



ORDINANCE

NUMBER 16-271

AN ORDINANCE AMENDING TITLE 12 OF THE REVISED ORDINANCES OF DELTA CITY (1981 EDITION) AS AMENDED, ("DELTA CITY ORDINANCES") PERTAINING TO REGULATIONS OF RURAL RESIDENTIAL ZONES, TOBACCO SPECIALTY BUSINESSES, AND SIDEWALK REQUIREMENTS.

The City Council of the City of Delta, Utah (referred to herein as the "City Council"), recites the following as the basis for enacting this Ordinance:

- A. The "Municipal Land Use, Development, and Management Act", Utah Code Ann. § 10-91-101 et seq., as amended (the "Act"), provides that each municipality of the State of Utah may enact a land use ordinance and a zoning map establishing regulations for land use and development within the municipality;
- B. Pursuant to the Act, the municipality's planning commission shall prepare and recommend to the municipality's legislative body, following a public hearing, proposed land use ordinances and zoning maps, or amendment thereto, that represent the planning commission's recommendations for land use regulations within the municipality;
- C. The Delta City Planning Commission has caused to be drafted the attached amendments to Title 12 of the Revised Ordinances of the Delta City (1981 Edition), and has recommended to the City Council that the amendments be adopted by Delta City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Delta, Utah:

Section 1. Adoption of Amended Title 12-2 Definitions. Title 12-2 of the Revised Ordinances of Delta City (1981 edition) as amended, is hereby adopted and amended as shown in **Exhibit A**, which is attached to and incorporated in this ordinance.

Section 2. Adoption of Amended Development Standards as set out in Title 12-7. Development Standards for (A-1), (C-B), (H-C), (I-1), (R-1-A), (R-1-B), (R-1-B-NM), (R-4), (RR), and (R-R-2-NM), Zones as set out in Title 12-7 of the Revised Ordinances of Delta

City (1981 edition) as amended, is hereby adopted and amended as shown in **Exhibit B**, which is attached to and incorporated in this ordinance.

Section 3. Adoption of Amended Conditional Use Standards of Review as set out in Title 12-9. Conditional Use Standards of Review as set out in Title 12-9 of the Revised Ordinances of Delta City (1981 edition) as amended, is hereby adopted and amended as shown in **Exhibit C**, which is attached to and incorporated in this ordinance.

Section 4. Adoption of Amended Use Table for Industrial 1 (I-1) Zone as set out in Title 12-10-8.2. The Use Table for Industrial 1 (I-1) Zone as set out in Title 12-10-8.2 of the Revised Ordinances of Delta City (1981 edition) as amended, is hereby adopted and amended as shown in **Exhibit D**, which is attached to and incorporated in this ordinance.

Section 5. Adoption of Amended Use Table for Rural Residential (RR) Zone as set out in Title 12-10-21.2. The Use Table for Rural Residential (RR) Zone as set out in Title 12-10-21.2 of the Revised Ordinances of Delta City (1981 edition) as amended, is hereby adopted and amended as shown in **Exhibit E**, which is attached to and incorporated in this ordinance.

Section 6. Adoption of Amended Use Table for Rural Residential 2, No Manufactured Homes (R-R-2-NM) Zone as set out in Title 12-10-23. The Use Table for Rural Residential 2, No Manufactured Homes (R-R-2-NM) Zone as set out in Title 12-10-23 of the Revised Ordinances of Delta City (1981 edition) as amended, is hereby adopted and amended as shown in **Exhibit F**, which is attached to and incorporated in this ordinance.

Section 7. Adoption of Sign Usage as set out in 12-17-11. The Sign Usage as set out in 12-17-11 of the Revised Ordinance of Delta City, (1981 edition) as amended, is hereby adopted and amended as shown in **Exhibit G**, which is attached to and incorporated in this ordinance.

Section 8. Effective Date. This ordinance shall become effective upon publication.

Section 9. Publication. This ordinance, or a summary thereof, is ordered published in the Millard County Chronicle Progress, a newspaper having general circulation within the city of Delta, Utah.

Section 10. Severability. In the event that any provision of this ordinance less than the entire ordinance is held invalid by a court of competent jurisdiction, this

ordinance shall be deemed severable and such finding of invalidity shall not affect the remaining portions of this ordinance.

Section 11. Repeal of Conflicting Ordinances. To the extent that any ordinances, resolutions or policies of the City of Delta conflict with the provisions of this ordinance, it is hereby amended to be in accordance with the provisions hereof.

PASSED AND ADOPTED by the City Council of the City of Delta, State of Utah on the 6th day of October, 2016, by the following Vote:

	Aye	Nay	Abstain	Absent
Robert W. Banks	<u>X</u>	_____	_____	_____
Kiley J. Chase	<u>X</u>	_____	_____	_____
J. Travis Keel	<u>X</u>	_____	_____	_____
John W. Niles	<u>X</u>	_____	_____	_____
Betty Jo Western	<u>X</u>	_____	_____	_____



Gayle K. Bunker

 GAYLE K. BUNKER
 MAYOR

Gregory Jay Schaffer

 GREGORY JAY SCHAFFER, MMC
 CITY RECORDER

Exhibit A

TITLE 12-2 DEFINITIONS

TITLE 12-2 DEFINITIONS

For the purpose of this code, certain numbers, abbreviations, terms, and words shall be used, interpreted, and defined as set forth herein. Words not defined herein shall have a meaning consistent with Webster's New Collegiate Dictionary, latest edition. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations;" the word "regulations" means "these regulations;" "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."

Accessory Buildings, Large. An accessory building larger than six-hundred (600) square feet that is located on the same lot as a residence.

Accessory Building, Occupied. A building on the same lot as the principal building and that is:

- A. Clearly incidental to, and customarily found in connection with such principal building;
- B. Operated and maintained for the benefit of the principal use; and
- C. A dwelling unit or home office.

Accessory Building, Unoccupied. A building on the same lot as the principal building and that is:

- A. Clearly incidental to, and customarily found in connection with such principal building;
- B. Operated and maintained for the benefit of the principal use; and
- C. Not a dwelling unit.

Accessory Living Quarters. Accessory dwelling incidental to a church or airport.

Accessory Use or Building. A subordinate use or building customarily incidental to and located upon the same lot occupied by the main use or building.

Adult Oriented Businesses. Adult oriented business means any or all of the following or any portions of the following: adult book store, adult video store, adult novelty store, adult motion picture theater, adult theater and tattoo parlors.

Affected Entity. A county, municipality, local district, , local district under Utah Title 17B, Chapter 1, Local Districts, school district, interlocal cooperation entity established under Utah Title 11, Chapter 13, Interlocal Cooperation Act, a property owner, a property owner association, specified public utility, or the Utah Department of Transportation, if:

- A. The entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
- B. The entity has filed with the municipality a copy of the entity's general or long-range plan; or
- C. The entity has filed with the Delta City Recorder a request for notice during the same calendar year.

TITLE 12-2 DEFINITIONS

Agriculture. The tilling of soil, raising of crops, horticulture, gardening and other similar uses.

Agricultural industry or Business. An industry or business involving agricultural products in manufacturing, packaging, treatment, sales, or storage, including but not limited to food packaging or processing plants, and similar uses as determined by the planning commission with a conditional use permit. This definition does not include hog farms, commercial poultry businesses or rendering facility.

Alley. A public thoroughfare less than twenty-six (33) feet wide.

Alterations, Structural. Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

Animal Waste. The excrement and discharge from an animal, or animal carcasses, tissues, or any other substance or material capable of transmitting disease or disease-carrying agents.

Animal Hospital or Veterinary Offices. An establishment where animals are medically treated, lodged or trained by a licensed veterinarian.

Antenna. A transmitting or receiving device used in telecommunications that radiates or captures radio, television, or similar communication signals.

Antenna, Freestanding. An antenna mounted on the roof of or within a stand-alone support structure including but not limited to a wooden pole, steel pole, lattice tower, utility pole, lift tower, light standard, flag pole or other vertical support.

Antenna, Roof Mounted. An antenna or series of individual antennas mounted on the roof of a building.

Antenna, Temporary. An antenna used for a time period of less than thirty (30) days.

Antenna, Wall Mounted. An antenna or series of individual antennas mounted fully against the exterior face of a building including on the face of a chimney. A wall or face of a building is defined as the entire area of all exposed vertical surfaces of a building that are above ground and facing approximately the same direction.

Antenna, Whip. An antenna that is cylindrical in shape. Whip antennas can be directional or omni directional and vary in size depending upon the frequency and gain for which they are designed.

Apartment Hotel. Any building that contains dwelling units and also satisfies the definition of a hotel, as defined in this Title.

Apartment House. A building that contains four or more dwelling units primarily for rent or lease or a building that contains an apartment or apartments and also contains other approved uses such as office or retail space.

Appeal Authority. A person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.

Applicant. The owner of the property that is the subject of the application, or the owner's agent.

Application. A written request for development approval including, but not limited to an alteration or revision to an approved Master Planned Development, Conditional Use Permit, zoning or rezoning, Subdivision or Annexation. The term "Application" shall not include any building permits associated with

TITLE 12-2 DEFINITIONS

construction within an approved subdivision or on an existing platted lot unless otherwise specified.

Assembly Facility. A facility where parts are put together to develop a final product. Generally referring to automobile, computer and electronic assembly.

Assisted Living Center. "Assisted living center" means residences that provide for semi-independent living. Such facilities may be (1) equipped with studio or one bedroom apartments with limited kitchen facilities, generally designed for single occupancy; (2) contain central dining facilities where prepared meals are served to the residents; (3) employ full time nursing or medical assistance and supervision; and (4) may provide other additional services to residents.

Athletic Club. An establishment providing facilities for physical development exercise, sports, or recreation. Facilities may include exercise equipment indoor and/or outdoor racquetball or tennis courts, jogging track, swimming pools, ice skating rink, indoor bathing, restaurant or snack bar, and sales of athletic equipment. Facilities may be open to the public for a fee, or available only to persons holding membership.

Auto Wrecking, Salvage Yard. The use of any lot, portion of lot or tract of land for the storage and keeping of salvage, including scrap metals or other scrap material, unlicensed/inoperable vehicles or for the dismantling or demolition of obsolete automobiles or equipment machinery, or parts thereof. This definition shall not be deemed to include such uses which are clearly accessory and incidental to any agricultural use permitted in the zone district.

Auto, Truck, Recreational Vehicle and Equipment Sales and Rental. Sales of both new and used motor vehicles and equipment stored and displayed both indoors and on outside lots, but not to include non-serviceable or junk vehicles or equipment.

Automotive Repair Establishment. An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar large mechanical equipment. Establishments involving auto body repair and painting services will require a conditional use permit. Not included are automotive salvage yards.

Automotive Self-Service Station. An establishment for the retail sale of automobile fuels and lubricants, at which the customer provides the service to his own vehicle, and at which no vehicle repair or maintenance service is offered. Such an establishment may offer for sale at retail other convenience items as a clearly secondary activity. Stations located at interstate exchanges catering to semi-trucks, which also include accommodations for truckers, also known as truck stops, require a conditional use permit.

Automotive Service Station. An establishment whose primary purpose is the retail sale of gasoline or other motor vehicle and related fuel, oil, or lubricant. Secondary activities may include minor automotive repair, maintenance, or automatic car wash.

Aviation Airport Services. Area containing an aviation landing strip, runway, hanger or other related services needed for aircraft.

Balcony. A platform that projects from the wall of a Building and is enclosed by a railing, parapet or balustrade.

Banking or Financial Service. A bank, credit union, savings and loan association, or other establishment with a primary purpose of receiving, lending, exchanging, or safeguarding money, or performing financial advisory service. This definition shall include outside drive-up facilities for service to customers in automobiles.

TITLE 12-2 DEFINITIONS

Bar, Tavern, Lounge, and Club. An establishment intended primarily for the on-premises sale and consumption of alcoholic beverages, open either to the public or operated as a nonprofit private club for members only.

Basement. A story whose floor is more than twelve (12) inches below the average level of the adjoining ground, but where no more than half of its floor-to-ceiling height is below the average contact level of the adjoining ground. A basement shall be counted as a story for purposes of height measurement and as a half-story for purposes of side-yard determination.

Bed and Breakfast. A building where, for compensation, meals and lodging are provided for at least five (5) but not more than fifteen (15) persons.

Appeal Authority. An individual or group of individuals appointed by the City Council through resolution, or, in the event of no such appointment being made, a board made up of the Delta City Council as provided in this ordinance.

Bond, Public Improvement. A one (1) year guarantee to the City that all public improvements have been installed to City specifications and will operate properly.

Building. Any structure, whether temporary or permanent, having a roof, and used or built for the shelter or enclosure of persons, animals, possessions, or property of any kind.

Building Area. The portion of a lot that is within the envelope formed by the required yards or setbacks, within which a structure can be located.

Building Height. The vertical distance from the average finished grade surface at the building wall to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip, or gambrel roofs.

Building Inspector. Delta City official known as the construction enforcement officer who is designated to inspect building under construction and upon completion.

Building, Main. A building within which the principal land use of the lot is conducted.

Business. Any activity carried on for the purpose of gain or economic profit. The acts of employees rendering service to employers are not included in the term business unless otherwise specifically prescribed. Business includes but is not limited to, the sale or rental of tangible personal or real property, the manufacturing of goods or property and the rendering of personal services for others for consideration by persons engaged in any profession, trade, craft, occupation, non-profit organization or other calling.

Business Commercial, less intensive. A business that does not include automotive, heavy equipment or 24-hour uses. May be with or without a drive up window.

Canopy. A roof or awning constructed of fabric or other material and extending outward from a building to provide a protective shield for doors, windows, or other openings with supports extended to the ground directly under the canopy or cantilevered from the building.

Carport. A private garage not completely enclosed by walls or doors. For the purposes of this ordinance, a carport shall be subject to all regulations prescribed for a private garage.

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Cemetery, Columbarium, Crematory, Mausoleum. Land or buildings used for the cremation, burial, or interment of the human dead but not including facilities for embalming.

Chief Executive Officer. The Mayor of Delta City.

Child Care, Center. The provision of child care for business for eight (8) or fewer children, including the provider's children who are under the age of eighteen (18), within a dwelling unit.

Child Care, Facility. The provision of child care for business for nine (9) or more children including the provider's children who are under the age of eighteen (18).

Child Placing. Receiving, accepting, or providing custody or care for any child under 18 years of age, temporarily or permanently, for the purpose of: finding a person to adopt the child; placing the child temporarily or permanently in a home for adoption; or foster home placement.

Church. A building set apart primarily for the purpose of worship in which religious services are held and with which clergy is associated, the main body of which is kept for that use and not put to any other use inconsistent with its primary purpose, and which is tax exempt under the laws of the State of Utah.

Cinema Outdoor. An establishment at which motion pictures are projected onto an outdoor screen for viewing by patrons seated in parked motor vehicles.

Cinema, Indoor. An enclosed building used primarily for the presentation of motion pictures.

Civic Club, Fraternal Organization. A building or use, other than a church or school, operated by a nonprofit association or organization for a social, fraternal, political, civic, or philanthropic purpose, which may include a meeting hall and cooking and dining facilities for large groups but shall not provide overnight lodging.

Clear Vision Area. An area outlined by the sight distance triangle where solid fencing or natural vegetation is restricted to a height of three (3) feet and where all structures or other items that would obstruct vision are prohibited. See Sight Distance Triangle.

Club, Private. Any non-profit corporation, or organization, operating as a social club, recreational, fraternal, athletic or kindred association organized primarily for the benefit of its stockholders or members and serving alcoholic beverages and/or food.

Co-location. The location of a telecommunication facility on an existing structure, tower, or building in a manner that precludes the need for that telecommunications facility to be located on a freestanding structure of its own.

Coal Yard. The storage of coal in quantities in excess of ten (10) tons and/or the retail or wholesale sale of coal.

Complete Application. A submission, which includes all information requested on the appropriate form, and full payment of all applicable fees.

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

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Congregate Living Facility. A residence in which three (3) or more persons unrelated to the owner or provider reside, including but not limited to youth homes, residential facilities for the disabled, residential facilities for the elderly.

Condominium. Any structure or parcel that has been submitted to fractionalize ownership under the provisions of the Utah Condominium Ownership Act.

Conservation Easement. An easement designed to restore, enhance, protect, and sustain the quality and quantity of ecosystems and natural resources.

Convenience Goods Sales and Services. Stores or shops intended for retail sales of convenience goods or performance of convenience services. Goods and services regarded as convenience are those generally needed for daily home consumption and for which locations near residential neighborhoods are considered desirable. This category includes grocery store, drug store, variety store, personal service, hardware store, dry cleaning pick-up and uses considered similar and compatible.

Constitutional Taking. Final action by the City to physically take or exact private real property that requires compensation to the Owner because of the mandates of the Fifth or Fourteenth Amendments to the Constitution of the United States, or Article I, Section 22, of the Utah Constitution.

Court. An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings.

Council. Members of the City Council of Delta.

County. The unincorporated area of Millard County.

Coverage. The percent of the total site area covered by structures or impervious paving other than those accepted in this ordinance.

Cul-de-sac. A minor street having an open end and being terminated at the other end by a vehicle turnaround.

Culinary Water Authority. The department agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

Cultural, Civic Services. A building primarily used for the public, nonprofit display of art, historic or cultural artifacts, or other inanimate exhibits or a building primarily used as a lending library or reading room.

Dairy. A commercial establishment housing animals for the processing and/or retail sale of dairy products.

Delta City Consolidated Fee Schedule (or "Fee Schedule"). A document adopted by resolution of the Delta City Council listing fees charged by Delta City to offset regulatory and administrative service costs of Delta City.

Development. The act, process or result of erecting, placing, constructing, remodeling, converting, altering, relocating, or demolishing any structure or improvement to property including grading, clearing, grubbing, mining, excavating or filling of such property. This definition includes construction activity.

Disability. Means a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having

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such an impairment. "Disability" does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802.

Disabled Care. A long-term care residential facility for disabled persons, persons suffering from a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such impairment or being regarded as having such impairment.

District. A portion of the area of Delta City, Utah shown on a zoning map (attached to this ordinance) and given a zone classification as set forth in this ordinance.

Drive Test, Antenna. A temporary antenna, which is used for field-testing of telecommunications signals and possible locations but does not provide telecommunications to customers.

Dry-Cleaning Establishment. An establishment employing volatile or explosive substances for the cleaning or dyeing of fabrics. Excluded from this definition are traditional laundries employing water and soaps in the cleaning of fabrics and patron-operated dry-cleaning machines associated with Laundromats.

Dwelling. Any building, or portion thereof, which is designed for use for residential purposes, except hotels, boarding houses, lodging houses, and tourist cabins.

Dwelling, Four-Family. A building arranged or designed to be occupied by four families, the structure having only four dwelling units.

Dwelling, Multiple-Family. A building arranged or designed to be occupied by more than four families.

Dwelling, Single-Family. A building arranged or designed to be occupied by one family, the structure having only one dwelling unit.

Dwelling, Three-Family. A building arranged or designed to be occupied by three families, the structure having only three dwelling units.

Dwelling, Two-Family. A building arranged or designed to be occupied by two families, the structure having only two dwelling units.

Easement. A negotiated interest in the land of another which allows the easement holder specified uses or rights without actual ownership of the land.

Elderly Care. A long-term care residential facility for the elderly. The term does not include a health care facility.

Elderly Person. A person who is sixty (60) years old or older, and who desires or needs to live with other elderly persons in a group setting, who may or may not be capable of living independently.

Equipment Shelter. A structure used to house equipment for telecommunications facilities.

Escrow. A deposit of cash with the City or an approved, alternate security in lieu of cash held to ensure a guarantee.

Farm Animals/Livestock. Animals other than household pets that may, where permitted, be kept and maintained on private property.

Fee Schedule. See Delta City Consolidated Fee Schedule.

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Fence. A physical barrier to delineate, contain, or designate an area designed for a specific use, such as an enclosure for a dwelling unit, an area of storage, etc.

Fence, Electric. A fence wired with low voltage (12 volt maximum) electricity.

Fence, Razor. A fence with razor coil, cable or tooth wire along certain portions.

Fence, Wildlife. Open fencing allowed at a height six (6) feet or higher when a need is shown to protect animals from entering or leaving an area.

Final Action. The latter of the final vote or the approved, written decision on a matter.

Final Plat. A recordable Subdivision or condominium map.

Fireworks Sales/Stand. The temporary display and sale of legally allowed fireworks. This use requires a business license and a temporary permit issued from the Delta City Fire Chief or his/her designee after the business has had a satisfactory fire inspection.

Floor Area, Gross. The area of a building, including all enclosed areas designed for human occupation. Gross floor area does not include unenclosed porches, balconies, patios and decks, vent shafts, courtyards or garages, up to a maximum floor area of six-hundred (600) square feet.

Floor Area, Net Leasable. Gross Floor area excluding common hallways, mechanical and storage areas, and restrooms.

Floor Area Ratio (FAR). The maximum allowed Gross Floor area divided by the area of the Lot or Parcel.

Front. The front side of a lot or parcel shall be that side which abuts a street or land on which vehicular ingress or egress to the lot occurs.

Frontage. The length of the property line of the lot fronting on one side of a street.

Gated Community. A subdivision or residential area where primary access is regulated through a gated entry point.

Garage, Commercial. A building other than a private garage used for the temporary parking of automobiles with or without a fee.

Garage, Private (including Carport). A detached accessory building or portion of a main building for the parking or temporary storage of automobiles of the occupants of the premises.

General Merchandise Sales and Related Services. Stores, department stores, or shops intended for sale of goods or merchandise, but not including convenience goods, liquor, motor vehicles, campers, trailers or lumber.

General Plan. A document that a municipality adopts that sets forth general guidelines for proposed future development of the land within the municipality, as set forth in Sections 10-9a-401 and 10-9a-302 of the Utah Code.

Governing Body. The Delta City Council.

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Grade.

- A. For buildings adjoining more than one street, the average of the elevations of the sidewalks at the centers of all walls adjoining streets.
- B. For buildings adjoining one street only, the elevation of the sidewalk at the center of that wall adjoining the street.
- C. For buildings having no wall adjoining the streets, the average level of the ground (finished surface) adjacent to the exterior walls of the buildings.

All walls approximately parallel to and not more than five (5) feet from a street line are to be considered as adjoining a street.

Group Home. "Group home" means a profit or non-profit boarding home for the sheltered care of persons with special needs, which, in addition to providing food and shelter may also provide some combination of personal care, social, or counseling services, and transportation. Group home includes congregate facilities for all persons.

Handicapped Person. A person who has a severe, chronic disability that is attributable to mental or physical impairments, that is likely to continue indefinitely, and that results in a substantial functional limitation in three (3) or more of the following areas of major life activity: capacity for independent living; economic self-sufficiency; learning; mobility; receptive and expressive language; self-care; self-direction; and requires 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.

Health Care Center (Convalescent Center). A publicly-or-privately-operated facility, other than a hospital, intended for the long-term, in-patient care of human illness or infirmity, including the elderly and developmentally disabled, normally employing the services of skilled and licensed practitioners.

Health Department. The Utah State Division of Environmental Health or local health agency having jurisdiction.

Heavy/Farm Equipment Sales. Vehicles or equipment in excess of one (1) ton used in farming, construction or other related services.

Height, Building. The vertical distance from the existing grade to the highest point of the cornice of a flat roof or to the deck line of a mansard roof or to the midpoint of the highest gable of a pitch or hip roof.

Home Occupation. Any use conducted entirely within a single family dwelling and carried on by persons residing within the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling purposes and does not change the character thereof and in connection with which there is no display, nor stock in trade. The home occupation shall not include the sale of commodities except those which are produced on the premises and shall not involve the use of any accessory building or yard space or activity outside the main building, not normally associated with residential use. There shall be no advertising of any kind in connection with the home occupation, there shall be no employees outside of the family residing in the dwelling unit. There shall be no perceivable increase in local traffic. A home occupation may include emergency consultation, but shall not be for the general practice or profession.

Hospital. An institution designed for the diagnosis, treatment, and care of human illness or infirmity and providing health services, primarily for in-patients, and including as related facilities, laboratories, outpatient

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departments, training facilities, and staff offices, but not including clinics or health care centers.

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.

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

Inaction. An application is inactive and subject to denial on the basis of inactivity if, through the act or omission solely of the applicant and not of the City:

- A. More than six (6) months has passed since a request for additional information was made by the City without a response from the applicant;
- B. Upon notice the applicant is more than sixty (60) days in default of the payment of any fee assessed by resolution, or has not paid the fee under protest;
- C. The applicant has stated an intent to abandon the project; and
- D. The application appears to have been filed in bad faith for the purpose of attempting to vest rights prior to a zoning change, without actual intent to construct the project applied for.

Industrial (or Research) Park. A tract of land that is subdivided and developed according to a plan for the use of a community of industries and related uses and that is of sufficient size and physical improvement to protect surrounding areas and the general community and to assure a harmonious integration into the neighborhood.

Industry, Light. The manufacturing, compounding, processing, assembling, packaging, or testing of goods or equipment entirely within an enclosed structure, with no outside storage, serviced by small (3/4 ton) trucks or vans, and imposing a nearly negligible impact upon the surrounding environment by noise, vibration, smoke, dust or pollutants.

Industry, Medium. The manufacturing, compounding, processing, assembling, packaging, or testing of goods or equipment within an enclosed structure, or an open yard that is capable of being screened from neighboring properties, is serviced by trucks or other vehicles, and whose environmental impact is within the industrial performance standards as outlined in this ordinance.

Itinerant Merchant. Any person, firm or corporation, whether as owner, agent, consignee or employee, whether or not a resident of the municipality, who engages in a temporary business of selling and delivering goods, wares and merchandise within the municipality, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar, public room in any hotel, motel, lodging house, apartment, shop or any street alley, or other place within the municipality, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction. This also includes a person, firm or corporation associating temporarily with a local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as part of, or in the name of any local dealer, trader, merchant or auctioneer.

Intermittent Use. A temporary business of selling and delivering goods, wares and merchandise within the City of Delta.

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Junk Yard. The use of any lot, portion of a lot, or tract of land for the storage, keeping, or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition, or abandonment of automobiles, 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 in the district.

Kennel, Commercial. A shelter for or a place for three (3) or more dogs or cats are bred, boarded, or trained for monetary gain.

Kennel, Private. A shelter for or a place for three (3) or more dogs or cats are bred, boarded, or trained for no monetary gain.

Code Enforcement Officer The Delta City official known as the zoning and land use enforcement officer. The Code Enforcement Officer shall be one and the same as any reference in any Delta City Ordinance, Resolution, or Policy that references a "Zoning Officer", "Land Use Administrator" or any other title of a public official with duties regarding zoning and land use enforcement and shall have any and all discretion, duties, and responsibilities as set out in such Delta City Ordinance, Resolution, or Policy.

Land Use Application. An application required by a municipality's land use ordinance.

Land Use Authority. A person, board, commission, agency, or other body designated by the local legislative body to act upon a land use application.

Land Use Ordinance. A planning, zoning, development, or subdivision ordinance of the municipality, but does not include the general plan.

Laundromat. An establishment in which patrons wash, dry, or dry-clean clothing and other fabrics in coin-operated, self-service machines.

Laundry. An establishment at which clothing and other fabrics are washed and pressed. Excluded from this definition are dry-cleaning establishments and Laundromats.

Lattice Tower. A self-supporting multiple-sided, open steel frame structure used to support telecommunications antenna equipment.

Legislative Body. The Delta City Council.

Leasable, Gross. Total area including hallways, mechanical equipment room and common bathrooms.

Leasable, Net. Total area excluding hallways, mechanical equipment room and common bathrooms.

Liquor Store. A retail sales store authorized by the Utah Department of Alcoholic Beverage Control to sell packaged alcoholic beverages for off-premise consumption.

Local Jurisdiction. Delta City.

Lot. A parcel of land occupied or to be occupied by a main building or group of buildings (main and accessory), together with such yards, open spaces, lot width, and lot area as are required by this ordinance and having frontage upon a street. More than one dwelling structure may be built on a lot only in cases where the lot is of such size as to provide such required lot area, yards, and frontage for each dwelling structure as are required for the first dwelling structure on the lot.

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Lot, Corner. A lot situated at the intersection of two (2) Streets, the interior angle of such intersection does not exceed one hundred thirty five degrees (135°). A corner lot fronts two (2) streets.

Lot Depth. The horizontal distance between the front and rear lot lines measured in the main direction of the side lot line.

Lot Line. Property lines bounding the lot.

Lot, Width. The minimum distance between the side lot lines at the front yard or front building facade. For three (3)-sided lots, the minimum distance between the rear and side lot lines at the front yard or front building facade.

Lot Line, Front. The property line dividing a lot or parcel from the right-of-way of the street from which structure takes access.

Lot Line, Rear. The property line opposite the front lot line.

Lot Line, Side. Any lot or property line other than a front or rear lot line.

Low Power Radio Services Facility. An unmanned structure, which consists of equipment used primarily for the transmission, reception or transfer of voice or data through radio wave or wireless transmissions. Such sites typically require the construction of transmission support structures to which antenna equipment is attached.

Lumber Sales and Storage. The sale and display of lumber and building supplies, including the outside storage of lumber and related merchandise.

Manufacturing Use. Research and development facilities, testing laboratories, and facilities for the production, fabrication, processing, or assembly of goods and products.

Manufactured Home. A structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. Calculations used to determine the number of square feet in a structure will be based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions will include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. This term includes all structures which meet the above requirements except the size requirements and with respect to which the manufacturer voluntarily files a certification pursuant to 24 C.F.R. § 3282.13 and complies with the standards set forth in 24 C.F.R. part 3280.

Massage Therapy Services. See Office, Professional.

Master Planned Development (MPD). A form of development characterized by a comprehensive and unified Site: plan and design reviewed under the Master Planned Development review processes described in each zone chapter of this code. The MPD generally includes a number of housing units; a mix of building types and land uses; clustered buildings designed to integrate one with another and to complement the surrounding land uses; significant open space; flexible in interior setbacks, heights, and density; and valued community amenities.

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Medical Clinic. See Office, Professional.

Mental Health Center. A publicly-or-privately-operated facility, intended for the diagnosis and treatment of mental or emotional disorders.

Military Surplus Goods/Store. New or used military equipment, vehicles, or supplies, which are available for resale to the general public.

Mixed Use, Commercial. Development which incorporates a mix of uses, including retail commercial, and/or offices and residential.

Mixed Use, Horizontal. Commercial and residential uses which are within close proximity to each other and designed in a "village" manner, but not necessarily within the same building structures.

Mixed Use, Vertical. Commercial and residential uses, which are within the same building structure.

Mobile Home. A detached single-family dwelling unit of not less than thirty (30) feet in length, designed for long-term occupancy and to be transported on its own wheels or on a flatbed or other trailers or detachable wheels; containing a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities, and plumbing and electrical connections provided for attachment to appropriate external systems, and ready for occupancy except for connections to utilities and other work. Presectionalized modular, or prefabricated houses not placed on permanent foundations, shall be regarded as mobile homes and only authorized in mobile home parks.

Mobile Home Lot. A designated portion of a mobile home park, designed for the accommodation of one mobile home and its accessory buildings or structures which complies with all relevant building codes and ordinances.

Mobile Home Pad. Part of the mobile home space which has been prepared and reserved for the placement of one mobile home.

Mobile Home Park. A residential development in which owners of mobile homes or manufactured housing may rent or lease a lot on which to place their home. Such developments may provide all of the amenities and improvements typical of subdivisions.

Mobile Home Park Plumbing System. The park sewer and water supply systems within the park property line.

Mobile Home Service Building. A building which is not a mobile home which houses separate toilet and bathing facilities for men and women and which may also have laundry facilities, flushing-rim sink, and other facilities as may be required by the ordinances of the City of Delta.

Mobile Home Park Sewage System. Any pipe or line not built into the mobile home which is used for the disposal of human waste.

Model Home. A dwelling unit used initially for display or marketing purposes, with a certificate of occupancy, which typifies the units that will be constructed.

Modular Home. A permanent dwelling structure built of prefabricated units which are assembled and erected on the site, and which meets the International Building Code.

Monopole. A single cylindrical steel or wood pole that acts as the support structure for antennas.

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Monument Sign. A sign six (6) feet or less in height which is flush to the ground.

Mortuary, Funeral Home. An establishment in which the human dead are prepared for burial or cremation. The facility may include a chapel for the conduct of funeral services, spaces for informal gatherings, and related accessory uses.

Motel. A building or group of buildings containing individual sleeping units designed and used primarily for the accommodation of transient automobile travelers and with automobile parking immediately accessible.

Municipal Facilities. Those improved properties owned by the municipality, or the public.

Natural Waterways. Those areas, varying in width, along streams, creeks, springs, gullies, or washes that are natural drainage channels as determined by the building inspector.

New Development. Any new construction activity.

Noncomplying Structure. A structure that legally existed before its current zoning designation and because of a zoning change, does not conform to the zoning district's development standards.

Nonconforming Sign or Sign Structure. A sign or sign structure or portion thereof lawfully existing prior to August 16, 2012, which does not conform to all height, area, yard spacing, animation, lighting or other regulations prescribed in the zone in which it is located.

Nonconforming Use. A use of a lot or parcel that legally existed on the lot or parcel before its current zoning designation; has been maintained continuously for the preceding twelve months; and does not conform with the zoning regulations that now govern the land.

Nursery. A business that grows, cultivates, and/or distributes and sells plants and other landscaping or horticulture related items.

Nursing Home. A business described also as a "rest home," or "convalescent home," other than a hospital, in which persons are lodged long-term and furnished with care rather than diagnoses or treatment.

Office, Business or Government. A place intended for the conduct of administration or services by a business enterprise or unit of government.

Office, Professional. A place intended for the conduct of a recognized learned profession. Such uses include offices or clinics devoted to treatment and care of human illness or injury (medical, dental, chiropractic offices, massage therapist, and similar uses). Other professions so defined would include, but not be limited to, accountants, architects, engineers, and lawyers. Definition does not allow for in-patient care facilities or adult oriented businesses.

Official Streets Master Plan. As adopted by the City Council, the designation of each existing and planned street and right-of-way, and those located on approved and filed plats, for the purpose of providing for the development of the streets, highways, roads, and rights-of-way and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks. The classification of each street and right-of-way is based upon its location in the respective zoning district of the City, its present and estimated future traffic volume and its relative importance and function.

Official Zoning Map. The map adopted by the City Council pursuant to law showing the streets, zoning districts, and City boundaries; and any amendments or additions thereto resulting from the approval of

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rezones, subdivision or annexation plats and the subsequent filing of such approved plats.

Open Space. Space reserved in parks, courts, playgrounds, golf courses, and other similar open areas and those areas reserved to meet the density requirements of planned unit development.

Ordinary High Water Mark. The line on the bank to which the high water ordinarily rises annually in season as indicated by changes in the characteristics of soil, vegetation or other appropriate means, which consider the characteristics of the surrounding areas. Where the ordinary high water mark cannot be found, the top of the channel bank shall be substituted. In braided channels, the ordinary high water mark or substitute shall be measured so as to include the entire stream feature.

Outdoor Recreation, Park or Playground (Public or Private). An area free of buildings except for rest rooms, dressing rooms, equipment storage and maintenance buildings, and open-air pavilions and used primarily for recreation activities not involving motor vehicles or overnight use.

Outdoor Recreational Uses. Recreational activities involving off highway vehicles and similar motorized vehicles for recreational use and horse arenas, equestrian parks and equine activity, including but not limited to equine shows, fairs, competitions, performances, racing or sales that involve any breed of equines and any equine disciplines; boarding or training equines and teaching persons equestrian skills. The Planning Commission may also determine other equine activities that are consistent with this section.

Owner. Any person, or group of persons, having record title to the property sought to be developed or subdivided and the owner's agent.

Parcel. An unplatted unit of land described by metes and bounds and designated by the County Recorder's Office with a unique tax identification number.

Parking Area. An un-enclosed area or lot other than a street used or designed for parking, nine (9) by eighteen (18) feet.

Parking Area, Private. An open area, other than a street, used for the parking of the automobiles of occupants of a dwelling, hotel, or apartment hotel.

Parking, Public. A parking area or parking facility to be used by the public for fee or otherwise.

Parking, Residential. A parking area or structure used exclusively for residential, non-commercial uses.

Parking, Shared The development and use of parking areas on two (2) or more separate properties for joint use by the businesses or residents on those properties.

Parking Space, Automobile. A space within a building or a private or public parking area, exclusive of driveways, ramps, columns, and office and work areas, for the parking of one automobile.

Pawn Shops. A business dealing in or collecting used or second hand merchandise or personal property, which has been legitimately obtained.

Personal Services. Establishments primarily involved in providing personal grooming and related services. This definition shall include barbershops, beauty parlors, tailors, massage services, but not laundries or dry-cleaners.

Person. An individual, corporation, partnership, or incorporated association of individuals such as a club.

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Pet Grooming. The grooming of small pets such as dogs and cats, provided that no more than five (5) animals may be on the premises at one time and that no lodging of animals is allowed.

Planning Commission. The Delta City Planning Commission.

Plat. A map or other graphical representation of lands being laid out and prepared in accordance with Utah Code § 10-9a-603. See 12-7 Development Standards.

Preschool. The education or teaching of children including kindergarten preparation, music lessons, etc.

Preliminary Plat. The preliminary drawings of a proposed subdivision, specifying the layout, uses, and restrictions.

Property. Any parcel, lot, or tract of land, including improvements thereon, in the possession of or owned by, or recorded as the real property of, the same person or persons.

Property Line. The boundary line of a parcel or lot.

Property Line, Front. That part of a parcel or lot, which abuts a street.

Public Hearing. A hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

Public Meeting. A meeting that is required to be open to the public under Utah Title 52, Chapter 4, Open and Public Meetings.

Public Improvement. Any building, water system drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking lot, space or structure, lot improvement, or other facility for which the City may ultimately assume responsibility, or which may effect a City improvement.

Public Right of Way. An area of land that is legally described in a registered deed for the provision of public access.

Public Service. Uses, which may be housed in separate buildings, or which may occupy a space within a building, that are operated by a unit of government to serve public needs such as police (with jail), fire service, ambulance, post office, or judicial court, but not including public utility stations or maintenance facilities.

Public Street. A street, including the entire right of way, which has been dedicated to and accepted by the City of Delta or other governmental agency or which has been devoted to public use by legal mapping, use or other means.

Public Utility Stations. A structure or facility used by a public or quasi-public agency to store, distribute, generate, or chemically treat water, power, gas, sewage, equipment, or other service elements.

Reasonable Notice. The requirements of reasonable notice are met if notice of hearing or meeting is posted in at least three (3) public places within the jurisdiction and/or notice of the hearing or meeting is published in a newspaper of general circulation in the jurisdiction or if actual legal notice of the hearing or meeting is given.

Record of Survey Map. A graphic illustration of a survey of land prepared in accordance with state laws.

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Recreational Vehicle. A vehicular unit, other than a mobile home, primarily designed as a temporary dwelling for travel, recreational, and vacation use, which is either self-propelled or is mounted on or pulled by another vehicle, including but not limited to a travel trailer, a camping trailer, a truck camper, a motor home, a fifth-wheel trailer and a van.

Recreational Vehicle Park (Travel Trailer Park). Any area or tract of land or separately-designated section where lots are rented to one (1) or more owners or users of recreational vehicles for a temporary time.

Religious, Educational Institute. A 28 U.S.C. 501(c)(3) non-profit organization engaged in teaching, community programs, or spiritual endeavors, which qualifies as a tax-exempt religious institution under Title 28 of the U.S. Code.

Repair Services, Small Appliance or Equipment. An establishment for the repair of household or other small appliances or equipment and at which no such appliances or their parts are stored out-of doors.

Residential Facility for the Disabled/Residential Facility for Persons with a Disability. A facility that is occupied by three (3) to five (5) unrelated persons with disabilities on a twenty-four (24) hour per day basis in a family-type arrangement under the supervision of a house family or manager, and that conforms to all applicable standards and requirements of and is licensed by the Utah Department of Human Services - Division of Services for People with Disabilities or Health and is operated by or under contract with that department. Such facilities shall not include facilities for the following: Secure Treatment, inpatient treatment, residential treatment, adult day care, day treatment, comprehensive mental health treatment, comprehensive substance abuse treatment, or domestic violence treatment as defined in 62A-1-101 UCA.

Residential Facility for the Elderly. A long-term care residential facility for elderly Persons. The term does not include a health care facility.

Residential Support. Arranging for or providing the necessities of life as a protective service to individuals or families who are disabled or who are experiencing a dislocation or emergency which prevents them from providing these services for themselves or their families. Treatment is not a necessary component of residential support.

Residential Treatment Center. A twenty-four (24) hour group living environment for three (3) to nine (9) individuals unrelated to the owner or provider that offers room or board and specialized treatment, rehabilitation, or rehabilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments. For the purposes of this section, Residential Treatment Center shall not include facilities for comprehensive substance abuse treatment or domestic violence treatment as defined in 62A-2-101 UCA.

Resource Family Home. A home licensed to provide services to a child in the custody of the state and includes a foster care home and a legal risk home.

Restaurant, Fast Food, Drive-In. An establishment distinguished from a traditional sit-down restaurant in that service is provided from a counter or window for consumption either off or on the premises; on-premise consumption normally requires considerably less time than consumption in a traditional restaurant. Service may also be provided to customers in automobiles by use of an outside drive-up window; parking is provided immediately adjacent to the building. This definition includes also specialty food stores such as ice cream parlors or delicatessens, having counter or window service.

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Restaurant, Café, Confectionery. An establishment where food is prepared and served to customers for consumption on the premises.

Resubdivision. A change in a map of an approved or recorded subdivision plat if such change affects any right-of-way, or lot line; or any change in a map or plan legally recorded prior to the adoption of regulations controlling Subdivisions.

Right-of-Way. A strip of land, dedicated to public use that is occupied, or reserved to be occupied, by a Street, crosswalk, trail, stairway, railroad, road, utilities or for another special use.

Road Classification. The streets, highways, roads, and rights-of-way designated on the streets Master Plan.

Road, Right-of-Way Width. The distance between property lines measured at right angles to the centerline of the street.

Roof. The building element, which covers the top of the structure as the walls enclose the sides.

Sanitary Sewer Authority. The department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.

Satellite Receiving Station. Any apparatus or device designed for the purpose of transmitting and/or receiving radio, television, satellite microwave, or other electromagnetic energy signals between terrestrially and/or orbital based uses. This definition includes but is not limited to what are commonly referred to as satellite earth stations, satellite microwave antennas, TVRO's or dish antennas. This definition does not include conventional television antennae.

School, Private or Quasi-Public. A school operated by a private or quasi-public organization or individual, which has a program similar to that provided in any public school in the State of Utah, except that such curriculum may include religious instruction. A private school may be a profit-making or nonprofit organization. This definition shall not include commercial schools.

School, Public. An educational facility operated by a school district or other public agency of the State of Utah.

Screen or Screened. The act, process, or result of visually and/or audibly shielding or obscuring a Structure or use from adjacent property by fencing, walls, berms, densely planted vegetation or other features.

Secure treatment. Twenty-four (24) hour specialized residential treatment or care for persons whose current functioning is such that they cannot live independently or in a less restrictive environment. Secure treatment differs from residential treatment to the extent that it requires intensive supervision, locked doors, and other security measures which are imposed on residents with neither their consent nor control.

Senior Citizen Center. A government sponsored public building, other than a church or school, serving the social and recreational needs of the elderly. Such a center may include a meeting hall and cooking and dining facilities for large groups but shall not provide overnight lodging.

Setback. The required minimum distance between a Building or Structure and the closest of the following: Property Line; Platted Street; or Existing curb or edge of a street.

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Shopping Center, Neighborhood. A planned commercial development providing primarily for the sale of convenience goods and services. The center is designed to serve a residential neighborhood.

Shopping Center, Community (Retail Business). A completely planned and designed commercial development providing for the sale of general merchandise and convenience goods and including a variety store, discount store, or supermarket.

Sign(s) means a presentation of words, letters, figures, designs, pictures or colors publicly displayed so as to give notice relative to a person, a business, an article or merchandise, a service, an assemblage, a solicitation or a request for aid; also the structure or framework or any natural object on which any sign is erected or is intended to be erected or exhibited or which is being used or is intended to be used for sign purposes.

Billboard means a free standing ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product or service that is not sold, offered or existing on the property where the sign is located. For purposes of this definition, a billboard shall be considered to be an off-premises sign.

Convert means to change a billboard sign face from its existing, non digital surface to a digitally-controlled surface.

Directional signs means signs containing information about public places owned or operated by federal, state or local governments or their agencies, publicly or privately owned, natural phenomena, historic, cultural, scientific, educational, or religious sites and areas of natural scenic beauty or naturally suited for outdoor recreation.

Erect (a) means to construct, build, raise, assemble, place, affix, attach, create, paint, draw or in any other way bring into being;

Erect (b) does not include any activities defined in subsection (a) if they are performed incident to the change of an advertising message or customary maintenance of a sign.

Maintain or maintenance means to repair, refurbish, repaint, or otherwise keep an existing sign structure safe and in a state suitable for use, including signs destroyed by vandalism or by acts of God. Owner or lessee of a sign may repaint, redecorate and/or change letters or panels on his/her own sign.

Official signs and notices means signs and notices erected and maintained by Delta City within its territorial or zoning jurisdiction for the purpose of carrying out official duties or responsibilities in accordance with direction and authorization contained in federal, state or local law.

Off-premise signs means signs which advertise(s) or direct(s) attention to a use(s), product(s), commodity(ies) or service(s) not related to the premises on which it is located. For purposes of this Title, if a sign advertises for uses, products, commodities or services on the property where the sign is located and for uses, products, commodities or services not related to the property, the sign shall be deemed an off-premise sign.

On-premise signs means signs which advertise or direct attention to a commercial building or a use conducted, a commodity sold or a service performed on the premises where the sign is located.

Person means a natural person or individual, corporation, organization or other legal entity.

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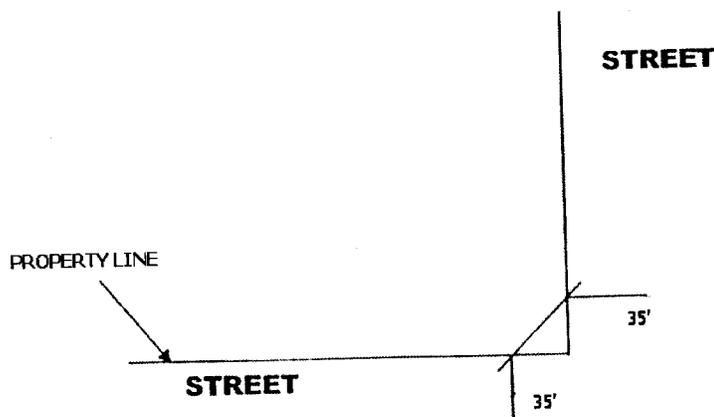
Sign Setback means the minimum distance that any portion of a sign or sign structure shall be from any street property line.

Significant Vegetation. Includes all large trees six (6) inches in diameter or greater measured four and one-half (4 ½) feet above the ground, all groves of small trees, and all clumps of oak or maple covering an area fifty (50) square feet or more measured at the drip line.

Site Development Standards. Regulations unique to each zone concerning standards for Development including, but not limited to lot areas, setbacks and building height.

Site Distance Triangle. A triangular area at the intersection of two (2) streets bounded by property lines connecting them at points thirty-five (35') from the intersection of the two (2) property lines.

Diagram – Typical Site Triangle Area Guide



Concept Plat. A sketch preparatory to the preliminary plat, or subdivision plat in the case of minor subdivisions, to enable the owner to save time and expense in reaching general agreement with the Planning Commission as to the form of the plat.

Slope. The level of inclination of land from the horizontal plane determined by dividing the horizontal run, or distance, of the land into the vertical rise, or distance, of the same land and converting the resulting figure to a percentage value.

Small Engine Repair. An establishment engaged in the repair and maintenance of small engines with an engine displacement size no greater than two-thousand (2000) cc. This includes but is not limited to: motorcycles, OHV's, ATV's, home and garden tools and equipment, outboard motor watercraft (engine removed), snowmobiles, chainsaws and other similar small engines.

Solicitation. "Soliciting" or "Solicit" or "Solicitation" means any of the following activities:

- A. Seeking to obtain Sales or orders for the exchange of goods, wares, merchandise or perishables of any kind, for any kind of remuneration or consideration, regardless of whether advance payment is sought.

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- B. Seeking to obtain prospective customers to apply for or to purchase insurance, subscriptions to publications, or publications.
- C. Seeking to obtain contributions of money or any other thing of value for the benefit of any person or Entity.
- D. Seeking to obtain orders or prospective customers for Goods or Services.
- E. Seeking to engage an individual in conversation at a Residence for the purpose of promoting or facilitating the receipt of information regarding Charitable conduct, or a Home Solicitation Sale.
- F. Other activities falling within the commonly accepted definition of "Soliciting," such a hawking or peddling.

Solicitors. Means a person(s) engaged in door-to-door solicitation.

Special District. An entity established under the authority of Utah Title 17 A, Special Districts, and any other governmental or quasi-governmental entity that is not a county, municipality, school district or unit of the state.

Stable, Private. A detached accessory structure used for the keeping and housing of livestock by the occupants of the premises.

Stable, Public. A stable other than a private stable.

Stealth Telecommunications Facility. A telecommunications facility, which is disguised as another object or otherwise concealed from public view.

Storage Land Sea Containers. Any trailer commonly described as a storage container or storage unit, including, but not limited to semi-trailers, cargo trailers and any other similar unit with a storage space of greater than one-hundred-twenty (120) square feet.

Story. A habitable level within a building serving to define the building height. Basements that emerge less than four (4) feet from grade or attics not exceeding four (4) feet at the kick wall shall not constitute an additional story.

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 (2/3) of the floor immediately below it.

Stream. A naturally fed watercourse, that flows year-round or intermittently during years of normal rainfall. This definition excludes ditches and canals constructed for irrigation and drainage purposes.

Stream Corridor. The corridor defined by the stream's ordinary high water mark.

Street. A private or public right-of-way including a highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easements, or other way.

Street, Access. A street that serves a small number of dwellings and usually does not allow through traffic. Usual ADT (average daily traffic) range is zero (0) to two-hundred-fifty (250) vehicles.

Street, Arterial. A street which provides for through traffic movement between areas and across the city,

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with moderate access to abutting property subject to necessary control of entrances, exits, and curb use and also provides access to highways. Arterials are not usually included in residential street plans. Maximum ADT is three-thousand plus (3,000 +) vehicles.

Street, Collector. A street that provides for a high volume of traffic movement between major arterials and local streets, and direct access to abutting property. Usual ADT range is one-thousand (1,000) to three-thousand (3,000) vehicles.

Street, Local. A street that provides for direct access to abutting land and for local traffic movements.

Street, Private. A right-of-way or easement in private ownership, not dedicated or maintained as a public street, which affords the principal means of access to two (2) or more lots.

Street, Public. A street that has been dedicated to and accepted by the City Council; that the City has acquired and accepted by prescriptive right; or that the City owns in fee. A public thoroughfare, which affords principal means of access to abutting property and has a right-of-way that exceeds twenty-six (26) feet in width. The term street shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.

Street, Subcollector. A street which conveys traffic to more dwellings and includes through traffic between access streets and collectors. Usual ADT range is two-hundred-fifty (250) to one-thousand (1,000) vehicles.

Streetscape. The distinguishing characteristics of a particular street including paving materials, adjacent space on both sides of the street, landscaping, retaining walls, sidewalks, building facades, lighting, medians, street furniture and signs.

Structure. Anything constructed, the use of which requires a fixed location on or in the ground, or attached to something having a fixed location on the ground and which imposes an impervious material on or above the ground; definition includes "Building."

Structure, Pre-existing. A structure, which was legally constructed prior to August 16, 2012.

Structural, Alterations. Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.

Subdivision. Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, Parcels, Site, Units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or Development, either on the installment plan or upon any and all other residential and nonresidential zoned land, whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument. "Subdivision" does not include:

- A. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable zoning ordinance;
- B. A recorded agreement between owners of adjoining properties adjusting their mutual boundary if:
 1. No new lot is created; and
 2. The adjustment does not result in a violation of applicable zoning ordinances; or

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3. A recorded document, executed by the owner of record, revising the legal description of more than one contiguous parcel of property into one legal description encompassing all such parcels of property.
- C. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a "subdivision" under State law as to the unsubdivided parcel of property or subject the unsubdivided parcel to the subdivision ordinance.

Subdivision, Major. All subdivisions of ten or more lots, or any size subdivision requiring any new street or extension of municipal facilities, or the creation of any public improvements, and not in conflict with any provision or portion of the General Plan, official zoning Map streets Master plan, or these regulations.

Subdivision, Minor. Any subdivision containing less than (10) lots that may require the recordation of a plat and all or part of the development requirement of a major subdivision, and not in conflict with any provision or portion of the General Plan, official zoning Map streets Master plan, or these regulations.

Subdivision Plat. The final map or drawing, on which the applicants plan of subdivision is presented to the City Council for approval and which, if approved, may be submitted to the County Recorder for filing.

Subdivision, Simple Lot. Any subdivision containing not more than three (3) lots fronting on an existing street, not involving any new street, or the extension of municipal facilities, or the creation of any Public Improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the General Plan, Official Land Use Map, Street Master Plan, or these regulations. Subdivisions qualifying as a simple lot subdivision are exempt for the plat requirement.

Surplus, Second Hand Store. An establishment that sells surplus items, used furniture, appliances, clothing, and miscellaneous small items. Excluded from this definition are establishments selling used motor vehicles, their parts, military surplus, and other heavy equipment.

Technical Necessity. A particular design, placement, construction or location of a telecommunications facility that is technically necessary for telecommunications consistent with the Federal Telecommunications Act of 1996, as amended.

Telecommunications. The transmission, between or among points specified by a user, of information of the user's choosing, without change in the form or content of the information as sent or received.

Telecommunications Facility. A telecommunications facility of more than thirty-five (35) feet in height consisting of antenna, equipment shelters, and related structures used for transmitting and/or receiving telecommunications and/or radio stations.

Temporary Outdoor Use. A use, activity, vending cart, special event, or commercial use outside that is not permanent in nature and after a seventy-two (72) hour time period ceases or is removed.

Temporary Use. A use, activity or special event that is not permanent in nature and after a designated time period ceases or is removed.

Theater, Concert Hall. A building or amphitheatre used primarily for the presentation of live stage productions or performances.

Tobacco Specialty Business, Retail. Means a commercial establishment in which:

TITLE 12-2 DEFINITIONS

- A. the sale of tobacco products accounts for more than 35% of the total annual gross receipts for the establishment;
- B. food and beverage products, excluding gasoline sales, is less than 45% of the total annual gross receipts for the establishment; and
- C. the establishment is not licensed as a pharmacy under Title 58, Chapter 17b, Pharmacy Practice Act.
- D. and as further defined by U.C.A. 10-8-41.6, as amended.

Tobacco Product. Means:

- A. any cigar, cigarette, or electronic cigarette as defined in U.C.A. 76-10-101, as amended;
- B. a tobacco product as defined in U.C.A. 59-14-102, as amended, including:
 - 1. Chewing tobacco; or
 - 2. Any substitute for a tobacco product, including flavoring or additives to tobacco; and
- C. tobacco paraphernalia as defined in U.C.A. 76-10-104.1, as amended.

Trailer, Travel. See *Recreational Vehicle*.

Transfer Station. A facility designed for the transfer and transport of solid waste.

Travel Park. See *Recreational Vehicle Park*.

Unincorporated. The area outside of the incorporated boundaries of cities and towns.

Use. The activities occurring on a lot or parcel of land for which land or a building is arranged, designed, or intended or for which land or a building is or may be occupied, including all accessory uses.

Use, Pre-existing. A use, which validly existed prior to August 16, 2012 and has not been abandoned for more than six (6) months.

Vending Cart. A small wheeled, non-motorized vehicle from which to sell food and/or merchandise for immediate consumption or use.

Warehouse Storage Units. A building in which goods, merchandise, or equipment are stored for eventual distribution, or for which storage space is rented.

Welding Machine Shop. A building or structure where pieces of metal are welded.

Yard. An open space on a lot, unoccupied and unobstructed from the ground upward.

Yard, Front. An open, unoccupied space, in the same lot with a building, between the front line of the main building and the street line and extending for the full width of the lot.

TITLE 12-2 DEFINITIONS

Yard, Rear. A yard extending across the full width of the lot between the most rear main building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest point of the rear lot line. On lots that are not rectangular in shape, the required minimum rear yard may be an average of the distances measured from the rear corners of the main building directly to the rear lot line.

Yard, Side. An open, unoccupied space, except as otherwise provided in this ordinance, on the same lot with the building, between the side line of the building and the side lot line, and extending from the front yard to the rear yard; or the shortest distance across said space from the main building to the side lot line.

Youth Home. A twenty-four (24) hour group living environment for three (3) to five (5) persons under the age of eighteen (18), unrelated to an owner or operator that offers room, board or specialized services to residents. Youth Home may include facilities for the following: resource family home, child placement, or residential support as defined in Chapter 62A UCA. Youth Home shall not include facilities for the following: secure treatment, inpatient treatment, residential treatment, adult day care, day treatment, comprehensive mental health treatment, youth program, comprehensive substance abuse treatment, or domestic violence treatment as defined in Chapter 62A UCA.

Youth Program. A nonresidential program, designed to provide behavioral, substance abuse or mental health services to minors that:

- A. serves either adjudicated or non-adjudicated youth;
- B. charges a fee for its services;
- C. may or may not provide host homes or other arrangements for overnight accommodation of the youth;
 - 1. may or may not provide all or part of its services in the outdoors;
 - 2. may or may not limit or censor access to parents or guardians; and
 - 3. prohibits or restricts a minor's ability to leave the program at any time of his own free will.
 - 4. "Youth Program" does not include recreational programs such as Boy Scouts, Girl Scouts, 4-H, and other such organizations.

Zoning map. A map, also known as a land use map, adopted as part of a land use ordinance that depicts land use zones, overlays or districts.

Exhibit B

TITLE 12-7 DEVELOPMENT STANDARDS

DEVELOPMENT STANDARDS

Zone District A-1 Minimum Lot and Development Standards

		Area	Width	Setbacks	Height	Sidewalks
LOT	Standard	1 acre	100'	Front: 25' Side: 10' Rear: 10'	35' Max	Yes
	Exceptions	No	No	Corner Lot: 25' setback on streetside of corner lot		
<p>No building shall be erected to a height greater than 35 feet, except that a tower, silo or other facility used in connection with permitted or conditional uses may reach 60' in height without specific Planning Commission review and approval, but may exceed that height only pursuant to an approved conditional use permit.</p>						
	Sidewalks	<p>Yes. <u>Sidewalk required along all properties abutting streets. Required only on new construction of a primary structure.</u> <u>Required for a minimum of 150' on lot frontage or entire lot frontage if smaller than 150'.</u></p> <p>Single Family/Owner Occupied New Construction Only: Any portion of sidewalk required over 150' is eligible to participate in the Delta City cost sharing program for the construction of that portion of the sidewalk.</p>				

Zone District A-1-NM Minimum Lot and Development Standards

Standards for Zone District A-1-NM are identical to those lot and development standards for Zone District A-1.

Zone District A-5 Minimum Lot and Development Standards

		Area	Width	Setbacks	Height	Sidewalks
LOT	Standard	5 acres	500'	Front: 25' Side: 10' Rear: 10'	35' Max	Not Required
	Exceptions	No	No	Corner Lot: 25' setback on streetside of corner lot		
<p>No building shall be erected to a height greater than 35 feet, except that a tower, silo or other facility used in connection with permitted or conditional uses may reach 60' in height without specific Planning Commission review and approval, but may exceed that height only pursuant to an approved conditional use permit.</p> <p>Permitted commercial use structures shall not be located closer than 200 feet to any property line.</p> <p>Permitted non-commercial use structures shall not be located closer on any lot or any adjoining lot than 50 feet from any property line or 100 feet from any dwelling, whichever is the greater distance.</p>						

TITLE 12-7 DEVELOPMENT STANDARDS

Zone District A-5-NM Minimum Lot and Development Standards

Standards for Zone District A-5-NM are identical to those lot and development standards for Zone District A-5.

Zone District C-B Minimum Lot and Development Standards

	Min. Lot Area	Min. Lot Width	Max. Zoned Area	Setbacks	Height	Sidewalks
LOT	None	None	None	Front: none Side: none Rear: none	30'	Yes
<p><u>Sidewalk required along all properties abutting streets. Required only on new construction of a primary structure. Sidewalk required on all frontage.</u> Single Family/Owner Occupied New Construction Only: Any portion of sidewalk required over 150' is eligible to participate in the Delta City cost sharing program for the construction of that portion of the sidewalk.</p>						

Zone District H-C Minimum Lot and Development Standards

	Min. Lot Area	Min. Lot Width	Max. Zoned Area	Setbacks	Height	Sidewalks
LOT	None	100'	None	Front: 20' Side: 10' Rear: 10'	30'	Yes
<p><u>Sidewalk required along all properties abutting streets. Required only on new construction of a primary structure. Sidewalk required on Single Family/Owner Occupied New Construction Only.</u> Any portion of sidewalk required over 150' is eligible to participate in the Delta City cost sharing program for the construction of that portion of the sidewalk.</p>						

**TITLE 12-7
DEVELOPMENT STANDARDS**

**Zone District I-1
Minimum Lot and Development Standards**

	Min. Lot Area	Min. Lot Width	Max. Zoned Area	Setbacks	Height	Sidewalks
LOT	None	None	None	Front: 20' Side: 10' Side yard when abutting a residential zone: 15' Rear: 10' unless otherwise approved by Planning Comm.	35' unless otherwise approved by Planning Comm.	Yes
<p><u>Sidewalk required along all properties abutting streets. Required only on new construction of a primary structure.</u> Sidewalk required on Single Family/Owner Occupied New Construction Only. Any portion of sidewalk required over 150' is eligible to participate in the Delta City cost sharing program for the construction of that portion of the sidewalk.</p>						

**Zone District M-H
Minimum Lot and Development Standards**

		Area	Width	Setbacks	Height	Sidewalks
LOT	Standard	6,000/unit	60'	Front: 15' Side: 10' Rear: 10'	35'	NO
	Exceptions	No	No	A corner lot shall have 2 Fronts, 2 Sides, 0 Rear. Front is determined by location of streets.		

**Zone District P/QP
Minimum Lot and Development Standards**

	Area	Width	Setbacks	Height	Sidewalks
LOT	None	None	Front: 25' Side: 10' Rear: 10'	35' unless otherwise approved by Planning Comm.	Yes

**TITLE 12-7
DEVELOPMENT STANDARDS**

**Zone District R-1-A
Minimum Lot and Development Standards ***

		Area	Width	Setbacks	Height
LOT	Single Family	9,000 sf	90'	Minimum Front Yard: 25' (principal or accessory structure) Corner lots having frontage shall require a 25 foot front yard setback and a setback of 20 foot from the other street frontage. Minimum Side Yard: 10' (principal or accessory structure) Minimum Rear Yard: 30' principal, 2' accessory structure	35'
	Add'l Regulation	Private garages and accessory buildings located at least 10 feet behind the main dwelling may have a side yard of 5 feet and a rear yard of 2 feet, provided that all corner lots shall maintain a 25 foot minimum front yard setback and a 20 foot minimum setback on the other side.			
	Sidewalks	<p><u>Yes. Sidewalk required along all properties abutting streets. Required only on new construction of a primary structure. Yes. Required for a minimum of 150' on lot frontage or entire lot frontage if smaller than 150'.</u></p> <p>Single-Family/Owner-Occupied-New Construction Only: Any portion of sidewalk required over 150' is eligible to participate in the Delta City cost sharing program for the construction of that portion of the sidewalk.</p>			

**Zone District R-1-A-NM
Minimum Lot and Development Standards**

Standards for Zone District R-1-A-NM are identical to those lot and development standards for Zone District R-1-A.

**Zone District R-1-B
Minimum Lot and Development Standards ***

		Area	Width	Setbacks	Height
LOT	Single Family	7,500 sf	75'	Minimum Front Yard: 25' (principal or accessory structure) Corner lots having frontage shall require a 25 foot front yard setback and a setback of 20 foot from the other street frontage. Accessory structure same as principal structure. Minimum Side Yard: 8' (principal or accessory structure) Minimum Rear Yard: 20' principal, 2' accessory structure	35'
	Add'l Regulation	Private garages and accessory buildings located at least 10 feet behind the main dwelling may have a side yard of 5 feet and a rear yard of 2 feet, provided that all corner lots shall maintain a 25 foot minimum front yard setback and a 20 foot minimum setback on the other side.			

**TITLE 12-7
DEVELOPMENT STANDARDS**

	Sidewalks	<p>Yes. Sidewalk required along all properties abutting streets. Required only on new construction of a primary structure. -Required for a minimum of 150' on lot frontage or entire lot frontage if smaller than 150'. Single-Family/Owner-Occupied New Construction Only: Any portion of sidewalk required over 150' is eligible to participate in the Delta City cost sharing program for the construction of that portion of the sidewalk.</p>
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**Zone District R-1-B-NM
Minimum Lot and Development Standards**

Standards for Zone District R-1-B-NM are identical to those lot and development standards for Zone District R-1-B.

**Zone District R-2
Minimum Lot and Development Standards ***

		Area	Width	Setbacks	Height
LOT	Single Family And Two Family	Single Family 6,000 sf Two Family add 2,000 sf	70'	Minimum Front Yard: 25' (principal or accessory structure) Corner lots having frontage shall require a 25 foot front yard setback and a setback of 20 foot from the other street frontage. Accessory structure same as principal structure. Minimum Side Yard: 8' (principal or accessory structure) Minimum Rear Yard: 10' principal, 2' accessory structure	35'
	Add'l Regulation	Private garages and accessory buildings located at least 10 feet behind the main dwelling may have a side yard of 5 feet and a rear yard of 2 feet, provided that all corner lots shall maintain a 25 foot minimum front yard setback and a 20 foot minimum setback on the other side.			
	Sidewalks	<p>Yes. Sidewalk required along all properties abutting streets. Required only on new construction of a primary structure. Required for a minimum of 150' on lot frontage or entire lot frontage if smaller than 150'. Single-Family/Owner-Occupied New Construction Only: Any portion of sidewalk required over 150' is eligible to participate in the Delta City cost sharing program for the construction of that portion of the sidewalk.</p>			

**Zone District R-2-NM
Minimum Lot and Development Standards**

Standards for Zone District R-2 -NM are identical to those lot and development standards for Zone District R-2.

**TITLE 12-7
DEVELOPMENT STANDARDS**

**Zone District R-4
Minimum Lot and Development Standards ***

		Area	Width	Setbacks	Height
LOT	Single Family and Multi-Family	Single Family 6,000 sf Multi-Family 6,000 sf plus 2,000 sf for each add'l unit after the first	60'	Minimum Front Yard: 25' (principal or accessory structure) Corner lots having frontage shall require a 25 foot front yard setback and a setback of 20 foot from the other street frontage. Accessory structure same as principal structure. Minimum Side Yard: 10' (principal or accessory structure) Minimum Rear Yard: 10' (principal or accessory structure)	35'
	Add'l Regulation	Private garages and accessory buildings located at least 10 feet behind the main dwelling may have a side yard of 5 feet and a rear yard of 2 feet, provided that all corner lots shall maintain a 25 foot minimum front yard setback and a 20 foot minimum setback on the other side.			
	Sidewalks	Yes. <u>Sidewalk required along all properties abutting streets. Required only on new construction of a primary structure. Required for a minimum of 150' on lot frontage or entire lot frontage if smaller than 150'.</u> Single Family/Owner Occupied New Construction Only: Any portion of sidewalk required over 150' is eligible to participate in the Delta City cost sharing program for the construction of that portion of the sidewalk.			

**Zone District R-4-NM
Minimum Lot and Development Standards**

Standards for Zone District R-4-NM are identical to those lot and development standards for Zone District R-4.

**Zone District R-R
Minimum Lot and Development Standards ***

	Area	Width	Setbacks	Height	Sidewalks
LOT	1 acre or not less than 1/2 acre, with additional restrictions	150'	Front: 25' Side: 15' Rear: 40' Accessory Structure: 50' Front/10' Side/10' Rear Corner lots having frontage shall require a 25 foot front yard setback and a setback of 20 foot from the other street frontage.	35' Max	Yes. Required for a minimum of 150' on lot frontage or entire lot frontage if smaller than 150'.

TITLE 12-7 DEVELOPMENT STANDARDS

Sidewalk	Yes. Sidewalk required along all properties abutting streets. Required only on new construction of a primary structure.
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Zone District R-R-NM Minimum Lot and Development Standards

Standards for Zone District R-R-NM are identical to those lot and development standards for Zone District R-R.

*In cases when the principal structure was built prior to adoption of these policies, an exception may be made when additions to the existing principal structure are requested, as long as the structure fits with the intent of the neighborhood and does not infringe on adjacent property owners.

Zone District R-R-2-NM Minimum Lot and Development Standards *

	Area	Width	Setbacks	Height	Sidewalks
LOT	2 acres	200'	Front: 25' Side: 15' Rear: 40' Accessory Structure: 50' Front/10' Side/10' Rear Corner lots having frontage shall require a 25 foot front yard setback and a setback of 20 foot from the other street frontage.	35' Max	No

The following restriction is applicable in these zone districts: A-1, A-1-NM, A-5, A-5-NM, C-B, H-C, I-1, I-D, L-R-R, P-D, P/QP, R-1-A, R-1-A-NM, R-1-B, R-1-B-NM, R-2, R-2-NM, R-4, R-4-NM, R-D, R-D-NM, R-R, ~~R-R-NM~~, and ~~R-R-2-NM~~ and R-R-2-NM:

A. Erection of more than one principal structure on the lot.

More than one structure housing a permitted principal use, may be erected on a single lot provided that yard setbacks and other requirements of this ordinance shall be met for each structure.

The following restriction is applicable in these zone districts: A-1, A-1-NM, A-5, A-5-NM, C-B, H-C, I-1, I-D, L-R-R, P-D, P/QP, R-1-A, R-1-A-NM, R-1-B, R-1-B-NM, R-2, R-2-NM, R-4, R-4-NM, R-D, R-D-NM, R-R, ~~R-R-NM~~, and ~~R-R-2-NM~~ and R-R-NM:

B. Structure to have access.

All structures shall be on a lot adjacent to a public street or with access to an approved private street, and shall be so located on lots as to provide safe and convenient access for fire protection.

The following restriction is applicable in these zone districts; A-1, A-1-NM, A-5 and A-5-NM:

C. Farm Animals/Livestock.

TITLE 12-7 DEVELOPMENT STANDARDS

Livestock, fowl and other animals, *excluding household pets*, that may, where permitted, be kept, bred and maintained with the following restrictions:

1. Livestock. One (1) animal for every five-thousand (5,000) square feet of property, (excluding occupied structures) one horse, cow, pig, llama, goat or five (5) sheep. Unaltered male goats are not allowed other than on a temporary basis for breeding purposes. The offspring of livestock may be kept without consideration of the space limitations until the animal is weaned or not to exceed six (6) months.
2. Other Farm Animals. For each five-thousand (5,000) square feet of property, (excluding occupied structures) five (5) rabbit or fowl or other similar small animals may be kept. ~~One hundred fifty~~ ^{Capitalize Fifty} (50) rabbits or fowl may be kept in an enclosed structure with a roof and walls on all sides. The offspring kept in the enclosed structure shall not exceed ~~one~~ two-hundred (100) and may be kept for a period of six (6) months. One enclosed structure maybe kept for every five-thousand (5,000) square feet of property (excluding occupied structures).
3. Animals Stabled or Housed in Enclosed Areas. Any building, structure or corral in which livestock is kept must be at least fifty (50) feet from any street, dwelling, or sidewalk. This restriction does not include open pasturing on a temporary or seasonal basis.

The following restriction is applicable in these zone districts; R-D, R-D-NM, R-R, R-R-NM, and R-R-2-NM and R-R-NM:

- D. **Farm Animals/Livestock.** Livestock, fowl and other animals, *excluding household pets*, that may, where permitted, be kept, bred and maintained with the following restrictions:
1. Livestock. One (1) animal for every seven-thousand-five-hundred (7,500) square feet of property, (excluding occupied structures) one (1) horse, cow, donkey, mule, four (4) goats or sheep, eight (8) feeder lambs or twelve (12) fowl. The offspring of livestock may be kept without consideration of the space limitations until the animal is weaned or not to exceed six (6) months.
 2. Other Farm Animals. For each five-thousand (5,000) square feet of property, (excluding occupied structures) five (5) rabbit or fowl or other similar small animals may be kept. ~~One hundred fifty~~ (50) rabbits or fowl may be kept in an enclosed structure with a roof and walls on all sides. The offspring kept in the enclosed structure shall not exceed ~~two~~ one-hundred (100) and may be kept for a period of six (6) months. One enclosed structure maybe kept for every five-thousand (5,000) square feet of property (excluding occupied structures).
 3. Animals Stabled or Housed in Enclosed Areas. Any building, structure or corral in which livestock is kept must be at least fifty (50) feet from any street, dwelling, or sidewalk. This restriction does not include open pasturing on a temporary or seasonal basis.

The following restriction is applicable in these zone districts; R-R and R-R-NM parcels or lots that are less than one (1) acre:

E. **Restrictions Applicable to Lots or Parcels under one (1) Acre.**

TITLE 12-7 DEVELOPMENT STANDARDS

1. No Farm Animals/Livestock. Livestock, fowl and other animals, other than household pets, may not be kept, bred or maintained on parcels or lots that are less than one (1) acre.
2. Not More than One Principle Structure. Not more than one one structure housing a permitted principle use may be erected on a single parcel or lot that is less than one (1) acre.
3. No Stabled or Housed Animals. No building, structure or corral in which livestock is kept by be built or maintained on a single parcel or lot that is less that one (1) acre.

The following restriction is applicable in these zone districts; R-R-2-NM:

F. Public Streets and Right-of-Way.

1. The dedicated public right-of-way shall be not less that sixty feet (60').
- 1.2. Public Street shall meet the design specifications set out in Appendix A.

The following restriction is applicable in these zone districts: A-1, A-5, C-B (Conditional Use), C-D (Conditional Use), M-H, P-D (Conditional Use), R-1-A, R-1-B, R-2, R-4, R-D and R-R:

E. Manufactured Housing.

1. **Manufactured Home Restrictions.** Manufactured homes shall be allowed in A-1, A-5, C-B with conditional use permit, M-H, all residential zones, provided that the unit meets the definition set out in this Title and was manufactured within five years immediately previous to the date application is made for a building permit, and that the manufactured home unit complies with the following requirements:
 - a. No manufactured house shall be located in Delta City without a building permit having first been issued therefore by the Delta City Building Inspector as required by the Delta City building code, plumbing code, electrical code and mechanical code and other applicable codes as adopted in this Title.
 - b. No manufactured house shall be located in Delta City in violation of any applicable provisions of this Title or of the Delta City Subdivision ordinance providing for site preparation, provision of utilities, construction of necessary accessory structures and access from public or approved private rights-of-way.
 - c. All manufactured houses shall be placed on a permanent, firm foundation, with footings and blocking support as provided in the Delta City codes.
 - d. All manufactured houses shall be designed and constructed to withstand a roof load of 30 lbs. per square foot roof load and 15 lbs. per square foot wind load.

TITLE 12-7 DEVELOPMENT STANDARDS

- e. No manufactured house shall be located on a site unless the site is properly graded and sloped and compacted to 90% maximum relative density.
 - f. Manufactured houses may be set on concrete pier foundations and footings or by other methods approved by the Delta City Building Inspector. Each corner of such a building shall be bolted or similarly attached to a concrete foundation, as approved by the Delta City Building Inspector.
 - g. All manufactured houses must be located with an enclosed concrete foundation, or shall have complete masonry skirting installed and finished prior to occupancy.
 - h. All manufactured houses shall have shingled, pitched roofs with eaves.
 - i. Each manufactured house must have improved access entrance or exits installed according to City standards, including any steps, porches, walkways, decks, patios and other improvements necessary for access installed in compliance with Delta City ordinances.
 - j. No manufactured house shall be located in any subdivision or on any lot where location of such housing will violate any covenants, conditions or restrictions of record on the lot where the unit is to be located.
2. **Procedure.** Any person who desires to place a manufactured house on a lot within the City limits, shall make application for a building permit for that purpose, along with an affidavit of the value of the manufactured house. No manufactured house shall be occupied without an occupancy permit therefore having first been issued by the Delta City Building Inspector. The affidavit of value to be filed with the building permit shall be filed by the Building Inspector with the Millard County Assessor.
3. **Mobile Home Restrictions.** No mobile home shall be located on any lot within Delta City, except within an existing, approved mobile home park, except as set out in this chapter.

The following restriction is applicable in these zone districts: A-1-NM, A-5-NM, R-1-A-NM, R-1-B-NM, R-2-NM, R-4-NM, R-D-NM and R-R-NM:

F. **Manufactured Housing.**

- 1. **Manufactured Homes Prohibited.** Manufactured Homes shall not be allowed in A-1-NM, A-5-NM, R-1-B-NM, R-2-NM, R-4-NM, R-D-NM, ~~or R-R-NM,~~ or R-R-2-NM.
- 2. **Mobile Home Restrictions.** No mobile home shall be located on any lot within Delta City, except within an existing, approved mobile home park, except as set out in this chapter.

TITLE 12-7 DEVELOPMENT STANDARDS

The following restriction is applicable in these zone districts: A-1, A-1-NM, A-5, A-5-NM, C-B, H-C, I-1, I-D, P-D, P/QP, R-R, R-R-NM, and R-R-2-NM and ~~R-R-NM~~:

- G. **Public Utility Stations.** In any zone where residences are allowed, public utility stations shall meet the following requirements:
1. Each station shall be located on a lot not less than two-thousand (2,000) square feet in area.
 2. Each station shall be located on a lot that has adequate access from a street, alley, or easement.
 3. Each station shall be provided with a yard on each of the four sides of the building or structures not less than five (5) feet in width, except that for such stations located on lots fronting on a street and abutted by one or more residential lots, the front, side, and rear yards-should equal those required for a single family residence in the same district.

The following restriction is applicable in these zone districts: C-B:

- H. **Parking Lot Surface, Drainage And Maintenance** Every parcel of land used as a parking or storage area and any area used for ingress and egress from such parking or storage areas shall be paved with asphalt, brick or concrete surfacing, and shall be so arranged and striped as to provide the orderly and safe loading or unloading, parking and storage of vehicles.
1. **Striping:** Parking lot striping shall be maintained on a regular basis so that striping is visible for the safe ingress/egress and parking of vehicles.
 2. **Maintenance:** Parking lot shall be kept free of debris, including, but not limited to, trash, blowing debris, sand, dirt, gravel, etc.
 3. **Surfacing:** Parking lot surfacing shall be kept true to line and in accordance with city engineering approved finish grading and drainage plans.
 4. **Drainage Plans:** Drainage plans must be reviewed by the appropriate city department for compliance with adopted storm drainage standards, any storm drain master plans, and impacts on adjacent properties caused by a proposed development.
 5. **Additional Pavement:** Any area of a parcel that abuts a paved City Street or right-of-way that may allow for ingress or egress to the private property shall be paved with asphalt, brick or concrete surfacing at least 20 feet back from the property line that abuts the public right-of-way.
 6. **Deviations To Surfacing Materials:** The Code Enforcement Officer shall review and may approve or deny other types of hard surfacing materials based on site drainage and grading, durability and adequacy of materials, and ability to withstand local climate and geologic conditions. Compacted or treated typical subgrade materials are not an appropriate surface material.

TITLE 12-7 DEVELOPMENT STANDARDS

The following restriction is applicable in these zone districts: H-C, I-1, and I-D:

- I. **Parking Lot Surface, Drainage And Maintenance of Required Parking** Those areas of a parcel of land designated and/or used as a parking or storage area to comply with the parking requirements of this Title, including but not limited to the parking standards set out in 12-16, shall be paved with asphalt, brick or concrete surfacing, and shall be arranged and striped as to provide the orderly and safe loading or unloading, parking and storage of vehicles. Any area of a parcel of land that will be used for ingress and egress from area that has been so paved shall also be paved with asphalt, brick or concrete surfacing.
1. **Striping:** Parking lot striping shall be maintained on a regular basis so that striping is visible for the safe ingress/egress and parking of vehicles.
 2. **Maintenance:** Parking lot shall be kept free of debris, including, but not limited to, trash, blowing debris, sand, dirt, gravel, etc.
 3. **Surfacing:** Parking lot surfacing shall be kept true to line and in accordance with city engineering approved finish grading and drainage plans.
 4. **Drainage Plans:** Drainage plans must be reviewed by the appropriate city department for compliance with adopted storm drainage standards, any storm drain master plans, and impacts on adjacent properties caused by a proposed development.
 5. **Additional Pavement:** Any area of a parcel that abuts a paved City Street or right-of-way that may allow for ingress or egress to the private property shall be paved with asphalt, brick or concrete surfacing at least 20 feet back from the property line that abuts the public right-of-way.
 6. **Deviations To Surfacing Materials:** The Code Enforcement Officer shall review and may approve or deny other types of hard surfacing materials based on site drainage and grading, durability and adequacy of materials, and ability to withstand local climate and geologic conditions. Compacted or treated typical subgrade materials are not an appropriate surface material.

Exhibit C

TITLE 12-9 CONDITIONAL USE STANDARDS OF REVIEW

CONDITIONAL USE STANDARDS OF REVIEW

The City shall not issue a Conditional Use Permit unless the Code Enforcement Officer, in the case of an Administrative Conditional Use concludes that the application fully mitigates all identified adverse impacts and complies with the following general standards applicable to all conditional uses, as well as the specific standards for the use:

The following conditions are applicable in these zone districts: A-1, A-1-NM, A-5, A-5-NM, C-B, C-D, H-C, I-1, I-D, M-H, P-D, P/QP, R-1-A, R-1-A-NM, R-1-B, R-1-B-NM, R-2, R-2-NM, R-4, R-4-NM, R-D, R-D-NM, R-R and R-R-NM: Additionally, requirements generally applicable to all other zones as set out in this title shall apply too:

- A. **GENERAL REVIEW CRITERIA.** An applicant for a conditional use in the zone must demonstrate:
1. The application complies with all applicable provisions of the Delta City Ordinances, state and federal law;
 2. The structures associated with the use are compatible with surrounding structures in terms of use, scale, density, and circulation;
 3. The use is not detrimental to the public health, safety and welfare;
 4. The use is consistent with the Delta City General Plan as amended;
 5. Traffic conditions are not adversely affected by the proposed use including the existence or need for dedicated turn lanes, pedestrian access, and capacity of the existing streets;
 6. There is sufficient utility capacity;
 7. There is sufficient emergency vehicle access;
 8. The location and design of off-street parking are in compliance with off-street parking standards;
 9. A plan for fencing, screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses;
 10. That exterior lighting complies with the lighting standards of the zone; and
 11. That within and adjoining the site, impacts on the aquifer, slope retention, and flood potential have been fully mitigated and is appropriate to the topography of the site.
 12. Notice of the application for conditional use has been provided to all adjoining and/or affected property owners.
- B. **SPECIFIC REVIEW CRITERIA FOR CERTAIN CONDITIONAL USES.** In addition to the foregoing, the Planning Commission must evaluate the applicant's compliance with each of the following criteria when considering whether to approve, deny or condition an application for each of the following conditional uses:

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CONDITIONAL USE STANDARDS OF REVIEW

The following conditions are applicable in these zone districts A-1, A-1-NM, A-5, A-5-NM, R-1-A, R-1-B, R-1-B-NM, R-2, R-2-NM, R-4, R-4-NM, R-D, R-D-NM, R-R and R-R-NM. Additionally, requirements generally applicable to all other zones as set out in this title shall also apply:

1. **Accessory Structure (Occupied)**. New development of an accessory structure intended for human occupancy is a conditional use and shall meet the following development standards;
 - a. **Proximity**: The accessory structure must be located no less than six (6) feet from the main building;
 - b. **Setbacks**: The accessory structure must be located in either the rear or side yard, with no less than a ten (10) foot setback from the rear and side lot lines, unless the accessory structure is located at the front yard setback of an adjacent corner lot, in which case, the side yard setback to the nearest side lot line must be at least fifteen (15) feet;
 - c. **Height**: The accessory structure height may not exceed twenty-four (24) feet to the midpoint for a sloped roof and twenty (20) feet to the cornice for a flat roof; and
 - d. **Building Area**: The maximum area of an occupied accessory structure is the larger of nine-hundred (900) square feet or thirteen (13) percent of the lot area. No more than six-hundred (600) square feet of the accessory structure shall be used for human occupancy.

The following conditions are applicable in these zone districts: I-1 and I-D:

2. **Adult-Oriented Businesses**. The purpose and objective of this criteria is to establish reasonable and uniform regulations to prevent the concentration of adult-oriented businesses or their location in areas deleterious to the health, safety and welfare of the City, and to prevent inappropriate exposure of such businesses to the community. This criteria regulates the time, place and manner of the operation of sexually-oriented businesses, consistent with the United States and Utah State Constitutions.
 - a. No adult-oriented business may be located within one-thousand (1,000) feet of any:
 - i. School, day care facility, cemetery, public park, library or religious institution;
 - ii. Residential zoning boundary;
 - iii. Liquor store; or
 - iv. other adult-oriented business.
 - b. For the purpose of this section, distance is measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which the adult-oriented business is located and:
 - i. The closest exterior wall of another adult-oriented business;

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CONDITIONAL USE STANDARDS OF REVIEW

- ii. The closest property line of any school, day care facility, public park, library, cemetery or religious institution; and
- iii. The nearest property line of any residential zone.

3. Retail Tobacco Specialty Business.

a. Proximity Restrictions. No Retail Tobacco Specialty Business shall be located within:

i. One thousand Feet (1,000') of a community location. A "community location" means a public or private kindergarten, elementary, middle, junior high, or high school; a licensed childcare facility or preschool; a trade or technical school; a church; a public library; a public playground; a public park; a youth center or other space used primarily for youth oriented activities; a public recreational facility; or a public arcade.

ii. Six hundred feet (600') of another Retail Tobacco Specialty Business; or

iii. Six hundred feet (600') from property used or zoned for agriculture use or residential use.

A. For the purposes of this section, the proximity requirements shall be measured in a straight line from the nearest entrance of the retail tobacco specialty business to the nearest property boundary of the community location, agricultural or residential use, or other retail tobacco specialty business, without regard to intervening structures or zoning districts.

The following conditions are applicable in these zone districts: A-1, A-1-NM, A-5, A-5-NM, C-B, C-D, I-1, I-D, M-H, R-1-A, R-1-A-NM, R-1-B, R-1-B-NM, R-2, R-2-NM, R-4, R-4-NM, R-D, R-D-NM, R-R, R-R-NM, and R-R-2-NM and R-R-NM:

43. **Child Care Facility/Center.** Each application for a child care facility, center or home occupation must include and comply with:
- a. Proof of application for state child care license;
 - b. Compliance with state, federal and local law;
 - c. A design that does not include a front yard playground;
 - d. A parking and traffic plan that adequately mitigates the adverse impacts of increased traffic in the neighborhood (if a facility or center);
 - e. Childcare providers as a home occupation may not exceed eight (8) children, twelve (12) years of age or younger, including the providers own children at any given time; and

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- f. Childcare providers as a home occupation may not provide services for more than two (2) infants under the age of two (2) at any given time.

The following conditions are applicable in these zone districts: R-1-A, R-1-A-NM, R-1-B, R-1-B-NM, R-2, R-2-NM, R-4, R-4-NM, R-D and R-D-NM:

54. **Condominiums.** Subject to the requirements set forth in Title 12-10 of the Delta City Municipal Code, condominiums are permitted as a conditional use with the following conditions:
- a. **Lot Size.** The minimum lot size for any condominium project consisting of up to four (4) individual condominium units shall be fifteen-thousand (15,000) square feet. Two-thousand-five-hundred (2,500) square feet shall be added to the minimum lot size for each additional unit;
 - b. **Open Space.** For each individual condominium unit, an area of no less than eight-hundred-seventy-five (875) square feet shall be preserved and dedicated as open space;
 - c. **Parking.** For each individual condominium unit, an area of no less than eight-hundred-seventy-five (875) square feet shall be improved for parking. Property dedicated for parking may not overlap with property dedicated for open space; and
 - d. **Spacing of Building.** Up to four (4) condominium units may be located in a single building. Single-story building shall be spaced at least fifteen (15) feet apart from one another. Two-story buildings shall be spaced at least twenty (20) feet apart from one another.

The following conditions are applicable in these zone districts: R-1-A, R-1-A-NM, R-1-B, R-1-B-NM, R-2, R-2-NM, R-4, R-4-NM, R-D and R-D-NM; A-1, A-5, M-H, R-1-A, R-1-B, R-2, R-4, R-D and R-R;

65. **Gated Communities.** Applicants must comply with the following standards:
- a. The applicants have demonstrated a need for an entry gate to effectively control ongoing negative health, safety and welfare issues; or, in highly unique circumstances, excessive non-neighborhood parking or traffic on a regular basis;
 - b. The private street is not a through street and traffic circulation through the neighborhood to other parts of the community is not impacted;
 - c. The entry gate shall be set back twenty-five (25) feet;
 - d. A building permit for the gate must be approved;
 - e. The entry gate shall meet the following design standards:
 - i. The clearance distance from the gate bottom to the ground shall be a minimum of two (2) feet;
 - ii. The maximum height from the bottom to top rail shall be three (3) feet;

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- iii. The gate shall be constructed from visually open materials that will not obstruct more than fifty (50) percent visibility (i.e., open fencing);
 - iv. Fencing adjacent to the gate shall not exceed a height of four (4) feet for solid fencing materials and six (6) feet for open materials;
 - v. Columns added for architectural interest shall not exceed nine (9) feet; and
 - vi. The gate design shall be minimal in height and scale to accomplish the goal of preventing unauthorized access;
- f. An access plan for emergency services and authorized city representatives shall be provided to and approved by the city.

The following conditions are applicable in these zone districts: I-1 and I-D:

76. **Gated Communities for Industrial Developments.** Applicants must comply with the following standards:

- a. The applicants have demonstrated a need for an entry gate to effectively control ongoing negative health, safety and welfare issues; or, in highly unique circumstances, excessive non-neighborhood parking or traffic on a regular basis;
- b. The private street is not a through street and traffic circulation through the neighborhood to other parts of the community is not impacted;
- c. The entry gate shall be set back twenty-five (25) feet;
- d. A building permit for the gate must be approved; and
- e. The entry gate shall meet the following design standards:
 - i. The clearance distance from the gate bottom to the ground shall be a minimum of two (2) feet;
 - ii. The maximum height from the bottom to top rail shall be three (3) feet;
 - iii. The gate will be constructed from visually open materials that will not obstruct more than fifty (50) percent visibility (i.e., open fencing);
 - iv. Fencing adjacent to the gate shall not exceed a height of four (4) feet for solid fencing materials and six (6) feet for open materials;
 - v. Columns added for architectural interest shall not exceed nine (9) feet; and
 - vi. The gate design shall be minimal in height and scale to accomplish the goal of preventing unauthorized access.
- f. An access plan for emergency services and authorized City representatives will be provided to and approved by the City.

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CONDITIONAL USE STANDARDS OF REVIEW

The following conditions are applicable in these zone districts: A-1, A-5, C-B, C-D, H-C, I-1, I-D, M-H, P/QP, R-2, R-2-NM, R-4, R-4-NM, R-D, R-D-NM, ~~and R-R, R-R-NM, and R-R-2-NM:~~

78. **Intermittent Commercial Uses.** The occasional use of dwellings, community buildings, private clubs, lodges, social or recreational establishments and/or their accessory buildings for commercial purposes may be allowed upon receiving a conditional use permit and provided that there is compliance with the provisions of this section. The following standards shall apply to all intermittent commercial uses in addition to any conditions the Planning Commission deems necessary and desirable to protect the public health, safety and general welfare:
- a. The display and sales of merchandise should be contained primarily within a building;
 - b. The building proposed for the intermittent commercial use must comply with setback and clear vision area requirements of this ordinance and with applicable building and fire codes;
 - c. A business license from the City is required to conduct an intermittent commercial use;
 - d. Adequate parking is provided to serve the commercial use that does not create a parking shortage for other existing uses on site; and
 - e. The use does not cause noise, light, or glare which adversely imparts surrounding uses.

The following conditions are applicable in these zone districts: R-2, R-2-NM, R-4, R-4-NM, R-D, R-D-NM, ~~and R-R, R-R-NM, and R-R-2-NM:~~

89. **Multiple Family Dwellings.** Three-plex and four-plex dwellings may be allowed as a conditional use in the R-2 zone district with the following conditions:
- a. Three-plex. Seventeen-thousand-one-hundred-twenty-five (17,125) square foot lot area which includes parking and open space requirements;
 - b. Four-plex. Twenty-thousand-three-hundred-eighty (20,380) square foot lot area which includes parking and open space requirements; and
 - c. Open Space requirement. Five-hundred (500) square foot of open space per unit.

The following conditions are applicable in these zone districts: I-1 and I-D and *P/QP:

910. **Recreational Activity Specialties.** The following recreational activities specialties shall be allowed as conditional uses:
- a. Recreational activities involving off highway vehicles and similar motorized vehicles for recreational use;
 - b. Horse arenas, equestrian parks and equine activity, including, but not limited to equine shows, fairs, competitions, performances, racing or sales that involve any

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CONDITIONAL USE STANDARDS OF REVIEW

breeds of equines and any equine disciplines; boarding or training equines; teaching persons equestrian skills; and other equine activities as determined by the Planning Commission to be consistent with this section; and

- c. *P/QP applicable only: All uses determined by the Code Enforcement Officer to be in harmony with the intent and purpose of the zone shall be allowed as conditional uses upon such conditions as may be recommended by the Code Enforcement Officer and approved by the City Council and set out in a conditional use permit. Such uses shall include exhibits, fairs, shows, livestock exhibitions and similar uses as may be specified and operated subject to the terms of a conditional use permit.
- c. Any other recreational activity as determined by the Planning Commission to be consistent with this section.

The following conditions are applicable in these zone districts: R-R and R-R-2-NM:

110. Small Engine Repair. Each application for a small engine repair shall be reviewed as a home occupation using the review criteria for home occupations.

The following conditions are applicable in these zone districts: A-1, A-5, C-B, C-D, H-C, I-1, I-D, L-R-R₄₇, M-H, P-D, P/QP, R-1-A, R-1-A-NM, R-1-B, R-1-B-NM, R-2, R-2-NM, R-4, R-4-NM, R-D, R-D-NM, R-R, R-R-NM, R-R-2-NM and P-F:

121. Storage Containers:

- a. A maximum of two (2) storage containers per business shall be allowed as a conditional use;
- b. Storage containers shall be required to have a setback from the primary building or structure, and shall be painted a color to match the primary building or structure or, in the direction of the Planning Commission shall be painted a neutral color; and
- c. For purposes of this subsection, "storage container" shall mean: Any trailer commonly described as a storage container or storage unit, including, but not limited to semi trailers, cargo trailers and any other similar unit with a storage space of greater than two-hundred (200) square feet.

The following conditions are applicable in these zone districts: C-B, C-D, H-C, I-1, I-D and P/QP:

123. Temporary Outdoor Use. Temporary vendors must:

- a. Notify the City of date, place and duration of their intended use along with permission in writing from the property owner or event organizer;
- b. Have the use setback twenty-five (25) feet from any public street, sidewalk or right of way; and
- c. Last no longer than seventy-two (72) hours.

Exhibit D

12-10-8 ZONE DISTRICT – Industrial 1 (I-1)

12-10-8 Industrial 1 (I-1)

12-10-8.1 PURPOSE
12-10-8.2 USE TABLE
RELATED PROVISIONS

12-10-8.1 **PURPOSE.** To create a zone which:

- A. Allows for a compatible mixture of commercial and light industrial uses which do not require intensive land coverage, generate large volumes of traffic or create obnoxious sounds, glare, dust or odors.
- B. This district includes areas which are well adapted to industrial development; but proximity to residential or business districts makes it desirable to limit the manner and extent of industrial operations.

12-10-8.2 **USE TABLE.** If a use is not specifically designated then it is prohibited unless other proposed uses are determined by the Code Enforcement Officer to be in harmony with the intent and purpose of this zone.

Type	Allowed	Administrative Conditional Use	Conditional Use	Business License Required
Accessory Structure, unoccupied	√			
Adult Oriented Business			√	√
Agricultural Industry			√	√
Agriculture	√			
Animal Hospital			√	√
Auto truck, RV Sales & Rental	√			√
Automotive Body/Paint Repair Establishment			√	√
Automotive Repair Establishment	√			√
Auto Self Serve Station	√			√
Auto Service Station	√			√
Aviation Airport - Services	√			√
Bar, Tavern, Lounge			√	√
Cinema, Indoor			√	√
Civic Club	√			
Coal Yard			√	√
Convenience Goods - Sales	√			√
Child Care for Business * Facility: 9 children or more		√		√
Dry Cleaning Establishment			√	√
Farm Animals/Livestock	√		√	√
Fence, Electric	√			
Fence, Razor		√		
Fence, Wildlife/Large Animal		√		
Fireworks Sales/Stands		√		√
Gated Communities			√	
General Merchandise Sales & Service			√	√
Heavy/Farm Equip Sales			√	√

12-10-8 ZONE DISTRICT – Industrial 1 (I-1)

Type	Allowed	Administrative Conditional Use	Conditional Use	Business License Required
Household Pets	√			
Industrial Park	√			√
Industry, Light			√	√
Industry, Medium			√	√
Intermittent Commercial Use		√		√
Kennel			√	√
Lumber Sales - Storage			√	√
Master Planned Development			√	
Military Surplus Store			√	√
Mortuary	√			√
Nursery	√			√
Pawn Shops	√			√
Public - Rights of Way	√			
Public Utility Stations - except sewer		√		
Public Services	√			
Public Utility Stations with sewer		√		√
Recreational Activity Specialties			√	√
Repair Services, Small App	√			√
Small Engine Repair	√			√
Stable, public		√		√
Storage Containers			√	
Subdivision			√	
Telecommunications Facility < 35' height		√		√
Temporary Outdoor Use		√		√
<u>Tobacco Specialty Business, Retail</u>	-	-	√	√
Warehouse Storage Units - commercial only			√	√
Welding Machine Shop	√			√

RELATED PROVISIONS

Title 3. Businesses, Licenses.

Title 12-2. Definitions.

Title 12-3. Administration and Enforcement.

Exhibit E

12-10-21 ZONE DISTRICT – Rural Residential (R-R)

Title 12-10-21 Rural Residential (R-R)

12-10-21.1 PURPOSE
12-10-21.2 USE TABLE
RELATED PROVISIONS

12-10-21.1 **PURPOSE.** To create a rural residential zone which is intended as a permanent residential district for those areas of the community where it is desirable to maintain low residential densities.

12-10-21.2 **USE TABLE.** If a use is not specifically designated then it is prohibited unless other proposed uses are determined by the Code Enforcement Officer to be in harmony with the intent and purpose of this zone.

Type	Allowed	Administrative Conditional Use	Conditional Use	Business License Required
Accessory Structure, occupied			✓	
Accessory Structure, unoccupied	✓			
Agriculture (if lot is one (1) or greater.	1 acre? Also, close your parenthesis			
Child Care for Business Center: 8 children or less		✓		✓
Child Care for Business Facility: 9 children or more			✓	✓
Church			✓	
Civic Club			✓	
Dwelling – Single	✓			
Dwelling - 2 Family			✓	
Farm Animals/Livestock (non-commercial uses)	✓			
Fence, Electric		✓		
Fence, Wildlife/Large Animal		✓		
Gated Communities			✓	
Group Home, Assisted Living Facility			✓	✓
Group Home, Elderly			✓	✓
Group Home, Disabled			✓	✓
Home Occupation	✓			✓
Household Pets	✓			
Intermittent Commercial Use		✓		✓
Manufactured Home	✓			
Master Planned Development			✓	
Modular Home	✓			
Outdoor Rec - Park – Play			✓	✓
Preschool		✓		✓
Public Services			✓	
Public - Rights of Way	✓			
Public Utility Stations - except sewer		✓		
Schools, Private-Quasi Public			✓	
School, Public			✓	
Small Engine Repair		✓		✓
Stables, Private	✓			

12-10-21 ZONE DISTRICT – Rural Residential (R-R)

Type	Allowed	Administrative Conditional Use	Conditional Use	Business License Required
Stables, Public/ Commercial			√	√
Subdivision			√	

ELATED PROVISIONS

Title 3. Businesses, Licenses.

Title 12-2. Definitions.

Title 12-3. Administration and Enforcement.

Exhibit F

12-10-23 ZONE DISTRICT – Rural Residential 2, No. Mfg. Homes (R-R-2-NM)

Title 12-10-23 Rural Residential 2, No Manufacture Homes (R-R-2-NM)

12-10-23.1 PURPOSE
12-10-23.2 USE TABLE
RELATED PROVISIONS

12-10-23.1 **PURPOSE.** To create a and expanded or enlarged rural residential zone which is intended as a permanent residential district for those areas of the community where it is desirable to maintain low residential densities with large lot sizes.

12-10-23.2 **USE TABLE.** If a use is not specifically designated then it is prohibited unless other proposed uses are determined by the Code Enforcement Officer to be in harmony with the intent and purpose of this zone.

Type	Allowed	Administrative Conditional Use	Conditional Use	Business License Required
Accessory Structure, occupied	-	-	√	-
Accessory Structure, unoccupied	√	-	-	-
Agriculture (if lot is one (1) or greater.	√	-	-	-
Child Care for Business Center: 8 children or less	-	√	-	√
Child Care for Business Facility: 9 children or more	-	-	√	√
Church	-	-	√	-
Civic Club	-	-	√	-
Dwelling – Single	√	-	-	-
Dwelling - 2 Family	-	-	√	-
Farm Animals/Livestock (non-commercial uses)	√	-	-	-
Fence, Electric	-	√	-	-
Fence, Wildlife/Large Animal	-	√	-	-
Gated Communities	-	-	√	-
Group Home, Assisted Living Facility	-	-	√	√
Group Home, Elderly	-	-	√	√
Group Home, Disabled	-	-	√	√
Home Occupation	√	-	-	√
Household Pets	√	-	-	-
Intermittent Commercial Use	-	√	-	√
Manufactured Home	-	-	-	-
Master Planned Development	-	-	√	-
Modular Home	-	-	-	-
Outdoor Rec - Park – Play	-	-	√	√
Preschool	-	√	-	√
Public Services	-	-	√	-
Public - Rights of Way	√	-	-	-
Public Utility Stations - except sewer	-	√	-	-
Schools, Private-Quasi Public	-	-	√	-
School, Public	-	-	√	-
Small Engine Repair	-	√	-	√

**12-10-23 ZONE DISTRICT – Rural Residential 2, No. Mfg. Homes
(R-R-2-NM)**

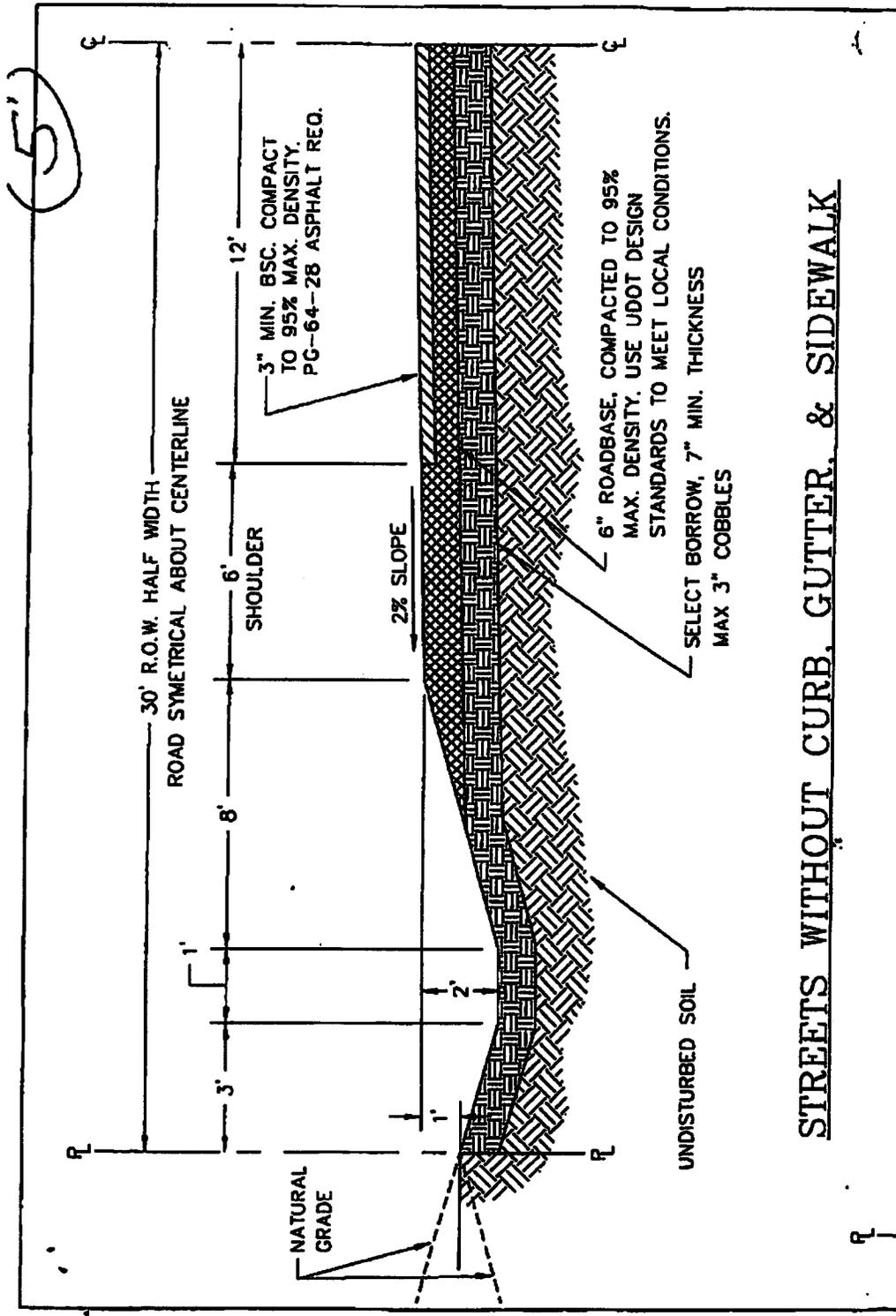
Type	Allowed	Administrative Conditional Use	Conditional Use	Business License Required
Stables, Private	√	-	-	-
Stables, Public/ Commercial		-	√	√
Subdivision	-	-	√	-

ELATED PROVISIONS

Title 3. Businesses, Licenses.

Title 12-2. Definitions.

Title 12-3. Administration and Enforcement



(5)

STREETS WITHOUT CURB, GUTTER, & SIDEWALK

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Exhibit G

ZONE STANDARDS – Signs

- B. No sign in any district shall conflict in any manner with the purpose or operation of traffic devices controlling public traffic.
- C. No overhanging or free-standing signs shall be permitted in any public right-of-way, except those traffic control and direction devices erected and approved by the public agency having jurisdiction over the public right-of-way. Overhanging signs are permitted to extend over a public right-of-way only in the Central Business and Commercial Development Districts and only upon approval.

12-17-11 **SIGN USAGE.** No sign shall be erected or maintained that exceeds the maximum allowable size for the specific zone as stated herein below.

ZONE: A-1

Attached On-Premises Sign	Attached On-Premises signs allowed of a size not to exceed sixteen square feet.
Detached On-Premises Sign	Detached On-Premises signs allowed with a maximum height of three feet from ground to top of sign and maximum size not to exceed twelve square feet.
Off-Premises Sign	Off-Premises signs are not allowed.

ZONE: A-1-NM

Same as Zone A-1

ZONE: A-5

Attached On-Premises Sign	Attached On-Premises signs allowed of a size not to exceed sixty-four square feet.
Detached On-Premises Sign	Detached On-Premises signs allowed of a size not to exceed a maximum height of three feet above ground to top of sign and a maximum size of twenty-four square feet, so long as set back requirements are met.
Off-Premises Sign	Off-Premises signs are not allowed.

ZONE: A-5-NM

Same as Zone A-5

ZONE: C-B

Attached On-Premises Sign	Attached On-Premises signs allowed of a size not to exceed the size of the building. Political signs no bigger than 16 square feet.
Detached On-Premises Sign	Detached On-Premises signs allowed with a maximum size of three hundred square feet per side. Political signs no bigger than 32 square feet.

ZONE STANDARDS – Signs

Off-Premises Sign Off-Premises signs allowed of a size not to exceed sixty-four square feet per side.
Political signs no bigger than 32 square feet.

ZONE: C-D

Attached On-Premises Sign Attached On-Premises signs allowed of a size not to exceed the size of the building.
Political signs no bigger than 16 square feet.

Detached On-Premises Sign Detached On-Premises signs allowed with a maximum size of three hundred square feet per side.
Political signs no bigger than 32 square feet.

Off-Premises Sign Off-Premises signs allowed of a size not to exceed three hundred square feet. A permit for an Off-Premise sign shall expire ten (10) years from the date of issuing such permit.
Political signs no bigger than 32 square feet.

ZONE: H-C

Attached On-Premises Sign Attached On-Premises signs allowed of a size not to exceed the size of the building.
Political signs no bigger than 16 square feet.

Detached On-Premises Sign Detached On-Premises signs allowed with a maximum size of three hundred square feet per side.
Political signs no bigger than 32 square feet.

Off-Premises Sign Off-Premises signs allowed of a size not to exceed sixty-four square feet per side.
Political signs no bigger than 32 square feet.

ZONE: I-1

Attached On-Premises Sign Attached On-Premises signs allowed of a size not to exceed the size of the building.
Political signs no bigger than 32 square feet.

Detached On-Premises Sign Detached On-Premises signs allowed with a maximum size of three hundred square feet per side.
Political signs no bigger than 32 square feet.

Off-Premises Sign Off-Premises signs allowed of a size not to exceed three hundred square feet. A permit for an Off-Premise sign shall expire ten (10) years from the date of issuing such permit.
Political signs no bigger than 32 square feet.

ZONE STANDARDS – Signs

ZONE: I-D

Attached On-Premises Sign Attached On-Premises signs allowed of a size not to exceed the size of the building.
Political signs no bigger than 32 square feet.

Detached On-Premises Sign Detached On-Premises signs allowed with a maximum size of three hundred square feet per side.
Political signs no bigger than 32 square feet.

Off-Premises Sign Off-Premises signs allowed of a size not to exceed three hundred square feet. A permit for an Off-Premise sign shall expire ten (10) years from the date of issuing such permit.
Political signs no bigger than 32 square feet.

ZONE: L-R-R No signs allowed. Only "For Sale," "For Rent" and political signs, of a size not to exceed six square feet.

ZONE: M-H No signs allowed. Only "For Sale," "For Rent" and political signs, of a size not to exceed six square feet.

ZONE: P-D No signs allowed. Only "For Sale," "For Rent" and political signs, of a size not to exceed six square feet.

ZONE: P/QP

Attached On-Premises Sign Attached On-Premises signs allowed of a size not to exceed the size of the building.

Detached On-Premises Sign Detached On-Premises signs allowed with a maximum size of three hundred square feet per side.

Off-Premises Sign Off-Premises signs allowed of a size not to exceed sixty-four square feet per side.

ZONE: R-1-A No signs allowed. Only "For Sale," "For Rent" and political signs, of a size not to exceed six square feet.

ZONE: R-1-A-NM

Same as Zone R-1-A

ZONE: R-1-B No signs allowed. Only "For Sale," "For Rent" and political signs, of a size not to exceed six square feet.

ZONE: R-1-B-NM

Same as Zone R-1-B

ZONE: R-2

ZONE STANDARDS – Signs

Attached On-Premises Sign Attached On-Premises signs allowed of a size not to exceed sixteen square feet.

Detached On-Premises Sign Detached On-Premises signs allowed with a maximum height of three feet from ground to top of sign and maximum size not to exceed twelve square feet.

Off-Premises Sign Off-Premises signs are not allowed.

ZONE: R-2-NM

Same as R-2

ZONE: R-4

Attached On-Premises Sign Attached On-Premises signs allowed of a size not to exceed sixty-four square feet.

Detached On-Premises Sign Detached On-Premises signs allowed with a maximum height of three feet from ground to top of sign and maximum size of twenty-four square feet, so long as set back requirements are met. Detached On-Premises signs placed behind minimum set back are not to exceed a maximum size of thirty-two square feet.

Off-Premises Sign Off-Premises signs are not allowed.

ZONE: R-4-NM

Same as Zone R-4

ZONE: R-D

Attached On-Premises Sign Attached On-Premises signs allowed of a size not to exceed sixty-four square feet.

Detached On-Premises Sign Detached On-Premises signs allowed with a maximum height of three feet from ground to top of sign and maximum size of twenty-four square feet, so long as set back requirements are met. Detached On-Premises signs placed behind minimum set back are not to exceed a maximum size of thirty-two square feet.

Off-Premises Sign Off-Premises signs are not allowed.

ZONE: R-D-NM

Same as Zone R-D

ZONE: R-R

Attached On-Premises Sign Attached On-Premises signs allowed of a size not to exceed sixty-four square feet.

ZONE STANDARDS – Signs

Detached On-Premises Sign Detached On-Premises signs allowed with a maximum height of three feet from ground to top of sign and maximum size of twenty-four square feet, so long as set back requirements are met. Detached On-Premises signs placed behind minimum set back are not to exceed a maximum size of thirty-two square feet.

Off-Premises Sign Off-Premises signs are not allowed.

ZONE: R-R-NM

Same as Zone R-R

ZONE: R-R-2-NM

Same as Zone R-R

12-17-12 **APPEAL.** Any person affected by a decision of the Code Enforcement Officer may appeal the decision to the Delta City Council. Such appeal shall be taken within 30 days of the Code Enforcement Officer's decision. The appeal shall be made by filing with the Code Enforcement Officer from whom the appeal is taken and with the City Council written notice of appeal specifying the grounds thereof. When an appeal is taken from a decision of the Code Enforcement Officer, the Code Enforcement Officer shall forthwith transmit to the City Council all papers constituting the record upon which the action appealed from was taken.

An appeal filed in accordance with this section stays all proceedings in furtherance of the action appealed from, unless the Code Enforcement Officer from whom the appeal is taken certifies to the City Council that by reason of facts stated in the certificate a stay would in his/her opinion cause immanent peril to life or property. In such cases, a proceeding shall not be stayed otherwise than by restraining order which may be granted by the City Council or by a court of competent jurisdiction on application and notice and on due cause shown.

The City Council shall, within a reasonable time, fix the time and place for a hearing on any appeal. The parties to the proceeding are entitled to give testimony, present evidence, cross examine witnesses and have an attorney present if the party so chooses. Members of the City Council are entitled to ask questions of the parties if they so choose. A record of the proceedings shall be kept by the City Council, whether by tape recording, stenography, or other appropriate means that will preserve the record for appeal. Any decision shall be made within a reasonable time after the hearing. The City Council shall adopt findings of fact that supports its decision.

After considering the appeal, the City Council shall affirm or reverse the Code Enforcement Officer's decision. An aggrieved party may seek relief from the decision of the City Council by filing an action in the District Court which has jurisdiction over Millard County.

12-17-12 **ENFORCEMENT.** Any person who violates or refuses to comply with any of the provisions of this Title shall be guilty of a class "B" misdemeanor. A separate offense shall be deemed to be committed on each day that the offense occurs or continues.

12-17-13 **OTHER LEGAL ACTION.** In addition to the criminal penalties prescribed for violations of this Title, the Code Enforcement Officer may bring a civil action seeking to enjoin the

ZONE STANDARDS – Signs

violation of this Title or to abate a dangerous condition or nuisance created as a result of a violation of this Title.