TITLE 12-1
GENERAL PROVISIONS

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12-1-1 LEGISLATIVE INTENT. This Title is intended to:

A. Support the goals of the Delta City General Plan;

B. Protect and promote public safety, health, and general welfare by providing adequate lighting, clean air, water and sewage control and fire protection;

C. Protect private property rights;

D. Promote coordinated development, redevelopment, effective use of land and site planning;

E. Encourage innovation in residential development and redevelopment that meets the growing demand for housing;

F. Preserve the character and stability of neighborhoods and conserve property values by encouraging the most appropriate uses of land within zoning districts;

G. Prevent substandard development, waste, inefficient use of land and resources, and danger and congestion in travel and transportation;

H. Ensure equal access opportunities to the handicapped;

I. Foster convenient, compatible and efficient relationships among land uses;

J. Require the provision of adequate off-street parking and loading facilities, and promote a safe, effective traffic circulation system;

K. Regulate and control the division of land;

L. Protect life and property in areas subject to floods and other natural disasters;

M. Promote prosperity, peace and good order, comfort and aesthetics of the City and its present and future inhabitants and businesses;

N. Protect the tax base and property values;

O. Secure economy in governmental expenditures; and

P. Protect the environment.

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12-1-2 <u>SCOPE AND APPLICATION</u>. The provisions of this Title apply to all land and uses of land within the City. This Title became effective on August 16, 2012 and may be amended from time to time. A lot annexed and zoned that does not meet the minimum lot standards of this Title, may be used notwithstanding such requirements, if such lot was validly created.

12-1-3 <u>ZONING MAP</u>. The boundaries of the zoning districts are set forth on a map entitled "Delta City Official Zoning Map" and adopted as part of this section. This map shall be kept by the City Recorder and maintained as provided in subsection (B) of this section.

A. Unless otherwise expressly defined on the zoning map, zoning district boundary lines are lot lines, section lines, City limit lines and the northern and eastern edge of the zoning lines are depicted on the zoning map. If uncertainty remains as to the boundary of a zoning district after application of the provisions of this subsection, the Planning Commission or Code Enforcement Officer will interpret the district boundary.

B. All amendments to the zoning map shall be made by ordinance. The City shall, within a reasonable time after adoption of any such amendment, place the amendment on the zoning map.

12-1-4 <u>HOW TO USE THIS TITLE</u>. A general description of the land use regulations follows. This description is intended to provide the reader with some guidance using the terms of Title 12 and is not a substitute for the standards, criteria, and procedures contained in this Title.

A. **ZONING MAP**. Prior to considering the development or redevelopment of land, an applicant should refer to the official zoning map to determine which base zoning and overlay districts correspond to the property. The official zoning map is available from the City Recorder and/or the Code Enforcement Officer.

B. **ZONING DISTRICT TITLE**. Once the applicant has identified the zoning district, the applicant should refer to the section of Title 12-7 which corresponds to the applicable zoning district(s). Definitions are also found in Title 12-2. The applicant should next refer to the site development and design requirements within the zoning district title to determine if the property is adequate in size to accommodate the proposed project. The site development and design standards will determine the building setback from the property lines, minimum lot area (if any), minimum open space, build-to lines, maximum height, density, parking requirements for buildings and uses on the property, etc.

C. **OVERLAY DISTRICTS**. Some areas earmarked for redevelopment are in an Overlay District as well as in a base-zoning district. Once the Overlay District has been identified, the applicant should refer to both the base zoning district title and the overlay district title that corresponds to the Overlay District.

D. **USE STANDARDS**. The applicant should then refer to the use table for the district. The applicant should first determine if the desired use is allowed in the district. If the use is allowed as a conditional use, the applicant must apply for and obtain a conditional use permit. Finally, if the use is an existing legal use that is no longer allowed in the zoning district, and there is a proposal to change or modify a structure associated with the use, the applicant must apply for and obtain a variance from the Appeal Authority.

E. **VARIANCES/REZONES**. If the applicant cannot meet the standards described in subsection B, above, the applicant should determine whether there are alternative development options or any exceptions to the general rules that may accommodate the

project. If the project does not meet standards and other development alternatives are not possible, then there are two methods available to attempt to vary the standards: the variance process and a petition for rezone.

1. The variance process is generally used for existing development, or development of an existing, validly created lot. The Appeal Authority shall issue a variance upon the applicant's demonstration that the application meets each variance standard detailed in Title 12-5-4.

2. A petition for rezone is a request to change the development standards for the property in question. The process for requesting a rezone is detailed in § 12-3-1. Rezones are discretionary legislative acts.

F. **SUBDIVISION OF LAND**. If the applicant would like to subdivide a piece of property, merge a number of different parcels into one parcel, or re-subdivide, the applicant may need to go through the subdivision process. The purpose of the subdivision process is to ensure that proposed building sites are appropriate for development; to obtain an accurate and permanent record of the separate interests of land that are created by subdivision of land; to apportion the costs of public services and facilities serving the subdivision; to provide assurances to future buyers of land that the subdivider owns the land to be sold; to provide legal and physical access to each lot; and to provide for maintenance of improvements, utilities, and amenities.

G. **MEANINGS AND INTENT**. All provisions, terms, phrases and expressions contained in this Title shall be construed according to § 12-1-1.

H. **HEADINGS, ILLUSTRATIONS AND TEXT**. In case of any difference of meaning or implication between the text of this Title and any heading, drawing, table, figure, or illustration, the text shall control.

I. **LISTS AND EXAMPLES**. Unless otherwise specifically indicated, lists of items or examples that use terms such as "including," "such as," or similar language are intended to provide examples, not to be exhaustive lists of all possibilities.

J. **COMPUTATION OF TIME**. References to days are calendar days. Exclude the first day and include the last day. If the last day is a Saturday, Sunday, or holiday observed by the City, that day shall be excluded.

K. **REFERENCES TO OTHER REGULATIONS, PUBLICATIONS AND DOCUMENTS.** Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation (as amended), resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

L. **TECHNICAL AND NON-TECHNICAL TERMS**. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

M. **PUBLIC OFFICIALS AND AGENCIES**. All public officials, bodies, and agencies to which references are made are those of the City of Delta, unless otherwise indicated.

N. **MANDATORY AND DISCRETIONARY TERMS**. The words "shall," "will," and "must" are always mandatory. The words "may" and "should" are advisory and discretionary terms.

O. **CONJUNCTIONS**. Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

1. "And" indicates that all connected items, conditions, provisions, or events apply; and

2. "Or" indicates that one or more of the connected items, conditions, provisions, or events may apply.

P. **TENSES AND PLURALS**. Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular includes the plural, and the plural includes the singular.

12-1-5 **CONFLICTING PROVISIONS**. This Title is written to harmonize with federal, state and City laws. To the extent a provision of this Title conflicts with a federal, state or local law or private contract, the following rules apply:

A. **CONFLICT WITH STATE OR FEDERAL REGULATIONS**. If the provisions of this Title are inconsistent with those of the state or federal government, the more restrictive provision will control, to the extent permitted by law.

B. **CONFLICT WITH OTHER CITY REGULATIONS**. If the provisions of this Title are inconsistent with one another or if they conflict with provisions found in other adopted ordinances, resolutions, or regulations of the City, the more restrictive provision will control.

C. **CONFLICT WITH PRIVATE AGREEMENTS**. It is not the intent of this Title to interfere with, abrogate, or annul any easement, covenant, deed restriction, or other agreement between private parties. If the provisions of this Title impose a greater restriction than imposed by a private agreement, the provisions of this Title will control. If the provisions of a private agreement impose a greater restriction than this Title, the provisions of the private agreement will control. The City shall not be responsible for monitoring or enforcing private agreements.

12-1-6 **INTERPRETATION**. The Delta City Code Enforcement Officer shall have the power to interpret the provisions of this Title, provided that the City staff shall consult with the City Attorney concerning legal issues. The interpretations shall be consistent with the rules of construction in Title 12-1-5, with the rules of statutory construction, with the rules of conflicting provisions in Title 12-1-6 and shall be consistent over time until changed, in writing, by the City Council. Such interpretations shall be entitled the weight accorded to administrative interpretations by the courts.

12-1-7 **CREATION OF VESTED RIGHTS**. The City may alter certain private property rights by amending this Title from time to time as provided for in § 12-3-1.

A. **HOW RIGHTS VEST**. Certain private property rights shall become fixed at law, and may not be altered for a period of time, upon an applicant's:

1. Submission of a Complete Application to develop property that is consistent with this Title; and

2. Payment of all applicable permit fees.

B. **WHAT RIGHTS VEST**. The applicant's rights vest under this Title in those rights for which the applicant has applied. For example, if the applicant has applied for a subdivision, and has "vested rights" pursuant to subsection A. above, the applicant's rights vest under the subdivision ordinance, and the applicant is entitled to the benefit of the subdivision ordinance in effect at the time of vesting. An applicant's vested rights under the subdivision ordinance, however, do not vest the applicant under an adopted building, fire or plumbing code, because the applicant has not submitted a Complete Application for the applicable permit nor paid applicable fees. Applications shall not vest if:

1. Revisions to this Title are pending at the time of application which would prohibit or further condition the approval sought; or

2. There exists a compelling and countervailing health, safety or welfare reason.

C. **PRESERVATION OF VESTED RIGHTS/COMPLIANCE WITH CONDITIONS OF APPROVAL**. An applicant with vested rights must comply with and maintain all conditions of final approval to preserve the vested rights. An applicant's failure to meet or maintain conditions of approval constitutes the applicant's knowing and willful waiver of the applicant's vested rights.

D. **APPLICABILITY OF ORDINANCES THAT ARE GENERAL IN NATURE**. The establishment of a vested right shall not preclude the application of City ordinances or regulations that are general in nature, applicable to all property subject to land use regulation, and necessary to preserve the health, safety or welfare of the community.

12-1-8 TRANSITIONAL PROVISIONS.

A. **VIOLATIONS CONTINUE**. Any violation of the previous Zoning Ordinance will continue to be a violation under this Title and will be subject to penalties and enforcement under Title 12-3, unless the use, development, construction, or other activity complies with the provisions of this Title.

B. **LEGAL NONCONFORMITIES**. Any legal nonconformity under the previous Zoning Ordinance or created by the adoption of this Title will be a legal nonconformity under this Title. If a legal nonconforming use or structure under the previous Zoning Ordinance becomes conforming because of the adoption of this Title, then the nonconformity expires. A legal nonconforming use will become an illegal non-conforming use if the use lapses for six (6) consecutive months.

C. **APPROVED PROJECTS AND EXISTING LOTS**. The provisions of this Title shall affect approved projects and existing lots as follows:

1. Use permits, variances, architectural or design approvals, subdivided lots, Master Plan Overlays, subdivision maps and Planned Unit Developments, which are valid on August 16, 2012, shall remain valid until their expiration date. Projects with valid approvals or permits may be constructed as approved, provided that the

permit or project approval is valid and has not lapsed. Any change in the use or occupation of such land shall be made in accordance with the amended provisions of this Title.

2. No provision of this Title shall require any change in the plans, construction, or designated use of any structure for which a building permit has been issued prior to August 16, 2012.

D. **VESTED RIGHTS/APPLICATIONS IN PROGRESS/REAPPLICATION**. An applicant with rights vested before August 16, 2012, and pending approval on August 16, 2012, may opt for review wholly under the terms of the previous Zoning Ordinance or under this Title. Any re-application for a permit that has expired must comply with the standards in effect at the time of re-application. Projects for which no application has been submitted and accepted as complete prior to August 16, 2012, shall be subject to all requirements and standards of this Title.

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 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.

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 though 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.

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.

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 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.
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/Stands. 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.

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 additional 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 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.

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 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.

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.

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.

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, arid City boundaries; and any amendments or additions thereto resulting from the approval of 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.

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.

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.

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.

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.

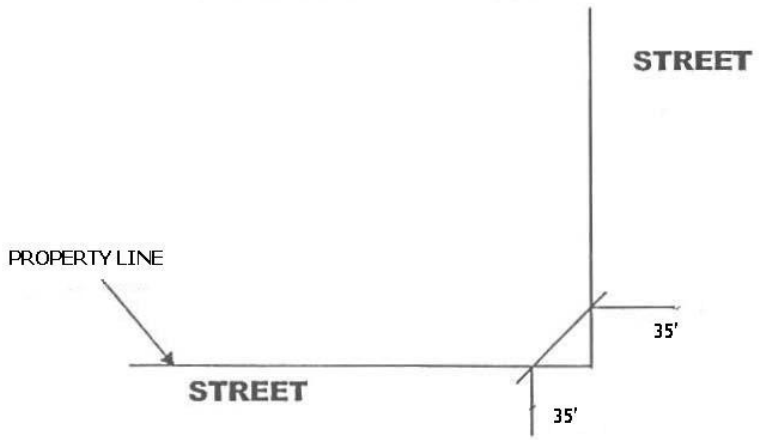
Sign Setback means the minimum distance that any portion of a sign or sign structure shall be from any street property line.

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.

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, with moderate access to abutting properly 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 properly. 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

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.

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, 2012and 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.

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 comers 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.

TITLE 12-3 ADMINISTRATION AND ENFORCEMENT

12-3-1 AMENDMENTS TO THE ZONING CODE OR MAP
12-3-2 REVIEWING BODIES
12-3-3 ALLOWED USE REVIEW
12-3-4 CONDITIONAL USE/ADMINISTRATIVE CONDITIONAL USE REVIEW
12-3-5 MASTER PLANNED DEVELOPMENT REVIEW
12-3-6 SIGN PERMIT REVIEW
12-3-7 TELECOMMUNICATIONS REVIEW
12-3-8 NOTICE
12-3-9 TERMINATION OF PROJECTS FOR INACTION/ABANDONMENT
12-3-10 PENALTIES
12-3-11 LICENSING
12-3-12 APPEALS AND RECONSIDERATION PROCESS
12-3-13 CONSTITUTIONAL TAKINGS REVIEW AND APPEAL
12-3-14 NOTICE MATRIX

12-3-1 **AMENDMENTS TO THE ZONING CODE OR MAP**. Amendments to this Title shall be made in the following manner:

A. **APPLICATION**. An applicant must file a written request for amendment with the Code Enforcement Officer. The City Council, Planning Commission, or owner applicant may initiate an amendment as provided below. An owner applicant shall pay the filing fee prescribed by the Fee Schedule, and shall file an application, which shall include, without limitation:

1. The legal description of all property included;

2. Common address if available; and

3. A written statement addressing the criteria required for approval pursuant to § 12-3-1 E.

B. **HEARINGS BEFORE PLANNING COMMISSION**. The Planning Commission, a Land Use Authority, shall hold a public hearing on all amendments to this Title or to the Land Use Zoning Map. The Code Enforcement Officer shall cause a notice, including a description of the property for which the zoning amendment is requested, a brief explanation of the proposed zoning, and the date, place and time of the public hearing, to be prepared as Provided in § 12-3-9 below. The purpose of the notice is to reasonably inform surrounding property owners and jurisdictions of the application. No minor omission or defect in the notice or mailing shall be deemed to impair the validity of the proceedings to consider the application.

C. **ACTION BY PLANNING COMMISSION.** Following the public hearing, the Planning Commission shall adopt a written recommendation to the City Council, advising the Council to approve, disapprove, or modify the proposal. If the Planning Commission fails to take action within sixty (60) days of the close of the public hearing, the City Council shall consider the matter forwarded from the Planning Commission with a negative recommendation.

D. **HEARING BEFORE CITY COUNCIL**. The City Council may hold a public hearing on all proposed amendments to this Title or Land Use Zoning Map forwarded from the Planning

Commission. Notice of the public hearing shall be consistent with § 12-3-1 B.

E. **CRITERIA/REQUIRED FINDINGS**. The City's land use zoning is the result of a detailed and Comprehensive appraisal of the City's present and future land use allocation needs. In order to establish and maintain sound, stable, and desirable development within the City, rezoning of land is to be discouraged and allowed only under the limited circumstances herein described. Therefore, the Planning Commission may recommend, and the City Council may grant, a rezoning application only if it determines, in written findings, that the rezoning is consistent with the policies and goals of the Delta City General Plan and that the applicant has demonstrated that the:

1. Proposed rezoning is necessary either to comply with the Delta City General Plan proposed Land Use Map, or to provide land for a community need that was not anticipated at the time of adoption of the Delta City General Plan;

2. Existing zoning was either the result of a clerical error or a mistake of fact, or that it failed to take into account the constraints on development created by the natural characteristics of the land, including but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage; or

3. Land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage redevelopment of the area or to recognize the changed character of the area.

F. **TEMPORARY OR EMERGENCY ZONING**. The City Council may enact an ordinance, without a public hearing or Planning Commission recommendation, which establishes temporary zoning regulations for any part or all of the area within the municipality if the:

1. City Council makes a written finding of compelling, countervailing public interest;

   or

2. Area is not zoned.

Temporary zoning regulations may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval. The City Council shall establish a period of limited effect for the ordinance, which period may not exceed six (6) months.

12-3-2 **REVIEWING BODIES**. The Code Enforcement Officer (CEO), the Planning Commission (PC), the City Council (CC), and the Appeal Authority (AA) each have the following primary authority to review Applications for compliance with this Title:

Table 12-3-2 Reviewing Bodies
A-Appeal, D-Decision, R-Review

TYPE OF REVIEW	CEO	PC	CC	AA
Administrative Lot Line Adjustment	R	D	A	
Allowed Use, Appeal	R	D	A	
Business Licensing	R	R	D	
Conditional Use	R	D	A	
Conditional Use-Administrative	D	A		

MPD	R	R	D	A
Non-Complying Structure	R			D
Plat Amendment	R	R	D	A
Subdivision/Condo	R	R	D	
Chapter 9/Map Amendment	R	R	D	
Variance	R			A

A. No building permit shall be valid for any structure unless the permit for the proposed structure has been submitted to and has been approved by the Code Enforcement Officer.

B. No new use shall be valid on any property unless the use is allowed in the zone, or unless a Conditional Use permit has been properly issued for the use.

C. No subdivision map shall be recorded unless all conditions of subdivision approval have been satisfied or otherwise secured.

D. The Code Enforcement Officer initially reviews all complete applications requiring action by the Planning Commission and recommends approval or rejection to the Planning Commission, according to the type of application filed. The Code Enforcement Officer may process one (1) application at a time, per property or may process coordinated applications simultaneously. The Code Enforcement Officer may issue Administrative Conditional Use Permits, as a Land Use Authority, or may recommend to the Planning Commission certain conditions of approval to applications for Conditional Use permits.

E. The Planning Commission issues permits for allowed uses, administrative lot line adjustments, and conditional uses and the Code Enforcement Officer issues building permits.

F. The Planning Commission reviews, holds a public hearing and forwards a recommendation to the City Council regarding, each application for subdivision approval, subdivision plat amendment, initial zoning, rezoning, condominium record of survey, master planned developments, and amendments to this Title.

G. The Appeal Authority hears all requests for variances, modifications of non-complying Structures and zoning appeals, except appeals relating to Conditional Use Permits and MPDs.

H. No review shall occur until all applicable fees are paid.

12-3-3 **ALLOWED USE REVIEW**.

A. **PLAN REVIEW PROCESS**. The following process and those outlined in 12-7, applies to all applications for new development.

B. **INITIAL CONTACT**. An applicant for new development shall contact the Code Enforcement Officer to discuss the scope and purpose of the proposed development and the requirements of this code, including the following:

1. An allowed use within the zone;

2. Complies with all applicable development requirements of the zone, including building height, setback, front, side, and rear yards, and lot coverage;
3. Respects lot lines of a legally subdivided lot;

4. Complies with the parking requirements for the zone.

5. Conforms with applicable design guidelines, if any, for the zone;

6. Can adequately be serviced by roads, existing or proposed utility systems or lines; and

7. Pertains to land on which all tax assessments have been paid.

C. **PRELIMINARY STAFF REVIEW**. The applicant shall provide Planning and Zoning staff with:

1. A statement of intended use;

2. Drawings in sufficient detail to allow staff to review the proposal for compliance with this code;

3. The tax identification number for the parcel;

4. A vicinity map to orient the parcel to its surrounding Infrastructure and a statement of intended use;

5. Project Identification (project name, location, developer and developer's address and contact information;

6. Concept drawings shall be either 8 ½" x 11" or 11" x 17" and shall include the following:

   a. Location and height of existing and proposed structures within the proposed development and within two hundred feet (200') of the proposed development;

   b. Location of fire hydrants and street lights within two hundred fifty feet (250') of the proposed development;

   c. Property lines and dimensions indicating total site area, parking and driveway area, gross area of all buildings and structures, area of proposed landscaping indicated as a percentage of lot coverage by landscaping;

   d. North arrow;

   e. Proposed buildings, parking areas, drive-aisle widths, road or driveway lengths and landscaped areas. Indicate number and layout of proposed parking spaces;

f. Locations of access, curb cuts, gutters, sidewalks and proposed driveways as well as proposed circulation pattern;

g. Public Improvements and dedications;

h. Location and design of proposed walls, landscaping and exterior lighting;

i. Phasing plan, if any;

j. Description and hours of intended uses; and

k. Payment of the application fee set forth in the Fee Schedule

D. **RESIDENTIAL SITE PLAN REVIEW**. The site plan drawings shall include:

1. General:

a. Dated drawings prepared on a twenty-two (22) inch by thirty-four (34) inch format;

b. Indicated scale shall be no less than one (1) inch equals forty (40) feet.

c. Name of project/development, address and developer's name.

d. Parcel dimensions;

e. North arrow;

f. Total site area;

g. Parking and driveway area;

h. Location of new buildings and structures;

i. Location of existing buildings and structures;

j. All existing sewer mains, water mains, fire hydrants, and electric lines;

k. Building elevations with proposed materials of construction for new construction or exterior modifications of existing buildings;

l. Any further information related to site development as requested by Delta City Officials.

E. **COMMERCIAL SITE PLAN REVIEW**. (*Not an MPD or Subdivision.*) The site plan drawings shall include:

1. Dated drawings prepared on a twenty-two (22) by thirty-four (34) inch format;

2. Indicated scale shall be no less than one (1) inch equals forty (40) feet.

3. Name of project/development, address and developer's name.

4. Parcel dimensions;

5. North arrow;

6. Total site area;

7. Parking and driveway area;

8. Location of new buildings and structures;

9. Location of existing buildings and structures;

10. Location and height of structures;

11. Setbacks for on-site and off-site structures;

12. Landscaped area (*indicate percentage of total site area to be landscaped*);

13. All existing and proposed sewer mains, water mains, fire hydrants, and electric lines;

14. Building elevations with proposed materials of construction for new construction or exterior modifications of existing buildings;

15. Provide existing and proposed utility and lighting information.

16. Provide location and size of vehicular entrances and exits;

17. Any further information related to site development as requested by Delta City Officials.

F. **BUILDING PERMIT**. Upon approval of the building and site plan drawings, and payment of all applicable fees, the Code Enforcement Officer shall issue a building permit to the applicant.

G. **INSPECTIONS**. The Code Enforcement Officer or other designated official shall inspect the project during construction through its completion to verify conformance with approved plans.

H. **REJECTED USES**. If an application does not meet the criteria set forth above, the Code Enforcement Officer shall notify the applicant stating specifically which criteria have not been satisfied.

I. **DISCLAIMER**. No permit shall be valid if any of the criteria listed in this section has not been met.

12-3-4 **CONDITIONAL USE/ADMINISTRATIVE CONDITIONAL USE REVIEW**. There are certain uses that, because of unique characteristics or the potential for detrimental impacts, may not be compatible in some areas of a zone or may be compatible only if certain conditions are imposed. The Code Enforcement Officer will evaluate all Conditional Use permit applications. The Code

Enforcement Officer may issue Administrative Conditional Use permits or may recommend to the Planning Commission certain conditions of approval to applications for Conditional Use permits. The Code Enforcement Officer and the Planning Commission shall review all applications for a Conditional Use permit according to the following procedure:

A. **DEVELOPMENT REVIEW COMMITTEE.** If determined necessary by the Code Enforcement Officer, an applicant shall attend a pre-application conference with the Code Enforcement Officer and other city staff or departments to discuss the proposed improvements associated with the Conditional Use and the conditions that the staff would recommend to mitigate proposed adverse impacts. This meeting will allow other City Departments to provide comments on the application.

B. **THE APPLICATION**. An applicant must pay all appropriate fees as set by the Fee Schedule and must file a complete application.

C. **PUBLIC HEARING**. Upon receipt of a complete application, the Code Enforcement Officer shall provide reasonable notice as provided in § 12-3-8. The Planning Commission may conduct a public hearing on the Conditional Use Permit application and shall either approve, deny, or modify and approve the application.

1. A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.

2. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

D. **STANDARDS FOR REVIEW**. The City shall not issue a Conditional Use permit unless the Code Enforcement Officer, in the case of an Administrative Conditional Use, or the Planning Commission, for all other Conditional Uses, concludes that the application complies with the standards of review specific to the zone in which the use is proposed.

E. **TRANSFERABILITY**. A Conditional Use permit runs with the land unless otherwise indicated in the Conditional Use Permit.

F . **EXPIRATION**. Unless otherwise indicated in the final conditions, Conditional Use permits shall expire one (1) year from the date of initial approval, unless the conditionally permitted use has commenced on the site.

G. **ANNUAL REVIEW**. The Code Enforcement Officer may review Conditional Use permits on an annual basis for compliance with all final conditions of approval.

H. **REVOCATION**. If the Code Enforcement Officer determines that the holder of a Conditional Use permit is in violation of the terms or conditions upon which the permit was issued, the City Recorder shall notice the permit holder and schedule a hearing before the Planning Commission at which the permit holder must show cause to the Planning Commission why the Conditional Use permit should not be revoked. If the Planning Commission determines that the terms or conditions of the permit have been violated, it shall cause the permit holder to specify how the holder will promptly comply

with the terms and conditions of the permit, or it shall revoke the permit.

I. **APPEALS**. Appeals must be pursuant to § 12-3-12 herein.

12-3-5 **MASTER PLANNED DEVELOPMENT REVIEW**. Each Master Planned Development (MPD) application shall be signed by all owners of record, shall be processed as a Conditional Use and shall satisfy all Conditional Use permit criteria outlined in the zone and the standards in Title 12-10-10.

A. **APPLICATION**. The application shall include:

1. A statement of the present and contemplated ownership, with current and proposed tenants;

2. A legal description of the land, including all recorded and unrecorded real property interests in the land;

3. A proposed development schedule or phasing plan;

4. A mailing list of all property owners within three hundred feet (300) feet of the MPD boundary; and

5. A statement of the development objectives, including proposed uses, parking requirements, height variances or density bonuses requested.

B. **DEVELOPMENT AGREEMENT**. In conjunction with the approval for any Master Planned development, the owner shall execute a development agreement, to the satisfaction of the City Attorney and City Council in which the owner agrees to comply with the provisions of the Conditional Use permit for the Master Planned development and provides security, to the satisfaction of the City Attorney and City Council, for all on and off-site public improvements associated with the Master Planned development.

12-3-8 **NOTICE**. The City shall notice all public hearings that are required by this Title.

A. **PUBLIC HEARING REQUIREMENTS**. The Code Enforcement Officer or City Recorder shall provide reasonable notice of all public hearings and meetings, which notice shall contain a description of the property, with a brief explanation of the proposed use, and the date, place and time of the public hearing, which notice shall be:

1. Posted in at least three (3) public places in the City and in addition one may include the subject property for annexation, rezone, and major subdivision applications if deemed necessary or posted on the City website; and

2. When required either published in or submitted to a newspaper of general circulation within the City at least ten (10) days before the date of the Planning Commission, Appeal Authority, and/or City Council hearing; and

3. When required sent by first class mail to all record owners of subject property within three hundred (300) feet of the subject property.

B. **NOTICE TO AFFECTED ENTITIES**. When required by law the Code Enforcement Officer shall provide notice by first class mail to affected entities as defined in Title 12-2.

C. **PURPOSE OF NOTICE**. The purpose of the notice is to reasonably inform surrounding property owners and jurisdictions of an application for zoning, multi-family, commercial or industrial development or a proposed modification to the General Plan. No minor omission or defect in the notice or mailing shall be deemed to impair the validity of the proceedings to consider the zoning application. If at or prior to the public hearing an omission or defect in the mailed notice is brought to the attention of the Planning Commission, it shall determine whether the omission or defect impairs or has impaired a surrounding property owner's ability to participate in the public hearing, upon which finding it shall continue the hearing on the application for zoning for at least fourteen (14) days. Any omission or defect in the mailed notice that is not brought to the commissions' attention or that the commission finds did not impair a surrounding property owner's ability to participate in the hearing shall not affect the validity of the zoning proceedings.

D. **EFFECT OF NOTICE**. Proof that notice was given pursuant to subsection A above is prima facie evidence that notice was properly given. If notice given under authority of this section is not challenged as provided for under state law within thirty (30) days from the date of the hearing for which the challenged notice was given, the notice was adequate and proper.

12-3-9 **TERMINATION OF PROJECTS FOR INACTION/ABANDONMENT**. Applicants must move their projects either to approval or denial in a reasonably expeditious manner. Upon fourteen (14) days written notice to the applicant, the City may formally deny an application, which remains inactive for six (6) months. Delays occasioned by the City shall not constitute cause for terminating an application. An applicant may appeal the Code Enforcement Officer's denial of a project for inaction to the Planning Commission in the same manner as any other appeal. The Planning Commission may reinstate subject to conditions, or may deny reinstatement if reinstatement is denied, the application is formally denied.

12-3-10 **PENALTIES**. Any person, firm, partnership, or corporation, and the principals or agents thereof violating or causing the violation of this Title, or a permit issued pursuant to this Title, shall be guilty of a Class "C" misdemeanor and punished upon conviction by a fine and/or imprisonment described in the Municipal Code.

A. In addition, the City shall be entitled to bring a civil action to enjoin and/or abate the continuation of the violation.

B. Private citizens of the City or owners of property within the City may file an action to enjoin the continuation of a violation affecting their interests.

12-3-11 **LICENSING**. Licenses or permits issued in violation of this Title, or based on fraudulent information, are null and void.

12-3-12 **APPEALS AND RECONSIDERATION PROCESS**. The applicant, staff, or any other person with standing to challenge a decision administering or interpreting this Title may appeal the decision as follows:

A. **ZONING CODE INTERPRETATION AND ADMINISTRATION**. All City decisions which interpret or administer this Title, may be appealed to the Appeal Authority within

ten (10) days of final action, by filing notice of appeal with the Planning and Zoning staff, except that:

Conditional Use Permit. The City Council shall hear appeals of Planning Commission decisions with respect to a Conditional Use Permit. The appeal must be filed with the City Recorder within ten (10) days of the Planning Commission action.

B. **APPEAL AUTHORITY**. The District Court hears appeals of decisions of the Appeal Authority that are filed within thirty (30) days of the final Board decision.

C. **STANDING TO APPEAL**. The following persons have standing to appeal a final action:

1. Any person who submitted written comment or testified on a proposal before the Planning Commission;

2. The owner of any property within three hundred feet (300') of the boundary of the subject site;

3. Any City official, Board or Commission having jurisdiction over the matter; and

4. The owner of the subject property.

D. **FORM OF APPEALS**. Appeals must be filed with the Code Enforcement Officer and must be by letter or petition, with the name, address, and telephone number of the petitioner; his or her relationship to the project or subject property; and a comprehensive statement of the reasons for the appeal, including the specific provisions of law that are alleged to be violated by the action taken.

E. **WRITTEN FINDINGS REQUIRED**. The appellate body shall prepare detailed written Findings of fact, which explain the circumstances of the body's decision; and conclusions of law in support of its decision.

F. **ACTION ON APPEALS TO A CITY BODY**. The City shall comply with the following standards for all appeals to a City body under this Title:

1. The City, in consultation with the appellant, shall set a date for the appeal;

2. The City shall notify the owner of the appeal date;

3. The City body hearing the appeal shall consider the written appeal, final action and all other pertinent information from the appellant and the Code Enforcement Officer.

4. The City body hearing the appeal may affirm, reverse, or affirm in part and reverse in part any properly appealed decision or may remand the matter with directions for specific areas of review or clarification. Appellate review is limited to consideration of only those matters raised in the written appeal and the staffs responses thereto, unless the body, by motion, enlarges the scope of the appeal to accept information on other matters; and

5. The City shall prepare written findings for review and approval within thirty (30) working days of the appellate decision.

G. **CITY COUNCIL CALL-UP**. Within fifteen (15) calendar days of final action on any decision, the City Council, on its own motion, may call up for review any final action taken by the Planning Commission. The City Recorder shall give prompt notice of the call-up to the Chairman of the Planning Commission together with the date set by the Council for consideration of the merits of the matter. The recorder shall also provide notice as required by § 12-3-12 (H) herein. In calling a matter up, the Council may limit the scope of the hearing to certain issues.

H. **NOTICE**. Notice of all appeals or call-ups shall be given by mailing courtesy notice seven (7) days prior to the hearing to the applicant and all parties who requested mailed courtesy notice for the original action.

I. **STAY OF APPROVAL PENDING REVIEW OF APPEAL**. Upon call-up, or appeal, any approval granted by the Planning Commission or staff will be suspended until the reviewing body has taken final action on the appeal.

J. **APPEAL FROM THE CITY COUNCIL**. The applicant or any person aggrieved by City action on the project may appeal from the final action of the Appeal Authority or City Council to a court of competent jurisdiction. The decision shall stand, and those affected by the decision may act in reliance on it unless and until a court enters an interlocutory or final order modifying or suspending the decision.

K. **FINALITY OF ACTION**. Final action occurs when the deciding body has adopted and executed written findings of fact and conclusions of law on the matter in question.

12-3-13 **CONSTITUTIONAL TAKINGS REVIEW AND APPEAL**. To promote the protection of private property rights and to prevent the physical taking or exaction of private property without just compensation, the City Council and all Commissions and Boards shall adhere to the following before authorizing the seizure or exaction of property:

A. **TAKINGS REVIEW PROCEDURE**. Prior to any proposed action to exact or seize property, the City Attorney shall review the proposed action to determine if a constitutional taking requiring "just compensation" would occur. The City Attorney shall review all such matters pursuant to the guidelines established in subsection B below. Upon identifying a possible constitutional taking, the City Attorney shall, in a confidential, protected writing, inform the Council, commission or board of the possible consequences of its action. This opinion shall be advisory only. No liability shall be attributed to the City for failure to follow the recommendation of the City Attorney.

B. **TAKINGS GUIDELINES**. The City Attorney shall review whether the action constitutes a constitutional taking under the Fifth or Fourteenth Amendments to the Constitution of the United States, or under Article I, § 22 of the Utah Constitution. The City Attorney shall determine whether the proposed action bears an essential nexus to a legitimate governmental interest and whether the action is roughly proportionate and reasonably related to the legitimate governmental interest. The City Attorney shall also determine whether the action deprives the private property owner of all reasonable use of the property. These guidelines are advisory only and shall not expand nor limit the scope of the City's liability for a constitutional taking.

C. **APPEAL**. Any owner of private property who believes that his/her property is proposed to be "taken" by an otherwise final action of the City may appeal the City's decision to the Takings Appeal Board within thirty (30) days after the decision is made. The appeal must be filed in writing with the City Recorder. The Takings Appeal Board shall hear and approve and remand or reject the Appeal within fourteen (14) calendar days after the appeal is filed. The Takings Appeal Board, with advice from the City Attorney, shall review the appeal pursuant to the guidelines in subsection B herein. The decision of the Takings Appeal Board shall be in writing and a copy given to the appellant and to the City Council, Commission or Board that took the initial action. The Takings Appeal Board's rejection of an Appeal constitutes exhaustion of administrative remedies rendering the matter suitable for appeal to a court of competent jurisdiction.

D. **TAKINGS APPEAL BOARD**. There is hereby created a three (3) member Takings Appeal Board. The Mayor shall appoint three (3) current members of the Appeal Authority to serve on the Takings Appeal Board. If, at any time, three (3) members of the Appeal Authority cannot meet to satisfy the time requirements stated in subsection C above, the Mayor shall appoint a member or sufficient members to fill the vacancies.

12-3-14 **NOTICE MATRIX**.

Land Use Decision	Time	Notice Type
Preparation, Adoption or Amendments of General Plan	A. Upon inception of the initial process to generally plan or the process for any comprehensive plan amendment. B. 10 days prior to the first public hearing. C. 24 hours notice of each public meeting.	A. Notice mailed or e-mailed to: 1. "affected entities". 2. AOG. 3. State Planning Coordinator. B. Published in paper and posted in 3 public places or on website. C. Posted in 3 public places or on website and submitted to paper.
Adoption or Amendments of Land Use Ordinance	A. 10 days prior to first public hearing: or B. 3 days prior to 1st public hearing. C. 24 hours notice of each public meeting.	A. Published in paper and posted in 3 public places or on website. B. Written notice mailed to interested persons. C. Posted in 3 public places or on website and submitted to paper.
Annexation Policy Plan	A. 14 days prior to first public meeting or hearing. B. 14 days prior to first public hearing. C. 30 days after adoption.	A. Notice mailed or e-mailed to: "affected entities". B. Notice mailed or e-mailed to: 1. "affected entities". 2. Published in paper. 3. Posted in 3 public places or on website. C. Copy to County.
Appeal of Permit Decision		Notice must be given to applicant 10 days prior to hearing.
Acquisition/Disposition of Public Property	14 days prior to first public hearing.	Notice mailed or e-mailed to "affected entities" and published in paper and posted in 3 public places or on website.
Conditional Use Permit	See Land Use Application	
Land Use Application		Notify the applicant of the date, time, and place of each public hearing and public meeting and of any final action on a pending application and to the record owner of each parcel within specified parameters of that property if designated by this ordinance.
Nonconforming Uses/ Non Complying Structures	See Land Use Application	

Land Use Decision	Time	Notice Type
Subdivision Plat Amendment or Approval	3 days prior to public hearing.	Notice mailed or e-mailed to: 1. "affected entities" IF multi-unit residential, commercial or industrial subdivision. 2. (a) to the record owner of each parcel within specified parameters of that property; or (b) posted, on the property to give notice to passers-by.
Termination of Project for Inaction		14 days notice to the applicant.
Vacation, Alteration or Amendment to Platted Street	All notice required for subdivision approval, plus, 4 consecutive weeks prior to public hearing.	Published in local newspaper once a week for 4 consecutive weeks; if no paper posted in 3 public places for 3 weeks.
Variances	See Land Use Application	

TITLE 12-4 PLANNING COMMISSION

TITLE 12-4 PLANNING COMMISSION

12-4-1 ESTABLISHMENT OF THE PLANNING COMMISSION
12-4-2 APPOINTMENT-TERM
12-4-3 POWERS AND DUTIES
12-4-4 ORGANIZATION

12-4-1 **ESTABLISHMENT OF THE PLANNING COMMISSION**. There is created a Planning Commission to be composed of eight members, one of which is a representative of the City Council, who are appointed by the Mayor with the advice and consent of the City Council from among qualified electors of the City in a manner providing balanced geographic, professional, neighborhood and community interest representation.

12-4-2 **APPOINTMENT-TERM - REMOVAL.**

A. Members of the Planning Commission shall be appointed by the Mayor of Delta City with the advice and consent of the City Council from among qualified electors of the City. Members shall be selected without compensation, except for reimbursement of reasonable expenses. The members of the Delta City Planning Commission as presently constituted shall be appointed to continue in office for their present terms. One of the members so appointed to the Planning Commission shall be appointed from among the members of the City Council.

C. A vacancy occurring on the Planning Commission by reason of death, resignation, removal, disqualification or any other reason shall be promptly filled by a replacement appointed in the same manner as the original appointment for the remainder of the unexpired term of the replaced member.

D. The term of office for the designated member of the City Council shall correspond to the tenure of office of that Council Member. The terms of office for the appointive members of the Planning Commission shall be for a term of four (4) years in continuation of the present terms of office. Thereafter, the term of office for two of the members shall commence on the first Monday of February, 1986; the term of office for two additional members shall commence the first Monday of February, 1987, and the term of office for the remaining two members shall commence the first Monday of February, 1988, and continuing thereafter for terms of four (4) years. Any person appointed to fill a vacant position on the Planning Commission shall serve for the remainder of the term of the person replaced.

E. There shall be a member of the Planning Commission designated as the Chairman by the Mayor, with the advice and consent of the City Council. The Planning Commission shall, in the absence of the Chairman, or any period during which the Chairman is unable, fails or refuses to act, select a Vice-Chairman who shall serve as Chairman during the period of such absence, inability, refusal or failure to act. Three members of the Planning Commission and the Chairman or Vice-Chairman shall constitute a quorum for action of the Planning Commission. The Planning Commission shall adopt such rules of procedure as are necessary for the conduct of business in Planning Commission meetings.

F. The Mayor of Delta City, with the advice and consent of the City Council, may remove any member of the Planning Commission for cause if written charges are filed against the member with the Mayor; provided, that the member shall be afforded a public hearing if one is requested.

12-4-3 **POWERS AND DUTIES**. The Planning Commission shall:

A. Prepare and recommend a general plan and amendments to the general plan to the City Council;

B. Prepare and recommend land use ordinances, zoning maps, and amendments to zoning ordinances and maps to the City Council;

C. Administer provisions of the zoning ordinance, where specifically provided for in the zoning ordinance;

D. Prepare and recommend subdivision ordinances and amendments to those subdivision ordinances to the City Council that regulates the subdivision of land in Delta City;

E. Recommend approval or denial of subdivision applications as provided by Delta Ordinances;

F. Approve or deny conditional use permit applications made to Delta City; .

G. Recommend an Appeal Authority for the City of Delta to the City Council;

H. Advise the City Council on matters as the City Council directs and hear or decide any matters that the City Council designates, including those powers authorized by state law;

I. Conduct such public hearings as are required by law or as may be deemed necessary by the Planning Commission;

J. Exercise any other powers that are necessary to enable the Planning Commission to perform its functions or delegated to it by the City Council and that is authorized by Utah Law;

12-4-4 **ORGANIZATION**. The Planning Commission may adopt such rules that it deems necessary for the conduct of its proceedings. Meetings of the Commission shall be held at the call of the Chairperson and at such times as the Planning Commission may determine. The Planning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the City Recorder, which shall be the office of the Planning Commission, and shall be a public record.

A. **MEETINGS**. The Planning Commission shall meet as necessary and at such times as the Planning Commission may determine. Meetings shall be held at the Delta City offices or at such other reasonable location(s) within Delta City as the Planning Commission may adjourn from time to time. Meetings shall be held in accordance with the provisions of Title 52, Chapter 4, UCA (1953 edition), as amended, entitled "Open and Public Meetings", or any successor statute enacted in its place.

B. **QUORUM**. Four (4) members of the Planning Commission shall constitute a quorum. An alternate member may be counted as part of the membership for a quorum. A majority of the voting members present at a meeting at which a quorum is present shall be required for any action. No less than four (4) yes votes are required for passage of any action.

TITLE 12-5
APPEAL AUTHORITY

TITLE 12-5 APPEAL AUTHORITY

12-5-1 APPOINTMENT-TERM
12-5-2 ORGANIZATION
12-5-3 POWERS AND DUTIES
12-5-4 APPEALS
12-5-5 VARIANCE
12-5-6 STANDARDS
12-5-7 BUILDING PERMITS
12-5-8 NOTICE TO COUNCIL OF VARIANCE OR BUILDING PERMIT APPLICATION
12-5-9 ZONE BOUNDARY ADJUSTMENT
12-5-10 APPEAL AUTHORITY DECISION ON APPEAL
12-5-11 DISTRICT COURT REVIEW OF APPEAL AUTHORITY DECISION
12-5-12 CONFLICT WITH STAT OR FEDERAL LAW

12-5-1 **APPOINTMENT-TERM**. The Appeal Authority shall consist of:

A. An individual or group of individuals appointed by the City Council through resolution; or

B. In the event that no such appointment has been made, the Appeal Authority shall consist of the members of the City Council.

12-5-2 **ORGANIZATION**.

A. The Appeal Authority shall organize and elect a chairperson and may adopt rules for its own proceedings as it deems necessary.

B. The Appeal Authority shall meet at the call of the chairperson and at any other times that the Appeal Authority determines.

C. The chairperson, or in the absence of the chairperson, the acting chairperson, may administer oaths and compel the attendance of witnesses.

D. All meetings of the Appeal Authority shall comply with the requirements of Utah Title 52, Chapter 4, Open and Public Meetings, or any successor statute enacted in its place.

E. The Appeal Authority shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact; and keep records of its examinations and other official actions. The Appeal Authority may, but is not required to, have its proceedings contemporaneously transcribed by a court reporter or a tape recorder. The Appeal Authority shall file its records in the office of the City Recorder, which shall be the office of the Appeal Authority . All records in the office of the Appeal Authority are public records.

G. Decisions of the Appeal Authority become effective at the meeting in which the decision is made, unless a different time is designated in the Board's rules or at the time the decision is made.

12-5-3 **POWERS AND DUTIES**. The powers and duties of the Appeal Authority shall be as follows:

A. Hear and decide appeals from land use decisions applying the land use ordinance; and

B. Hear and decide variances from the terms of the land use ordinance.

12-5-4 **APPEALS**.

A.

1. The applicant or any other person or entity adversely affected by a decision administering or interpreting a land use ordinance may appeal that decision applying the land use ordinance by alleging that there is error in any order, requirement, decision, or determination made by an official in the administration or interpretation of the land use ordinance.

2. Any person, including any officer, department, board or bureau of Delta City affected by a decision administering or interpreting a land use ordinance or affected by the grant or refusal of a building permit or by any other decisions of the Land Use Authority in the administration or interpretation of the land use ordinance may appeal such decision to the Appeal Authority . An appeal must be made within thirty (30) days from the date of such decision by filing with the City Recorder a written notice of appeal specifying the grounds thereof. When an appeal is taken from a decision of the Land Use Authority, the Code Enforcement Officer shall forthwith transmit to the Appeal Authority all papers, if any, constituting the record upon which the action appealed from was taken.

3. An appeal filed in accordance with this section stays all proceedings in the appeal action, unless the officer from whom the appeal is taken certifies to the Appeal Authority that by reason of facts stated in the certificate the stay would in his/her opinion cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by restraining order which may be granted by the Appeal Authority or by the district court on application and notice and on due cause shown.

4. The Appeal Authority shall fix the time for hearing any appeal within thirty (30) days of the date of filing such appeal with the City Recorder and shall give public notice thereof in accordance with the Utah Open and Public Meetings Act, as well as notice to the parties in interest.

5. Proceedings and hearings before the Appeal Authority shall be had pursuant to rules adopted by the Appeal Authority and in conformance with general principles of due process. Any party in interest may appear at such hearing in person, by agent, or by an attorney of his/her choice.

6. The person or entity making the appeal has the burden of proving that an error has been made.

7. The person or entity making the appeal must pay the fee as set by the Fee Schedule before a hearing shall be set.

B.

1. Only decisions applying the land use ordinance may be appealed to the Appeal Authority .

2. A person may not appeal, and the Appeal Authority may not consider, any land use ordinance amendments.

3. The City Council shall hear and decide appeals from Planning Commission decisions regarding conditional use permits.

C. Appeals may not be used to waive or modify the terms or requirements of the land use ordinance.

12-5-5 **VARIANCE**. Any person or entity desiring a waiver or modification of the requirements of the land use ordinance as applied to a parcel of property that he/she owns, leases, or in which he/she holds some other beneficial interest may apply to the Appeal Authority for a variance from the terms of the land use ordinance.

12-5-6 **STANDARDS FOR VARIANCE**.

A. The Appeal Authority may grant a variance only if each of the following conditions are met:

1. Literal enforcement of the land use ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinance;

2. There are special circumstances attached to the property that do not generally apply to other properties in the same district;

3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;

4. The variance will not substantially affect the general plan and will not be contrary to the public interest; and

5. The spirit of the land use ordinance is observed and substantial justice done.

B. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under subsection A, above, the Appeal Authority may not find an unreasonable hardship unless the alleged hardship:

1. Is located on or associated with the property for which the variance is sought; and

2. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.

C. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under subsection A, above, the Appeal Authority may not find an unreasonable hardship if the hardship is self-imposed or economic.

D. In determining whether or not there are special circumstances attached to the property under subsection A, above, the Appeal Authority may find that special circumstances exist only if the special circumstances;

1. Relate to the hardship complained of; and

2. Deprive the property of privileges granted to other properties in the same district.

E. The applicant shall bear the burden of proving all of the conditions justifying a variance have been met.

F. Variances run with the land.

G. The Appeal Authority and any other body may not grant use variances.

H. In granting a variance, the Appeal Authority may impose additional requirements on the applicant that will;

1. Mitigate any harmful affects of the variance; or

2. Serve the purpose of the standard or requirement that is waived or modified.

12-5-7 **BUILDING PERMITS**. The Code Enforcement Officer shall not issue any building permit for any building, construction or repair of any building unless such fully conforms to all land use regulations and ordinances of this municipality in effect at the time of application. No permit shall issue for any building or structure or part thereof on any land located between the mapped lines of any street as shown on any official street map adopted by the governing body.

12-5-8 **NOTICE TO COUNCIL OF VARIANCE OR BUILDING PERMIT APPLICATION**. Before any application for a variance or building permit is heard by the Appeal Authority, the Appeal Authority shall give Delta City at least fifteen (15) days notice of any hearing to consider the application.

12-5-9 **ZONE BOUNDARY ADJUSTMENT**. Where a zone boundary line divides a lot in a single ownership at the time of the passage of this Title, the Board may permit a use authorized on either portion of such lot to extend not more than fifty (50) feet into the other portion of the lot.

12-5-10 **APPEAL AUTHORITY DECISION ON APPEAL**. In exercising the above-mentioned powers the Appeal Authority may affirm, wholly or partly, or may modify the order, requirement, decision or determination of the City land use official.

12-5-11 **DISTRICT COURT REVIEW OF APPEAL AUTHORITY DECISION**.

A. Any person adversely affected by any decision of the Appeal Authority may petition the district court for a review of the decision pursuant to Utah Code.

B. In the petition, the plaintiff may only allege that the Appeal Authority 's decision was arbitrary, capricious, or illegal.

D.

1. The Appeal Authority shall transmit to the district court the record of its proceedings including its minutes, findings, orders and, if available, a true and correct transcript of its proceedings.

2. If the proceeding was taped, a transcript of that tape recording is a true and correct transcript for purposes of this subsection.

E.

1. If there is a record, the district court's review is limited to the record provided by the Appeal Authority.

2. The court may not accept or consider any evidence outside the Appeal Authority 's record unless that evidence was offered to the Appeal Authority and the court determines that it was improperly excluded by the Appeal Authority .

3. If there is no record, the court may call witnesses and take evidence.

F. The court shall affirm the decision of the Appeal Authority if the decision is supported by substantial evidence in the record.

G.

1. The filing of a petition does not stay the decision of the Appeal Authority .

2.

a. Before filing a petition under this section or a request for mediation or arbitration of a constitutional taking issue under Utah Code Annotated 13-43-204, the aggrieved party may petition the Appeal Authority to stay its decision.

b. Upon receipt of a petition to stay, the Appeal Authority may order its decision stayed pending district court review if the Appeal Authority finds it to be in the best interest of the City.

c. After a petition is filed under this section or a request for mediation or arbitration of a constitutional taking issue is filed under Utah Code Annotated 13-43-204, the petitioner may seek an injunction from the district court staying the Appeal Authority ’s decision.

12-5-12 **CONFLICT WITH STATE OR FEDERAL LAW**. Nothing in this § 12-5 or in its interpretation, application or enforcement shall act or be allowed to operate in conflict with any state or federal law. Should there be a conflict between this § 12-5 and state or federal law, the state or federal law shall apply.

TITLE 12-6
NON-CONFORMING USES AND NON-COMPLYING STRUCTURES

TITLE 12-6 NON-CONFORMING USES AND NON-COMPLYING STRUCTURES

12-6-1 PURPOSE
12-6-2 DETERMINATION OF NON-CONFORMING STATUS
12-6-3 AUTHORITY TO CONTINUE
12-6-4 ABANDONMENT OR LOSS OF NON-CONFORMING USE
12-6-5 MOVING, ENLARGING, OR ALTERING NON-CONFORMING USES
12-6-6 NON-COMPLYING STRUCTURES
12-6-7 ORDINARY REPAIR AND MAINTENANCE AND STRUCTURAL SAFETY
12-6-8 APPEALS
12-6-9 ALLOWED NON-CONFORMING USES – PERMIT REQUIRED

12-6-1 **PURPOSE**. This title regulates the continued existence of non-conforming uses and non complying structures as defined in Title 12-2. While non-conforming uses, non-complying structures and improvements may continue, this title is intended to limit enlargement, alteration, restoration, or replacement which would increase the discrepancy between existing conditions and the development standards prescribed by this code. In addition, applications are reviewed to ensure that they are reducing the degree of non-conformity and improving the physical appearance of the structure and site through such measures as landscaping, building design, or the improved function of the use in relation to other uses.

12-6-2 **DETERMINATION OF NON-CONFORMING STATUS**.

A. **BURDEN ON OWNER TO ESTABLISH LEGALITY**. The owner bears the burden of establishing that any non-conforming use or non-conforming structure lawfully exists.

B. **DETERMINATION OF STATUS**.
The designated Land Use Authority shall determine the non-conforming or non-complying status of properties. Any decision of the Code Enforcement Officer may be appealed within ten (10) calendar days of the decision to the Appeal Authority . Upon appeal, the Appeal Authority shall conduct a hearing and shall review the matter under de novo standard of review.

12-6-3 **AUTHORITY TO CONTINUE**.

A. **CONTINUATION OF NON-CONFORMING USE**. A lawful non-conforming use may continue subject to the standards and limitations of this title.

B. **CONTINUATION OF NON-COMPLYING STRUCTURE**. A non-complying structure that was lawfully constructed with a permit prior to a contrary change in this code, may be used and maintained, subject to the standards and limitations of this title.

12-6-4 **ABANDONMENT OR LOSS OF NON-CONFORMING USE**.

A. **ABANDONMENT OF NON-CONFORMING USE**. A non-conforming use that is discontinued for a continuous period of forty-five (45) days is presumed abandoned and shall not thereafter be reestablished or resumed. Any subsequent use of the building, structure, or land must conform to the regulations for the zoning district in which it is located.

B. **REBUTTABLE PRESUMPTION OF ABANDONMENT**. The presumption of abandonment may be rebutted upon showing that during such period;

1. Any period of discontinued use was caused by governmental actions or an act of God without any contributing fault by the owner and the owner did not intend to discontinue the use; or

2. The owner can demonstrate no abandonment of the use.

12-6-5 **MOVING, ENLARGING, OR ALTERING NON-CONFORMING USES**. No non-conforming use may be moved, enlarged, altered, or occupy additional land, except as provided in this title.

A. **ENLARGEMENT**. A non-conforming use may not be enlarged, expanded, or extended to occupy all or a part of another structure or site that it did not occupy on the date on which the use became non-conforming. A non-conforming use may be extended through the same building or structure provided no structural alteration of the building or structure is proposed or made for the purpose of the extension and the parking demand is not increased.

B. **EXTERIOR OR INTERIOR REMODELNG OR IMPROVEMENTS TO BUILDING OR STRUCTURE**. Exterior or interior remodeling or improvements to a structure containing a non- conforming use shall be allowed provided there is no expansion of the area of the non conforming use.

C. **RELOCATION OF BUILDING OR STRUCTURE**. A building or structure containing a non-conforming use may not be moved unless the use shall thereafter conform to the regulations of the zoning district into which the building or structure is moved.

D. **CHANGE OF NON-CONFORMING USE TO ANOTHER NON-CONFORMING USE OR CONFORMING USE**. Except as provided in 12-6-6 below, no non-conforming use may be changed to another non-conforming use. Whenever any non-conforming use is changed to a conforming use, such use shall not later be changed to any non-conforming use.

1. **APPLICATION**. Application for any non-conforming use must be made upon forms provided by the City Recorder. Upon filing of a complete application, the City shall post the property indicating that an application for modification of a non-conforming use has been filed and that more detailed information may be obtained from the City.

2. **NOTIFICATION OF ABUTTNG PROPERTY OWNERS**. Notice shall be provided pursuant to the notice matrix in Title 12-3.

3. **APPEAL AUTHORITY MEETING**. Within thirty (30) working days of the receipt of a complete application, and after giving notice, the Appeal Authority shall hold a public meeting on the non-conforming use application. The Appeal Authority shall either grant the application in whole or in part, with or without modifications or conditions, or deny the application. The Appeal Authority 's decision shall be made pursuant to criteria provided below.

4. **CRITERIA**. The Appeal Authority shall approve an application to change a non-conforming use to another non-conforming use if the applicant proves the

following criteria;

a. All reasonable measures will be undertaken to alleviate or reduce the incompatibility or adverse effects of the non-conforming use or building upon abutting properties or in the neighborhood;

b. All changes, additions, or expansions comply with all current laws except as to use;

c. The new use, if applicable, will provide for enclosed storage of necessary equipment, materials, and refuse, rather than create a need for additional outside storage; and

d. The new use does not increase the parking requirement; or if there is an increase, the site plan meets the parking requirement and the Appeal Authority finds that adjoining properties and the neighborhood will not be adversely impacted by the increased parking demand.

12-6-6 **NON-COMPLYING STRUCTURES**. No non-conforming structure may be moved, enlarged, or altered, except in the manner provided in this title or unless required by law.

A. **REPAIR, MAINTENANCE, ALTERATION, AND ENLARGEMENT**. Any non-complying structure may be repaired, maintained, altered, or enlarged, provided that such repair, maintenance, alteration, or enlargement shall neither create any new non-compliance nor shall increase the degree of the existing non-compliance of all or any part of such structure.

B. **MOVING**. A non-complying structure shall not be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zone in which it will be located.

12-6-7 **ORDINARY REPAIR AND MAINTENANCE AND STRUCTURAL SAFETY**. The owner may complete normal maintenance and incidental repair on a complying structure that contains a non-conforming use or on a non-complying structure. This title shall not be construed to authorize any violations of law nor to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of the Code Enforcement Officer who declares such structure to be unsafe and orders its restoration to a safe condition.

12-6-8 **APPEALS**. Appeal from Appeal Authority decision made pursuant to this title shall be made to the district court. Any person filing an appeal with the district court for review of any decision made under the terms of this title shall file such appeal within thirty (30) days after the date of the Appeal Authority 's final decision.

12-6-9 **ALLOWED NON-CONFORMING USES – PERMIT REQUIRED.** The keeping of hen chickens (and no roosters) for personal or family food production (not for commercial use), subject to those qualifying regulations and special conditions set forth under paragraph B. below:

A. **QUALIFYING RESTRICTIONS:**

1. Each applicant wishing to obtain issuance of a non-conforming permit for the keeping of poultry must submit a completed application to the Code Enforcement

Officer for approval. The application shall include signed permission to keep animals on the subject property from each contiguous property owner.

2. The Code Enforcement Officer shall have authority to grant or deny the permit. Once the signed permission is granted it shall be considered valid until the permit is either vacated or revoked under the terms of this ordinance.

3. The permit shall not be transferrable through the sale of the property, is subject to annual review and renewal, and may be denied at anytime at the direction of the Code Enforcement Officer.

4. There shall be one recorded property owner for the subject property.

5. The principal use of the lot or parcel shall be a one-family dwelling.

B. **QUALIFYING REGULATIONS.**

1. Maximum Number of Animals Per Lot. The number of chickens which may be kept shall be limited based on the size of the lot or parcel as follows:

   a. Ten thousand (10,000) square feet: up to fourteen (14)
   b. Nine thousand (9,000) square feet: up to twelve (12)
   c. Eight thousand (8,000) square feet: up to ten (10)
   d. Seven thousand (7,000) square feet: up to eight (8)
   e. Six thousand (6,000) square feet: up to six (6)

2. Accessory Buildings or Structures for Poultry.

   a. The chickens shall be confined within a secure outdoor enclosed area.
   b. The enclosed area shall include a covered, ventilated, and predator-resistant chicken coop.
   c. If chickens are not allowed to roam within an enclosed area outside the coop, the coop shall have a minimum floor area of six (6) square feet per chicken.

3. Location of Buildings or Structures for Animals. The following additional requirements shall apply to the location of all coops used for the confinement or housing of chickens:

   a. The coop shall be located in a rear yard at least fifteen (15) feet from any property line and six (6) feet from any dwelling.

C. SPECIAL CONDITIONS.

1. Aesthetic Requirements. The following special provisions shall apply in residential zones in order to protect its essential characteristics:

   a. The space required around buildings and structures shall be kept free from refuse and debris.

   b. All areas in which animals are kept shall be completely surrounded by an adequate fence or other barrier sufficient to prevent the escape of any such animals therefrom.

c. Peripheral fences may be erected on the property line.

d. All coops shall be kept in such condition that no noxious odor is generated therefrom; that no such area becomes the breeding ground for insects or other pests; and that all other refuse shall be contained so as not to pollute any water or stream or constitute a public or private nuisance.

D. ADDITIONAL APPLICATION REQUIREMENTS.

1. In addition to the requirements of paragraphs B and C above, a written statement containing the following information must be delivered to the Delta City Code Enforcement Officer prior to keeping any chickens for personal use or family food production:

   a. The number of chickens to be kept on the premises.

   b. The type of chickens to be kept on the premises.

   c. The lot size where the chickens will be kept.

   d. The type of structure or structures that will be placed on the premises for housing the chickens in compliance with section B. 2., above.

   e. An estimate of the time required for constructing such structures.

   f. A proposed plan to dispose of animal waste products and to keep the premises free from any noxious odors, in compliance with section C.1.d., above.

E. Any person who changes the number of chickens kept for personal use or family food production shall have an affirmative duty to file a new application and statement with the Code Enforcement Officer to assure compliance with the provisions set forth herein.

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		
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.						
	Sidewalks	Yes. 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.				

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		
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. Permitted commercial use structures shall not be located closer than 200 feet to any property line. 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.						

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
				Sidewalk required on all frontage. 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 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
				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.		

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
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.						

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

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	Yes. 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.			

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 building s 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. 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.

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	Yes. 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.			

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.

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. 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.			

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	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'.

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.

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 and R-R-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 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**.

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 (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-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 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 (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-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: 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.

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.

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.

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 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.

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.

TITLE 12-8
PERFORMANCE STANDARDS

PERFORMANCE STANDARDS

The operation of any use permitted in a zone district is subject to the following standards of performance:

A. All uses must be operated so that all practical means are used to confine any noise, odor, dust, smoke, vibration or other similar feature to the premises upon which they are located.

B. Any light used to illuminate signs, parking areas, or for any other purpose shall be so arranged as to confine direct light beams to the lighted property by appropriate directional hooding.

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:

TITLE 12-9
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;

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.

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 and R-R-NM:

3. **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

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:

4. **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: A-1, A-5, M-H, R-1-A, R-1-B, R-2, R-4, R-D and R-R:

5. **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;

      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:

6. **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.

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-4, R-D and R-R:

7. **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-4, R-D and R-R:

8. **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:

9. **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 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:

10. **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-R, M-H, P-D, P/QP, R-1-A, R-1-B, R-2, R-4, R-D, R-R and P-F:

11. **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:

12. **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.

Title 12-10-1
AGRICULTURAL 1 (A-1)

12-10-1.1 PURPOSE
12-10-1.2 USE TABLE
RELATED PROVISIONS

12-10-1.1 **PURPOSE**. To create a one-acre agricultural zone which;

A. Allows for and protects agricultural uses within the City by controlling density and coverage and providing for compatible land uses.

B. Protects nearby residential uses from possible objectionable effects of certain agricultural operations such as livestock raising and storage of fertilizer, etc.

12-10-1.2 **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	√			
Agriculture industry			√	√
Animal Hospital	√			√
Athletic Club		√		√
Bed & Breakfast			√	√
Business, Commercial, less intensive			√	√
Child Care for Business Center: 8 children or less		√		√
Child Care for Business Facility: 9 children or more		√		√
Church			√	
Civic Club			√	
Dwelling – Single	√			
Farm Animals/Livestock	√			
Fence, Electric	√			
Fence, Corner Lot		√		
Fence, Razor		√		
Fence, Wildlife/Large Animal		√		
Gated Communities			√	
Group Home, Assisted Living Facility			√	√
Group Home, Elderly			√	√
Group Home, Disabled			√	√
Heavy/Farm Equip Sales			√	√
Home Occupation	√			√
Household Pets	√			
Intermittent Commercial Use		√		√
Kennel	√			√
Lumber Sales – Storage			√	√

12-10-1 ZONE DISTRICT – Agricultural 1 (A-1)

Type	Allowed	Administrative Conditional Use	Conditional Use	Business License Required
Manufactured Home	√			
Master Planned Development			√	
Modular Home	√			
Nursery (personal use)	√			
Nursery (including retail sales)			√	√
Outdoor Rec - Park – Play			√	
Preschool			√	√
Public - Rights of Way	√			
Public Utility Stations		√		
Rec Vehicle Park			√	√
Schools, Private-Quasi Public			√	√
School, Public			√	
Small Engine Repair			√	√
Stables, Private (Provided structures housing animals shall not be closer than 200' feet to any property line.)	√			
Stables, Public (Provided structures housing animals shall not be closer than 200' to any property line).	√			
Subdivision				

RELATED PROVISIONS

Title 3. Businesses, Licenses.
Title 12-2. Definitions.
Title 12-3. Administration and Enforcement.
Title 12-7. Development Standards.

12-10-2 ZONE DISTRICT –
Agricultural 1, No Mfd. Homes (A-1-NM)

TITLE 12-10-2
AGRICULTURAL 1, NO MANUFACTURED HOMES (A-1-NM)

12-10-2.1 PURPOSE
12-10-2.2 USE TABLE
RELATED PROVISIONS

12-10-2.1 **PURPOSE.** To create a zone identical to the A-1 zone as set out in this Title with the only variation being that Manufactured Homes are not allowed in an A-1-NM zone.

12-10-2.2 **USE TABLE**. The Use Table of the A-1-NM zone is identical to the Use Table of the A-1 zone as set out in Section 12-10-1 except that Manufactured Homes are not allowed in an A-1-NM Zone.

RELATED PROVISIONS
Title 3. Businesses, Licenses.
Title 12-2. Definitions.
Title 12-3. Administration and Enforcement.
Title 12-7. Development Standards.

Title 12-10-3
AGRICULTURAL 5 (A-5)

12-10-3.1 PURPOSE
12-10-3.2 USE TABLE
RELATED PROVISIONS

12-10-3.1 **PURPOSE**. To create a five-acre agricultural zone which;

A. Allows for and protects agricultural uses within the City by controlling density and coverage and providing for compatible land uses.

B. Protects nearby residential uses from possible objectionable effects of certain agricultural operations such as livestock raising and storage of fertilizer, etc.

12-10-3.2 **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	√			
Agriculture industry	√			√
Animal Hospital	√			√
Athletic Club		√		√
Bed & Breakfast			√	√
Business, Commercial, less intensive			√	√
Child Care for Business Center: 8 children or less		√		√
Child Care for Business Facility: 9 children or more		√		√
Church			√	
Civic Club			√	
Dwelling – Single	√			
Farm Animals/Livestock	√			
Fence, Electric	√			
Fence, Corner Lot		√		
Fence, Razor		√		
Fence, Wildlife/Large Animal		√		
Gated Communities			√	
Group Home, Assisted Living Facility			√	√
Group Home, Elderly			√	√
Group Home, Disabled			√	√
Heavy/Farm Equip Sales			√	√
Home Occupation	√			√
Household Pets	√			
Intermittent Commercial Use		√		√
Kennel	√			√

12-10-3 ZONE DISTRICT – Agricultural 5 (A-5)

Type	Allowed	Administrative Conditional Use	Conditional Use	Business License Required
Lumber Sales – Storage			√	√
Manufactured Home	√			
Master Planned Development			√	
Modular Home	√			
Nursery (personal use)	√			
Nursery (including retail sales)			√	√
Outdoor Rec - Park – Play			√	
Preschool			√	√
Public - Rights of Way	√			
Public Utility Stations		√		
Rec Vehicle Park			√	√
Schools, Private-Quasi Public			√	√
School, Public			√	
Small Engine Repair			√	√
Stables, Private (Provided structures housing animals shall not be closer than 200' feet to any property line.)	√			
Stables, Public (Provided structures housing animals shall not be closer than 200' to any property line).	√			
Subdivision				

RELATED PROVISIONS

Title 3. Businesses, Licenses.
Title 12-2. Definitions.
Title 12-3. Administration and Enforcement

12-10-4 ZONE DISTRICT –
Agricultural 5, No Mfd. Homes (A-5-NM)

Title 12-10-4
AGRICULTURAL 5, No Manufactured Homes (A-5-NM)

12-10-4.1 PURPOSE
12-10-4.2 USE TABLE
RELATED PROVISIONS

12-10-4.1 **PURPOSE.** To create a zone identical to the A-5 zone as set out in this Title with the only variation being that Manufactured Homes are not allowed in an A-5-NM zone.

12-10-4.2 **USE TABLE**. The Use Table of the A-5-NM zone is identical to the Use Table of the A-5 zone as set out in Section 12-10-3 except that Manufactured Homes are not allowed in an A-5-NM zone.

RELATED PROVISIONS
Title 3. Businesses, Licenses.
Title 12-2. Definitions.
Title 12-3. Administration and Enforcement.
Title 12-7. Development Standards.

Title 12-10-5
Commercial Business (C-B)

12-10-5.1 PURPOSE
12-10-5.2 USE TABLE
RELATED PROVISIONS

12-10-5.1 **PURPOSE**. To create a zone which:

A. Provides for basic retail, commercial, and office service uses in addition to those uses normally permitted in downtown locations. These commercial uses may be relatively large or intense in nature and require convenient access.

B. Their proximity and location in relation to residential districts should be carefully considered in order to avoid any adverse impact on the residential areas.

12-10-5.2 **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	√			
Apartment Hotel			√	√
Apartment House			√	√
Athletic Club	√			√
Auto truck, RV Sales & Rental	√			√
Automotive Body/Paint Repair Establishment			√	√
Automotive Repair Establishment	√			√
Auto Self Serve Station	√			√
Auto Service Station	√			√
Banking - Financial Services	√			√
Bar, Tavern, Lounge			√	√
Bed & Breakfast	√			√
Child Care for Business Center: 8 children or less		√		√
Child Care for Business Facility: 9 children or more		√		√
Church	√			
Cinema, Indoor	√			√
Civic Club	√			
Convenience Goods – Sales	√			√
Cultural, Civic Services	√			√
Dry Cleaning Establishment			√	√
Dwelling – Single			√	
Fireworks Sales/Stands		√		√
Fence, Electric		√		
Fence, Razor		√		
Fence, Wildlife/Large Animal		√		
General Merchandise Sales & Service	√			√
Health Care Center	√			√

12-10-5 ZONE DISTRICT – Commercial Business (C-B)

Type	Allowed	Administrative Conditional Use	Conditional Use	Business License Required
Heavy/Farm Equip Sales			√	√
Home Occupation		√		√
Hospital	√			√
Hotel	√			√
Household Pets	√			
Intermittent Commercial Use		√		√
Laundromat	√			√
Laundry	√			√
Light Industry			√	√
Liquor Store	√			√
Lumber Sales – Storage			√	√
Manufactured Home			√	
Master Planned Development			√	
Military Surplus Store			√	√
Mental Health Center			√	√
Modular Home			√	
Mortuary	√			√
Motel	√			√
Nursery	√			√
Office, Business, Gov	√			
Office, Professional	√			√
Outdoor Rec - Park – Play	√			
Pawn Shops	√			√
Personal Services	√			√
Pet Grooming	√			√
Preschool		√		√
Public Services	√			
Public - Rights of Way	√			
Public Utility Stations - except sewer		√		
Recreational Vehicle Park			√	√
Repair Services, Small App	√			√
Restaurant, Fast Food	√			√
Restaurant, Café	√			√
Schools, Private-Quasi Public	√			√
School, Public	√			
Shopping Center – Community			√	√
Skating - Rollerboard Park			√	√
Small Engine Repair			√	√
Subdivision			√	
Surplus, Second Hand Store	√			√
Theatre, Concert Hall	√			√
Telecommunications Facility < 35' height		√		√
Temporary Outdoor Use		√		√
Warehouse Storage Units - commercial only			√	√
Welding Machine Shop			√	√

RELATED PROVISIONS
Title 3. Businesses, Licenses.
Title 12-2. Definitions.
Title 12-3. Administration and Enforcement.
Title 12-7. Development Standards.

12-10-6
Commercial Development (C-D)

The Commercial Development Zone is intended to provide for and encourage development of commercial uses which are compatible with surrounding land uses and for which adequate public facilities exist or can be constructed. A development permit shall be obtained from the City for all new development or changes in land use within the Commercial Development Zone.

12-10-7
Highway Commercial (H-C)

12-10-7.1 PURPOSE
12-10-7.2 USE TABLE
RELATED PROVISIONS

12-10-7.1 **PURPOSE**. To create a zone which provides an area in the City of Delta for commercial uses that are oriented to vehicular traffic and service related uses.

12-10-7.2 **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	√			
Agricultural Industry			√	√
Apartment Hotel			√	√
Apartment House			√	√
Athletic Club	√			√
Auto truck, RV Sales & Rental	√			√
Automotive Body/Paint Repair Establishment			√	√
Automotive Repair Establishment	√			√
Auto Self Serve Station	√			√
Auto Service Station	√			√
Banking – Financial Services	√			√
Bar, Tavern, Lounge			√	√
Bed & Breakfast	√			√
Church	√			
Cinema, Indoor	√			√
Civic Club	√			√
Convenience Goods - Sales	√			√
Dry Cleaning Establishment			√	√
Dwelling – Single			√	
Farm Animals/Livestock			√	
Fence, Razor		√		
Fence, Wildlife/Large Animal		√		
Fireworks Sales/Stands		√		√
General Merchandise Sales & Service			√	√
Health Care Center	√			√
Heavy/Farm Equip Sales			√	√
Hospital	√			√
Hotel	√			√
Household Pets	√			
Industry, Light		√		√
Intermittent Commercial Use		√		√
Laundromat	√			√
Laundry	√			√

12-10-7 ZONE DISTRICT – Highway Commercial (H-C)

Type	Allowed	Administrative Conditional Use	Conditional Use	Business License Required
Lumber Sales - Storage			√	√
Master Planned Development			√	
Military Surplus Store			√	√
Mental Health Center	√			√
Mortuary	√			√
Motel	√			√
Nursery	√			√
Office, Business, Gov	√			
Office, Professional	√			√
Pawn Shops	√			√
Personal Services	√			√
Pet Grooming	√			√
Public Services	√			
Public - Rights of Way	√			
Public Utility Stations - except sewer		√		
Recreational Vehicle Park		√		√
Repair Services, Small App	√			√
Restaurant, Fast Food	√			√
Restaurant, Café	√			√
Schools, Private-Quasi Public	√			√
School, Public	√			√
Shopping Center - Community			√	√
Skating - Rollerboard Park			√	√
Small Engine Repair	√			√
Subdivision			√	√
Surplus, Second Hand Store	√			√
Theatre, Concert Hall	√			√
Telecommunications Facility < 35' height		√		√
Temporary Outdoor Use		√		√
Warehouse Storage Units - commercial only			√	√

RELATED PROVISIONS
Title 3. Businesses, Licenses.
Title 12-2. Definitions.
Title 12-3. Administration and Enforcement.

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		√		√
Warehouse Storage Units - commercial only			√	√
Welding Machine Shop	√			√

RELATED PROVISIONS
Title 3. Businesses, Licenses.
Title 12-2. Definitions.
Title 12-3. Administration and Enforcement.

12-10-7
Industrial Development (I-D)

The Industrial Development Zone is intended to provide for and encourage development of industrial, manufacturing and similar facilities which can be developed and utilized in such a manner as to not exceed permissible performance criteria designed to limit the adverse impact of such facilities on surrounding land uses and for which adequate public facilities exist to support such use and development. A development permit shall be obtain for all new development or changes in land use within the Industrial Development Zone.

Title 12-10-9
Plat "B"/Lyman Row Residential (L-R-R)

12-10-9.1 PERMITTED USES
12-10-9.2 CONDITIONAL USES
12-10-9.3 QUALIFYING RESTRICTIONS
12-10-9.4 QUALIFYING REGULATIONS
12-10-9.5 SPECIAL CONDITIONS

12-10-9.1 **PERMITTED USES**.

A. One family dwellings.

B. Home occupations as permitted in this title.

C. Signs as permitted in this title.

D. Accessory buildings and uses clearly incidental and commonly associated with the operation of a permitted use, such as private garages, sheds, barns, stables, greenhouse, swimming pools, etc., but not including residential occupancy.

E. The keeping of animals and fowl for personal use or family food production (not for commercial use), subject to those qualifying regulations and special conditions set forth under paragraphs 12-10-8.3, 12-10-8.5 and 12-10-8.5.B below.

12-10-9.2 **CONDITIONAL USES.**

A. Churches and similar places of worship.

B. Cemeteries.

C. Public or private schools.

D. Essential public utility and public service installations. Such as shall include business offices, repair, sales, storage or similar facilities.

E. Public parks, playgrounds, libraries, community buildings and similar public service facilities serving residential areas.

F. Privately owned community centers operated on a nonprofit basis serving residential areas.

G. Other uses determined by the Planning Commission to be consistent with the purposes of this district.

H. Privately operated day nurseries, pre-schools and kindergartens, provided that any play area is enclosed on all four sides to a height of at least four (4) feet.

I. Service businesses (limited, inside) consisting of buildings or building for serving needs of persons where all services are rendered and all business is conducted within an enclosed building and where people are served on an individual basis or in small groups but not entertained, including bank, professional office, dental

and medical clinic, governmental office and office for handling paper work. Any retail sales made in connection with this use shall be clearly incidental to the primary service use from which the major part of the income is derived.

J. Limited retail business including small convenience grocery stores, specialty shops, small repair shops and other low volume businesses operated within completely enclosed buildings or stores.

12-10-9.3 **QUALIFYING RESTRICTIONS**.

A. Minimum Lot Size, Width and Yard Requirements:

District	Lot Size	Lot Width	Yards (in feet)		
			Front	Side	Rear
LRR	.14 acre	40′	18′	3′	25′

B. Height Restrictions:

Maximum height of structures – 35 feet.

C. Requirements generally applicable to all zones as set out in other chapters of this title shall apply to this district.

12-10-9.4 **QUALIFYING REGULATIONS**.

A. Animal Regulation.

1. Minimum Lot Size for Animals. No animals shall be kept on any lot or parcel where less than 3,200 square feet of the lot is used as a livestock management area. For purposes of this provision, "livestock management area" shall include all portions of the lot or parcel used as sheds, barns, coops, corrals, pastures, stables, gardens or cultivated grounds where animal waste spread, but shall not include the area of the lot or parcel devoted to dwellings, sidewalks, driveways and lawn.

2. Maximum Number of Animals Allowed Per Lot.

a. The number of animals kept on any lot or parcel shall not exceed two animal units, in any combination, per 3,200 square feet of area of the lot which is used as a livestock management area. Each unit shall consist of:

i. Two (2) Cows; or

ii. Two (2) Horses; or

iii. Two (2) Donkeys; or

iv. Two (2) Mules; or

v. Four (4) Pigs; or

vi. Eight (8) Adult Sheep or Llamas; or

vii. Sixteen (16) Feeder Lambs; or

viii. Eight (8) Goats; or

ix. Twenty-four (24) Rabbits; or

x. Fifty (50) Fowl.

b. An animal unit shall not include any species or animal not listed above nor shall any animals of the species not listed above be kept on any lot, nor shall fractional animal units be permitted.

c. The number of any animals kept on any lot or parcel shall not exceed fifteen (15) animal units.

12-10-9.5 **SPECIAL CONDITIONS**.

A. Aesthetic Requirements.

1. Protection of Lyman Row Residential Zone Characteristics. The following special provisions shall apply in the Lyman Row Residential zone in order to protect its essential characteristics:

a. The space required around buildings and structures shall be kept free from refuse and debris.

b. All areas in which animals are kept shall be completely surrounded by an adequate fence or other barrier sufficient to prevent the escape of such animals.

c. Peripheral fences may be erected on the property line.

d. All barns, corrals, pens, coops or other areas in which animals are kept shall be kept in such conditions that no noxious odor is generated there from; that no such area becomes the breeding ground for insects or other pests; and that all other refuse shall be contained so as not to pollute any water or stream or constitute a public or private nuisance.

B. Additional Application Requirements.

1. In addition to the requirements of paragraphs 12-10-8.4 and 12-10-8.5 above, a written statement containing the following information must be delivered to the Delta City Zoning Officer prior to keeping any animals or fowl for personal use or family food production:

a. The number of animals or fowl to be kept on the premises.

b. The type of animals or fowl to be kept on the premises.

c. The lot size where such animals or fowl will be kept.

d. The type of structure or structures that will be placed on the premises for housing such an animal or fowl in compliance with Section 12-10-8.5.A.1.b., above.

e. An estimate of the time required for constructing such premises.

f. A proposed plan to dispose of animal waste products and to keep the premises free from any noxious odors, in compliance with Section 12-10-8.5.A.1.d., above.

2. Any person who changes the type or number of animals kept for personal use or family food production shall have an affirmative duty to file a new application and statement with the Delta City Zoning Officer to assure compliance with the provisions set forth herein.

RELATED PROVISIONS

Title 3. Businesses, Licenses.
Title 12-2. Definitions.
Title 12-3. Administration and Enforcement.

12-10-10
Mobile Home (M-H)

12-10-10.1 PURPOSE
12-10-10.2 USE TABLE
RELATED PROVISIONS

12-10-10.1 **PURPOSE**. To create a zone which allows for mobile homes and related uses in a well planned and safe environment.

12-10-10.2 **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	√			
Athletic Club			√	√
Child Care for Business Center: 8 children or less		√		√
Child Care for Business Facility: 9 children or more		√		√
Church	√			
Civic Club			√	
Dwelling - Single	√			
Fencing		√	√	
Gated Communities			√	
Home Occupation		√		√
Household Pets	√			
Intermittent Commercial Use		√		√
Laundromat	√			√
Laundry	√			√
Manufactured Home	√			
Mobile Home	√			
Modular Home	√			
Outdoor Rec - Park - Play	√			
Public - Rights of Way	√			
Recreational Vehicle Park			√	√
Subdivision			√	

RELATED PROVISIONS
Title 3. Businesses, Licenses.
Title 12-2. Definitions.
Title 12-3. Administration and Enforcement.

12-10-11
Planned Development (P-D)

In Zone Districts Agricultural 1 (A-1), Agricultural 5 (A-5), Commercial Business (C-B), Commercial Development (C-D), Mobile Home (M-H), Proposed Development (P-D), R-1-A Single Family Residential (R-1-A), R-1-B Single Family Residential (R-1-B), R-2 Single & Two Family Residential (R-2), R-4 Single & Multi-Family Residential (R-4), Residential Development (R-D) and Rural Residential (R-R):

Any proposal for new development or redevelopment in excess of ten (10) acres in the zone shall be master planned to assure coordination of design, mitigation of adverse impacts, and common open space. The master plan commits the owner to a specific, detailed development plan as listed below:

A. **DEVELOPMENT REQUIREMENTS**. All master planned development applications must include:

1. Planned access for pedestrian use;

2. A minimum of fifteen (15) percent of the land as improved common open space to include such uses as: mini parks, picnic, playground, recreation structures, etc.;

3. A designated permanent easement on and over all open spaces to guarantee that the open space remains in recreation use, with the ownership and maintenance the responsibility of the owners association; and

4. Adopted articles of association and bylaws that are satisfactory to the City and are in compliance with State and Federal laws.

B. **INCENTIVES FOR MASTER PLANNED DEVELOPMENT DESIGN**. The Planning Commission may recommend the following incentives for master planning:

1. Reduction of setbacks and required yard, subject to the International Building Code;

2. Allow for the development of private roads and reduced right of way areas;

3. Reduce required parking, based on an analysis that shows:

   a. The proposed number of vehicles required by the typical tenant mix of the project;

   b. A comparison of similar projects and proposed occupancy;

   c. The parking needs of non-residential uses; and

   d. A shared parking plan and plan for overflow parking.

12-10-12
Public/Quasi Public (P/QP)

12-10-12.1 PURPOSE
12-10-12.2 USE TABLE
RELATED PROVISIONS

12-10-12.1 **PURPOSE**. To create a zone in which:

A. Space in the City is preserved to be developed for both public and semi-public purposes.

B. Areas are identified as being used in a public or semi-public manner.

12-10-12.2 **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	√			
Agriculture	√			
Athletic Club	√			√
Aviation Airport, Services	√			√
Aviation Airport, Accessory Living Quarters		√		
Cemetery	√			
Church	√			
Church, Accessory Living Quarters		√		
Cultural, Civic Services	√			
Farm Animals/Livestock			√	
Fence, Electric		√		
Fence, Razor		√		
Fence, Wildlife/Large Animal		√		
Health Care Center	√			√
Hospital			√	√
Intermittent Commercial Use		√		√
Mental Health Center			√	√
Office, Business, Gov	√			
Outdoor Rec - Park - Play	√			
Preschool		√		√
Public Services	√			
Public - Rights of Way	√			
Public Utility Stations			√	
Schools, Private	√			
School, Public	√			
Skating - Rollerboard Park			√	
Stable, public			√	
Subdivision			√	
Telecommunications Facility <70' height			√*	√

Type	Allowed	Administrative Conditional Use	Conditional Use	Business License Required
Theatre, Concert Hall	√			√
Temporary Outdoor Use		√		

* Any Telecomunications Facility must be linked and esstential to the primary structure used on the P/QP zoned property. A Telecomunication Facility may not be the primary use or the primary structure of the P/QP zoned property, e.g., leasing of P/QP zoned property for cellular transmission towers that is not necessary for another primary use of P/QP zoned property.

RELATED PROVISIONS
Title 3. Businesses, Licenses.
Title 12-2. Definitions.
Title 12-3. Administration and Enforcement.

12-10-13 ZONE DISTRICT – R-1-A
Single Family Residential Low Density (R-1-A)

Title 12-10-13
R-1-A Single Family Residential Low Density (R-1-A)

12-10-13.1 PURPOSE
12-10-13.2 USE TABLE
RELATED PROVISIONS

12-10-13.1 **PURPOSE:** To create a single-family residential zone that provides for an area of low density residential development.

12-10-13.2 **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	√			
Apartment House			√	√
Athletic Club			√	√
Child Care for Business Center: 8 children or less			√	√
Child Care for Business Facility: 9 children or more			√	√
Church (40 foot from all property lines, no residence within)			√	
Civic Club			√	
Condominium			√	
Dwelling – Single (can board 2 people, no separate kitchen)	√			
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	√			
Schools, Private, Quasi-Public (40 foot from all property lines, no residence within)	√			
School, Public (40 foot from all property lines, no residence within)	√			
Subdivision			√	

RELATED PROVISIONS

12-10-13 ZONE DISTRICT – R-1-A
Single Family Residential Low Density (R-1-A)

Title 3. Businesses, Licenses.
Title 12-2. Definitions.
Title 12-3. Administration and Enforcement.

12-10-14 ZONE DISTRICT – R-1-A-NM Single Family Residential Low Density, No Mfd. Homes (R-1-A-NM)

Title 12-10-14
R-1-A-NM Single Family Residential Low Density, No Manufactured Homes (R-1-A-NM)

12-10-14.1 PURPOSE
12-10-14.2 USE TABLE
RELATED PROVISIONS

12-10-14.1 **PURPOSE.** To create a zone identical to the R-1-A zone as set out in this Title with the only variation being that Manufactured Homes are not allowed in an R-1-A-NM zone.

12-12-14.2 **USE TABLE**. The Use Table of the R-1-A-NM zone is identical to the Use Table of the R-1-A as set out in Section 12-10-13 except that Manufactured Homes are not allowed in an R-1-A-NM zone.

RELATED PROVISIONS
Title 3. Businesses, Licenses.
Title 12-2. Definitions.
Title 12-3. Administration and Enforcement.
Title 12-7. Development Standards.

12-10-15 ZONE DISTRICT – R-1-B
Single Family Residential Medium Density (R-1-B)

Title 12-10-14
R-1-B Single Family Residential Medium Density (R-1-B)

12-10-15.1 PURPOSE
12-10-15.2 USE TABLE
RELATED PROVISIONS

12-10-15.1 **PURPOSE: :** To create a single-family residential zone that provides for an area of medium density residential development.

12-10-15.2 **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	√			
Apartment House			√	√
Athletic Club			√	√
Child Care for Business Center: 8 children or less		√		√
Child Care for Business Facility: 9 children or more		√		√
Church (40 foot from all property lines, no residence within)			√	
Civic Club			√	
Condominium			√	
Dwelling – Single (can board 2 people, no separate kitchen)	√			
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	√			
Schools, Private, Quasi-Public (40 foot from all property lines, no residence within)			√	
School, Public (40 foot from all property lines, no residence within)			√	
Subdivision			√	

RELATED PROVISIONS
Title 3. Businesses, Licenses.
Title 12-2. Definitions.
Title 12-3. Administration and Enforcement.

ZONE DISTRICT – R-1-B-NM Single Family Residential Medium Density, No Mfd. Homes (R-1-B-NM)

Title 12-10-15
R-1-b-NM Single Family Residential Medium Density, No Manufactured Homes (R-1-B-NM)

12-10-15.1 PURPOSE
12-10-15.2 USE TABLE
RELATED PROVISIONS

12-10-15.1 **PURPOSE.** To create a zone identical to the R-1-B zone as set out in this Title with the only variation being that Manufactured Homes are not allowed in an R-1-B-NM zone.

12-12-15.2 **USE TABLE**. The Use Table of the R-1-B-NM zone is identical to the Use Table of the R-1-B as set out in Section 12-10-14 except that Manufactured Homes are not allowed in an R-1-B-NM zone.

RELATED PROVISIONS
Title 3. Businesses, Licenses.
Title 12-2. Definitions.
Title 12-3. Administration and Enforcement.
Title 12-7. Development Standards.

12-10-16 ZONE DISTRICT – R-2
Single & Two-Family Residential (R-2)

Title 12-10-16
R-2 Single & Two-Family Residential (R-2)

12-10-16.1 PURPOSE
12-10-16.2 USE TABLE
RELATED PROVISIONS

12-10-16.1 **PURPOSE:** To create a residential zone that provides for a compatible mixture of single and two-family dwellings with relatively medium densities.

12-10-16.2 **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	√			
Apartment House			√	√
Athletic Club			√	√
Child Care for Business Center: 8 children or less			√	√
Child Care for Business Facility: 9 children or more			√	√
Church (40 foot from all property lines, no residence within)			√	
Civic Club			√	
Condominium			√	
Dwelling - Single (can board 4 people, no separate kitchen)	√			
Dwelling - 2 Family	√			
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 (play area enclosed by fence approved by Code Enforcement Officer)			√	√
Public Services			√	
Public - Rights of Way	√			
Schools, Private, Quasi-Public (40 foot from all property lines, no residence within)			√	
Schools, Public (40 foot from all property lines, no residence within)			√	
Subdivision			√	

RELATED PROVISIONS
Title 3. Businesses, Licenses.
Title 12-2. Definitions.
Title 6-3. Administration and Enforcement.

ZONE DISTRICT – R-2-NM Single & Two-Family Residential, No Mfd. Homes (R-2-NM)

Title 12-10-17
R-2-NM Single & Two-Family Residential, No Manufactured Homes (R-2-NM)

12-10-17.1 PURPOSE
12-10-17.2 USE TABLE
RELATED PROVISIONS

12-10-17.1 **PURPOSE.** To create a zone identical to the R-2 zone as set out in this Title with the only variation being that Manufactured Homes are not allowed in an R-2-NM zone.

12-12-17.2 **USE TABLE**. The Use Table of the R-2-NM zone is identical to the Use Table of the R-2 as set out in Section 12-10-16 except that Manufactured Homes are not allowed in an R-2-NM zone.

RELATED PROVISIONS
Title 3. Businesses, Licenses.
Title 12-2. Definitions.
Title 12-3. Administration and Enforcement.
Title 12-7. Development Standards.

12-10-18 ZONE DISTRICT –
R-4 Single & Multi-Family Residential (R-4)

Title 12-10-18
R-4 Single & Multi-Family Residential (R-4)

12-10-18.1 PURPOSE
12-10-18.2 USE TABLE
RELATED PROVISIONS

12-10-18.1 **PURPOSE.** To create a residential zone that provides for a mixture of single- and multiple-family dwellings and uses of an institutional, semi-public or commercial nature compatible with a residential environment.

12-10-18.2 **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	√			
Apartment House			√	√
Athletic Club			√	√
Businesses, Retail (limited, inside, e.g., c-store, specialty, repair shops, etc.)			√	
Businesses, Service (limited, inside, e.g., professional office, dental/medical clinic)			√	
Child Care for Business Center: 8 children or less		√		√
Child Care for Business Facility: 9 children or more			√	√
Church (40 foot from all property lines, no residence within)			√	
Civic Club			√	
Community facilities (mortuary, dance studio, private school, etc.)			√	
Condominium			√	
Dwelling - Single (can board 4 people, no separate kitchen)	√			
Dwelling - Multi-Family	√			
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 (play area enclosed on all sides by four foot fence)			√	√
Public Services			√	
Public - Rights of Way	√			

Restaurant (Limited, no drive-thru service)			√	
Type	**Allowed**	**Administrative Conditional Use**	**Conditional Use**	**Business License Required**
Schools, Private, Quasi-Public (40 foot from all property lines, no residence within)	√			
School, Public (40 foot from property lines, no residence within)	√			
Subdivision			√	

RELATED PROVISIONS

Title 3. Businesses, Licenses.
Title 12-2. Definitions.
Title 12-3. Administration and Enforcement.

12-10-19 ZONE DISTRICT – R-4-NM Single & Multi-Family Residential, No Mfg. Homes (R-4-NM)

Title 12-10-19
R-4-NM Single & Multi Family Residential, No Manufactured Homes (R-4-NM)

12-10-19.1 PURPOSE
12-10-19.2 USE TABLE
RELATED PROVISIONS

12-10-19.1 **PURPOSE.** To create a zone identical to the R-4 zone as set out in this Title with the only variation being that Manufactured Homes are not allowed in an R-4-NM zone.

12-12-19.2 **USE TABLE**. The Use Table of the R-4-NM zone is identical to the Use Table of the R-4 as set out in Section 12-10-18 except that Manufactured Homes are not allowed in an R-4-NM zone.

RELATED PROVISIONS
Title 3. Businesses, Licenses.
Title 12-2. Definitions.
Title 12-3. Administration and Enforcement.
Title 12-7. Development Standards.

12-10-20
Residential Development (R-D)

The Residential Development Zone is intended to provide for development of compatible residential uses. Single family residences, twin homes and duplexes shall be permitted as a matter of right, provided, that all other applicable standards are met. Subdivisions providing for single family residences, duplexes and twin homes shall be permitted upon compliance with the subdivision ordinance regulations and other applicable codes. Residential developments providing for greater densities or density transfers shall be required to obtain a permit as provided in this ordinance. The purpose of the permit shall be to assure that that larger residential development will be compatible with surrounding land uses and that sufficient public facilities are available or can be made available to serve the purposed development.

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	√			
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	√			

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.

12-10-22 ZONE DISTRICT – Rural Residential No. Mfg. Homes (R-R-NM)

Title 12-10-22
R-R-NM Single & Two-Family Residential, No Manufactured Homes (R-R-NM)

12-10-22.1 PURPOSE
12-10-22.2 USE TABLE
RELATED PROVISIONS

12-10-22.1 **PURPOSE.** To create a zone identical to the R-R zone as set out in this Title with the only variation being that Manufactured Homes are not allowed in an R-R-NM zone.

12-10-22.2 **USE TABLE**. The Use Table of the R-R-NM zone is identical to the Use Table of the R-R as set out in Section 12-10-21 except that Manufactured Homes are not allowed in an R-R-NM zone.

RELATED PROVISIONS
Title 3. Businesses, Licenses.
Title 12-2. Definitions.
Title 12-3. Administration and Enforcement.
Title 12-7. Development Standards.

Title 12-10-23
Public Facilities (P-F)

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

12-10-23.1 **PURPOSE**. To create a public facilities zone which provides a place where facilities designed and designated for the service of the community in whole and the citizens of Delta may be located. Such facilities are typically governmentally owned and operated or owned and operated by a private utility company, although private property dedicated to the use and benefit of the community in whole also may be designated within the public facilities (PF) zone.

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				
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	√			
Schools, Private-Quasi Public				

12-10-23 ZONE DISTRICT – Public Facilities (P-F)

Type	Allowed	Administrative Conditional Use	Conditional Use	Business License Required
School, Public				
Small Engine Repair				
Stables, Private				
Stables, Public				
Subdivision				

RELATED PROVISIONS

Title 3. Businesses, Licenses.
Title 12-2. Definitions.
Title 12-3. Administration and Enforcement.

Title 12-11
Zone Standards – Antennas and Towers
(Including any unoccupied structure exceeding 35 feet in height)

Wind Energy System, Small
12-11-1 Purpose
12-11-2 Definitions
12-11-3 Requirements – Wind Energy System, Small
Telecommunication Tower
12-11-4 Purpose
12-11-5 Definitions
12-11-6 Requirements – Telecommunication Tower

Wind Energy System, Small

12-11-1 **PURPOSE.** To establish minimum requirements and regulations for the placement, construction and modification of small wind energy systems, commercial wind energy systems, and wind metering towers and equipment, as defined herein, while promoting the safe, effective and efficient use of such systems.

12-11-2 **DEFINITIONS**.

Total Height. The distance measured from ground level to the blade extended at its highest point (tower and turbine combined).
Tower. The supporting structure on which the turbine and accessory equipment are mounted.
Turbine. That portion of the wind system which includes the blades, generator and tail.
Wind Energy System. A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics with a rated capacity appropriate to the on-site electric usage of the end use and which will be used primarily to reduce on-site consumption of utility power (limited to one per lot or parcel, or up to four on agricultural properties with twenty acres or more -- systems with multiple towers may cluster towers / facilities together). A small wind energy system shall not exceed a rated capacity of one hundred kW.
Wind Monitoring Tower and Equipment (Met Tower). A temporary housing or supporting wind measuring equipment, such as an anemometer, for the purpose of establishing the viability of wind-generated energy by measuring and monitoring wind, velocity, duration, intensity, regularity, etc.

12-11-3 **REQUIREMENTS – WIND ENERGY SYSTEM, SMALL.**

A. Permitted Locations. A small wind energy system is not permitted on any lot in Delta City unless a private occupied residence exists on the same lot.

B. Minimum Lot Size. No wind energy system shall be erected on any lot less than one acre in size.

C. Total Height. For property sizes of five acres or less, the total height shall not exceed seventy-five feet. For property sizes of greater than five acres but less than twenty acres, the total height shall not exceed one hundred feet. For property sizes of twenty acres or greater, the total height shall not exceed one hundred twenty-five feet.

D. Location. No small wind energy system shall be located in any front or side yard.

E. Setbacks. The base of the tower shall be set back from all property lines, public right-of-ways, and public utility lines a distance equal to the total extended height. Turbines shall be allowed closer to a property line than its total extended height if the abutting property owner(s) grants written permission and the installation poses no interference with public utility lines or public road and rail right-of-ways.

F. Tower Height. So long as the total extended height meets sound and set-back requirements, there shall be no specific height limitation, except as imposed by Federal Aviation Administration regulations as stated in **J.**

G. Sound. Sound produced by the turbine under normal operating conditions, as measured at the property line, shall not exceed 30 dB(A). Sound levels, however, may be exceeded during short-term events out of anyone's control such as utility outages and/or severe wind storms.

H. Requirements for Engineered Drawings. Building permit application for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure and stamped engineered drawings of the tower, base, footings, and/or foundation as provided by the manufacturer. Wet stamps shall not be required on any system larger than 20kW.

I. Soil Studies. For standard soil conditions (not including gravel, sand, or muck), foundations developed by the wind turbine manufacturer shall be acceptable for turbine installations of 20kW or less and will not require project-specific soils studies or an engineer's wet stamp.

J. Compliance with FAA Regulations. No WEC shall be constructed, altered, or maintained so as to project above any of the imaginary airspace surfaces described in FAR Part 77 of the FAA guidance on airspace protection.

K. Compliance with National Electrical Code. Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components, as supplied by the manufacturer, in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.

L. Utility Notifications. No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

M. Insurance. Additional insurance beyond homeowners' coverage shall not be required.

N. Abandonment. If a wind turbine is inoperable for six consecutive months, the owner shall be notified that they must, within six months of receiving the notice, restore their system to operating condition. If the owner(s) fails to restore their system to operating condition within the six-month time frame, then the owner shall be required, at his expense, to remove the wind turbine from the tower for safety reasons. The tower then would be subject to the Public Nuisance provisions of the land use ordinance.

O. Signage. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a small wind energy system visible from any public road shall be prohibited.

P. Lighting. No illumination of the turbine or tower shall be allowed unless required by the FAA

Q. Access. Any climbing foot pegs or rungs below 12 feet of a freestanding tower shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal may be fastened to the bottom tower section such that it cannot be readily climbed.

Telecommunication Tower

12-11-4 **PURPOSE.** To establish minimum requirements and regulations for the placement, construction, and modification of commercial telecommunications systems and equipment, as defined herein, while promoting the safe, effective and efficient use of such systems.

12-11-5 **DEFINITIONS.**

Total Height. The distance measured from ground level to the top, at its highest point.
Tower. The supporting structure on which the antennas and accessory equipment are mounted.
Equipment and/or Building. Structure used to house equipment subsidiary to the operation of the facility.

12-11-6 **REQUIREMENTS – TELECOMMUNICATION TOWERS**

A. Permitted Locations. A telecommunications site or tower is not permitted within 300 feet of any residential zone. It is allowed as a conditional use in all industrial, highway commercial, and public/quasi-public zones.

B. Total Tower Height. Total height of a tower shall not exceed 200 feet.

C. Setbacks. The base of the tower shall be set back from all property lines, public right-of-ways, and public utility lines a distance equal to the total extended height. Turbines shall be allowed closer to a property line than its total extended height if the abutting property owner(s) grants written permission and the installation poses no interference with public utility lines or public road and rail right-of-ways.

D. Requirements for Engineered Drawings. Building permit application for towers shall be accompanied by standard drawings of the structure and stamped engineered drawings of the tower, base, footings, and/or foundation as provided by the manufacturer.

E. Compliance with FAA Regulations. No tower shall be constructed, altered, or maintained so as to project above any of the imaginary airspace surfaces described in FAR Part 77 of the FAA guidance on airspace protection.

F. Abandonment. If a tower is inoperable for six consecutive months, the owner shall be notified that they must, within six months of receiving said notice, restore their

system to operating condition. If the owner(s) fails to restore their system to operating condition within the six month time frame, then the owner shall be required, at his expense, to remove the tower for safety reasons. The tower then would be subject to the Public Nuisance provisions of the land use ordinance.

G. Signage. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a tower, building, or other structure associated with a tower, visible from any public road shall be prohibited.

H. Lighting. No illumination of the tower shall be allowed unless required by the FAA.

I. Access. Any climbing foot pegs or rungs below 12 feet of a freestanding tower shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal may be fastened to the bottom tower section such that it cannot be readily climbed.

J. Fencing. Fencing shall be provided for security reasons.

Title 12-12
Zone Standards – Fences, Walls & Hedges

12-12-1 FENCES, WALLS, AND HEDGES GENERALLY
12-12-2 VISIBILITY AT INTERSECTIONS IN RESIDENTIAL DISTRICTS
12-12-3 CONSTRUCTION MATERIAL
12-12-4 BUILDING PERMIT REQUIRED

12-12-1 **FENCES, WALLS, AND HEDGES GENERALLY.** Fences, walls and hedges may be permitted in any required yard, or along the edge of any yard in a height not exceeding 7 feet, provided that no fence, wall or hedge along the Front, as defined by 12-2, edge of any Front yard shall be over 3 feet in height. However, no barbed wire or electrically charged fences shall be allowed except in the Industrial, Rural Residential or Agricultural zones, or is required by federal, state, or local statute for protection purposes. In places where a residential zone abuts a different zone, the fence height allowance may be extended to nine (9) feet, at the point where the zones adjoin, to allow for privacy in the residential yard.

12-12-2 **VISIBILITY AT INTERSECTIONS IN RESIDENTIAL DISTRICTS**.

A. To ensure visibility at intersections, on a corner lot in any residential district, nothing shall be erected, placed, planted or allowed to grow to a height exceeding 3 feet above the grade in the triangular area, two sides of which are determined by measuring along the curb line from the projected intersection of both corner curb lines a distance of 35 feet, with the third side of such triangle being a line connecting the two points so determined.

B. Any fence or wall found to obstruct the view of vehicular traffic shall be removed or modified to mitigate the obstruction to the satisfaction of the Code Enforcement Officer.

12-12-3 **CONSTRUCTION MATERIAL**. All fences and walls shall be constructed of substantial material and the design and construction shall be consistent with the quality of dwellings and other improvements within the surrounding area. Examples of acceptable fencing construction material include, but are not limited to, vinyl, block, chain link, concrete, and cedar slate.

12-12-4 **BUILDING PERMIT REQUIRED**.

A. In order to ensure correct placement to establish accurate property lines, avoid conflict with public utilities, and reduce conflict between adjacent property owners, a fence permit must be obtained prior to the placement or complete replacement of any fence or wall. Before commencing construction, plans for all fences, living fences and walls shall be submitted to and approved by the Code Enforcement Officer.

B. Where, in the opinion of the City staff, a proposed fence, living fence or wall does not conform to the above criteria, the Code Enforcement Officer shall refer the application to the Planning Commission for action. The Planning Commission shall have the authority to reverse, affirm or modify any decision of the Code Enforcement Officer.

C. The applicant for a fence permit shall pay a fee set by the Fee Schedule.

Section 12-13
Zone Standards - Group Homes

12-13-1 PURPOSE
12-13-2 REQUIREMENTS
12-13-3 DESIGN
12-13-4 FEES AND FINANCIAL CAPABILITY
12-13-5 EXEMPTIONS
12-13-6 STANDARDS AND CONDITIONS
12-13-7 LICENSES, PERMITS, CERTIFICATIONS AND COMPLIANCE
12-13-8 PROCEDURE
12-13-9 SEVERABILITY
Appendix A: CONGREGATE LIVING FACILITY CHECKLIST
RELATED PROVISIONS

12-13-1 **PURPOSE**. To allow for the continuation of low density residential neighborhoods and to not encourage an over-concentration of congregate living facilities that tends to create an "institutional" rather than a "residential" atmosphere in the applicable neighborhoods.

A. Distinguish between facilities providing residential services to the disabled or to the elderly and other congregate living facilities, such as youth homes;

B. Avoid the institutionalization of residential neighborhoods and create an environment that will facilitate the "mainstreaming" of persons with disabilities and elderly persons into a "normalized" residential environment;

C. Provide an opportunity for congregate living facilities to be located within the City;

D. Establish zoning uses, standards, and practices which will not have the effect of discriminating against congregate living arrangements of unrelated people with disabilities or the elderly;

E. Enact a separation requirement of at least one-quarter mile that is necessary to provide the adequate mixture of residential housing types to meet the needs of maintaining a "normalized" residential environment, while still providing adequate alternatives for the establishment of such housing throughout the community;

12-13-2 **REQUIREMENTS**.

A. Residential Facility for the Disabled is defined as a facility that is occupied 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 and is operated by or under contract with that department. Such facilities are not Residential Treatment Facilities and 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-2-101 UCA.

1. A residential facility for persons with a disability requires a conditional use permit and is permitted only in residential and agricultural zones. The application for a conditional use permit shall include sufficiently detailed site plans, building plans or remodeling plans, and all other information necessary to determine compliance with building, safety and health regulations and standards applicable to similar dwellings. Any alterations must be reviewed and recommended by the Planning Commission before a conditional use permit is approved. Additionally, the facility shall conform to all applicable building, fire, health and safety codes and requirements for facilities of this type.

2. A residential facility for persons with a disability is subject to the Delta Land Use Ordinance, the standards contained herein, and the exemptions below.

3. A residential facility for persons with a disability shall not have any structural or landscaping alterations that would change the structure's residential character.

4. A residential facility for persons with a disability shall be limited to five (5) persons unrelated to the owner or provider.

5. A residential facility for persons with a disability shall not be located within a radius of one quarter (1/4) mile of another existing congregate living facility inside or outside of Delta City limits,

B. Residential facility for the elderly is defined as a facility that is occupied 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 appropriate licensing Department of the state of Utah and is operated by or under contract with that department. A residential facility for the disabled is not a residential treatment facility and 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-2-101 UCA.

1. A residential facility for the elderly requires a conditional use permit and is permitted only in residential and agricultural zones. The application for a conditional use permit shall include sufficiently detailed site plans, building plans or remodeling plans, and all other information necessary to determine compliance with building, safety and health regulations and standards applicable to similar dwellings, Any alterations must be reviewed and recommended by the Planning Commission before a conditional use permit is approved. Additionally, the facility shall conform to all applicable building, fire, health and safety codes and requirements for facilities of this type.

2. A residential facility for the elderly is subject to the Delta Land Use Ordinance, the standards contained herein, and the exemptions below.

3. A residential facility for the elderly shall not have any structural or landscaping alterations that would change the structure's residential

character.

4. A residential facility for the elderly shall be limited to five (5) persons unrelated to the owner or provider.

5. A residential facility for the elderly shall not be located within a radius of a quarter mile of another existing congregate living facility inside or outside of City of Delta limits.

C. Youth home is defined as a twenty-four (24) hour group living environment for three (3) or more persons under the age of eighteen (18), unrelated to an owner or provider 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 Title 62A UCA.

1. A youth home requires a conditional use permit and is permitted only in zones primarily permitting residential or agricultural development, subject to specific requirements of the Land Use Ordinance. The application for a conditional use permit shall include sufficiently detailed site plans, building plans or remodeling plans, and all other information necessary to determine compliance with building, safety and health regulations and standards applicable to similar dwellings. Any alterations must be reviewed and recommended by the Planning Commission before a conditional use permit is approved. Additionally, the facility shall conform to all applicable building, fire, health and safety codes and requirements for facilities of this type.

2. A youth home is subject to the Delta Land Use Ordinance, the standards contained herein, and the exemptions below.

3. A youth home shall not have any structural or landscaping alterations that would change the structure's residential character.

4. Youth homes shall be limited to five (5) persons under the age of eighteen (18) who are unrelated to the owner or provider of the youth home.

5. A Youth home shall not be located within a radius of a quarter mile of another existing congregate living facility inside or outside of Delta City limits.

12-13-3 **DESIGN**.

A. Any conversion of buildings or new construction of a congregate living facility shall require that the development standards of Delta City Land Use Ordinance are met.

B. Any conversion of existing buildings or uses to a congregate living facility must provide at least thirty (30) percent of the area as open green space or playground and at least two parking spaces per residential unit and adequate off street parking spaces for the staff and visitors of the facility as determined by the City Council. The City Council may reduce the parking requirement as part of the

conditional use approval upon a finding that less parking will meet the needs of the public and the proposed program.

C. The Planning Commission and City Council shall consider the general plan, protection of permitted uses in underlying zones, and the aesthetics of any proposed building in making its recommendations and/or approval to any congregate living facility.

12-13-4 **FEES AND FINANCIAL CAPABILITY**. The applicant for a permit or license to operate a congregate living facility shall pay the applicable license and permit fees as set by the Fee Schedule. Applicant shall also provide proof of financial capability to insure timely restitution to any member of the public suffering damage as a result of intentional or negligent conduct by members of the staff or residents of the facility. Proof of financial capability may take the form of insurance, bonds, or financial reserves. Proof of financial capability shall be resubmitted to the City annually or sooner if significantly changed.

12-13-5 **EXEMPTIONS**. No congregate living facility shall include facilities which house persons being treated for alcoholism or drug abuse, persons who have committed violent crimes, who are not voluntarily residing therein, or who are residing therein as a part of or in lieu of confinement, rehabilitation or treatment in a correctional or other facility.

12-13-6 **STANDARDS AND CONDITIONS**.

A. Conditions. The Delta City Planning Commission and/or City Council may set whatever conditions upon a conditional use permit to operate a youth home or a residential facility for persons with a disability or a residential facility for the elderly it deems to be in harmony with the General Plan and in the best interests of the health, safety and welfare of the City, including but not limited to the following conditions.

1. A community impact study shall be provided by the applicant as part of the application for the conditional use permit. This study shall specifically describe the programs provided and evaluate the impact of the congregate living facility on local schools, the City's economy and economic resources, the tax revenue of the City, the City's infrastructure including sewer concerns, public safety and law enforcement, traffic, aesthetics, tourism, and neighboring properties and businesses, including the impact on property values, if any, and the impact of any other uses within or proposed within the same building to be used as a congregate living facility.

2. A minimum of one-thousand (1,000) feet must be maintained between congregate living facilities and establishments licensed to sell beer or alcoholic beverages,

3. The application for business license shall include the following:

a. proof of cleared background (Bureau of Criminal Identification) checks for all staff that will have direct contact with consumers.

b. written job descriptions including specific duties and responsibilities and the minimum level of education, training,

and work experience required,

c. business plan

d. references including educational background, training, and relevant experience of the manager of the facility

e. educational plan, including a letter from an authorized accreditation organization stating their intent to accredit the facility's educational program.

4. The facility shall have twenty-four (24) hour per day supervision by trained and qualified personnel, with daytime ratios of at least 1:4 and evening ratios of at least 1:8.

5. Staff shall have access to the following professionals:

a. a licensed physician, or consulting licensed physician,

b. a licensed psychologist, or consulting licensed psychologist,

c. a licensed mental health therapist, and

d. a licensed advanced practice registered nurse-psychiatric mental health nurse specialist, or a consulting advanced practice registered nurse-psychiatric mental health nurse specialist, and

e. if unlicensed staff are used, they shall be supervised by a licensed clinical professional. (R501-19-5.D)

6. The facility's behavior management policy shall be provided to all staff, and staff shall receive training relative to behavior management annually, or more often if needed.

7. The facility shall provide twenty-four (24) hour supervision of the residents by an adult of the same sex and at least ten (10) years older than the oldest youth resident.

8. The facility shall admit only consumers who are agreeable to a waiver of objection to the disclosure through the house family or manager of their current juvenile record for purposes of a confidential report by that family or manager, upon request by the Mayor, as to the identity and background of any troubled youth in the facility from time to time; (1998 Utah Code 13-10-5-08; amended 2000).

9. The number of residents in the facility shall not increase above the number allowed in the conditional use permit unless an amendment to the permit is reviewed and approved by the City. Any request for amendment shall be accompanied by the study described in (b) above.

10. Facility shall report to the City on the first of each month all incidents required to be reported to the Department of Human Services.

11. Facility shall report as quickly as possible, but not later than within twenty-four (24) hours, any escape, violent incident, or crime occurring at the facility.

12-13-7 **LICENSES, PERMITS, CERTIFICATIONS, AND COMPLIANCE**.

A. **Business License Required**. To operate a residential facility for persons with disabilities, as licensed by the Department of Human Services, Division of Services for Persons with Disabilities, or to operate a residential facility for the elderly, as licensed by the state of Utah Department of Human Services, or to operate a youth home as licensed by the state of Utah Department of Human Services, the owner or provider shall be required to maintain a valid business license with Delta City.

B. **Residential Facility for Persons with a Disability; State of Utah Department of Human Services, Utah Division of Services for People with Disabilities License or Certification Required.** Applicants must verify, with documentation to the Planning Commission and City Council, compliance with all applicable requirements, regulations and standards of the State of Utah Department of Human Services governing the licensing and operation of residential facilities for persons with a disability. At the time of application for a permit and/or business license to establish a residential facility for persons with a disability or within sixty (60) days following approval of a residential facility for persons with a disability by the Delta City Council, the applicant shall provide to the Delta City Recorder evidence that the facility is licensed or certified by the Department of Human Services, Division or Services For People with Disabilities or the City shall not issue any business license, required to operate a residential facility for persons with a disability, until such evidence is provided. Failure to provide such evidence shall also be grounds for the City to initiate proceedings to revoke any valid City approvals for a residential facility for persons with a disability.

C. **Residential Facility for the Elderly; State of Utah Department of Human Services License or Certification Required**. Applicants must verify, with documentation to the Planning Commission and City Council, compliance with all applicable requirements, regulations and standards of the State of Utah Department of Human Services governing the licensing and operation of residential facilities for the elderly. At the time of application for a permit and/or business license to establish a residential facility for persons with a disability or within 60 days following approval of a residential facility for persons with a disability by the Delta City Council, the applicant shall provide to the Delta City Recorder evidence that the facility is licensed or certified by the Department of Human Services or the City shall not issue any business license, required to operate a residential facility for the elderly, until such evidence is provided. Failure to provide such evidence shall also be grounds for the City to initiate proceedings to revoke any valid City approvals for a residential facility for the elderly.

D. **Youth Home; State of Utah Department of Human Services License or Certification Required**. Applicants must verify, with documentation to the Planning Commission and City Council, compliance with all applicable requirements, regulations and standards of the State of Utah Department of Human Services governing the licensing and operation of youth homes. At the

time of application for a permit and/ or business license to establish a youth home or within sixty (60) days following approval of a youth home by the Delta City Council, the applicant shall provide to the Delta City Recorder evidence that the facility is licensed or certified by the appropriate department of the State of Utah or the City shall not issue any business license, required to operate a youth home, until such evidence is provided. Failure to provide such evidence shall also be grounds for the City to initiate proceedings to revoke any valid City approvals for a youth home.

E. **Continued Licensure or Certification Requirements of the State of Utah**. Operation of a residential facility for persons with a disability requires continued compliance, without interruption, with the Licensure Department of Human Services, Division of Services for People with Disabilities. The responsibility to certify or license programs or owners or providers which operate residential facilities for persons with a disability, as well as require and monitor the provision of adequate services to consumers residing in these facilities shall rest with the Department of Human Services, Division of Services for People with Disabilities. Operation of a residential facility for the elderly requires continued compliance, without interruption, with the State Department of Human Services. The responsibility to license programs or entities which operate residential facilities for the elderly, as well as to monitor the provision of adequate services to persons residing in those facilities, shall rest with the Department of Human Services as provided in Utah Code. Operation of a residential facility for the elderly requires continued compliance, without interruption, with the State Department of Human Services. The responsibility to license programs or entities which operate youth homes, as well as to monitor the provision of adequate services to persons residing in those facilities shall rest with the Department of Human Services as provided in Utah Code Section 62A-2.

F. **Special Provisions for Congregate Living Facilities**.

1. A permit to operate a congregate living facility as regulated by this section shall be;

   a. Subject to a nontransferable business license; and

   b. terminated if at any time it is demonstrated to the City Council, that:

      i. The structure is devoted to a use other than the City approved use; or

      ii. The structure fails to comply with the requirements of this section; or

      iii. The program has failed to operate in accordance with the requirements of this section; or

      iv. The applicant has not obtained and maintained, without interruption, all licenses from the State of Utah required to operate and provided the City with proof of such licenses. If the license issued by the State of Utah expires, the City business license will automatically

become void and the facility must close.

c. Application for reinstatement of a City permit or business license must be made to the City Council and will be subject to approval by that body.

2. A congregate living facility shall be occupied on a twenty-four (24) hour basis by no more than the maximum number allowed per the International Building Code for egress requirements, which will include all supervisors and staff.

3. Any conditional use permit for a congregate living facility shall be for a specified number of individuals.

G. **License Nontransferable**.

1. Conditional use permits granted to congregate living facilities shall expire upon the expiration, revocation, or surrender of any City business license, state of Utah license, or other regulatory license of the facility. A Delta City business license to operate a residential facility for persons with a disability, as authorized by this Title, is nontransferable. A business license to operate a residential facility for persons with a disability, as authorized by this Title, is nontransferable and shall only be valid to the owner or provider identified on a valid City business license permit authorizing the operation of a residential facility for persons with a disability and identified as the owner or provider as licensed or certified by the Department of Human Services, Division of Services For People with Disabilities.

2. A business license to operate a residential facility for the elderly, as authorized by this Title, nontransferable and shall only be valid to the owner or provider identified on a valid City business license permit authorizing the operation of a residential facility for the elderly and identified as the owner or provider as licensed or certified by the appropriate division of the state of Utah as required by this section. A business license to operate a youth home, as authorized by this Title, is nontransferable and shall only be valid to the owner or provider identified on a valid City business license permit authorizing the operation of a youth home and identified as the owner or provider as licensed or certified by the appropriate division of the state of Utah as required by this section.

12-13-8 **PROCEDURE**.

A.

1. Checklists. Anyone desiring to procure a Delta City permit and/or license to operate a residential facility for the disabled or the elderly, or a youth home, shall begin the process by completing the Congregate Living Facility Checklist (Appendix A), consulting with the Delta City Recorder or the Code Enforcement Officer Planning and Zoning Administrator when necessary. When the checklist has been reviewed and deemed complete by the City Recorder, the applicant may be placed on the agenda of the

next regular meeting of the Planning Commission.

2. Planning Commission Recommendation. The Planning Commission will hear the applicant's proposal, review the checklist and all required documentation, and determine whether or not it is in harmony with the Delta City General Plan and in compliance with the Delta City Land Use Ordinance and state and City standards for granting a conditional use permit. The Planning Commission shall then make ns findings and recommendation to the City Council, including any specific conditions to be placed on the permit, in writing.

3. City Council Approval. Once the Planning Commission has forwarded formal written recommendations to the City Council, the applicant may be placed on the agenda of a regular City Council meeting. The Council may then approve, modify and approve, or deny the conditional use permit.

4. Business License. If the City Council approves a conditional use permit for a congregate living facility the applicant may then supply the necessary documentation and request a business license to operate the facility.

12-13-9 **SEVERABILITY.** If any portion of this ordinance is held to be unconstitutional, invalid, or unenforceable, the remainder of this ordinance shall be deemed severable and shall not be affected, and this ordinance shall remain valid.

Appendix A
CONGREGATE LIVING FACILITY CHECKLIST

Before an applicant may be placed on the agenda for the Planning Commission, the City Recorder must verify that all of the following documentation has been received by the City:

A. Written verification of Department of Criminal Investigations clearance for the facility's operator and any other persons who are to have direct contact with minors or vulnerable adults in a congregate living facility.

B. Concept plan for facility.

C. Documented proof of ownership of the land, or a valid lease where the facility is to be located Letter of intent from the State Department who will license the facility.

D. If the facility provides schooling for minor consumers, written verification of curriculum approval from the State Office of Education. If incorporated, applicant must provide proof of active corporation status, including corporation ownership, from the Utah Department of Commerce.

E. Copies from the appropriate licensing department of the state of any written complaints, including employee grievances, against the applicant or facility applying for a business license.

F. Where appropriate, supply documents which comply with Human Services Core Standards R501-2-6 and R501-2-7 (what must be available for public inspection).

G. Eligibility and/or intake policy outlining the reasons a facility would consider accepting new consumers.

H. A written statement from State Board of Education or the National School Accreditation Board verifying accreditation shall be provided.

I. Verification of licensure (Utah Dept. of Professional Licensing number) for medical personnel, therapists and/or social workers, and teachers.

J. Organizational chart including the names of the applying facility's Board of Directors.

RELATED PROVISIONS

Title 3. Businesses, Licenses.
Title 12-2. Definitions.
Title 12-3. Administration and Enforcement.
Title 12-10 Zoning Districts.

Section 12-14
Zone Standard - Home Occupations

Any party engaging in a home occupation (see definition in Title 12-2 section) must fully comply with Title 3, Businesses, Licenses, as well as with the requirements of this land use ordinance. When a home occupation is listed as one of the permitted uses within a Zone District, such home occupation may be conducted in a dwelling unit within that District provided that all of the following conditions are met:

A. Such use shall be conducted entirely within a dwelling unit and shall be carried on by the inhabitants living there and no others.

B. Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the residential character or external appearance thereof in any manner.

C. The total area used for such purposes shall not exceed one-third of the gross floor area of the user's dwelling unit.

D. There shall be no exterior storage on the premises of material or equipment used as part of the home occupation, nor any outdoor display of merchandise.

E. There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line.

F. A home occupation shall provide additional off-street parking of one parking space for each 200 square feet of gross floor area occupied by the home occupation. The parking plan for such additional parking space or spaces shall be approved by the Code Enforcement Officer prior to issuance of any business license required under Title 3-000, Licenses, Businesses.

G. Specialized vehicles and trucks such as wreckers, semi and dump trucks, utilized in a home occupation shall not be stored on the premises of a residential lot or on a public street or right-of-way.

H. Shall not cause a demand for municipal services in excess of that associated with normal residential use.

I. Shall be enclosed within a structure in complete conformity with international building codes as adopted by Delta City.

J. Is not a mortuary, animal hospital, kennel, clinic, hospital, RV service, junkyard, auto repair service, public stable or adult oriented business.

12-15
Zone Standards - Mobile Home Parks

12-15-1 PURPOSE
12-15-2 DEVELOPMENT STANDARDS
12-15-3 ZONING AND REGULATORY REQUIREMENTS PERTINENT TO MOBILE HOME PARKS

12-15-1 **PURPOSE**. To allow for the usage of mobile homes and mobile home parks within Delta City and to allow for proper safety, sanitary, and design considerations within the parks.

12-15-2 **DEVELOPMENT STANDARDS**. The following development standards apply to all New Development in the zone:

Table 12-15.2.1 Minimum Lot and Development Standards

		Area	Width	Setbacks Front/Side/Rear	Sidewalks Required	Height /Stories
LOT	Standards	4,000/unit	40'	Front: 10' Side: 10' Rear: 10'	No	35'
	Exceptions	No	No			

12-15-3 **ZONING AND REGULATORY REQUIREMENTS PERTINENT TO MOBILE HOME PARKS**.

A. **License and Permits**:

1. No person shall construct, maintain or operate any mobile home park within the City limits without first obtaining a license for the mobile home park from the city recorder and a certificate of occupancy from the city building inspector.

2. No person shall use, permit or cause to be used a mobile home which is structurally unsound, which constitutes a safety hazard, or which does not adequately protect its occupants against the elements.

3. No person shall construct, enlarge, alter, improve or convert any lands within the city limits for use as a mobile home park without first obtaining a valid permit for such work from the city office.

4. In addition to any applicable regulations in this Title, all development of mobile home parks shall strictly conform to the procedures and standards set forth in Delta City's Subdivision ordinance.

B. **Inspections**:

1. The building inspector shall make such inspections of the mobile home park, during development and upon completion, as may be necessary to determine satisfactory compliance with this and other applicable

ordinances and regulations and shall take such steps as necessary to enforce compliance.

2. The building inspector and/or fire chief shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this ordinance or regulations issued under it for the purpose of its enforcement.

C. **Certificate of Occupancy**: Upon the final approval by the building inspector that the newly developed mobile home park complies with all applicable city and state regulations, the building inspector shall issue the developer a certificate of occupancy,

D. **Physical Requirements for Mobile Home Parks**: The soil conditions, groundwater level, drainage and topography of mobile home parks shall not create hazards to the property, adjacent properties or to the health and safety of the occupants. The site shall not be exposed to objectionable smoke, dust, noise, odors or other adverse environmental influences, and no portion shall be subject to predictable sudden flooding or erosion. The site shall not be used for any purpose which would expose persons or property to hazards to health or safety.

E. **Plans and Lot Placement**: Mobile home parks within the City shall have acceptable lot markers for each individual mobile home lot. Lot markers for individual mobile home lots shall substantially conform to the depicted lot markers and lot size on the approved plan. The Mobile home park owner shall have responsibility to ensure that lot markers conform with this ordinance.

F. **Lot Markers**: The limits of each mobile home lot shall be clearly marked on the ground by permanent flush stakes or other suitable means.

G. **Livable Open Space**: Livable open space shall be provided on each mobile home lot in an amount equal to at least ten (10) percent of the lot area, provided that in no case shall livable space be required to be less than three-hundred (300) square feet. Such required livable open space shall not have a dimension of less than fifteen (15) feet.

H. **Utilities**: All utility lines to individual lots shall be underground. Risers for connections, meters, necessary service attachments, etc. which must be above ground shall be as uniform in appearance and as unobtrusive as practicable.

I. **Water Supply and Distribution**: The park culinary water supply system shall be connected to the city water system and shall be the only water system used. All water piping fixtures and other equipment shall be constructed in accordance with applicable local, state and federal regulations and shall be of a type and in locations approved by appropriate health agencies.

J. **Gas and Electricity**:

1. Gas equipment and installations within the mobile home park shall be designed and constructed in accordance with applicable codes and regulations.

2. All electrical wiring, fixtures, and other material or equipment shall be designed and constructed in accordance with applicable electrical codes.

K. **Telephone and Television**: When telephone or cable television service is provided, the distribution system shall be underground unless evidence can be presented demonstrating that such installation is impractical.

L. **Sewage Disposal**: Sewage systems shall meet local and state codes and regulations for each lot in the park. Wherever feasible, connection shall be made to a public sewage system. All joints shall be watertight. Provisions shall be made for sealing riser pipes on unoccupied lots. Surface drainage shall be diverted away from risers. Rims of risers shall extend at least four inches above ground elevation.

M. **Setback, Yard Size, Separation of Buildings**: No two (2) mobile homes shall have any point less than twenty (20) feet apart, and all mobile homes shall be set back at least ten feet from the roadway within the mobile home park. The minimum distance from the shorter dimension side of a mobile home to a boundary of the mobile home park shall be eight (8) feet, The minimum distance from the longer dimension side of a mobile home to a boundary of the mobile home park shall be twenty (20) feet. A strip of land at least eight (8) feet wide surrounding the mobile home park shall be left unoccupied.

N. **Skirting**: Each mobile home shall be skirted within thirty (30) days after installation in a mobile home park. Skirting shall be of aluminum or other durable and non-corrosive metal or other material so constructed and attached to the mobile home as to deter and prevent the entry of animals and to screen from view any materials that might be stored under the mobile home.

O. **Carports, Awnings, Patio Covers, etc.:** All carports, awnings, patio covers or similar accessory structures or constructions shall meet all applicable city building codes, including building permit and inspection requirements,

P. **Individual Structures**: Free-standing or attached structures covering not more than one-hundred (100) square feet of ground space may be located in any portion of the required open space on individual mobile home lots with the exception of the eight foot zone that shall surround the outside of the mobile home park. Any such structure shall be separated from any structure on any neighboring lot by at least five (5) feet of open space.

Q. **Streets and Street Lighting**:

1. Streets, drives, parking and service areas within the mobile home park shall provide safe and convenient access to dwelling units and supporting facilities and shall allow convenient access for service and emergency vehicles. Access to individual lots within the mobile home park shall be limited to streets internal to the park.

2. Streets and roads shall have a minimum width of thirty-two (32) feet, shall be durably paved to a width of at least twenty-six (26) feet and be well drained under normal use and weather conditions. Their surfaces

shall be protected by suitable means to prevent shifting of the base.

3. Lighting shall be designed to produce a minimum of 0.1 foot candles throughout the street system. Potentially hazardous locations such as major street intersections shall be illuminated with a minimum of 0.3 foot candles.

R. **Parking**: Two (2) off-street parking spaces shall be provided for each mobile home lot. The parking spaces must be located on the lot and must have a minimum area of two-hundred (200) square feet for each space.

S. **Inspection of Mobile Home Parks**:

1. The building inspector and fire chief are hereby authorized and directed to inspect the mobile home park, at least yearly by the 1st business day in December, to determine satisfactory compliance with this ordinance and the regulations issued hereunder.

2. The building inspector and fire chief, or their representatives, are hereby authorized to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this ordinance.

T. **Penalty for developing or operating mobile home park without a permit**:

1. Any person or other entity who commences development or operation of a mobile home park without first securing the necessary permits and licenses from the city shall be guilty of developing or operating a mobile home park without a proper permit. When the building inspector or other authorized person learns of a violation, he or she shall have authority to require that the work or operation stop immediately and that it not continue until an authorized person acquires a permit.

2. Any person or entity that violates this section shall be guilty of an infraction and shall be fined an amount not to exceed seven-hundred-fifty (750) dollars for each offense. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues,

U. **Penalty and procedure for violating this ordinance**:

1. Any person or other entity who violates any provision of this ordinance shall be guilty of an infraction and shall be fined an amount not to exceed $750 for each offense and shall be required to correct the violation.

2. Before issuing a citation for an infraction, the building inspector or other authorized person shall issue a warning notice, describing the alleged offense, the location, the ordinance or code section involved, and a statement of what must be done to correct the violation. The notice shall state the date by which such correction must be completed. Such date shall give five (5) calendar days from the date of the notice, provided

that a shorter time shall be specified if there is substantial immediate danger to persons or property. A longer time than five (5) days shall be stated if there would be practical physical difficulties in completing the correction within five days and there is no emergency.

3. Failure of the city to issue a warning as described in subparagraph (b), above, shall not affect the validity of any prosecution for an infraction.

V. **Safety and Fire Protection**:

1. Mobile home parks shall be subject to the fire and safety rules and regulations as set up by the Delta City Council.

   a. Mobile home parks shall be kept free of litter, rubbish and other flammable materials.

   b. Portable fire extinguishers of a type approved by the fire chief or his authorized representative shall be kept in mobile home park service buildings and at all other locations designated by the fire chief and shall be maintained in good operating condition.

   c. Cooking shelters, barbecue pits, fireplaces and stoves shall be so located, constructed, maintained and used as to minimize fire hazards and smoke nuisance, both on the property on which they are used and on neighboring property. Installation of stoves and fireplaces must meet current building code regulations. Stoves must be UL approved for mobile homes. An inspection shall be made by the fire chief prior to operation of such stoves and/or fireplaces,

   d. Fire hydrants shall be installed in accordance with all applicable fire and building codes.

W. **Responsibilities of Mobile Home Park Management**:

1. The person to whom a license for a mobile home park is issued shall operate the park in compliance with this ordinance and regulations issued hereunder and shall provide adequate supervision to maintain the park, and facilities and equipment in good repair, in a clean and sanitary condition and in a manner free of fire hazards.

2. The mobile home park management shall notify park occupants of all applicable provisions of this ordinance and shall inform them of their duties and responsibilities under this ordinance and regulations issued hereunder.

3. The park management shall supervise the placement of each mobile home on a mobile home space, including securing its stability and installing all utility connections.

4. The park management shall maintain a register containing the names of all park occupants.

X. **Responsibilities of Mobile Home Park Occupants**: Mobile home park occupants shall comply with all applicable requirements of this ordinance and regulations issued hereunder and shall maintain their mobile home lots, facilities and equipment in good repair, in a clean and sanitary condition and in a manner free of fire hazards.

Y. **Permit Required Prior to Relocation and Occupancy**: A mobile home permit shall be required to move any mobile home into a mobile home park. Occupancy may occur after inspection and approval by the City Building Inspector.

Z. **Conflict With State or Federal Law**: Nothing in this ordinance or in its interpretation, application or enforcement shall act or be allowed to operate in conflict with any state or federal law.

RELATED PROVISIONS
Title 3. Businesses, Licenses.
Title 12-2. Definitions.
Title 12-3. Administration and Enforcement.

12-16
Zone Standards - Parking Standards

12-16-1 PURPOSE
12-16-2 APPLICATION OF STANDARDS
12-16-3 GENERAL PROVISIONS
12-16-4 MINIMUM PARKING STANDARDS
12-16-5 MINIMUM SPACE DIMENSIONS
12-16-6 LOCATION
12-16-7 USE OF OFF-STREET PARKING BY ANOTHER BUILDING
12-16-8 JOINT PARKING FACILITIES
12-16-9 PLAN OF PARKING AREAS
12-16-10 LANDSCAPING
12-16-11 LIGHTING
12-16-12 SCREENING
12-16-13 PARKING AT COMMERCIAL ESTABLISHMENTS
12-16-14 STOPPING STANDING OR PARKING OF A VEHICLE ON PRIVATELY OWNED PARKING AREAS SERVING COMMERCIAL ESTABLISHMENTS
12-16-15 AMERICAN WITH DISABILITIES ACT ACCESSIBLE PARKING REQUIREMENTS RELATED PROVISIONS

12-16-1 **PURPOSE**.
To provide uniform regulations and standards for residential and commercial developments in the City of Delta.

12-16-2 **APPLICATION OF STANDARDS**.
The minimum standards for off-street on-site parking requirements shall be mandatory for all new construction and expansions of existing uses unless a hardship can be clearly demonstrated. In unusual circumstances, where the parking requirements create an extreme hardship, a reasonable reduction may be requested to the Appeal Authority .

12-16-3 **GENERAL PROVISIONS**.
Off-street parking shall be provided in accordance with the following requirements:

A. Off-Street Parking Space Required. The minimum off-street parking spaces as outlined in this Title along with adequate provisions for ingress and egress by standard-size automobiles and adequate loading facilities shall be provided for any use of land or main building or structure in the City. These facilities shall be provided at the time the use is established or the building erected.

1. Parking facilities not located on the same parcel as the associated use must provide documentation to the City of permanent lease, ownership, or shared parking agreement that runs with the land and business on the ground where such parking is located so long as the use is maintained or other parking is made available. Shared parking facilities or agreements must be approved by the LUA before petitioning business operations commence and must be in accordance with the standards outlined below.

3. Parking facilities not located at the same parcel as the associated use shall be located within three hundred feet (300') of the parcel of land as the use they are intended to serve. Off street parking spaces which are

required with a use shall be located within the same or similar zone as the associated use.

2. Parking facilities not located on the same parcel as the associated use must comply with the applicable parking standards outlined below.

B. No Parking Reduction. Space for off-street parking being used in connection with an existing building shall not be reduced in the number or size of parking spaces, nor shall it be utilized for any other purpose than off-street parking, but shall be maintained in perpetuity as long as the requirement for said off-street parking is needed.

C. Tandem Parking. (parking two (2) vehicles end to end). Tandem Parking shall not be allowed except for single-family dwellings. In this case, the parking space may be within the driveway area in the required yard.

D. Enlargements. No building or structure shall be enlarged, altered, or converted unless there is provided and thereafter maintained for such building and its use, a minimum number of parking spaces as hereinafter required in each district. Provided, however, that if such alteration, enlargement, or conversion does not increase the number of required parking spaces by more than fifteen (15) percent, no additional parking spaces need be provided.

E. Uses not Mentioned. In the case of a use not specifically mentioned herein, the requirements for the most nearly similar use, which is so mentioned, shall apply. The decision of the City Council, as recommended by the Planning Commission, as to what is the most nearly similar use shall apply.

12-16-4 **MINIMUM PARKING STANDARDS**.

The following are minimum standards for parking spaces to be maintained in connection with the buildings and uses indicated. In those instances where there are clearly identified multiple uses within a structure, the minimum standards shall apply to each use and the parking requirements for such structure shall be the total of all such minimum requirements:

A. Theaters. One space per each four seats (designed seat capacity).

B. Bowling alleys. Two spaces per lane.

C. Elementary and Middle Schools. Two spaces per each classroom.

D. High Schools. One space per each four persons (designed capacity).

E. Day Care and Nursery Schools. One and one-half spaces per employee.

F. Hospitals. One space per each two beds and two spaces per each three employees per employee shift.

G. Nursing Homes. One space per each four beds, one space per each three employees per employee shift.

H. Hotels. One space per unit.

I. Motels. One space per unit.

J. Boarding Houses. One space per unit and one space per owner/manager.

K. Clubs/Lodges. One space per each three persons (designed capacity).

L. Dormitories/Fraternities/Sororities. One space per each two beds.

M. Offices, Banks, Medical-Dental Clinics, and Government Offices. One space per each 300 square feet of floor area.

N. Restaurant. One per three seats (designed seating capacity).

O. Bars/Nightclubs. One space per each two persons (designed capacity).

P. Mortuaries. One space per each five person (designed capacity).

Q. High Volume Retail Sales (consists of supermarkets, clothing and department stores, shopping complexes, hardware, building supplies and similar uses). One space per each 200 square feet sales area (includes employee parking).

R. Low Volume Retail Sales (consists of furniture/appliance sales, repair shops, nurseries, greenhouses and similar uses). One space per each 250 square feet sales area (includes employee parking).

S. Service Business (consists of beauty/barber shops, animal hospitals, frozen food lockers, laundries and similar uses). One space per each 300 square feet gross floor area (includes employee parking).

T. Vehicle Sales (such as automobile dealerships, used car sales, recreational vehicle sales, etc.). An area equal to 10% of the display area.

U. Wholesale Business. Employee parking plus 10% of total employee stalls for visitor parking.

V. Warehousing. Employee parking only, plus 10% of total for visitor parking.

W. Industrial/Manufacturing. Employee parking plus 10% of total for visitor parking.

X. Residential. Residential uses for all single family dwelling units up to and including four family dwelling units two spaces per dwelling unit. For all multi-family dwelling units five and greater per structure, (2) two spaces per dwelling unit plus one space for every 4 spaces for recreational vehicles and visitor parking.

12-16-5 **MINIMUM SPACE DIMENSIONS**.

Angle & Width	Stall Depth	Aisle Width	Angle & Width	Stall Depth	Aisle Width
0° Angle			**60° Angle**		
9.0' stall	9.0'	12.0'	8.5' stall	21.0'	18.0'
9.5' stall	9.5'	12.0'	9.0' stall	21.0'	16.0'
10.0' stall	10.0'	12.0'	9.5' stall	21.0'	15.0'

Angle & Width	Stall Depth	Aisle Width	Angle & Width	Stall Depth	Aisle Width
30° Angle			**75° Angle**		
9.0' stall	18.0'	11.0'	8.5' stall	19.5'	25.0'
9.5' stall	18.0'	11.0'	9.0' stall	19.5'	23.0'
10.0' stall	20.0'	11.0'	9.5' stall	19.5'	22.0'
45° Angle			**90° Angle**		
8.5' stall	20.0'	13.0'	8.5' stall	18.5'	28.0'
9.0' stall	20.0'	13.0'	9.0' stall	18.5'	25.0'
9.5' stall	20.0'	11.0'	9.5' stall	18.5'	24.0'

9-16-6 **LOCATION**.

The parking area should be provided on the same property as the principal building wherever possible. In business, commercial, and industrial districts the parking may be within seven-hundred (700) feet of the property. Such separate parking lots shall be maintained as long as the principal buildings or uses are maintained. Parking spaces in residential districts shall not be in a front-yard setback as required by setback regulations.

12-16-7 **USE OF OFF-STREET PARKING BY ANOTHER BUILDING**.

No part of an off-street parking space identified for any building or use shall be included as part of an off-street parking area for another building or use, unless it is demonstrated to the Planning Commission that such uses do not conflict with each other.

12-16-8 **JOINT PARKING FACILITIES**.

The off-street parking requirements for churches, auditoriums, clubs or lodges may be supplied with other off-street facilities, provided operations of other uses such as business offices, retail stores, manufacturing, or wholesale buildings, are not normally conducted during the same hours, and provided that:

A. Off-street parking designated for joint use shall not be more than seven-hundred (700) feet from the property or use it is intended to serve.

B. A business may purchase a long term lease of off-street parking from a parking entity (public or private) to satisfy required parking minimums. Purchased or leased parking will be considered appropriate if it is within 700 feet of the property and can be demonstrated to the Planning Commission not to have an adverse affect on the existing parking supply.

C. Sufficient evidence shall be presented to the Planning Commission to demonstrate that there will be no substantial conflict in any joint parking arrangement.

D. Evidence in the form of a written agreement between the owners (or other parties of interest) of the structures or uses for which joint parking arrangements are proposed shall be presented with the application for a building permit and a copy of said agreement shall be maintained in the offices of the City.

12-16-9 **PLAN OF PARKING AREAS**.

For any parking area, plans should be submitted to the Code Enforcement Officer, for

investigation and recommendation to the Planning Commission.

12-16-10 **LANDSCAPING**.

When an area provides parking spaces for more than fifteen (15) cars, a minimum of five (5) percent of the total area of the parking lot shall be used for landscaping and/or aesthetic treatment. Approval of the plan is required by the Planning Commission. The Planning Commission can apply a maximum of fifteen (15) percent of landscaping and/or aesthetic treatment with specific findings for each project.

12-16-11 **LIGHTING.**

Site lighting shall be designed and installed for the primary purpose of providing visibility and safety around structures, within parking areas, and along vehicular and pedestrian travel areas. Careful consideration should be given to reducing the number of lights and resulting ambient light generated.

A. Pole Heights: Luminary mounting heights are to be measured from the parking lot or driveway surface, to the bottom of the luminary device.

1. Light poles shall not exceed sixteen feet (16') in height if located within one hundred feet (100') of a residential zone.

2. Pole heights may not exceed twenty feet (20'). The location of lights and luminary amounts should give consideration to the following:

a. Review of the site and landscape plans,
b. Proposed land uses on the site,
c. Impacts on the surrounding land uses and properties,
d. Parking area size,
e. Building mass,
f. Location of the site with respect to other lighting sources, and
g. Topography of site.

3. Special consideration may be given to allowing pole heights of thirty five feet (35') for developments which are required to provide over one hundred fifty (150) parking stalls. The items of consideration in subsection A2 of this section shall also be reviewed for this increased height.

D. Gas Station Canopies: All lighting on gas station canopies which serves to illuminate pump islands shall be recessed and designed to minimize glare and impact on motorists within or traveling by the site.

E. Pedestrian Paths And Walking Areas: The intent of pathway lights is to provide pools of light to help direct pedestrians along the path, not to fully illuminate the path. Three foot (3') bollards with louvers and ten foot (10') pole mounted, down directed luminaries shall be utilized to maintain a minimum one horizontal foot-candle along the path.

F. Photometric Lighting Plan: A photometric lighting plan is required for each new commercial development, in order to ensure adequate and appropriate lighting levels throughout the development. All site lighting should comply with the minimum lighting standards generally applied and recommended by the Illuminating Engineering Society of North America (IES).

12-16-12 **SCREENING**.
For each boundary line of a business parking area abutting directly on a residential use, there shall be a wall, screen fence, or screen planting of a year-round nature, of six (6) feet high except where setback requirements and site distance requirements would limit it.

12-16-13 **PARKING AT COMMERCIAL ESTABLISHMENTS**
The parking of vehicles on privately owned parking areas serving commercial establishments shall be regulated according to the parking standards previously stated herein.

12-16-14 **STOPPING STANDING OR PARKING OF A VEHICLE ON PRIVATELY OWNED PARKING AREAS SERVING COMMERCIAL ESTABLISHMENTS.** As Per Ordinance 90-128, it shall be unlawful for any person, except authorized personnel, to stop, stand or park a vehicle, whether occupied or not, after business hours, on the parking lots of those businesses who have entered into an agreement with Delta City or who may hereafter enter into an agreement with Delta City, for the regulation of such parking on privately-owned lots serving commercial establishments.

A. It shall be unlawful for any person to stop, stand or park a vehicle any place where official traffic-control devices prohibit stopping, standing or parking on public or private property.

B. As used in this section, "official traffic-control device" shall mean all signs, signals, markings and devices placed or erected by authority of, or at the request of, a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

C. As used in this section, "authorized personnel" shall include, but not be limited to, owners, managers, lessors, lessees, employees and those people lawfully on the premises by invitation or permission of such authorized personnel.

D. Agreement to Allow for Enforcement of Parking Regulations on Private Property.
Those businesses who have agreed to allow enforcement of parking regulations on private property have executed an agreement with Delta City, giving its consent to such enforcement, A copy of each such agreement, is attached to this ordinance as an exhibit and incorporated herein by reference.

E. Property Owner Responsible to Post Signs.
Delta City may require each property owner, whose business establishment is subject to this ordinance, to post a sign, approved by Delta City, prohibiting the stopping, standing or parking of any unauthorized vehicles on business premises, after business hours.

12-16-15 **AMERICANS WITH DISABILITIES ACT ACCESSIBLE PARKING REQUIREMENTS**.
Any parking area to be used by the general public shall provide parking spaces designated and located to adequately accommodate the disabled, and these shall be clearly marked as such. Parking spaces for the disabled shall be located in close proximity to the principal building. The designation of parking spaces for the disabled shall constitute consent by the property owner to the enforcement of the restricted use of such spaces to disabled motorists by the City. Parking spaces for the disabled shall

conform to the standards of the Americans with Disabilities Act and as set out by the International Building Code.

12.16.16 **CONTINUING OBLIGATION**. The required off street parking and loading facilities shall be a continuing obligation of the property owner so long as the use requiring vehicle parking or vehicle loading facilities continues. It shall be unlawful for an owner of any building or use to discontinue or dispense with the required vehicle parking or loading area which meets the requirements of this title.

RELATED PROVISIONS
Title 3. Businesses, Licenses.
Title 12-2. Definitions.
Title 12-3. Administration and Enforcement.

Title 12-17
Zone Standards - Signs

12-17-1 SCOPE OF REGULATIONS
12-17-2 PURPOSES
12-17-3 DEFINITIONS
12-17-4 PERMITS – GENERAL REQUIREMENTS
12-17-5 CONSTRUCTION OF SIGNS
12-17-6 EXEMPTIONS
12-17-7 RELOCATION AND ALTERATION OF SIGNS
12-17-8 SIGNS ON UTILITY POLES, TREES AND OFFICIAL SIGN POSTS
12-17-9 PROHIBITED SIGNS
12-17-10 SIGN USAGE
12-17-11 APPEAL
12-17-12 ENFORCEMENT
12-17-13 OTHER LEGAL ACTION

12-17-1 **SCOPE OF REGULATIONS**. These regulations shall apply to signs erected, altered and maintained by and for all uses in all districts. Signs governed by several regulations shall comply with all such regulations. If Utah State regulations for signs along highways are in conflict with this ordinance, any portions of these rules which may be more restrictive shall apply, except such rules as may conflict with the Utah State regulations.

12-17-2 **PURPOSES**. Delta City has enacted the regulations set forth in this Chapter for the following purposes:

A. Limiting and/or reducing the visual clutter along streets and alleys;

B. Reducing confusion and distractions to drivers;

C. Requiring good design and appearance of signs within Delta City;

D. Safeguarding and protecting property values; and

E. Promoting the public health, safety and the general welfare of the residents of Delta City.

F. This code is intended to regulate to the maximum extent possible by Utah Law.

12-17-3 **DEFINITIONS**

"**Billboard**" means a free standing ground sign located on 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.

"**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.

"Political Sign" a sign announcing or supporting political canidates or issues.

12-17-4 **PERMITS – GENERAL REQUIREMENTS**.

A. Signs controlled by this section shall be erected only after the approval by the Code Enforcement Officer and issuance of a permit therefore. An application for such approval shall contain a sketch or drawing to scale of the proposed sign and notation as to its height, size and location on the structure or zone lot. An application for a free-standing sign shall also contain engineering specifications which delineate the wind loads that the sign can sustain.

B. Signs shall be maintained in a good state of repair. Broken signs, signs unreadable because of deterioration and signs on vacant buildings may be ordered repaired or removed by the Code Enforcement Officer. Failure to remove such signs within 30 days after notice of the order from the Code Enforcement Officer shall be a violation of this provision.

12-17-5 **CONSTRUCTION OF SIGNS**. The following standards shall apply to all signs erected, relocated, altered or replaced after the effective date of this Chapter:

A. Signs shall be constructed and erected using materials of sufficient strength and quality to reasonably ensure the public safety and to prevent litter.

B. Signs shall conform to the height and other restrictions applicable to the zoning district in which the sign is located.

C. Where vehicular or pedestrian traffic is anticipated, the Code Enforcement Officer shall impose a minimum footage clearance, on a case by case basis, between the ground, street, or sidewalk and any part of a sign that projects across the space where the traffic is anticipated.

D. Any person or property owner who has erected or controls a sign(s) on any premises within Delta City limits shall be required to abate or remove such sign(s) if the owner of the business to which the sign advertises or refers ceases to conduct business for a period of at least six (6) months.

12-17-6 **EXEMPTIONS**. The following types of signs shall be deemed to be outside the scope of these regulations and shall not require a permit:

A. Official signs and notices and signs required by law or authorized for a public purpose;

B. Nameplates and addresses for structures;

C. Cornerstones and historical markers;

D. Decorations of a temporary nature;

E. Window displays of actual merchandise;

F. Real estate "For Sale," rental or lease signs not exceeding six (6) feet in area, located on the premises referred to by such sign;

G. Informational and directional signs with no advertising;

H. Danger or warning signs of a cautionary nature;

I. Traffic signs; and

J. Religious symbols.

12-16-7 **RELOCATION AND ALTERATION OF SIGNS**. No sign erected before the enactment of this Title shall be relocated, enlarged, converted, or replaced unless it complies with provisions of this Title.

12-16-8 **CONVERSION OF BILLBOARDS**. No billboard may be Converted unless it can be demonstrated that the conversion method and operation adequately mitigates the impact of the digitally-controlled surface on:

A. Traffic;
B. Visual Clutter;

C. Neighboring property rights; and

D. Full and complete economic development of the surrounding area.

12-17-9 **SIGNS ON UTILITY POLES, TREES AND OFFICIAL SIGN POSTS**. To ensure safe access for maintenance or emergency services by the various companies using utility poles, signs may only be located on utility poles with the utility's written permission. Signs may not be posted on street trees, traffic regulatory sign poles or street name poles.

12-17-10 **PROHIBITED SIGNS**. The following devices used to attract pedestrian or vehicular attention are prohibited in any zone in Delta City. Any sign not specifically allowed in this Title is also prohibited.

A. Any sign which flashes, blinks, uses chaser lights, etc., or moves in anyway or inanimate which are of such intensity or so located that it could detract a motorist's vision from normal, safe driving, shall not be permitted in any district. Commercial signs may be approved with time/temperature or electronic message center capability. Subtitle lighting changes or low intensity are allowed.

B. Hot or cold air balloons or inflatables, except as specifically allowed by this title for temporary signs or as part of a grand opening period or special promotion.

C. Any truck, trailer, or other vehicle conspicuously or regularly parked on or off premises with an advertising message or logo displayed to attract attention to a business, product, or promotion. The LUA, or other authorized officer, may require a business to remove same if in his opinion such vehicle is being utilized for advertising purposes.

D. Handbills, Signs; Public Places And Objects:

1. No person shall paint, mark, write on, post, or otherwise affix any handbill or sign to or upon any sidewalk, crosswalk, curb, curbstone, parking strip, street lamp post, hydrant, tree, shrub, tree stake or guard, railroad trestle, electric light, or power, telephone, telegraph, or trolley wire pole, or wire appurtenance thereof or upon any lighting system, public bridge, drinking fountain, life saving equipment, street sign, or traffic sign.

2. Any handbill or sign found posted upon any public property contrary to the provisions of this section may be removed by the police department, public works department. The person responsible for any such illegal posting shall be liable for the cost incurred in the removal thereof and the city is authorized to effect the collection of said cost.

3. Nothing in this section shall apply to the installation of a metal plaque, plate, or individual letters or figures in a sidewalk commemorating an historical, cultural, or artistic event, location, or personality for which the department of public works has granted a written permit.

4. Nothing in this section shall apply to the painting of house numbers upon curbs.

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.
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: 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

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.
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

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

Title 12-18
Zone Standards - Travel Trailers, Campers and Recreational Vehicles

12-18-1 PURPOSE
12-18-2 LOCATION OF RECREATIONAL VEHICLE PARKS
12-18-3 DEVELOPMENT OF RECREATIONAL VEHICLE PARKS
12-17-4 REGULATIONS OUTSIDE TRAVEL TRAILER PARKS
RELATED PROVISIONS

12-18-1 **PURPOSE**. To allow for the use of travel trailers, campers, and other recreational vehicles on designated land within Delta City and to:

A. Provide for safe and sanitary living conditions for the residents of the park.

12-18-2 **LOCATION OF RECREATIONAL VEHICLE PARKS**.

A. It shall be unlawful to develop or otherwise locate a recreational vehicle park within the City except as a conditional use in the Agricultural, Highway Commercial, General Commercial and Mobile Home Zoning Districts.

B. Removal of wheels or axle from a travel trailer or recreational vehicle, or the placing of a travel trailer or recreational vehicle on a permanent foundation does not alter the nature of the travel trailer or recreational vehicle so as to be exempted from the requirements of this article.

12-18-3 **DEVELOPMENT OF RECREATIONAL VEHICLE PARKS**.

A. Any person, firm, or other entity seeking to develop a travel trailer park or recreational vehicle park shall do so pursuant to the requirements set forth in this article and in the Subdivision Ordinance of the Delta Municipal Code.

B. Development requirements for travel trailers, campers, and other recreational vehicle parks:

1. The developer of a recreational vehicle park shall demonstrate to the Planning Commission that the soil, drainage system, and topography are of such a nature that normal use of the recreational vehicle park will not create a substantial risk to the property on which the park is located, any adjacent properties, or any person.

2. All streets located within the park shall conform to the following standards:

a. all roads shall be improved with gravel, cinders, concrete, or asphalt, and shall be in accordance with Delta City specifications;

b. all streets that provide ingress or egress from the park, or that connect to a public street, road or alley shall be concrete or asphalt from the public street, road or alley for a distance to be determined by the Zoning Officer.

i. The Zoning Officer shall require a distance of concrete or asphalt sufficient to ensure that ingress and egress can be done safely, and, at a minimum, that all possible or potential traction tires of vehicles will be upon concrete or asphalt while entering or exiting the park.

c. all street grades within the recreational vehicle park shall strictly conform to Delta City specifications; and

d. improved street widths must have a minimum of twelve (12) feet of improved street for one- way roadways and a minimum of twenty (20) feet for two-way roadways.

3. All travel trailer or recreational vehicle spaces in a park shall conform to the following specifications:

a. travel trailer or recreational vehicle spaces in the park shall have an average of at least one-thousand (1,000) square feet.

b. all travel trailer or recreational vehicle spaces shall be designed in such a way so as to allow at least a twenty (20) foot setback from the trailer or recreational vehicle site to any dedicated public street.

4. Travel trailer site width. Each travel trailer site shall have an average width of twenty-five (25) feet. Trailers shall be separated from each other and from other structures by at least ten (10) feet. Awnings or steps, shall, for this separation requirement be considered part of the trailer.

5. Travel trailer site frontage. Each travel trailer site shall abut directly upon a travel trailer park street for a minimum distance of twenty (20) feet. Alignment and gradient shall be properly adapted to topography.

6. Travel trailer density. Not more than one travel trailer shall be placed on a travel trailer site.

7. Site coverage. The travel trailer and accessory structures shall not cover more than seventy-five (75) percent of a travel trailer site.

8. Utilities. All travel trailer or recreational vehicle parks within the city shall install and maintain utilities that comply with all health and safety standards of Delta City and the State of Utah.

9. Removal of wheels. There shall be no removal of axles, wheels, or tires from a travel trailer or other recreational vehicle located within a travel trailer park except for emergency, temporary removal to accomplish repairs.

10. Minimum park area. No travel trailer park area shall be constructed on a partial property area that has an area of less than two (2) acres.

11. Public Toilets. All travel trailer or recreational vehicle parks shall have on premises public toilet facilities in such a quantity so as to adequately meet the needs of the park tenants and visitors as determined by the Public Works Director or designated Public Health Official.

12-18-4 **REGULATIONS OUTSIDE TRAVEL TRAILER PARKS.**

A. Parking of Recreational Vehicles on private property.

1. Notwithstanding any limitation set forth in 9-18-2 (A) of this section, a person may live in a travel trailer or recreational vehicle outside of a recreational vehicle park for a term not to exceed one (1) year when all of the following conditions are met:

a. the person living in the travel trailer or recreational vehicle is actively employed in the construction of a dwelling or other building within Delta City or is the owner of a dwelling or other building which is in active construction;

b. the travel trailer or recreational vehicle is located on the construction site referred to in sub-paragraph (a);

c. a permit is obtained with Delta City to live in the trailer or recreational vehicle;

d. the travel trailer or recreational vehicle complies with all relevant utility requirements of Delta City and the State of Utah.

2. It shall be unlawful to park or otherwise keep any recreational vehicle on private property in such a manner that would violate the setback requirement of any structure if the dimensions of the structure and the recreational vehicle were added together.

B. RV Permits for a temporary residence and time frame.

1. No more than one (1) RV travel trailers shall be temporarily used on private residential property.

2. The current setback requirements shall apply as outlined in the RV park section of the Land Use Code to insure adequate fire safety.

3. For any RV travel trailer that temporarily used on a private residential residence property for longer than 2 (two) weeks, a Conditional Use Permit application shall be completed and accompanied with the applicable permit fee as set forth by the Fee Schedule.

4. No singlewide mobile homes will be allowed in any area other than existing mobile home parks.

5. The building inspector will approve all utility hookups & setback requirements.

6. Only self-contained RV travel trailer will be allowed on private property.

7. The length of the RV permit shall be at the discretion of the Code Enforcement Officer except that a RV permit not to exceeding six (6) months from the issue date,

8. All utility fees associated with the rental of space to a RV travel trailer shall be the responsibility of the property owner,

9. Upon the expiration of the temporary conditional use permit, the property owner shall restore the area to its original condition and assure the property is free of debris/garbage and damage to City owned property.

RELATED PROVISIONS
Title 3. Businesses, Licenses.
Title 12-2. Definitions.
Title 12-3. Administration and Enforcement.

TITLE 12-19
UNIFORM BUILDING CODE

Title 12-19
Adoption of the Uniform Building Codes

12-19-1 Adoption of the International Green Code
12-19-2 Adoption of the International Plumbing Code
12-19-3 Adoption of the International Fuel Gas Code
12-19-4 Adoption of the International Existing Building Code
12-19-5 Adoption of the International Fire Code
12-19-6 Adoption of the International Building Code
12-19-7 Adoption of the International Mechanical Code
12-19-8 Adoption of the International Energy Conservation Code
12-19-9 Adoption of the International Property Maintenance Code
12-19-10 Adoption of the International Wildland-Urban Interface Code
12-19-11 Adoption of the International Performance Code
12-19-12 Adoption of the International Private Sewage Disposal Code
12-19-13 Adoption of the International Swimming Pool and Spa Code
12-19-14 Adoption of the International Residential Code
12-19-15 Adoption of the National Electric Code Code

12-19-1 **Adoption of the International Green Code.** A certain document, a copy of which is on file in the office of the Delta City Recorder, being marked and designated at the Interational Green Construction Code, 2012 edition, as published by the International Code Counsel, be and is hereby adopted as the Green Construction Code of Delta City, in the State of Utah regulating and governing the conditions and maintenance of structures and premises as herein provided; the standards for physical things and conditions essential to safeguard the environment, public health, safety and general welfare through the establishment of requirements to reduce the negative impacts and increase the positive impacts of the built environment on the natural environment and building occupants; and each and all of the regulations, provisions, penalties, conditions and terms of said Green Construction Code on file in the office of the Delta City Recorder are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, are prescribed as follows:

A. The following sections are herby revised:

1. Section 101.1. Insert: Delta City.

2. Section 1007.3.3.1. Insert: Code Enforcment Officer where section 1007.3 is selected in Table 302.1.

3. Section 1007.3.3.2. Insert: Code Enforcment Officer where section 1007.3 is selected in Table 302.1.

4. Section 1007.3.3.3. Insert: Code Enforcment Officer where section 1007.3 is selected in Table 302.1.

12-19-2 **Adoption of the International Plumbing Code.** A certain document, a copy of which is on file in the office of the Delta City Recorder, being marked and designated at the Interational Plumbing Code, 2012 edition, as published by the International Code Counsel, be and is hereby adopted as the Plumbing Construction Code of Delta City, in the State of Utah regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use

or maintenance of plumbing systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Plumbing Code on file in the office of the Delta City are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, are prescribed as follows:

A. The following sections are herby revised:

1. Section 101.1. Insert Delta City.

2. Section 106.6.2. Insert: [APPROPRIATE SCHEDULE]

3. Section 106.6.3. Insert: [PERCENTAGES IN TWO LOCATIONS]

4. Section 108.4. Insert: [OFFENSE, DOLLAR AMOUNT, NUMBER OF DAYS]

5. Section 108.5. Insert: [DOLLAR AMOUNT IN TWO LOCATIONS]

6. Section 305.6.1. Insert: [NUMBER OF INCHES IN TWO LOCATIONS]

7. Section 904.1. Insert: [NUMBER OF INCHES]

12-19-3 **Adoption of the International Fuel Gas Code.** A certain document, a copy of which is on file in the office of the Delta City Recorder, being marked and designated at the Interational Fuel Fas Code, 2012 edition, as published by the International Code Counsel, be and is hereby adopted as the Fuel Gas Code of Delta City, in the State of Utah for regulating and governing fuel gas systems and gas-fired appliances as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fuel Gas Code on file in the office of the Delta City Recorder are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, are prescribed as follows:

A. The following sections are herby revised:

1. Section 101.1. Insert: Delta City

2. Section 106.6.2. Insert: [APPROPRIATE SCHEDULE]

3. Section 106.6.3. Insert: [PERCENTAGES IN TWO LOCATIONS]

4. Section 108.4. Insert: [SPECIFY OFFENSE] [AMOUNT] [NUMBER OF DAYS]

5. Section 108.5. Insert: [AMOUNTS IN TWO LOCATIONS]

12-19-4 **Adoption of the International Existing Building Code.** A certain document, a copy of which is on file in the office of the Delta City Recorder, being marked and designated at the Interational Existing Building Code, 2012 edition, as published by the International Code Counsel, be and is hereby adopted as the Existing Building Code of Delta City, in the State of Utah for regulating and governing the repair, alteration, change of

occupancy, addition and relocation of existing buildings, including historic buildings, as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Existing Building Code on file in the office of the Delta City Recorder are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, are prescribed as follows:

A. The following sections are herby revised:

1. Section 101.1. Insert: Delta City

2. Section 1401.02. Insert [DATE IN ONE LOCATION]

12-19-5 **Adoption of the International Fire Code.** A certain document, a copy of which is on file in the office of the Delta City Recorder, being marked and designated at the Interational Fire Code, 2012 edition, as published by the International Code Counsel, be and is hereby adopted as the Fire Code of Delta City, in the State of Utah for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the Delta Cirty Recorder are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

A. The following sections are herby revised:

1. Section 101.1. Insert: Delta City

2. Section 109.4. Insert [OFFENSE, DOLLAR AMOUNT, NUMBER OF DAYS]

3. Section 111.4. Insert: [DOLLAR AMOUNT IN TWO LOCATIONS]

12-19-6 **Adoption of the International Building Code.** A certain document, a copy of which is on file in the office of the Delta City Recorder, being marked and designated at the Interational Building Code, 2012 edition, as published by the International Code Counsel, be and is hereby adopted as the Building Code of Delta City, in the State of Utah for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the Delta City Recorder are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, are prescribed as follows:

A. The following sections are herby revised:

1. Section 101.1. Insert: Delta City

2. Section 1612.3. Insert: Delta City

3. Section 1612.3. Insert: [DATE OF ISSUANCE]

4. Section 3412.2. Insert: [DATE IN ONE LOCATION]

12-19-7 **Adoption of the International Mechanical Code.** A certain document, a copy of which is on file in the office of the Delta City Recorder, being marked and designated at the Interational Mechanical Code, 2012 edition, as published by the International Code Counsel, be and is hereby adopted as the Mechanical Code of Delta City, in the State of Utah for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Mechanical Code on file in the office of the Delta City Recorder are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, dele-tions and changes, if any, are prescribed as follows:

A. The following sections are herby revised:

1. Section 101.1. Insert: Delta City

2. Section 106.5.2. Insert: [APPROPRIATE SCHEDULE]

3. Section 106.5.3. Insert: [PERCENTAGES IN TWO LOCATIONS]

4. Section 108.4. Insert: [OFFENSE, DOLLAR AMOUNT, NUMBER OF DAYS]

5. Section 108.5. Insert: [DOLLAR AMOUNT IN TWO LOCATIONS]

12-19-8 **Adoption of the International Energy Conservation Code.** A certain document, a copy of which is on file in the office of the Delta City Recorder, being marked and designated at the Interational Energy Conservation Code, 2012 edition, as published by the International Code Counsel, be and is hereby adopted as the Energy Conservation Code of Delta City, in the State of Utah for regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Energy Conservation Code on file in the office of the Delta City Recorder are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, are prescribed as follows:

A. The following sections are herby revised:

1. Sections C101.1 and R101.1. Insert: Delta City.

2. Sections C108.4 and R108.4. Insert: [DOLLAR AMOUNT] in two places.

12-19-9 **Adoption of the International Property Maintenance Code.** A certain document, a copy of which is on file in the office of the Delta City Recorder, being marked and designated at the Interational Property Maintenance Code, 2012 edition, as published by the International Code Counsel, be and is hereby adopted as the Property Maintenance Code of Delta City, in the State of Utah for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Delta City Recorder are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, are prescribed as follows:

A. The following sections are herby revised:

1. Sections C101.1 and R101.1. Insert: Delta City.

2. Section 103.5. Insert: [APPROPRIATE SCHEDULE]

3. Section 112.4. Insert: [DOLLAR AMOUNT IN TWO LOCATIONS]

4. Section 302.4. Insert: [HEIGHT IN INCHES]

5. Section 304.14. Insert: [DATES IN TWO LOCATIONS]

6. Section 602.3. Insert: [DATES IN TWO LOCATIONS]

7. Section 602.4. Insert: [DATES IN TWO LOCATIONS]

12-19-10 **Adoption of the International Wildland-Urban Interface Code.** A certain document, a copy of which is on file in the office of the Delta City Recorder, being marked and designated at the Interational Wildland-Urban Interface Code, 2012 edition, as published by the International Code Counsel, be and is hereby adopted as the Wildland-Urban Interface Code of Delta City, in the State of Utah for regulating and governing the mitigation of hazard to life and property from the intrusion of fire from wildland exposures, fire from adjacent structures and prevention of structure fires from spreading to wildland fuels as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Wildland-Urban Interface Code on file in the office of the Delta City Recorder are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, are prescribed as follows:

A. The following sections are herby revised:

1. Section 101.1. Insert: Delta City

2. Section 103.1. Insert: Code Enforcment Officer

3. Section 109.4.7. Insert: [OFFENSE, DOLLAR AMOUNT, NUMBER OF DAYS]

4. Section 114.4. Insert: [DOLLAR AMOUNT] in two places

12-19-11 **Adoption of the International Performance Code.** A certain document, a copy of which is on file in the office of the Delta City Recorder, being marked and designated at the Interational Performance Code, 2012 edition, as published by the International Code Counsel, be and is hereby adopted as the Performance Code of Delta City, in the State of Utah for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the Delta City Recorder are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, are prescribed as follows:

A. The following sections are herby revised:

1. Section 101.1. Insert: Delta City

2. Section 1612.3. Insert: Delta City

3. Section 1612.3. Insert: [DATE OF ISSUANCE]

4. Section 3412.2. Insert: [DATE IN ONE LOCATION]

12-19-12 **Adoption of the International Private Sewage Disposal Code.** A certain document, a copy of which is on file in the office of the Delta City Recorder, being marked and designated at the Interational Private Sewage Disposal Code, 2012 edition, as published by the International Code Counsel, be and is hereby adopted as the Private Sewage Disposal Code of Delta City, in the State of Utah regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of individual sewage disposal systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Private Sewage Disposal Code on file in the office of the Delta City Recorder are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, are prescribed as follows:

A. The following sections are herby revised:

1. Section 101.1. Insert: Delta City

2. Section 106.4.2. Insert: [APPROPRIATE SCHEDULE]

3. Section 106.4.3. Insert: [PERCENTAGES IN TWO LOCATIONS]

4. Section 108.4. Insert: [OFFENSE, DOLLAR AMOUNT, NUMBER OF DAYS]

5. Section 108.5. Insert: [DOLLAR AMOUNT IN TWO LOCATIONS]

6. Section 405.2.5. Insert: [DATE IN THREE LOCATIONS]

7. Section 405.2.6. Insert: [DATE IN TWO LOCATIONS]

12-19-13 **Adoption of the International Swimming Pool and Spa Code.** A certain document, a copy of which is on file in the office of the Delta City Recorder, being marked and designated at the Interational Swimming Pool and Spa Code, 2012 edition, as published by the International Code Counsel, be and is hereby adopted as the Swimming Pool and Spa Code of Delta City, in the State of Utah regulating and governing the design, construction, alteration, movement, renovation, replacement, repair and maintenance of swimming pools, spas, hot tubs, aquatic facilities and related equipment as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Pool and Spa Code on file in the office of the Delta City Recorder are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, are prescribed as follows:

A. The following sections are herby revised:

1. Section 101.1. Insert: Delta City

2. Section 105.6.2. Insert: [APPROPRIATE SCHEDULE]

3. Section 105.6.3: [PERCENTAGE IN TWO LOCATIONS]

4. Section 107.4. Insert: [OFFENSE]

5. Section 107.4. Insert: [DOLLAR AMOUNT]

6. Section 107.4. Insert: [NUMBER OF DAYS]

7. Section 107.5. Insert: [DOLLAR AMOUNT IN TWO LOCATIONS]

12-19-14 **Adoption of the International Residential Code.** A certain document, a copy of which is on file in the office of the Delta City Recorder, being marked and designated at the Interational Residential Code, 2012 edition, as published by the International Code Counsel, be and is hereby adopted as the Residential Code of Delta City, in the State of Utah for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than threes stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Residential Code on file in the office of the Delta City Recorder are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, are prescribed as follows:

A. The following sections are herby revised:

1. Section R101.1. Insert: Delta City

2. Table R301.2 (1) Insert: [APPROPRIATE DESIGN CRITERIA]

3. Section P2603.6.1 Insert: [NUMBER OF INCHES IN TWO LOCATIONS]

12-19-15 **Adoption of the National Electric Code Code.** A certain document, a copy of which is on file in the office of the Delta City Recorder, being marked and designated at the National Electric Code, 2011 edition, as published by the National Fire Protection Association, be and is hereby adopted as the Electrical Code of Delta City, in the State of Utah.

TITLE 12-20
MISCELLANEOUS PROVISIONS

Title 12-20-1
Miscellaneous Provisions

12-20-1 **PUBLIC RIGHT-OF-WAY USE**. No structures, fence, sign or other permanent, man-made object may be erected in any public right-of-way without specific approval by the Code Enforcment Offiver. No part of any right-of-way may be used for the storage or display of goods, wares or merchandise offered for sale or for advertising or for any purpose unless so authorized and in compliance with provisions of all applicable City ordinances.