approval shall be made in accordance with the provisions of chapter 7 of this title.

~~Conditions for approval shall be determined by the Planning Commission or as otherwise provided in chapter 7 of this title.~~

- ~~—Church (temporary churches held in the open area or in tents or in temporary structures excluded).~~
- ~~—Daycare centers and preschools, whether held within a residence or in a separate facility.~~
- ~~—Excavations of over two hundred (200) cubic yards, as allowed by section 10-6-2 of this title.~~
- ~~—Golf courses, public or privately owned, whether or not operated as a business.~~
- ~~—Hobby kennels.~~
- ~~—Planned dwelling group with a maximum of two (2) dwellings.~~
- ~~—Planned unit developments (PUDs).~~
- ~~—Public buildings and public utility buildings.~~
- ~~—Public parks and/or playground, also privately owned playgrounds and recreational grounds or parks not operated as a business, in whole or in part, and to which no admission charge is made.~~
- ~~—Schools, public or privately owned.~~
- ~~—Service accessory use subject to the regulations set forth in chapter 7, article B of this title.~~
- ~~—Small wind energy systems.~~
- ~~—Temporary businesses only in public parks, church properties or other public properties as approved by the Planning Commission and not to exceed ninety (90) days in length.~~
- ~~—Twin homes subject to regulations set forth in chapter 7, article C of this title.~~
- ~~—Two family dwelling on a corner of a major intersection. (Ord. 18-07, 9-25-2018)~~

10-5D-4: BUILDING LOT REQUIREMENTS:

A. Density: There shall be no more than 1.45 building lots per acre contained within the boundaries of each phase of every subdivision or planned unit development; except when previously completed phases of the same development have sufficiently low density so that the average is still 1.45 building lots per acre or less. (Ord. 15-05, 7-14-2015)

B. Lot Area: There shall be a minimum of twelve thousand (12,000) square feet in each lot.

C. Lot Width:

1. A maximum of twenty five percent (25%) of all lots within any development phase may be a minimum of eighty feet (80') in width; and

2. A minimum of twenty five percent (25%) of all lots within any development phase shall be a minimum of one hundred feet (100') in width; and

3. The width of all lots within any development phase shall average a minimum of ninety feet (90') in width. (Ord. 2000-9, 7-11-2000)

10-5D-5: LOCATION OF STRUCTURES:

All buildings and structures shall be located as provided in chapter 11 of this title and as follows:

Structures	Front Setback	Side Setback	Rear Setback
Dwellings	60 foot right-of-way: 30 feet from all front lines	10 feet minimum for each side, except 20 feet minimum for side fronting on a street	30 feet
	70 foot right-of-way: 25 feet from all front lot lines		
Other main buildings	60 foot right-of-way: 30 feet from all front lot lines	20 feet minimum for each side	30 feet
	70 foot right-of-way: 25 feet from all front lot lines		
Detached accessory buildings and garages	30 feet from all front lot lines	Same as for dwellings, except when the structure is at least 10 feet behind the main building or 10 feet behind a line extending from the rear corners of the main building to the side lot lines parallel to the rear lot line(s); the side and rear setbacks may be reduced to 1 foot; provided, that the structure must be at least 20 feet from main buildings on adjacent lots; and on corner lots the minimum setback for a side facing a street is 20 feet and minimum rear setback adjacent to a side lot line is 10 feet	

(Ord. 09-09, 8-11-2009)

10-5D-6: MAXIMUM STRUCTURE HEIGHT:

Main, accessory and temporary buildings and structures, two and one-half (2 1/2) stories, not to exceed thirty five feet (35'). (Ord. 2000-9, 7-11-2000)

10-5D-7: OFF STREET PARKING AND LOADING:

The provisions of chapter 8 of this title shall apply and shall be in full force and effect in this zone, except in the case of a bona fide temporary use. (Ord. 2000-9, 7-11-2000)

10-5D-8: PERMITTED SIGNS 1 :

Class 1 signs shall be permitted. For home occupations or service accessory businesses, Class 2 signs will be allowed in addition to Class 1 signs. For public and institutional uses as allowed by conditional use permit, Class 3 signs will be allowed in addition to Class 1 signs. (Ord. 2000-9, 7-11-2000; amd. Ord. 2001-4, 2-13-2001)

Notes

1. See also chapter 9 of this title.

ARTICLE E. AGRICULTURAL ZONE (A)

SECTION:

- 10-5E-1: Purpose
- 10-5E-2: Permitted Uses
- 10-5E-3: Conditional Uses
- 10-5E-4: Building Lot Requirements
- 10-5E-5: Location Of Structures
- 10-5E-6: Maximum Structure Height
- 10-5E-7: Off Street Parking And Loading
- 10-5E-8: Permitted Signs

10-5E-1: PURPOSE:

The purpose of this zone is to promote and preserve open space and areas where families may engage in food production and keep limited numbers of animals and fowl. (Ord. 2000-9, 7-11-2000)

10-5E-2: PERMITTED USES:

Permitted uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title.

~~Accessory uses and buildings:~~

- ~~—Agriculture.~~
- ~~—Animal keeping on lots at least one half (1/2) acre in area.~~
- ~~—Dwellings, one family.~~
- ~~—Farm industry on parcels or lots five (5) acres or larger.~~
- ~~—Fruit and vegetable stands for the sale of produce grown on the premises or of agricultural products used on the premises.~~
- ~~—Home occupations, except preschools and daycare.~~
- ~~—Mobile businesses.~~
- ~~—Pets, the keeping of household pets. (Ord. 2000-9, 7-11-2000; amd. Ord. 16-21, 9-13-2016)~~

10-5E-3: CONDITIONAL USES:

Conditional uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title. Conditions for approval shall be made in accordance with the provisions of chapter 7 of this title.

~~Churches (temporary churches held in open areas, tents or in temporary structures excluded):~~

- ~~—Daycare centers and preschools, whether held within a residence or in a separate facility.~~
- ~~—Development on private right of way.~~
- ~~—Dog kennels.~~
- ~~—Electronic communications facilities.~~

- ~~—Excavations of over two hundred (200) cubic yards, as allowed by section 10-6-2 of this title.~~
- ~~—Group homes.~~
- ~~—Planned dwelling group with a maximum of two (2) dwellings.~~
- ~~—Planned unit developments (PUDs).~~
- ~~—Public buildings and public utility buildings and uses.~~
- ~~—Public parks and/or playgrounds and recreational grounds or parks not operated as a business in whole or in part and to which no admission charge is made; except golf courses may be permitted.~~
- ~~—RV (travel trailer) recreational vehicle parks.~~
- ~~—Schools, public or privately owned.~~
- ~~—Service accessory uses subject to the regulations set forth in chapter 7, article B of this title.~~
- ~~—Small wind energy systems.~~
- ~~—Temporary businesses only in public parks, church properties or other public properties as approved by the Planning Commission and not to exceed ninety (90) days in length. (Ord. 2000-9, 7-11-2000; amd. Ord. 2001-4, 2-13-2001; Ord. 01-24, 11-27-2001; Ord. 02-7, 5-28-2002; Ord. 13-11, 5-14-2013)~~

10-5E-4: BUILDING LOT REQUIREMENTS:

- A. Density: There shall be no more than 0.90 building lots per acre contained within the boundaries of each phase of every subdivision or planned unit development; except when previously completed phases of the same development have sufficiently low density so that the average is still 0.90 building lots per acre or less. (Ord. 15-05, 7-14-2015)
- B. Lot Area: There shall be a minimum of twelve thousand (12,000) square feet in each lot.
- C. Lot Width:
 - 1. For lots less than one-half (1/2) acre, the same as subsection 10-5D-4C of this chapter.
 - 2. Lots one-half (1/2) acre to ninety nine one-hundredths (0.99) acre in area shall be at least one hundred feet (100') in width.
 - 3. Lots one acre or larger shall be at least one hundred fifty feet (150') in width. (Ord. 2000-9, 7-11-2000)

10-5E-5: LOCATION OF STRUCTURES:

All buildings and structures shall be located as provided in chapter 11 of this title and as follows:

Structures	Front Setback	Side Setback	Rear Setback
Dwellings	60 foot right-of-way: 30 feet from all front lot lines 70 foot right-of-way: 25 feet from all front lot lines	10 feet minimum for each side, except 20 feet minimum for side fronting on a street	30 feet
Other main buildings	60 foot right-of-way: 30 feet from all front lot lines 70 foot right-of-way: 25 feet from all front lot	20 feet minimum for each side	30 feet

	lines	
Detached accessory buildings and garages	30 feet from all front lot lines	Same as for dwellings, except when the structure is at least 10 feet behind the main building or 10 feet behind a line extending from the rear corners of the main building to the side lot lines parallel to the rear lot line(s); the side and rear setbacks may be reduced to 1 foot; provided, that the structure must be at least 20 feet from main buildings on adjacent lots; and on corner lots the minimum setback for a side facing a street is 20 feet and minimum rear setback adjacent to a side lot line is 10 feet

(Ord. 09-09, 8-11-2009)

10-5E-6: MAXIMUM STRUCTURE HEIGHT:

Main buildings and structures, two and one-half (2 1/2) stories, not to exceed thirty five feet (35'). (Ord. 2000-9, 7-11-2000)

10-5E-7: OFF STREET PARKING AND LOADING:

The provisions of chapter 8 of this title shall apply and shall be in full force and effect in this zone, except in the case of a bona fide temporary use. (Ord. 2000-9, 7-11-2000)

10-5E-8: PERMITTED SIGNS 1 :

Class 1 signs shall be permitted. For home occupations or service accessory businesses, Class 2 signs will be allowed in addition to Class 1 signs. For public and institutional uses as allowed by conditional use permit, Class 3 signs will be allowed in addition to Class 1 signs. (Ord. 2000-9, 7-11-2000; amd. Ord. 2001-4, 2-13-2001)

Notes

- 1. See also chapter 9 of this title.

ARTICLE F. AGRICULTURAL-AIRCRAFT HAZARD ZONE (A-10)

~~Repealed by Ordinance~~

~~SECTION:~~

- ~~10-5F-1: Purpose~~
- ~~10-5F-2: Permitted Uses~~
- ~~10-5F-3: Conditional Uses~~
- ~~10-5F-4: Building Lot Requirements~~
- ~~10-5F-5: Location Of Structures~~
- ~~10-5F-6: Maximum Structure Height~~
- ~~10-5F-7: Off Street Parking And Loading~~
- ~~10-5F-8: Permitted Signs~~

~~10-5F-1: PURPOSE:~~

~~The purpose of this zone is to promote and preserve open space and areas where families may engage in food production and keep limited numbers of animals and fowl while recognizing that this zone is within a hazardous area due to frequent low-overflying aircraft. Because of the hazard, allowed residential density is very low. (1989 Code § 12-7-001)~~

~~10-5F-2: PERMITTED USES:~~

- ~~—Accessory uses and buildings.~~
- ~~—Agriculture.~~
- ~~—Animal keeping.~~
- ~~—Dwellings, one family.~~
- ~~—Farm industry on parcels five (5) acres in area or larger.~~
- ~~—Fruit and vegetable stands for the sale of produce grown on the premises or of agricultural products used on the premises.~~
- ~~—Home occupations, except preschools and daycare.~~
- ~~—Mobile businesses.~~
- ~~—Pets, the keeping of household pets. (1989 Code § 12-7-002; amd. Ord. 96-7, 12-10-1996, eff. 1-10-1997; Ord. 16-21, 9-13-2016)~~

~~10-5F-3: CONDITIONAL USES:~~

- ~~—Daycare centers and preschools, whether held within a residence or in a separate facility.~~
- ~~—Development on private right-of-way.~~
- ~~—Dog kennels.~~
- ~~—Electronic communication facilities.~~
- ~~—Excavations of over two hundred (200) cubic yards, as allowed by section 10-6-2 of this title.~~
- ~~—Planned unit developments (PUDs).~~
- ~~—Public buildings and public utility buildings and uses which are intended for very low intensity human occupancy or no human occupancy.~~
- ~~—Service accessory uses subject to the regulations set forth in chapter 7, article B of this title.~~
- ~~—Small wind energy systems.~~
- ~~—Temporary businesses only in public parks, church properties or other public properties as approved by the Planning Commission and not to exceed ninety (90) days in length. (1989 Code § 12-7-003; amd. Ord. 96-7, 12-10-1996, eff. 1-10-1997; Ord. 98-14, 7-14-1998; Ord. 98-26, 1-12-1999; Ord. 2001-4, 2-13-2001; Ord. 01-24, 11-27-2001; Ord. 02-7, 5-28-2002; Ord. 13-11, 5-14-2013)~~

~~10-5F-4: BUILDING LOT REQUIREMENTS:~~

- ~~—A. Density:~~
 - ~~—1. Maximum net dwelling density for each and every phase of development, one dwelling per ten (10) acres.~~
 - ~~—2. All property included in the net density calculations and not included within the lot(s) shall be within a permanent open space easement to be granted to the City. This open space easement shall limit the use of the property to agriculture, animal keeping, farm industry, parks and recreational uses and accessory uses.~~
- ~~—B. Lot Area: Minimum of twelve thousand (12,000) square feet. (1989 Code § 12-7-004)~~
- ~~—C. Lot Width:~~
 - ~~—1. For lots less than one half (1/2) acre in area, same as subsection 10-5D-4C of this chapter.~~
 - ~~—2. For lots of one half (1/2) acre to ninety nine one hundredths (0.99) acres in area, one hundred feet (100').~~
 - ~~—3. For lots of one acre or more, one hundred fifty feet (150'). (Ord. 96-7, 12-10-1996, eff. 1-10-1997)~~

~~10-5F-5: LOCATION OF STRUCTURES:~~

~~All buildings and structures shall be located as provided in chapter 11 of this title and as follows:~~

Structures	Front Setback	Side Setback	Rear Setback
Dwellings	30 feet from all front lines	10 feet minimum for each side, except 20 feet minimum for side fronting on a street	30 feet
Other main buildings	30 feet from all front lot lines	20 feet minimum for each side	30 feet
Detached accessory buildings and garages	30 feet from all front lot lines	Same as for dwellings, except when the structure is at least 10 feet behind the main building or 10 feet behind a line extending from the rear corners of the main building to the side lot lines parallel to the rear lot line(s); the side and rear setbacks may be reduced to 1 foot; provided, that the structure must be at least 20 feet from main buildings on adjacent lots; and on corner lots the minimum setback for a side facing a street is 20 feet and minimum rear setback adjacent to a side lot line is 10 feet	

~~(1989 Code § 12-7-005)~~

~~10-5F-6: MAXIMUM STRUCTURE HEIGHT:~~

~~Main buildings and structures, two and one half (2 1/2) stories, not to exceed thirty five feet (35'). (1989 Code § 12-7-006)~~

~~10-5F-7: OFF STREET PARKING AND LOADING:~~

~~The provisions of chapter 8 of this title shall apply and shall be in full force and effect in this zone, except in the case of a bona fide temporary use. (1989 Code § 12-7-007)~~

~~10-5F-8: PERMITTED SIGNS 1:~~

~~Class 1 signs shall be permitted. For home occupations or service accessory businesses, Class 2 signs will be allowed in addition to Class 1 signs. For public and institutional uses as allowed by conditional use permit, Class 3 signs will be allowed in addition to Class 1 signs. (1989 Code § 12-7-008; amd. Ord. 2001-4, 2-13-2001)~~

Notes

1. ~~See also chapter 9 of this title.~~

ARTICLE G. COMMERCIAL ZONE (C)

SECTION:

10-5G-1: Description And General Limitation

10-5G-2: Commercial Development Over One Acre

10-5G-3: Architectural Site Plan Review

- 10-5G-4: Permitted Uses
- 10-5G-5: Conditional Uses
- 10-5G-6: Building Lot Requirements
- 10-5G-7: Location Of Structures
- 10-5G-8: Maximum Structure Height
- 10-5G-9: Off Street Parking And Loading
- 10-5G-10: Permitted Signs And Lighting
- 10-5G-11: Special Provisions And Limitations
- 10-5G-12: Landscaping Requirements

10-5G-1: DESCRIPTION AND GENERAL LIMITATION:

Zone C has been established for the purpose of providing space within the various neighborhoods of the City for the establishment of neighborhood shopping centers used primarily to provide the retailing of convenience goods, the furnishing of certain personal services and the weekly household or personal needs of the residents of abutting residential neighborhoods. C Districts are located generally on neighborhood feeder streets or on minor traffic streets rather than on main arterial highways. Such districts are almost always small in size, its area being determined by the size of the neighborhood it is designed to serve. Characteristically, it is surrounded by residential districts. (Ord. 2002-4, 3-26-2002)

10-5G-2: COMMERCIAL DEVELOPMENT OVER ONE ACRE:

A. Conditional Use: Because of the possible adverse impacts of large scale commercial developments on surrounding neighborhoods, in terms of site design and layout, traffic control, as well as visual appearance, all C developments greater than one acre shall fall under the conditional use permit procedure pursuant to chapter 7 of this title. (Ord. 2002-4, 3-26-2002)

B. Subdivided Parcels: In the event commercial parcels are subdivided and retained under single ownership or sold separately and the total sum of all the commercial properties was greater than one acre at the time of adoption of the ordinance codified herein, then each commercial development must be approved as a conditional use. (1989 Code § 12-8-002)

10-5G-3: ARCHITECTURAL SITE PLAN REVIEW:

All proposed C developments shall meet the requirements of chapter 12 of this title. (Ord. 2002-4, 3-26-2002)

10-5G-4: PERMITTED USES:

Permitted uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title.

~~Accessory uses and buildings:~~

- ~~—Beauty and barber services.~~
- ~~—Business services and professional offices.~~
- ~~—Churches, synagogues and temples.~~
- ~~—Dwellings, single family, only when in the same structure as the business or commercial use and when occupied by the owner/operator or employee employed on the premises.~~
- ~~—Eating establishments, including drive ins.~~
- ~~—Gasoline service stations.~~
- ~~—Laundry and dry cleaning services.~~
- ~~—Mobile businesses.~~
- ~~—Retail trade, general merchandise.~~

~~—Other uses deemed similar and compatible by the Planning Commission. (1989 Code § 12-8-004; amd. Ord. 16-21, 9-13-2016)~~

10-5G-5: CONDITIONAL USES:

~~Conditional uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title. Conditions for approval shall be made in accordance with the provisions of chapter 7 of this title.~~

~~All permitted uses allowed in this article requiring more than one acre in site area.~~

- ~~—Amusement and recreation activities.~~
- ~~—Automobile repairing, painting or upholstering; automatic car wash not to exceed four (4) wash bays.~~
- ~~—Daycare center or preschool.~~
- ~~—Electronic communication facilities.~~
- ~~—Excavations of over two hundred (200) cubic yards, as allowed by section 10-6-2 of this title.~~
- ~~—Public buildings and public utility buildings and uses.~~
- ~~—Reception center and/or wedding chapel.~~
- ~~—School, public and privately owned.~~
- ~~—Small wind energy systems.~~
- ~~—Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work. If such buildings are not removed within ninety (90) days upon completion of construction and thirty (30) days after notice, the buildings will be removed by the City at the expense of the owner.~~
- ~~—Temporary businesses not to exceed ninety (90) days in length.~~
- ~~—Temporary retail uses. (1989 Code § 12-8-005; amd. Ord. 96-7, 12-10-1996, eff. 1-10-1997; 1998 Code; Ord. 02-7, 5-28-2002; Ord. 13-11, 5-14-2013)~~

10-5G-6: BUILDING LOT REQUIREMENTS:

All buildings must comply with the provisions of this section, except those exempted as provided in chapter 11 of this title.

- A. Lot width: No particular requirements, as approved by the Planning Commission.
- B. Lot area: No particular requirements, as approved by the Planning Commission. (1989 Code § 12-8-006)

10-5G-7: LOCATION OF STRUCTURES:

Structures	Front Setback	Side Setback	Rear Setback
Main and accessory structures	10 feet	No requirement, except 10 feet minimum for sides fronting on street	No requirement, except that 20 feet shall be provided where the lot line is coterminous with any residential zone boundary
Temporary structures	10 feet	10 feet	30 feet

(1989 Code § 12-8-007)

10-5G-8: MAXIMUM STRUCTURE HEIGHT:

Main buildings and structures, two and one-half (2 1/2) stories or thirty five feet (35'). Temporary structures, one story. (1989 Code § 12-8-008)

10-5G-9: OFF STREET PARKING AND LOADING:

Provisions of chapter 8 of this title shall apply and shall be in full force and effect in this zone, except in the case of a bona fide temporary use. (1989 Code § 12-8-009)

10-5G-10: PERMITTED SIGNS AND LIGHTING 1 :

Class 5 signs shall be permitted. (Ord. 2004-04, 6-22-2004)

Notes

1 1. See also chapter 9 of this title.

10-5G-11: SPECIAL PROVISIONS AND LIMITATIONS:

Where accessory living quarters are provided as permitted herein, no window shall be permitted in any wall of the same which is located within eight feet (8') of a side property line. (1989 Code § 12-8-011)

10-5G-12: LANDSCAPING REQUIREMENTS:

A. General Landscaping: At least fifteen percent (15%) of the total site shall be thoroughly landscaped, including an irrigation system to maintain such landscaping. Landscaping shall meet the requirements of chapter 15 of this title. For use of exceptional design and materials, as determined by the Planning Commission, the landscaping may be reduced to ten percent (10%) of the total site.

B. Buffer Yard Landscaping: A buffer yard shall be required between the C Zone and all residential zones and shall meet the requirements of chapter 15 of this title.

C. Park Strip Landscaping: Park strip landscaping shall meet the requirements of chapter 15 of this title. (Ord. 18-05, 8-14-2018)

ARTICLE H. HIGHWAY-COMMERCIAL ZONE (C-H)

SECTION:

10-5H-1: Purpose

10-5H-2: Development Over One Acre

10-5H-3: Architectural Site Plan Review

10-5H-4: Permitted Uses

10-5H-5: Conditional Uses

10-5H-6: Building Lot Requirements

- 10-5H-7: Location Of Structures
- 10-5H-8: Maximum Structure Height
- 10-5H-9: Off Street Parking
- 10-5H-10: Permitted Signs And Lighting
- 10-5H-11: Special Provisions And Limitations
- 10-5H-12: Landscaping Requirements

10-5H-1: PURPOSE:

To provide areas in appropriate locations adjacent to highways or major streets where activities dependent upon or catering to thoroughfare traffic and the traveling public may be established, maintained and protected. The regulations of this district are designed to encourage harmony between traffic needs and centers for retail commercial, entertainment, automotive facilities and other appropriate highway related activities. (1989 Code § 12-9-001)

10-5H-2: DEVELOPMENT OVER ONE ACRE:

Development over one acre must follow the conditional use permit procedure of chapter 7 of this title. (1989 Code § 12-9-002)

10-5H-3: ARCHITECTURAL SITE PLAN REVIEW:

All proposed C-H development shall meet the requirements of chapter 12 of this title. (1989 Code § 12-9-003)

10-5H-4: PERMITTED USES:

Permitted uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title.

- ~~—Accessory uses and buildings.~~
- ~~—Dwellings, single-family, only when in the same structure as the business or commercial use and when occupied by the owner/operator or employee employed on the premises.~~
- ~~—Eating establishments, including drive-ins.~~
- ~~—Gasoline and diesel service stations.~~
- ~~—Laundry and dry-cleaning services.~~
- ~~—Mobile businesses.~~
- ~~—Public buildings and public utility buildings and uses.~~
- ~~—Retail sales.~~
- ~~—Transient lodging.~~
- ~~—Uses judged by the Planning Commission to be similar and compatible with the purposes of this article. (1989 Code § 12-9-004; amd. Ord. 96-7, 12-10-1996, eff. 1-10-1997; Ord. 16-21, 9-13-2016)~~

10-5H-5: CONDITIONAL USES:

Conditional uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title. Conditions for approval shall be made in accordance with the provisions of chapter 7 of this title.

~~The following uses are allowed as conditional uses in Highway Commercial (C-H) Zoning Districts provided they are located on more than one acre in site area:~~

- ~~—Amusement and recreation activities.~~
- ~~—Electronic communications facilities.~~
- ~~—Excavations of over two hundred (200) cubic yards, as allowed by section 10-6-2 of this title.~~

~~—Small wind energy systems.~~

~~—Temporary businesses not to exceed ninety (90) days in length. (Ord. 19-09, 3-12-2019)~~

10-5H-6: BUILDING LOT REQUIREMENTS:

The provisions of this section pertain to all buildings, except those exempted in chapter 11 of this title.

- A. Lot width: No particular requirements, as approved by the Planning Commission.
- B. Lot area: No particular requirements, as approved by the Planning Commission. (1989 Code § 12-9-006)

10-5H-7: LOCATION OF STRUCTURES:

Structures	Front Setback	Side Setback	Rear Setback
Main and accessory structures	50 feet	No requirement, except 20 feet minimum for sides fronting on street. Where any wall has no windows exposed on that side, then no side setback shall be required, except that 10 feet shall be provided where the lot line is coterminous with any residential boundary	10 feet from other zones, 20 feet from residential zones
Temporary structures	30 feet	10 feet	10 feet

(1989 Code § 12-9-007)

10-5H-8: MAXIMUM STRUCTURE HEIGHT:

Main buildings and structures, two and one-half (2 1/2) stories or thirty five feet (35'). Temporary structures, one story. (1989 Code § 12-9-008)

10-5H-9: OFF STREET PARKING:

The provisions of chapter 8 of this title shall apply and shall be in full force and effect in this zone, except in the case of a bona fide temporary use. (1989 Code § 12-9-009)

10-5H-10: PERMITTED SIGNS AND LIGHTING 1 :

Class 5 signs shall be permitted. (1989 Code § 12-9-010)

Notes

- 1. See also chapter 9 of this title.

10-5H-11: SPECIAL PROVISIONS AND LIMITATIONS:

Where accessory living quarters are provided as permitted herein, no window shall be permitted in any wall of the same which is located within eight feet (8') of a side property line. (1989 Code § 12-9-011)

10-5H-12: LANDSCAPING REQUIREMENTS:

A. General Landscaping: At least fifteen percent (15%) of the total site shall be thoroughly landscaped, including an irrigation system to maintain such landscaping. Landscaping shall meet the requirements of chapter 15 of this title. For use of exceptional design and materials, as determined by the Planning Commission, the landscaping may be reduced to ten percent (10%) of the total site.

B. Buffer Yard Landscaping: A buffer yard shall be required between the C-H Zone and all residential zones and shall meet the requirements of chapter 15 of this title.

C. Park Strip Landscaping: Park strip landscaping shall meet the requirements of chapter 15 of this title. (Ord. 18-05, 8-14-2018)

ARTICLE I. TRANSITIONAL LIGHT INDUSTRIAL ZONE (T-1)

SECTION:

- 10-5I-1: Purpose
- 10-5I-2: Development Over One Acre
- 10-5I-3: Architectural Site Plan Review
- 10-5I-4: Permitted Uses
- 10-5I-5: Conditional Uses
- 10-5I-6: Landscaping Requirements
- 10-5I-7: Building Lot Requirements
- 10-5I-8: Location Of Structures
- 10-5I-9: Building Coverage Regulations
- 10-5I-10: Off-Street Parking
- 10-5I-11: Permitted Signs And Lighting
- 10-5I-12: Performance Standards

10-5I-1: PURPOSE:

To provide a zone which will act as a buffer between residential uses and natural resource excavations and where some industrial uses are appropriate and to provide a review procedure to ensure compatibility of uses internal to this zone and with uses in adjacent zones. (1989 Code § 12-10-001)

10-5I-2: DEVELOPMENT OVER ONE ACRE:

Light industrial development over one acre must follow the conditional use permit procedure pursuant to chapter 7 of this title. (1989 Code § 12-10-002)

10-5I-3: ARCHITECTURAL SITE PLAN REVIEW:

All proposed T-1 development shall meet the requirements of chapter 12 of this title. (1989 Code § 12-10-003)

10-5I-4: PERMITTED USES:

Permitted uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title.

- ~~—Accessory buildings and uses.~~
- ~~—Agriculture.~~
- ~~—Business and professional services.~~

- ~~—Commercial storage.~~
- ~~—Dwellings, single-family only when in the same structure as the business or commercial use and when occupied by the owner/operator or employee employed on the premises.~~
- ~~—Experimental research and testing laboratories.~~
- ~~—Manufacturing: food products, fabricated textile products, furniture, paper products, precision instruments, jewelry, machine products, wood products (except paper), ceramic products, electrical appliances, electronics, small tools and other light metal products and sporting and athletic goods.~~
- ~~—Mobile businesses.~~
- ~~—Printing, lithography and/or publishing shops.~~
- ~~—Public buildings and public utility buildings and uses.~~
- ~~—Recycling and collection center operated within an enclosed building.~~
- ~~—Repair services.~~
- ~~—Uses judged by the Planning Commission to be similar and compatible with the purpose of this article.~~
- ~~—Wholesale trade and warehousing. (1989 Code § 12-10-004; amd. Ord. 96-7, 12-10-1996, eff. 1-10-1997; Ord. 16-21, 9-13-2016)~~

10-5I-5: CONDITIONAL USES:

Conditional uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title. Conditions for approval shall be made in accordance with the provisions of chapter 7 of this title.

~~All permitted uses allowed in this article requiring more than one acre in site area.~~

- ~~—Dog kennels.~~
- ~~—Electronic communication facilities.~~
- ~~—Excavations of over two hundred (200) cubic yards, as allowed by section 10-6-2 of this title.~~
- ~~—Expansion of a legal preexisting nonconforming use to include the raising of farm animals for private use and the construction of barns and other outbuildings for that use.~~
- ~~—Recreational vehicle (travel trailer) parks.~~
- ~~—Sexually oriented businesses.~~
- ~~—Small wind energy systems. (1989 Code § 12-10-005; amd. Ord. 96-7, 12-10-1996, eff. 1-10-1997; Ord. 97-6, 4-22-1997; Ord. 13-11, 5-14-2013)~~

10-5I-6: LANDSCAPING REQUIREMENTS:

A. General Landscaping: At least fifteen percent (15%) of the total site shall be thoroughly landscaped, including an irrigation system to maintain such landscaping. Landscaping shall meet the requirements of chapter 15 of this title. For use of exceptional design and materials, as determined by the Planning Commission, the landscaping may be reduced to ten percent (10%) of the total site.

B. Buffer Yard Landscaping: A buffer yard shall be required between the T-1 Zone and all residential zones and shall meet the requirements of chapter 15 of this title.

C. Park Strip Landscaping: Park strip landscaping shall meet the requirements of chapter 15 of this title. (Ord. 18-05, 8-14-2018)

10-5I-7: BUILDING LOT REQUIREMENTS:

A. Lot width: No minimum requirement, as approved by the Planning Commission.

B. Lot area: No minimum requirement, as approved by the Planning Commission. (1989 Code § 12-10-007)

10-5I-8: LOCATION OF STRUCTURES:

No minimum requirements, except no commercial or industrial building or structure shall be located closer than twenty feet (20') to any street or the average of existing buildings where at least fifty percent (50%) of the frontage is developed. (1989 Code § 12-10-008)

10-5I-9: BUILDING COVERAGE REGULATIONS:

No building, structure or group of buildings, including accessory buildings, shall cover more than sixty percent (60%) of the area of the lot. (1989 Code § 12-10-009)

10-5I-10: OFF STREET PARKING:

Provisions of chapter 8 of this title shall apply and shall be in full force and effect in this zone, except in the case of a bona fide temporary use. (1989 Code § 12-10-010)

10-5I-11: PERMITTED SIGNS AND LIGHTING 1 :

Class 4 signs shall be permitted. (1989 Code § 12-10-011)

Notes

1. See also chapter 9 of this title.

10-5I-12: PERFORMANCE STANDARDS:

The following performance standards are intended to ensure that all uses within the T-1 Zone will provide the necessary control methods to protect the City from hazards and nuisances:

A. General: No land or building devoted to uses authorized in this article shall be used or occupied in any manner so as to create dangerous, injurious, noxious or otherwise objectionable hazards, noise, odor, smoke, heat, glare or other disturbance. The determination of the existence of these elements shall be made at the lot line in the case of elements that are objectionable only if they travel off the site.

B. Sound Emission 1 : No use shall emit or cause the emission of sound from a stationary source such that the one hour equivalent sound level (Leq) caused by ground transportation as estimated for that point of measurement and at that time of day, pursuant to FHWA-RD-77-108 highway traffic noise prediction model, or by other techniques at least as accurate. The sound level measuring instrumentation shall conform with ANSI S1.4-1971 type 1, and the measurement procedure shall be compatible with that, according to ANSI S1.13-1971.

C. Odorous Gases: No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be readily detectable at the property line. (1989 Code § 12-10-012)

Notes

1. See also subsection 10-13-7A of this title.

ARTICLE J. NATURAL RESOURCE ZONE (N-R)

SECTION:

- 10-5J-1: Purpose
- 10-5J-2: Establishment Of Zone
- 10-5J-3: Permitted Uses
- 10-5J-4: Conditional Uses
- 10-5J-5: Area, Height And Yard Regulations
- 10-5J-6: Permitted Signs And Lighting

10-5J-1: PURPOSE:

To permit the extraction and processing of a natural resource in the city such as sand, gravel, clay, burrow, stone, rock, topsoil and road base material. (1989 Code § 12-11-001)

10-5J-2: ESTABLISHMENT OF ZONE:

The natural resource zone has been established to identify areas which contain significant native natural resources either: a) where extraction and related activities are currently underway; or b) where planning studies indicate that the land is necessary for future extraction of the natural resource. Where it can be determined that the resource is available and where existing land uses may be somewhat buffered, the establishment of the N-R zone will be considered. The natural resource zone would be for the purpose of conservation and protection of mineral resources which are vital to the orderly development of the city. There is hereby created natural resource zones, the boundaries of which are designated on the zoning map. (1989 Code § 12-11-002)

10-5J-3: PERMITTED USES:

Permitted uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title.

- ~~—Agriculture.~~
- ~~—Large wind energy systems. (1989 Code § 12-11-003; amd. Ord. 13-11, 5-14-2013)~~

10-5J-4: CONDITIONAL USES:

Conditional uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title. Conditions for approval shall be made in accordance with the provisions of chapter 7 of this title.

- ~~—Extraction processing, storage and sale of native natural resources as listed: sand, gravel, clay, burrow, stone, rock, topsoil and road base. The extraction process must be authorized under a valid natural resource permit (as provided in chapter 6 of this title).~~
- ~~—Farm industry (feedlots and pig farms excluded).~~
- ~~—Golf courses and/or driving ranges.~~
- ~~—Manufacturing, storage and sale of products from native natural resources extracted on the same parcel of land.~~
- ~~—Nursery and/or greenhouse (nonretail).~~
- ~~—Public and quasi public use.~~
- ~~—Recreation, for profit or not for profit.~~
- ~~—Single family dwelling for living quarters for farm employees or security personnel, with or without their immediate families; provided, that not more than one such building shall be located on any parcel of land; and further provided, that said parcel shall contain at least ten (10) acres.~~
- ~~—Small wind energy systems.~~

~~—Temporary buildings for uses incidental to construction work, which buildings must be removed upon completion or abandonment of the construction work. If such buildings are not removed within ninety (90) days upon completion of construction and thirty (30) days after notice, the building will be removed by the city at the expense of the owner. (1989 Code § 12-11-004; amd. 1998 Code; Ord. 13-11, 5-14-2013)~~

10-5J-5: AREA, HEIGHT AND YARD REGULATIONS:

- A. Area: No requirement. (1989 Code § 12-11-005)
- B. Height: No building or structure shall be erected to a height greater than sixty feet (60') and no dwelling structure shall be erected to a height greater than thirty five feet (35'), except as otherwise provided by the planning commission. (1989 Code § 12-11-010)
- C. Width: The minimum width of any lot shall be three hundred feet (300') at building or operation site, with a minimum street frontage of seventy feet (70'). (1989 Code § 12-11-006)
- D. Yard:
 - 1. Side: The minimum side yard for any building shall be twenty feet (20') and a total side yard requirement of forty feet (40'), except as otherwise provided in chapter 11 of this title. (1989 Code § 12-11-007)
 - 2. Front: The minimum front yard for structures with a twenty foot (20') side yard shall be forty feet (40'). Those with one hundred foot (100') side yards shall be one hundred feet (100') from zone boundary and as close as twenty feet (20') to the property line with planning commission approval, except as otherwise provided in chapter 11 of this title. (1989 Code § 12-11-008)
 - 3. Rear: The minimum depth of the rear yard for any building shall be forty feet (40'). Those with one hundred foot (100') side yards shall be one hundred feet (100') from zone boundary and as close as twenty feet (20') to the property line with planning commission approval, except as otherwise provided in chapter 11 of this title. (1989 Code § 12-11-009)

10-5J-6: PERMITTED SIGNS AND LIGHTING 1 :

Class 7 signs shall be permitted. (Ord. 2004-04, 6-22-2004)

Notes

- 1. See also chapter 9 of this title.

ARTICLE K. PROFESSIONAL OFFICE ZONE (P-O)

SECTION:

- 10-5K-1: Description And General Limitation
- 10-5K-2: Professional Office Development Over One Acre
- 10-5K-3: Architectural Site Plan Review
- 10-5K-4: Permitted Uses
- 10-5K-5: Conditional Uses

- 10-5K-6: Building Lot Requirements
- 10-5K-7: Location Of Structures
- 10-5K-8: Maximum Structure Height
- 10-5K-9: Off-Street Parking And Loading
- 10-5K-10: Permitted Signs And Lighting
- 10-5K-11: Landscaping Requirements

10-5K-1: DESCRIPTION AND GENERAL LIMITATION:

The Professional Office Zone is established to provide areas where professional and business offices, laboratories, studios, and other office facilities may be located in the City. The intent of the zone is to allow only those uses which will promote a professional office environment. Uses which produce loud noises, excessive vehicle traffic, excessive parking needs, objectionable odors, storage of large amounts of hazardous materials, or the outside storage of equipment or supplies are not appropriate in this zone. Buildings, signs and other structures in this zone should be architecturally compatible with their surroundings. (Ord. 2000-13, 12-12-2000)

10-5K-2: PROFESSIONAL OFFICE DEVELOPMENT OVER ONE ACRE:

- A. Conditional Use: Because of the possible adverse impacts of large-scale office developments on surrounding neighborhoods, in terms of site design and layout, traffic control, as well as visual appearance, all development in this zone that includes a site greater than one acre in area shall fall under the conditional use permit procedure pursuant to chapter 7 of this title.
- B. Subdivided Parcels: In the event professional office parcels are subdivided and retained under single ownership or sold separately and the total sum of all the commercial properties was greater than one acre at the time of adoption of the ordinance codified herein, then each professional office development must be approved as a conditional use. (Ord. 2000-13, 12-12-2000)

10-5K-3: ARCHITECTURAL SITE PLAN REVIEW:

All proposed development in this zone shall meet the requirements of chapter 12 of this title and shall receive architectural site plan approval from the Planning Commission prior to the issuance of any building permits or the commencement of any construction. (Ord. 2000-13, 12-12-2000)

10-5K-4: PERMITTED USES:

Permitted uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title.

- ~~—Accessory uses and buildings.~~
- ~~—Beauty and barber services.~~
- ~~—Business services and professional offices.~~
- ~~—Mobile businesses.~~
- ~~—Other uses deemed similar and compatible by the Planning Commission. (Ord. 2000-13, 12-12-2000; amd. Ord. 16-21, 9-13-2016)~~

10-5K-5: CONDITIONAL USES:

Conditional uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title. Conditions for approval shall be made in accordance with the provisions of chapter 7 of this title.

~~All permitted uses allowed in this article requiring more than one acre in site area.~~

- ~~—Churches, synagogues and temples.~~
- ~~—Daycare center or preschool.~~

- ~~—Eating establishments but not including drive ins or fast food restaurants.~~
- ~~—Electronic communication facilities.~~
- ~~—Public buildings and public utility buildings and uses.~~
- ~~—Public parks and/or playgrounds, also privately owned playgrounds and recreational grounds or parks not operated as a business, in whole or in part, and to which no admission charge is made.~~
- ~~—Reception center and/or wedding chapel.~~
- ~~—School, public and privately owned.~~
- ~~—Small wind energy systems.~~
- ~~—Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work. If such buildings are not removed within ninety (90) days upon completion of construction and thirty (30) days after notice, the buildings will be removed by the City at the expense of the owner. (Ord. 2000-13, 12-12-2000; amd. Ord. 13-11, 5-14-2013)~~

10-5K-6: BUILDING LOT REQUIREMENTS:

All buildings must comply with the provisions of this section, except those exempted as provided in chapter 11 of this title.

- A. Lot width: No particular requirements, as approved by the Planning Commission.
- B. Lot area: No particular requirements, as approved by the Planning Commission. (Ord. 2000-13, 12-12-2000)

10-5K-7: LOCATION OF STRUCTURES:

Structures	Front Setback	Side Setback	Rear Setback
Main and accessory structures	10 feet	No requirement, except 20 feet minimum for sides fronting on a street	No requirement, except that 30 feet shall be provided where the lot line is coterminous with any residential zone boundary
Temporary structures	10 feet	10 feet	30 feet

(Ord. 2000-13, 12-12-2000)

10-5K-8: MAXIMUM STRUCTURE HEIGHT:

Main buildings and structures, two and one-half (2 1/2) stories or thirty five feet (35'). Temporary structures, one story. (Ord. 2000-13, 12-12-2000)

10-5K-9: OFF STREET PARKING AND LOADING:

Provisions of chapter 8 of this title shall apply and shall be in full force and effect in this zone, except in the case of a bona fide temporary use. (Ord. 2000-13, 12-12-2000)

10-5K-10: PERMITTED SIGNS AND LIGHTING 1 :

Class 6 shall be permitted. (Ord. 2000-13, 12-12-2000)

Notes

1. See also chapter 9 of this title.

10-5K-11: LANDSCAPING REQUIREMENTS:

A. General Landscaping: At least fifteen percent (15%) of the total site shall be thoroughly landscaped, including an irrigation system to maintain such landscaping. Landscaping shall meet the requirements of chapter 15 of this title. For use of exceptional design and materials, as determined by the Planning Commission, the landscaping may be reduced to ten percent (10%) of the total site.

B. Buffer Yard Landscaping: A buffer yard shall be required between the P-O Zone and all residential zones. Buffer yards shall meet the requirements of chapter 15 of this title.

C. Park Strip Landscaping: Park strip landscaping shall meet the requirements of chapter 15 of this title. (Ord. 18-05, 8-14-2018)

ARTICLE L. LIGHT INDUSTRIAL ZONE (L-I)

SECTION:

- 10-5L-1: Purpose
- 10-5L-2: Development Over One Acre
- 10-5L-3: Architectural Site Plan Review
- 10-5L-4: Permitted Uses
- 10-5L-5: Conditional Uses
- 10-5L-6: Landscaping Requirements
- 10-5L-7: Building Lot Requirements
- 10-5L-8: Location Of Structures
- 10-5L-9: Building Coverage Regulations
- 10-5L-10: Off Street Parking
- 10-5L-11: Permitted Signs And Lighting
- 10-5L-12: Performance Standards

10-5L-1: PURPOSE:

To provide a zone where some low impact industrial uses are appropriate and to provide a review procedure to ensure compatibility of uses internal to this zone and adjacent zones. (Ord. 08-03, 2-26-2008)

10-5L-2: DEVELOPMENT OVER ONE ACRE:

Light industrial development over one acre must follow the conditional use permit procedure pursuant to chapter 7 of this title. (Ord. 08-03, 2-26-2008)

10-5L-3: ARCHITECTURAL SITE PLAN REVIEW:

All proposed L-I development shall meet the requirements of chapter 12 of this title. (Ord. 08-03, 2-26-2008)

10-5L-4: PERMITTED USES:

Permitted uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title.

~~Accessory buildings and uses:~~

- ~~—Agriculture.~~
- ~~—Business and professional services.~~
- ~~—Commercial storage.~~
- ~~—Construction and contracting yards and buildings.~~
- ~~—Dwellings, single family, only when in the same structure as the business or commercial use and when occupied by the owner/operator or employee employed on the premises.~~
- ~~—Experimental research and testing laboratories.~~
- ~~—Manufacturing of food products, fabricated textile products, furniture, paper products, precision instruments, jewelry, machine products, wood products (except paper), ceramic products, electrical appliances, electronics, small tools and other light metal products and sporting and athletic goods.~~
- ~~—Mobile businesses.~~
- ~~—Printing, lithography and/or publishing shops.~~
- ~~—Public buildings and public utility buildings and uses.~~
- ~~—Recycling and collection center operated within an enclosed building.~~
- ~~—Repair services.~~
- ~~—Wholesale trade and warehousing. (Ord. 08-03, 2-26-2008; amd. Ord. 16-21, 9-13-2016)~~

10-5L-5: CONDITIONAL USES:

Conditional uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title. Conditions for approval shall be made in accordance with the provisions of chapter 7 of this title.

~~All permitted uses allowed in this article requiring more than one acre in site area:~~

- ~~—Dog kennels.~~
- ~~—Electronic communication facilities.~~
- ~~—Excavations of over two hundred (200) cubic yards, as allowed by section 10-6-2 of this title.~~
- ~~—Expansion of a legal preexisting nonconforming use to include the raising of farm animals for private use and the construction of barns and other outbuildings for that use.~~
- ~~—Recreational vehicle (travel trailer) parks.~~
- ~~—Small wind energy systems. (Ord. 08-03, 2-26-2008; amd. Ord. 13-11, 5-14-2013)~~

10-5L-6: LANDSCAPING REQUIREMENTS:

A. General Landscaping: At least fifteen percent (15%) of the total site shall be thoroughly landscaped, including an irrigation system adequate to maintain such landscaping. Landscaping shall meet the requirements of chapter 15 of this title.

B. Buffer Yard Landscaping: A buffer yard shall be required between the L-I Zone and all residential zones. Buffer yards shall meet the requirements of chapter 15 of this title.

C. Park Strip Landscaping: Park strip landscaping shall meet the requirements of chapter 15 of this title. (Ord. 18-05, 8-14-2018)

10-5L-7: BUILDING LOT REQUIREMENTS:

A. Lot width: No minimum requirement, as approved by the Planning Commission.

B. Lot area: No minimum requirement, as approved by the Planning Commission. (Ord. 08-03, 2-26-2008)

10-5L-8: LOCATION OF STRUCTURES:

No minimum requirements, except no commercial or industrial building or structure shall be located closer than twenty feet (20') to any street or the average of existing buildings where at least fifty percent (50%) of the frontage is developed. (Ord. 08-03, 2-26-2008)

10-5L-9: BUILDING COVERAGE REGULATIONS:

No building, structure or group of buildings, including accessory buildings, shall cover more than sixty percent (60%) of the area of the lot. (Ord. 08-03, 2-26-2008)

10-5L-10: OFF STREET PARKING:

Provisions of chapter 8 of this title shall apply and shall be in full force and effect in this zone, except in the case of a bona fide temporary use. (Ord. 08-03, 2-26-2008)

10-5L-11: PERMITTED SIGNS AND LIGHTING:

Class 4 signs shall be permitted. (Ord. 08-03, 2-26-2008)

10-5L-12: PERFORMANCE STANDARDS:

The following performance standards are intended to ensure that all industries will provide necessary modern control methods to protect the City from hazards and nuisances; to set objective quantitative standards for the maximum tolerated levels of frequently hazardous or annoying emissions; and to protect any industry from arbitrary exclusion or persecution based solely on the characteristics of that type of industry's past controlled operation.

A. Noise:

1. Level: No use shall emit or cause the emission of sound from a stationary source such that the one hour equivalent sound level (Leq) of resultant sound measurement at the lot line of the establishment or use exceeds by six (6) dB or more than one hour equivalent sound level (Leq) caused by ground transportation as estimated for that point of measurement and that time of day, pursuant to FHWA-RD-77-108 highway traffic noise prediction model, or by other techniques at least as accurate as those set out in FHWA-RD-77-108. The sound level measuring instrumentation shall conform with ANSI S1.4-1971 type 1, and the measurement procedure shall be compatible with that according to ANSI S1.13-1971, with the following adjustments:

a. Temporal And Tonal Characteristics Of Sound: If the sound has a pronounced audible tonal quality such as a whine, screech, buzz or hum, or if the sound has an audible cyclic variation in sound level such as beating or other amplitude modulation, five (5) dB shall be added to the measured sound level to allow for increased subjective response to the sound.

b. Quasi-Steady Impulsive Sound: Where the sound is of a repetitive impulse nature so that a steady reading is obtained using the "slow response" setting on the sound level meter, then ten (10) dB shall be added to the measured value to allow for the increased subjective response to the sound. An adjustment may be made under only one of subsection A1a of this section and this subsection A1b. In a case where both subsections apply, then this subsection A1b takes precedence.

2. Stationary Source: No use shall emit or cause to permit the emission of sound of an impulsive nature from a stationary source such that it results in an impulsive sound level at a point of measurement in excess of eighty (80) dB or in a one hour equivalent level (Leq) exceeding that one hour equivalent level (Leq) caused by ground transportation as estimated for that point of measurement and that time of day, pursuant to FHWA-RD-77-108 or equivalent method.

B. Vibration: No vibration (other than from transportation facilities or temporary construction work) shall be permitted which is discernable without instruments at the property line.

C. Odors: No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air to four (4) volumes of clean air (1:4) at the point of greatest concentration. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should fail.

D. Glare: No direct or sky reflected glare, whether from floodlights or from high temperature processes, such as combustion or welding or otherwise, shall be permitted to be visible at the property lines. This restriction shall not apply to signs or lighting of buildings or grounds for advertising or protection otherwise permitted by the provisions of this chapter.

E. Fire And Explosion Hazards: All activities involving and all storage of flammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fires is prohibited at any point.

F. Air Pollution: No particulate or gaseous pollutants shall be emitted into the air in violation of the Utah State Air Conservation Act, its amendments, or resulting regulations.

G. Liquid Or Solid Wastes: No discharges at any point into a public sewer, private sewage system or stream, or into the ground shall be allowed contrary to the Utah State Water Pollution Control Act, its amendments, the subsequent wastewater disposal regulations or the Utah Code of Solid Waste Disposal regulations. (Ord. 08-03, 2-26-2008)

ARTICLE M. COMMERCIAL RECREATION ZONE (C-R)

SECTION:

10-5M-1: Purpose

10-5M-2: Development Over One Acre

10-5M-3: Architectural Site Plan Review

10-5M-4: Permitted Uses

10-5M-5: Conditional Uses

10-5M-6: Landscaping Requirements

10-5M-7: Building Lot Requirements

10-5M-8: Location Of Structures

10-5M-9: Building Coverage Regulations

10-5M-10: Off Street Parking

10-5M-11: Permitted Signs And Lighting

10-5M-12: Performance Standards

10-5M-1: PURPOSE:

To provide a zone that will facilitate and encourage the establishment and growth of retail commercial areas that support the wide range of recreational/sporting opportunities in the region. This zone allows for retail sales and rental of recreational/sporting equipment and the conducting of recreational/sporting activities for profit. It is also intended to allow other land uses that support recreational/sporting retail facilities and uses. (Ord. 08-12, 9-9-2008)

10-5M-2: DEVELOPMENT OVER ONE ACRE:

Development over one acre must follow the conditional use permit procedure pursuant to chapter 7 of this title. (Ord. 08-12, 9-9-2008)

10-5M-3: ARCHITECTURAL SITE PLAN REVIEW:

All proposed C-R developments shall meet the requirements of chapter 12 of this title. (Ord. 08-12, 9-9-2008)

10-5M-4: PERMITTED USES:

Permitted uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title.

- ~~—Accessory buildings and uses.~~
- ~~—Agriculture.~~
- ~~—Child daycare facilities.~~
- ~~—Eating establishments and drive ins.~~
- ~~—Mobile businesses.~~
- ~~—Recreational and sporting activities.~~
- ~~—Recreational vehicle parks.~~
- ~~—Rental of recreational and sports equipment.~~
- ~~—Retail sales and general merchandise.~~
- ~~—Transient lodging. (Ord. 08-12, 9-9-2008; amd. Ord. 16-21, 9-13-2016)~~

10-5M-5: CONDITIONAL USES:

Conditional uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title. Conditions for approval shall be made in accordance with the provisions of chapter 7 of this title.

~~All permitted uses allowed in this article requiring more than one acre in site area:~~

- ~~—Electronic communication facilities.~~
- ~~—Gasoline and diesel service stations.~~
- ~~—Public and private utility buildings and uses.~~
- ~~—Public buildings and uses.~~
- ~~—Small wind energy systems.~~
- ~~—Temporary businesses not to exceed ninety (90) days in length. (Ord. 08-12, 9-9-2008; amd. Ord. 13-11, 5-14-2013)~~

10-5M-6: LANDSCAPING REQUIREMENTS:

A. General Landscaping: At least fifteen percent (15%) of the total site shall be thoroughly landscaped, including an irrigation system adequate to maintain such landscaping. Landscaping shall meet the requirements of chapter 15 of this title. For use of exceptional design and materials, as determined by the Planning Commission, the landscaping may be reduced to ten percent (10%) of the total site.

B. Buffer Yard Landscaping: A buffer yard shall be required between the C-R Zone and all residential zones, except where there are legal restrictions on the residential zoned property that prevent the construction of residences.

C. Park Strip Landscaping: Park strip landscaping shall meet the requirements of chapter 15 of this title. (Ord. 18-05, 8-14-2018)

10-5M-7: BUILDING LOT REQUIREMENTS:

- A. Lot width: No minimum requirement, as approved by the Planning Commission.
- B. Lot area: No minimum requirement, as approved by the Planning Commission. (Ord. 08-12, 9-9-2008)

10-5M-8: LOCATION OF STRUCTURES:

No minimum requirements, except no commercial building or structure shall be located closer than twenty feet (20') to any street or the average of existing buildings where at least fifty percent (50%) of the frontage is developed. (Ord. 08-12, 9-9-2008)

10-5M-9: BUILDING COVERAGE REGULATIONS:

No building, structure or group of buildings, including accessory buildings, shall cover more than sixty percent (60%) of the area of the lot. (Ord. 08-12, 9-9-2008)

10-5M-10: OFF STREET PARKING:

Provisions of chapter 8 of this title shall apply and shall be in full force and effect in this zone, except in the case of a bona fide temporary use. (Ord. 08-12, 9-9-2008)

10-5M-11: PERMITTED SIGNS AND LIGHTING:

Class 4 signs shall be permitted. (Ord. 08-12, 9-9-2008)

10-5M-12: PERFORMANCE STANDARDS:

The following performance standards are intended to ensure that all uses within the C-R Zone will provide the necessary control methods to protect the City from hazards and nuisances:

A. General: No land or building devoted to uses authorized in this article shall be used or occupied in any manner so as to create dangerous, injurious, noxious or otherwise objectionable hazards, noise, odor, smoke, heat, glare or other disturbance. The determination of the existence of these elements shall be made at the lot line in the case of elements that are objectionable only if they travel off the site.

B. Sound Emission: No use shall emit or cause the emission of sound from a stationary source such that the one hour equivalent sound level (Leq) caused by ground transportation as estimated for that point of measurement and at that time of day is exceeded, pursuant to FHWA-RD-77-108 highway traffic noise prediction model, or by other techniques at least as accurate. The sound level measuring instrumentation shall conform with ANSI S1.4-1971 type 1, and the measurement procedure shall be compatible with that, according to ANSI S1.13-1971.

C. Odorous Gases: No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be readily detectable at the property line. (Ord. 08-12, 9-9-2008)

ARTICLE N. COMMERCIAL OVERLAY ZONE (C-O)

(Rep. by. Ord. 19-15, 9-24-2019)

ARTICLE O. BUSINESS COMMERCE ZONE (B-C)

SECTION:

- 10-50-1: Purpose
- 10-50-2: Development Over One Acre
- 10-50-3: Architectural Site Plan Review
- 10-50-4: Permitted Uses
- 10-50-5: Conditional Uses
- 10-50-6: Landscaping Requirements
- 10-50-7: Building Lot Requirements
- 10-50-8: Location Of Structures
- 10-50-9: Hillside Development
- 10-50-10: Building Coverage Regulations
- 10-50-11: Off Street Parking
- 10-50-12: Permitted Signs And Lighting
- 10-50-13: Performance Standards

10-50-1: PURPOSE:

To provide a zone that will act as a buffer between residential uses and higher commercial or industrial uses. A zone in which job creation and business commerce can be combined. All uses within this zone shall be reviewed in order to ensure compatibility with surrounding uses and to preserve hill sight views and maximize safety in developing the upper bench area of South Weber City. (Ord. 11-04, 3-8-2011)

10-50-2: DEVELOPMENT OVER ONE ACRE:

Business commerce development over one acre must follow the conditional use permit procedure pursuant to chapter 7 of this title. (Ord. 11-04, 3-8-2011)

10-50-3: ARCHITECTURAL SITE PLAN REVIEW:

All proposed B-C development shall meet the requirements of chapter 12 of this title. (Ord. 11-04, 3-8-2011)

10-50-4: PERMITTED USES:

Permitted uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title.

- ~~—Accessory buildings and uses.~~
- ~~—Agriculture.~~
- ~~—Business and professional services.~~
- ~~—Commercial services such as retail and grocery stores.~~
- ~~—Experimental research and testing laboratories.~~
- ~~—Manufacturing: food products, fabricated textile products, furniture, paper products, precision instruments, jewelry, machine products, wood products (except paper), ceramic products, electrical appliances, electronics, small tools and other light metal products and sporting and athletic goods.~~
- ~~—Mobile businesses.~~
- ~~—Printing, lithography and/or publishing shops.~~
- ~~—Public buildings and public utility buildings and uses.~~
- ~~—Recycling and collection center operated within an enclosed building.~~
- ~~—Restaurants.~~

~~—Wholesale trade and warehousing. (Ord. 11-04, 3-8-2011; amd. Ord. 16-21, 9-13-2016)~~

10-50-5: CONDITIONAL USES:

Conditional uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title. Conditions for approval shall be made in accordance with the provisions of chapter 7 of this title.

~~All permitted uses allowed in this article requiring more than one acre in site area.~~

~~—Dog kennels.~~

~~—Electronic communication facilities.~~

~~—Expansion of a legal preexisting nonconforming use to include the raising of farm animals for private use and the construction of barns and other outbuildings for that use.~~

~~—Small wind energy systems. (Ord. 11-04, 3-8-2011; amd. Ord. 13-11, 5-14-2013)~~

10-50-6: LANDSCAPING REQUIREMENTS:

A. General Landscaping: At least fifteen percent (15%) of the total site shall be thoroughly landscaped, including an irrigation system adequate to maintain such landscaping. Landscaping shall meet the requirements of chapter 15 of this title. For use of exceptional design and materials, as determined by the Planning Commission, the landscaping may be reduced to ten percent (10%) of the total site.

B. Buffer Yard Landscaping: A buffer yard shall be required between the B-C Zone and all residential zones. Buffer yards shall meet the requirements of chapter 15 of this title.

C. Park Strip Landscaping: Park strip landscaping shall meet the requirements of chapter 15 of this title. (Ord. 18-05, 8-14-2018)

10-50-7: BUILDING LOT REQUIREMENTS:

A. Lot width: No minimum requirement, as approved by the Planning Commission.

B. Lot area: No minimum requirement, as approved by the Planning Commission. (Ord. 11-04, 3-8-2011)

10-50-8: LOCATION OF STRUCTURES:

No minimum requirements, except no commercial or industrial building or structure shall be located closer than twenty feet (20') to any street or the average of existing buildings where at least fifty percent (50%) of the frontage is developed. (Ord. 11-04, 3-8-2011)

10-50-9: HILLSIDE DEVELOPMENT:

A. Slope Distance: No development is allowed on or within fifty feet (50') (map distance) of very steep slopes, areas subject to landsliding, and other high hazard geologic areas. As used herein, an area of very steep slopes must cover a topographic area at least twenty five feet (25') vertically (upslope or downslope) and fifty feet (50') horizontally in any direction to be subject to this prohibition.

B. Visually Sensitive Areas: Generally, development may not be placed on any hillside or ridge top in a manner that causes significant portions of a structure to extend into the skyline as viewed from public roadways when the roadway is located below the ground elevation of the structure. Visually sensitive areas shall be determined at the time of a development application.

C. Hillside Development: Development shall minimize the highly visible placement of homes and other structures on hillsides. Whenever possible, development shall be sensitively sited in order to encourage effective open space and the conservation of the natural appearance and aesthetic beauty of the mountains. When hillside development is permitted, it shall be integrated into the site, using topography, vegetation and other reasonable techniques, in a manner that causes it to blend into the hillside. Development near the toe of the hill, including the transitional area between the hillside and flat meadow areas, is appropriate. (Ord. 11-04, 3-8-2011)

10-50-10: BUILDING COVERAGE REGULATIONS:

No building, structure or group of buildings, including accessory buildings, shall cover more than sixty percent (60%) of the area of the lot. (Ord. 11-04, 3-8-2011)

10-50-11: OFF STREET PARKING:

Provisions of chapter 8 of this title shall apply and shall be in full force and effect in this zone, except in the case of a bona fide temporary use. (Ord. 11-04, 3-8-2011)

10-50-12: PERMITTED SIGNS AND LIGHTING:

Class 4 signs shall be permitted. (Ord. 11-04, 3-8-2011)

10-50-13: PERFORMANCE STANDARDS:

The following performance standards are intended to ensure that all uses within the B-C Zone will provide the necessary control methods to protect the City from hazards and nuisances:

A. General: No land or building devoted to uses authorized in this article shall be used or occupied in any manner so as to create dangerous, injurious, noxious or otherwise objectionable hazards, noise, odor, smoke, heat, glare or other disturbance. The determination of the existence of these elements shall be made at the lot line in the case of elements that are objectionable only if they travel off the site.

B. Sound Emission: No use shall emit or cause the emission of sound from a stationary source such that the one hour equivalent sound level (Leq) caused by ground transportation as estimated for that point of measurement and at that time of day, pursuant to FHWA-RD-77-108 highway traffic noise prediction model, or by other techniques at least as accurate. The sound level measuring instrumentation shall conform with ANSI S1.4-1971 type 1, and the measurement procedure shall be compatible with that, according to ANSI S1.13-1971.

C. Odorous Gases: No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be readily detectable at the property line.

D. Hillside Impacts: No land use or building devoted to uses in this article shall be positioned in any manner as to create an unsafe or unstable hillside environment. Uses shall be pulled back from the top of the hillside in a manner to limit visual impacts along the top of the bluff.

E. Design Guidelines: Commercial development shall be consistent with South Weber City Business Commerce Zone design guidelines. (Ord. 11-04, 3-8-2011)

ARTICLE P. RESIDENTIAL PATIO (R-P)

SECTION:

- 10-5P-1: Purpose
- 10-5P-2: Permitted Uses
- 10-5P-3: Conditional Uses
- 10-5P-4: Building Lot Requirements
- 10-5P-5: Location Of Structures
- 10-5P-6: Maximum Structure Height
- 10-5P-7: Off Street Parking And Loading

- 10-5P-8: Permitted Signs
- 10-5P-9: Special Conditions
- 10-5P-10: Landscaping Requirements

10-5P-1: PURPOSE:

To provide for areas in appropriate locations where residential neighborhoods of moderately high density may be established, maintained and protected. The regulations of this zone are designed to promote an intensively developed residential environment in a one building per lot design suitable primarily for adult living. (Ord. 14-02, 8-12-2014)

10-5P-2: PERMITTED USES:

Permitted uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title.

- ~~—Accessory uses and buildings.~~
- ~~—Agriculture.~~
- ~~—Dwellings, single family.~~
- ~~—Home occupations, except preschools and daycare.~~
- ~~—Pets, the keeping of household pets. (Ord. 17-16, 11-21-2017)~~

10-5P-3: CONDITIONAL USES:

Conditional uses shall be in accordance with Chapter 1, Section 10-A of this title and shall have meanings as defined in accordance with Chapter 1, Section 10 of this title. Conditions for approval shall be made in accordance with the provisions of chapter 7 of this title.

~~Conditions for approval shall be determined by the Planning Commission or as otherwise provided in chapter 7 of this title.~~

- ~~—Church (temporary churches held in open areas, tents or in temporary structures excluded).~~
- ~~—Daycare centers and preschools, whether held within residence or in a separate facility.~~
- ~~—Excavations of over two hundred (200) cubic yards, as allowed by section 10-6-2 of this title.~~
- ~~—Golf courses, public or privately owned, whether or not operated as a business.~~
- ~~—Group homes.~~
- ~~—Public buildings and public utility buildings and uses.~~
- ~~—Public parks and/or playground. Also, privately owned playgrounds and recreational grounds or parks not operated as a business in whole or in part to which no admission charge is made.~~
- ~~—Schools, public or privately owned.~~
- ~~—Temporary businesses only in public parks, church properties or other public properties as approved by the Planning Commission and not to exceed ninety (90) days in length. (Ord. 17-16, 11-21-2017)~~

10-5P-4: BUILDING LOT REQUIREMENTS:

- A. Density: There shall be no more than 4.0 dwelling units per acre contained within the boundaries of each phase of every development; except when previously completed phases of the same development have sufficiently low density so that the average is still no more than 4.0 dwelling units per acre.
- B. Lot Area: There shall be a minimum of six thousand (6,000) square feet in each lot on which a single-family dwelling is located. Single-family dwellings shall each be located on a separate lot.
- C. Lot Width: Each lot shall have a minimum width of sixty five feet (65'). (Ord. 17-16, 11-21-2017)

10-5P-5: LOCATION OF STRUCTURES:

All buildings and structures shall be locate as provided in chapter 11 of this title and as follows:

Structures	Front Setback	Side Setback	Rear Setback
Dwellings	20 feet from all front lines	6 feet minimum for each side, except 20 feet minimum for side fronting on a street	10 feet
Other main buildings	30 feet from all front lot lines	20 feet minimum for each side	30 feet
Detached accessory buildings and garages	20 feet from all front lot lines	Same as for dwellings, except when the structure is at least 10 feet behind the main building or 10 feet behind a line extending from the rear corners of the main building to the side lot lines parallel to the rear lot line(s); the side and rear setbacks may be reduced to 1 foot; provided, that the structure must be at least 20 feet from main buildings on adjacent lots; and on corner lots the minimum setback for a side facing a street is 20 feet and minimum rear setback adjacent to a side lot line is 10 feet	

(Ord. 14-02, 8-12-2014)

10-5P-6: MAXIMUM STRUCTURE HEIGHT:

Main, accessory and temporary buildings and structures are not to exceed twenty five feet (25'). (Ord. 17-16, 11-21-2017)

10-5P-7: OFF STREET PARKING AND LOADING:

The provisions of chapter 8 of this title shall apply and shall be in full force and effect in this zone, except in the case of a bona fide temporary use. (Ord. 17-16, 11-21-2017)

10-5P-8: PERMITTED SIGNS:

Class 1 signs shall be permitted. For home occupations, Class 2 signs will be allowed in addition to Class 1 signs. For public and institutional uses as allowed by conditional use permit, Class 3 signs will be allowed in addition to Class 1 signs. (Ord. 14-02, 8-12-2014)

10-5P-9: SPECIAL CONDITIONS:

Due to the higher residential densities permitted by this article, the following conditions are required in order to assure a quality livable environment:

- A. Minimum And Maximum Area: The minimum area that may be zoned R-P shall be two (2) acres and the maximum area which may be zoned R-P in any zone district shall be ten (10) acres. (Ord. 17-16, 11-21-2017)

10-5P-10: LANDSCAPING REQUIREMENTS:

- A. General Landscaping: At least fifteen percent (15%) of the total site shall be thoroughly landscaped, including an irrigation system to maintain such landscaping. Landscaping shall meet the requirements of chapter 15 of this title. For use of exceptional design and materials, as determined by the Planning Commission, the landscaping may be reduced to ten percent (10%) of the total site.

B. Screening Fence: A fence of at least six feet (6') in height and that provides a visual screen shall be provided between the R-P Zone and all lower density residential zones. (Ord. 17-16, 11-21-2017)

ORDINANCE 2021-06

AN ORDINANCE OF THE SOUTH WEBER CITY COUNCIL AMENDING PROVISIONS OF TITLE 10, CHAPTER 5 OF THE CITY CODE TO CONSOLIDATE LAND USES IN SOUTH WEBER CITY.

WHEREAS, the South Weber City Council adopted the General Plan in 2020; and

WHEREAS, after adoption of the General Plan, the City determined that it would be necessary and proper to review and amend various land uses throughout the City; and

WHEREAS, the City Council is authorized by State statute and municipal ordinances to make such amendments; and

WHEREAS, in order to consolidate the land uses, it is necessary to remove the land use classifications from their present location in City Code; and

WHEREAS, the South Weber City Planning Commission has made a favorable recommendation to the City Council that the location of land uses be consolidated and Title 10, Chapter 5 be amended accordingly.

NOW, THEREFORE, BE IT ORDAINED by the City Council of South Weber City, Utah, as follows:

Section 1. Amendment. The attached Exhibit A, is hereby adopted and incorporated as the amended Title 10, Chapter 5 of the South Weber City Code.

Section 2. Severability. If any section, part, or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance; and all sections, parts, and provisions of this Ordinance shall be severable.

Section 3. Effective Date. In accordance with Utah Code Ann. § 10-3-701 et seq. and Title 1, Chapter 2, Section 5 of South Weber City Code, this Ordinance shall take effect immediately upon adoption and recordation.

PASSED AND ADOPTED by the City Council of South Weber, Davis County, on the 25th day of May 2021.

MAYOR: Jo Sjoblom

ATTEST: City Recorder, Lisa Smith

Roll call vote is as follows:		
Council Member Winsor	FOR	AGAINST
Council Member Petty	FOR	AGAINST
Council Member Soderquist	FOR	AGAINST
Council Member Alberts	FOR	AGAINST
Council Member Halverson	FOR	AGAINST

ORDINANCE 2021-07

AN ORDINANCE OF THE SOUTH WEBER CITY COUNCIL REPEALING THE AGRICULTURAL-AIRCRAFT HAZARD (A-10) ZONE

WHEREAS, the South Weber City Council adopted the General Plan in 2020; and

WHEREAS, after adoption of the General Plan, the City determined that it would be necessary and proper to review and amend various land uses throughout the City; and

WHEREAS, the City Council is authorized by State statute and municipal ordinances to make such amendments; and

WHEREAS, upon review of the current and projected land uses in South Weber City, it was determined that there is no longer provisions for the Agricultural-Aircraft Hazard Zone (A-10); and

WHEREAS, the Planning Commission has made a recommendation that the Agricultural-Aircraft Hazard Zone (A-10) be repealed from the South Weber City Code.

NOW, THEREFORE, BE IT ORDAINED by the City Council of South Weber City, Utah, as follows:

Section 1. Amendment. The Agricultural-Aircraft Hazard (A-10) zone is hereby repealed from the South Weber City Code.

Section 2. Severability. If any section, part, or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance; and all sections, parts, and provisions of this Ordinance shall be severable.

Section 3. Effective Date. In accordance with Utah Code Ann. § 10-3-701 et seq. and Title 1, Chapter 2, Section 5 of South Weber City Code, this Ordinance shall take effect immediately upon adoption and recordation.

PASSED AND ADOPTED by the City Council of South Weber, Davis County, on the 25th day of May 2021.


MAYOR: Jo Sjoblom

ATTEST: City Recorder, Lisa Smith

Roll call vote is as follows:		
Council Member Winsor	FOR	AGAINST
Council Member Petty	FOR	AGAINST
Council Member Soderquist	FOR	AGAINST
Council Member Alberts	FOR	AGAINST
Council Member Halverson	FOR	AGAINST

MEMORANDUM

TO: South Weber City Mayor and City Council

FROM: Brandon K. Jones, P.E.
South Weber City Engineer 

CC: David Larson – South Weber City Manager
Mark Larsen – South Weber City Public Works Director

RE: CANYON MEADOWS PARK (WEST) PHASE 1 – CONSTRUCTION
Recommendation of Award

Date: May 14, 2021

BACKGROUND

In December 2020, the City Council approved moving forward with Phase 1 of the overall master plan for the Canyon Meadows Park (West). The Parks Committee recommended using the Construction Manager / General Contractor (CM/GC) process to have the most flexibility while completing the design with the input of the selected contractor and stay under budget. In March 2021, the City Council awarded Hogan & Associates Construction the contract for CM/GC pre-construction design services.

The Parks Committee has met several times to discuss the desired improvements in the park, estimated costs, and options to reduce expenses. A few minor modifications to the design have been made. The design has been finalized and provided to Hogan Construction for use in getting quotes from suppliers and subcontractors. The Parks Committee met today to review Hogan’s Guaranteed Maximum Price (GMP), which is [REDACTED]. This price includes the following: [REDACTED].

It is important to point out that the additional 4 pickleball courts are being funded entirely from donations (cash and material).

AWARD RECOMMENDATION

We have reviewed in detail all the costs from Hogan Construction that make up their GMP. We find them to be in compliance with the contract and generally accepted pricing. We therefore recommend awarding the construction contract to: **Hogan & Associates Construction, Inc.** in the amount of \$ [REDACTED].

If the Council agrees with this recommendation, please pass a motion awarding the contract for Construction Services to **Hogan & Associates Construction, Inc.**, with a GMP of \$ [REDACTED]. The project must be completed by [REDACTED].

RESOLUTION 21-30

A RESOLUTION OF THE SOUTH WEBER CITY COUNCIL AWARDING CANYON MEADOWS WEST PHASE 1 CONSTRUCTION PROJECT

WHEREAS, the Parks and Recreation Committee placed Canyon Meadows West phase 1 as a priority for completion and Council approved that plan in December 2020; and

WHEREAS, on March 23, 2021 Hogan & Associates Construction was awarded the contract for Construction Manager/General Contractor to aid in the design; and

WHEREAS, through several meetings between the Parks Committee and Hogan Construction the design was modified to reduce expenses and has now been finalized; and

WHEREAS, private donations have been donated for an additional four pickleball courts; and

WHEREAS, Hogan Construction provided a Guaranteed Maximum Price (GMP) of \$ which includes the following:

WHEREAS, The Parks Committee reviewed Hogan’s bid and recommends awarding the construction contract to Hogan and Associates Construction Inc in the amount of \$;

NOW THEREFORE BE IT RESOLVED by the Council of South Weber City, Davis County, State of Utah, as follows:

Section 1. Award: The Canyon Meadows West Phase 1 Construction Project Contract is hereby awarded to Hogan and Associates Construction Inc in the amount of \$

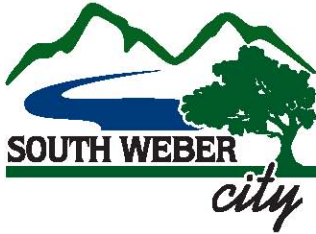
Section 2: Repealer Clause: All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

PASSED AND ADOPTED by the City Council of South Weber, Davis County, on the 25th day of May 2021.

Roll call vote is as follows:		
Council Member Winsor	FOR	AGAINST
Council Member Petty	FOR	AGAINST
Council Member Soderquist	FOR	AGAINST
Council Member Alberts	FOR	AGAINST
Council Member Halverson	FOR	AGAINST

Jo Sjoblom, Mayor

Attest: Lisa Smith, Recorder



Agenda Item Introduction

Council Meeting Date: May 25, 2021

Name: Mark McRae, Finance Director

Agenda Item: Master Lease Agreement

Background: The city's Vehicle Replacement Policy was approved on March 23, 2021. Included in the policy is the leasing of city vehicles and equipment. Presented for your approval is a master lease agreement for the leasing of vehicles and equipment. Bancorp Bank is on the list of State of Utah's Statewide Best-Value Cooperative Contracts. All equipment purchased by Bancorp through this lease agreement will also be done through State approved cooperative contracts. This assures the city will get the lowest lease costs possible.

Summary: Staff analysis and contact with other municipalities has demonstrated that leasing of certain vehicles and equipment provides the city the lowest long-term cost and best overall value for equipment replacement.

Budget Amendment: Included in 2021-2022 budget

Procurement Officer Review:

Committee Recommendation: NA

Planning Commission Recommendation: NA

Staff Recommendation: Approval

Attachments: Resolution 21-31
Master Lease Agreement

RESOLUTION 21-31

**A RESOLUTION OF THE SOUTH WEBER CITY COUNCIL
APPROVING A MASTER LEASE AGREEMENT**

WHEREAS, Council approved a Vehicle Replacement Policy on March 23, 2021 which includes the possibility of leasing vehicles and equipment; and

WHEREAS, leasing often provides a better value than purchasing; and

WHEREAS, Bancorp Bank provides a Master Lease Agreement which covers both vehicles and equipment; and

WHEREAS, Bancorp is on the Utah Statewide Best-Value Cooperative Contract list assuring the City will get the lowest lease costs possible; and

WHEREAS, with the aim of fiscal responsibility, South Weber City Council desires to have the option of leasing available for those times when it is the best option;

NOW THEREFORE BE IT RESOLVED by the Council of South Weber City, Davis County, State of Utah, as follows:

Section 1. Approval: The Master Lease Agreement with The Bancorp Bank is hereby approved as attached in Exhibit 1.

Section 2: Repealer Clause: All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

PASSED AND ADOPTED by the City Council of South Weber, Davis County, on the 25th day of May 2021.

Roll call vote is as follows:		
Council Member Winsor	FOR	AGAINST
Council Member Petty	FOR	AGAINST
Council Member Soderquist	FOR	AGAINST
Council Member Alberts	FOR	AGAINST
Council Member Halverson	FOR	AGAINST

Jo Sjoblom, Mayor

Attest: Lisa Smith, Recorder

EXHIBIT 1
MASTER LEASE AGREEMENT
MUNICIPAL



**MASTER LEASE AGREEMENT
MUNICIPAL**

The Bancorp Bank ("Lessor") with offices at 917 West 600 North Ste 103 Logan Utah and the undersigned

South Weber City ("Lessee")

with offices at 1600 East South Weber Drive South Weber City, UT 84405 hereby agree as follows:

1. **Use of Lease.** Lessee may finance Lessee's acquisition of vehicles (with all accessories, individually a "vehicle" and collectively "vehicles") under this lease. When Lessee wishes a vehicle to be covered hereby, Lessee will advise Lessor and upon agreement as to the terms the vehicle will be ordered and delivered in accordance with Lessor's usual procedures. Lessee will accept a vehicle on delivery. Lessor will deliver to Lessee a Schedule reflecting the agreed terms, which Lessee will sign promptly and return to Lessor.
2. **Lease Intended for Security.** This lease is a "lease intended for security". Accordingly, Lessee grants Lessor a security interest in each vehicle, which will secure Lessee's obligations to Lessor hereunder and under any other agreement in favor of Lessor. Lessee shall insure that Lessee has vehicle ownership and that Lessor's lien is the sole lien against a vehicle, other than the lien for property and similar taxes not yet due. As between the parties, Lessee takes the vehicles, AS-IS AND WITH ALL FAULTS. Lessee acknowledges that Lessee's obligations hereunder will not be released or otherwise affected if Lessee has any problems with any vehicle or for any other reason.
3. **Payments.** The monthly payment shall be due on the tenth day of the month following delivery of the vehicle(s). Subsequent lease payments will be due on the (10th) of each succeeding month up to and including the month during which the term expires for the vehicle, Lessee surrenders the vehicle to Lessor pursuant to the Termination Settlement paragraph or the Settlement Value thereof becomes due in accordance with the Loss or Destruction or Remedies paragraph, whether or not Lessor has rendered an invoice for any such payment. Any other amounts due hereunder will be payable upon demand. Upon payment of all amounts due under this lease as to a vehicle and the curing of any then defaults, Lessor will release Lessor's lien in the vehicle. Lessee will pay a late charge of \$25 if any amount is not paid within 10 days of the due date and interest at 1.5% per month from the due date until paid on all amounts past due.
4. **Tax Consideration.** This lease is intended to provide Lessor (or its consolidating entity) (a) tax free interest as provided by the Internal Revenue Code of 1986, as amended ("the Code") without any loss of deductibility of carrying costs and (b) similar tax exempt and deductibility treatment to the extent so provided under the laws of the State of Utah, (the "State").
5. **Left blank intentionally.**
6. **Non-Appropriation.** If no funds or insufficient funds are appropriated in any fiscal year for lease amounts due as to any vehicle and under law Lessee has a right to terminate this lease as to the related vehicle because of such non-appropriation, Lessee shall immediately notify Lessor of such occurrence, and this lease shall terminate as to such vehicle on the last day of the fiscal period for which appropriations were received, without penalty or expense to Lessee except as to related amounts herein for which funds shall have been appropriated and budgeted or are otherwise available and past due amounts and damages because of Lessee's default hereunder. Upon such termination, Lessee shall peaceably surrender possession of the vehicle to Lessor at a location contemplated in the Termination Settlement paragraph. Lessor shall have all legal and equitable rights and remedies to take possession of the vehicle. Lessee agrees (a) that it will not cancel this lease if any funds are appropriated to it, or by it, for the acquisition, retention, or operation of another vehicle performing functions similar to the vehicle for the fiscal period in which such termination occurs or the next succeeding fiscal period thereafter and (b) that Lessee shall not give priority in the application of funds to any other functionally similar property.
7. **Titling; Registration.** Except as Lessor may title or register a vehicle, each vehicle will be titled and/or registered by Lessee as Lessor's agent and attorney-in-fact with full power and authority to register (but without power to affect title to) the vehicle in such manner and in such jurisdiction or jurisdictions as Lessor directs. Lessee will promptly notify Lessor of any necessary or advisable re-titling and/or re-registration of a vehicle in a jurisdiction other than the one in which such vehicle is then titled and/or registered. Lessee will use reasonable efforts to cause any and all documents of title will be furnished or caused to be furnished Lessor by Lessee within sixty (60) days of the date any titling or registering or re-titling or re-registering, as appropriate, is directed by Lessor.
8. **Other Duties Regarding Vehicles.** Lessee will file all returns and pay all taxes related to each vehicle or this lease. Lessee will use a vehicle in accordance with all laws and manufacturer's and insurance company instructions. Each vehicle will be permanently garaged, and not removed from that state for more than thirty (30) days or the United States, at the vehicle location set forth in the applicable Schedule A, unless Lessor consents to Lessee's movement of the vehicle. Lessee will maintain each vehicle in good condition and repair, pay all costs of operation and not make any detrimental additions or modifications. Lessee will allow Lessor to inspect any vehicle and Lessee's related records upon reasonable prior notice.

9. **Assignment.** Lessee will not sell, transfer, lend, lease or grant a further lien in any vehicle. Lessor may assign Lessor's rights hereunder, and if Lessee receives notice of an assignment, Lessee will pay any assigned amounts as directed in the notice. **ANY ASSIGNEE'S RIGHTS WILL BE FREE OF ANY CLAIMS LESSEE MAY HAVE AGAINST LESSOR.**
10. **Loss or Destruction.** Lessee will notify Lessor of any significant damage to or the loss or destruction of vehicle. If Lessor determines the vehicle is repairable or may be replaced, Lessee will promptly repair or replace the vehicle. Otherwise Lessee will pay Lessor the sum (the "Settlement Value") of (a) all amounts then owed by Lessee to Lessor, (b) the amortized depreciated value of the original value of the vehicle set forth in the Schedule and (c) sum of two (2) rent payments. Upon such payment, Lessee's payment obligations as to the vehicle will be satisfied.
11. **Insurance; Indemnity.** Lessee will maintain physical damage insurance on the Vehicles. Lessee shall also provide liability insurance of at least \$500,000 single limit. The insurance must be primary, list Lessor as loss payee and, if relevant, an additional insured, provide Lessor at least 10 days' notice of change or cancellation and be issued by an insurance company acceptable to Lessor. Lessee will provide Lessor such evidence of this coverage as Lessor may request. Lessee can self-insure for physical damage coverage and liability up to the state limit. Lessee also agrees to indemnify, defend and hold Lessor harmless against all claims, suits, losses, damages and expenses, including attorney's fees and court costs, incurred by or asserted against Lessor arising out of the Vehicles or this lease. This indemnity includes strict and vicarious liability.
12. **Termination Settlement.** If the term of the lease exceeds twelve (12) months, at any time after twelve (12) months from delivery of a vehicle Lessee, upon not less than ten (10) days prior notice to Lessor and provided the lease is not in default, may surrender the vehicle to Lessor at Lessor's office address shown above or at a location mutually agreed upon by the parties for sale by Lessor as more fully set forth above. Lessee will so surrender the vehicle at such location for such sale at lease expiration. Following such surrender Lessor will sell the vehicle through Lessor's standard wholesale sales procedure for the highest bona fide bid received and open at time of sale, provided that Lessor may choose alternatively to retain the vehicle. Lessor may move the vehicle from the location where surrendered to any other location, including to Lessor's office location shown above where the vehicle is returned to another location, Lessor deems advisable and/or clean and repair the vehicle in connection with such sale in Lessor's sole discretion. If the amount received by Lessor on account of such sale or the highest bona fide bid received and open at time of crediting where the vehicle is retained, as appropriate, net in either instance of a handling charge of \$150.00 and Lessor's cost of sale, including sales commissions and costs of cleaning, repairing or transporting the vehicle, is greater than the vehicle's then Settlement Value, Lessee will have no settlement obligation to Lessor as to the vehicle and the excess will be returned to Lessee after application to any amounts then owed by Lessee to Lessor; if less, Lessee will pay Lessor the difference. Alternatively, if the lease is not in default, Lessee may pay the Settlement Value and retain the vehicle free of Lessor's lien.
13. **Default.** If (a) Lessee fails to make any payment due hereunder within 10 days of the due date, (b) Lessee breaches any of its other obligations hereunder or under any other agreement under which Lessee has obligations to Lessor, (c) any warranty or representation made by Lessee to Lessor is materially incorrect or misleading when made, (d) there is a cessation of Lessee's governmental functions, or (e) insolvency proceedings are instituted by or against Lessee, this lease will be in default.
14. **Remedies.** If a default occurs, Lessor may (a) declare the Settlement Value due as to any or all vehicles, (b) exercise all rights of a secured creditor under the Uniform Commercial Code, (c) perform any obligation Lessee has failed to perform, in which case Lessee will reimburse Lessor's related costs and expenses, and (d) exercise any other rights available to Lessor under law or equity. Lessee will pay Lessor all costs and expenses, including repossession and court costs and attorneys' fees, Lessor expends in enforcing its rights. All remedies are cumulative and may be exercised separately or together from time to time. No waiver by Lessor of any default or remedy will be binding unless acknowledged by Lessor in writing.
15. **Lessee's Representations.** Lessee represents that this lease has been duly authorized, executed and delivered by Lessee and constitutes Lessee's valid and binding obligation enforceable in accordance with its terms. Lessee also represents that this lease does not violate Lessee's charter documents, any agreement by which Lessee is bound or any law or obligation binding on Lessee and that Lessor's lien rights are governed by the Uniform Commercial Code.
16. **Notices.** Any notices relating to this lease must be in writing and will be effective when deposited in the United States Mail with proper first class postage paid, addressed to the appropriate party at the respective address indicated above or at such other address of which the party has provided the other notice as contemplated in this paragraph.
17. **General Provisions.** Any security deposit set forth in a Schedule A will be held by Lessor without interest and may be applied by Lessor to any of Lessee's past due obligations hereunder. Any balance remaining will be returned to Lessee upon payment of all amounts due under this lease as to the relevant vehicle and the curing of any then defaults. Lessee will provide Lessor any further documents and information Lessor may request in connection with this lease. This lease binds the parties and their successors and assigns and constitutes the entire agreement between the parties respecting the vehicles. Any amendment must be in writing signed by the party to be bound. Any unenforceable provision shall be deemed deleted without affecting the remainder of the lease. This lease will be governed by Utah law. Paragraph headings are for convenience only. Time is of the essence of this lease. **The parties waive any right to a jury trial in any related action. Any waiver must be in writing.**

18. **Bank-Qualified Tax Designation.** **Initial box if this paragraph applies.** Lessee certifies that Lessee and any subordinate entities does not expect to, and will not issue more than \$10,000,000 of obligations the interest on which is excludable from the gross income of the holder thereof for federal income tax purposes during any calendar year in which a vehicle is accepted under this lease. Lessee will designate the obligations undertaken pursuant to this lease with respect to all vehicles covered hereby as "qualified tax exempt obligations" within the meaning of §265 (b)(3)(D) of the Code. Lessee agrees to take all actions required of Lessee for Lessor to have, and not to take any action which would preclude Lessee from having, available such treatment, including, without limitation, filing of an IRS Form 8038-G. If Lessor (a) loses the right to claim, does not have or does not claim (based upon the advice of the Lessor's tax counsel) such exclusion of interest or deductibility or (b) if there is disallowed, deferred or recaptured, in whole or in part, any such tax free interest or deductibility for any reason (unless due solely to Lessor's failure to claim the tax free interest or deductibility on a timely basis in the absence of such advice) or (c) there is after the date hereof any change in federal, state, local or foreign tax law or tax rates which Lessor calculates has the direct effect of reducing Lessor's net after tax return respecting this lease (any of the foregoing constituting a "Loss"), then Lessee shall pay to Lessor, on demand, an after tax amount which after payment of all taxes, interest and penalties required to be paid by Lessor, restores Lessor to the same net after tax position Lessor would have enjoyed had such Loss not occurred. Upon Lessor's being notified by any tax authority of a potential Loss, Lessor will notify Lessee promptly thereof. Lessor agrees to exercise in good faith Lessor's best efforts, as determined in the sole discretion of Lessor's tax counsel to be reasonable for Lessor, to avoid Lessee's payment of such additional amounts; provided that Lessor has sole discretion as to proceeding beyond the level of an auditing agent; and Lessor shall not take any action unless Lessee shall indemnify Lessor in advance for all costs and expenses to be incurred, including accountants' and attorneys' fees.

By signing below, Lessor and Lessee agree the terms of this lease will govern Lessor's financing of Lessee's acquisition of the vehicles.

Dated: 05/07/2021

<p>LESSEE South Weber City</p> <p>ADDRESS 1600 East So. Weber Drive So Weber UT 84405</p> <p>Signature _____</p> <p>Title _____</p> <p>Signature _____</p> <p>Title _____</p> <p>Signature _____</p> <p>Title _____</p>	<p>Signature _____</p> <p>Title _____</p> <p>Signature _____</p> <p>Title _____</p> <hr/> <p>LESSOR The Bancorp Bank</p> <p>Signature _____</p> <p>Title _____</p>
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