

## CHAPTER 8

(OM 033-2004, 11/23/04; OM 004-2005, 01/18/05; Ordinance No. 011-2009, 12/08/2009; Ordinance No. 007-2010, 08/10/2010, Ordinance No.006-2011, 07/26/2011. Ord. 014-2012, 09/25/2012)

### AREA REGULATIONS AND PARKING REQUIREMENTS

**SECTION:**

- 10-8-1: Area Regulations
- 10-8-2: Lot Size
- 10-8-3: Setbacks
- 10-8-4: Height
- 10-8-5: Commercial Zoned Districts; Site Development
- 10-8-6: Parking Regulations
- 10-8-7: Site Requirements for Seasonal, Semi-Permanent, and Temporary Business Facilities
- 10-8-8: Low Power Towers and Antennas for Radio Communication

10-8-1: **AREA REGULATIONS:** Except as herein provided, no building, structure or part thereof shall be erected, altered or converted for any use permitted in the district in which it is located unless it is in conformance with all of the minimum regulations specified on the space requirement chart shown below.

#### SPACE REQUIREMENT CHART

(Zon. Ord., 5-8-1991; 1998 Code) (Ordinance Modification 011-99 04/13/99)  
(Ordinance Modification 013-2003 11/25/03) (OM 004-2005, 01/18/05)

Lot Size	AGR	SFE	SFL	SFT	SFR	SFM	SFH	SMH
Min. lot area, square feet	5 ac	1 ac	20,500	12,000	10,000	8,000	6,000	5,000
Min. lot width (measured at setback line)	150	120	100	95	80	70	60	50
Min. lot area increase ea. Add'l unit, square feet	5 ac	1 ac	No add'l Units	0	2,000	4,000		
Max. units/ac excluding ROW, infrastructure^	0.2	1	2.13	3.75	4.5	5.5	5.5****	8.5
Max. lot area per ea. Twin home, square feet^^					6,000	6,000		
Min. lot width, each unit (measured at setback line)					47.5'	47.5'		
<b>Setbacks</b>								
Principal uses:								
Front yard, ft.	25	^^^	^^^	^^^	^^^	25	20	20
Side yard, interior	25	20	10	10	10*	10	5###	5###
Side yard, street (OM 033-2004)	25	20	20	20	20	20	15	15
Rear yard	25	^^^	^^^	^^^	^^^	20	20	10

	AGR	SFE	SFL	SFT	SFR	SFM	SFH	SMH
Detached Accessory Uses								
Front yard, ft.	25	30	30	30	30	25	25	20
Side yard, interior	10	5	5	5	5	5	5	5
Side yard, street	20	20	20	20	20	20	20	20
Rear yard	10	5	5	5	5	5	5	5
Distance between residential structures on same lot:	20	10		10				
Height:								
Principal Use, Max. hgt. ft.	35	35	35	35	35	35	35	35
Accessory Use, ft. max.	35	35	35	35	35	35	35	35
Principal Use, ft. min	10	10	10	10	10	10	10	10
Fences – non game (max. height)								
Front yard, ft.	4	4	4	4	4	4	4	4
Side yard, interior	8	6	6	6	6	6	6	8
Side yard, street	4	4	6 <sup>^^^</sup>	6	4	4	4	6
Rear yard	8	6	6	6	6	6	6	8
Fences - game								
Front yard, ft.	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed
Side yard, interior	8	8	8	8	8	8	8	8
Side yard, street	8 <sup>^^^</sup>	8 <sup>^^^</sup>	8 <sup>^^^</sup>	8 <sup>^^^</sup>	8 <sup>^^^</sup>	8 <sup>^^^</sup>	8 <sup>^^^</sup>	8 <sup>^^^</sup>
Rear yard	8	8	8	8	8	8	8	8

(OM 033-2004 11/23/04)

\*See subsection 10-8-3B5 of this Chapter for further regulation and explanation.

\*\*See subsection 10-8-3B9 of this Chapter for further regulation and explanation.

\*\*\*See subsection 10-8-3C7 of this Chapter for further regulation and explanation.

#See subsection 10-8-3B4 of this Chapter for further regulation and explanation.

##See subsection 10-8-3C2, C3, and C4 of this Chapter for further regulation and explanation.

###See subsection 10-8-3B10 of this Chapter for further regulation and explanation. New sub-paragraph

^Infrastructure is defined to include rights-of-way, PUB, and REC districts within development.

^^Lots of record for twin homes are limited to 20% of total lots in development.

^^^Principal Uses are allowed a combination front and rear yard setback totaling at least 50 feet, with a minimum front or rear yard setback of 20 feet. (OM 004-2005, 01/18/05)

^^^See subsection 10-9-2

<b>Lot Size</b>	<b>MFR</b>	<b>MFM</b>	<b>MFH</b>
Min. lot area, square feet	10,000		
Min. lot width (measured at setback line)	80		
Min. lot area increase ea. add'l unit, square feet			
Max. units/ac excluding ROW, infrastructure^	7.25	12	18
Max. lot area per ea. twin home, square feet^^	5,000		
Min. lot width, each unit (measured at setback line)	40.0'		
<b>Setbacks</b>			
Principal uses:			
Front yard, ft.	25	25	25
Side yard, interior	10**	10**	10**
Side yard, street	20**	20**	20**
Rear yard	20***	10***	10***
Detached Accessory Uses:			
Front yard, ft.	25	25	25
Side yard, interior	5	5	10
Side yard, street	20	20	25
Rear yard	5	5	5
Distance between residential structures on same lot:			
Height:			
Principal Use, Max. hgt. ft.	35	UBC	UBC
Accessory Use, ft. max.	35	UBC	UBC
Principal Use, ft. min	10	10	10
Fences (max. height)			
Front yard, ft.	6	6	8
Side yard, interior	8	8	8
Side yard, street	6	6	8
Rear yard	8	8	8

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<b>Lot Size</b>	<b>CND</b>	<b>CGD</b>	<b>CHD</b>	<b>PUB</b>	<b>REC</b>
Min. lot area, square feet			Zone	Zone	Zone
Min. lot width (measured at setback line)			not in	not in	not in
Min. lot area increase ea. add'l unit, square feet			use pending	use pending	use pending
Max. units/ac excluding ROW, infrastructure^			ordinance change	ordinance change	ordinance change
Max. lot area per ea. twin home, square feet^^					
Min. lot width, each unit (measured at setback line)					
<b>Setbacks</b>					
Principal uses:					
Front yard, ft.	30	35	35		
Side yard, interior	10	#	#	#	#
Side yard, street	20	#	#	#	#
Rear yard	20	#	#	##	##
Detached Accessory Uses:					
Front yard, ft.	30	35	35		
Side yard, interior	5	10	10	#	#
Side yard, street	20	10	10	#	#
Rear yard	5	10	10	##	##
Distance between residential structures on same lot:					
Height:					
Principal Use, Max. hgt. ft.	UBC	UBC	UBC	UBC	UBC
Accessory Use, ft. max.	UBC	UBC	UBC	UBC	UBC
Principal Use, ft. min	10	10	10	10	10
Fences (max. height)					
Front yard, ft.		C		8	8
Side yard, interior	6	8	8	8	8
Side yard, street		C		8	8
Rear yard	6	8	8	8	8

\*See subsection 10-8-3B5 of this Chapter for further regulation and explanation.

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10-8-2: **LOT SIZE:**

**A. Lot Areas – Flexibility Exception:**

1. The individual lot size must meet the minimum square footage requirements as indicated in the space requirement chart, as set forth in Section 10-8-1 of this Chapter, with the following exception: in a subdivision of six (6) lots or more in SFE, SFL and SFT Zones. A limit of fifty percent (50%) of the lots can be less than the minimum lot size, but no lot can be less than twelve thousand (12,000) square feet in the subdivision and the frontage requirement at the setback line must be a minimum of eighty feet (80').
  - a. Percentage credit for public facility space. The 50% minimum lot size requirement may be reduced by providing facilities to be used by the general public. But in no case shall it be less than 30%.
    - i. A 10% Percentage Credit may be given for each 5% of total acreage set aside for use by the general public, excluding dedicated right-of-ways for roads; i.e. a development containing 100 acres – providing 10 acres in facilities to be used by the general public, may be given a 20% credit and have a minimum lot size requirement of 30%.
    - ii. For purposes of this requirement, public facilities such as schools, and property that is part of a trail or park system will be considered for the credit. Small parcels of property that are not included in a park or trail system or property that is not accessible to the general public cannot be used toward the credit. Private facilities such as clubhouses, tennis courts, playground areas, etc. that restrict use to members only, will not be considered facilities that are open to the general public.
2. Lots having less area than required, which were officially recorded with the Cache County Recorder's office at the effective date hereof, may continue to be used; provided, that all other requirements set forth herein are satisfied. No lot may hereafter be reduced in area below the minimum requirements set forth, except for the provisions of averaging listed in subsection A1 of this Section. (Zon. Ord., 5-8-1991; 1998 Code)
3. A twin home lot size must meet the minimum square footage requirements as indicated in the space requirement chart, as set forth in this Chapter, with the following exceptions:
  - a. Lot size average may be used as listed in subsection A1 of this

Section.

- b. Two adjacent lots with combined area meeting the minimum lot area shown in 10-8-1 plus the minimum lot area for one additional unit may be used to build a single family attached dwelling on each lot. The dwellings area joined at the boundary between the two lots. This applies to zones where single family attached dwellings are permitted. (Ordinance Modification 98-021 10/13/98)

B. Lot Width: The minimum lot width for uses in each of the zoning districts shall be in accordance with the information indicated on the space requirement chart shown in Section 10-8-1 of this Chapter. A lot having less width than herein required which was a lot officially on record in the office of the Cache County Recorder at the effective date hereof shall be acceptable; provided, that all other requirements set forth herein are satisfied. No lot may hereafter be reduced in width below the minimum requirements set forth.

- 1. Where an allowed side yard setback of a dwelling occurs five (5) feet from the property line, the adjacent dwelling shall maintain a minimum side yard of ten (10) feet, for a cumulative total dwelling separation of fifteen (15) feet. Each residential lot allowing five (5) foot side yard setback shall be required to have one side yard setback of ten (10) feet. (Ordinance Modification 011-99 04/13/99)

C. Restricted Lots:

- 1. A restricted lot which meets all the requirements of this Title for a lot, but the creation of which has caused any adjacent lot, from which it was severed, to be insufficient in area, width, setback, yard, space or other requirements may be considered otherwise by adding or designating sufficient acreage to the adjacent lot to meet all the requirements of this Title for a lot. The added or designated land must be duly recorded in the Cache County Recorder's Office before a building permit may be issued.
- 2. Building permits will not be issued for construction on restricted lots. (Zon. Ord., 5-8-1991)

10-8-3: **SETBACKS:**

A. Front Yard:

- 1. The minimum required front yard for uses in each of the zoning districts shall be in accordance with information provided on the space requirement chart shown in Section 10-8-1 of this Chapter.

2. The front yard shall be measured from the property line to the front face of the building, attached accessory building, accessory building, covered porch or covered terrace. Steps, uncovered porches, eaves and roof extensions may project into the required front yard for a distance not to exceed four feet (4').
3. Where a building line has been established by a plat or covenant and such line requires a greater setback than is required by this Title, the building line established by plat or covenant shall prevail.
4. Gasoline service station pump islands may not be located closer than fifty feet (50') to the front property line (see subsection 10-8-6C7 of this Chapter).
5. A porch, stoop or stairs which are thirty inches (30") or greater in height shall be regarded as part of the building. Such porch, stoop or stairs requires a railing of not less than thirty inches (30") in height. This requirement applies to side and rear yards as well.
6. In residential districts, accessory buildings may be placed no closer than twenty five feet (25') to the property line, except in the SMH District which shall require only twenty feet (20').

B. Side Yard:

1. The minimum required side yard for uses in each of the zoning districts shall be in accordance with information provided on the space requirement chart shown in Section 10-8-1 of this Chapter. Where a lawfully existing building at the effective date hereof has a smaller side yard than required herein, said side yard may be altered if said alteration in no way increases the degree of nonconformity and provided all other requirements are satisfied. No side yard may hereafter be reduced below the minimum requirement set forth.
2. Every part of the required side yard shall be open and unobstructed, except for normal projections of window sills, belt courses, cornices, chimneys and other architectural features projecting no more than twenty four inches (24") into the required side yard, roof eaves projecting no more than thirty six inches (36") into the required side yard and accessory buildings occupying no more space of any principal use side yard than that permitted in Section 10-9-6 of this Title.
3. Where a fire wall of a dwelling, garage or carport is located on a property line, the roof shall be so designed and constructed so as not to drain water onto the adjoining lot and except for properties located in the Mixed Use District abutting other properties also located in the Mixed Use District, there

shall be one side yard of at least twenty feet (20').

4. Whenever any use or district not normally requiring a side yard adjoins a use or district requiring a side yard, a minimum ten foot (10') side yard shall be maintained.
5. A single family attached dwelling separated by a fire or party wall need not provide a side yard on the fire or party wall side, except that no complex of attached dwelling units shall exceed three hundred feet (300') in length. A minimum side yard of ten feet (10') on the separated side of any attached dwelling unit shall be required so that the end of any two (2) building complexes shall be at least twenty feet (20') apart. (Ordinance Modification 98-021 10/13/1998)
6. A complex of multiple-family dwelling units shall maintain a minimum side yard of ten feet (10') so that any two (2) adjacent complexes shall be at least twenty feet (20') apart and maintain an open corridor for fire and other emergency vehicle access.
7. In residential districts, accessory buildings may be placed no closer than five feet (5') to the side property line if adjacent to a separate lot of record, nor less than twenty feet (20') if adjacent to a public street or road.
8. Gasoline service station pump islands shall be located no closer than twenty feet (20') from the side yard line if adjacent to a separate lot of record, nor less than fifty feet (50') if adjacent to a public street or road.
9. Structures containing four-family units or more shall maintain a minimum side yard equal to fifty percent (50%) of the building height, but in no case less than ten feet (10') if adjacent to a separate lot of record nor less than twenty feet (20') if adjacent to a public street or road.
10. Where an allowed side yard setback of a dwelling occurs five (5) feet from the property line, the adjacent dwelling shall maintain a minimum side yard of ten (10) feet, for a cumulative total dwelling separation of fifteen (15) feet. Each residential lot allowing five (5) foot side yard setback shall be required to have one side yard setback of ten (10) feet. (Ordinance Modification 011-99 04/13/99)

11. Property in a Mixed Use District may have lots which contain no side yards when the buildings on the adjoining lots utilize shared party walls. If the adjoining properties do not share party walls than a minimum of thirty (30) feet is required between adjoining buildings (15 foot side yard on each property.) In the Mixed Use District a thirty (30) foot alley is required a minimum of every 500 feet for access to parking located behind the buildings.

C. Rear Yard:

1. The minimum required rear yard for uses in each of the zoning districts shall be in accordance with information provided on the space requirement chart shown in Section 10-8-1 of this Chapter. Where a lawfully existing building at the effective date hereof has a smaller rear yard than required herein, said rear yard may be altered if said alteration in no way increases the degree of nonconformity and provided all other requirements are satisfied. No rear yard may hereafter be reduced below the minimum requirement set forth.
2. Nonresidential uses which have a rear lot line adjacent to an alley or other public right of way that is at least twenty feet (20') in width requires no minimum rear yard.
3. Nonresidential uses which have a rear lot line adjacent or contiguous to another nonresidential use requires no minimum rear yard, provided the rear wall satisfies fire wall standards.
4. Nonresidential uses abutting or adjacent to a residential district shall maintain a minimum rear yard of twenty feet (20').
5. Normal projections of window sills, belt courses, cornices, chimneys and other architectural features may project no more than twenty four inches (24") into the required rear yard and roof eaves projecting no more than thirty six inches (36") into the required rear yard.
6. Accessory buildings may be placed no closer than five feet (5') to the rear property line in residential districts (see Section 10-9-6 of this Title) and no closer than ten feet (10') in nonresidential districts.
7. Structures containing four-family dwelling units or more shall maintain a minimum rear yard equal to fifty percent (50%) of the building height, but in no case less than twenty feet (20'). Zon. Ord., 5-8-1991)

10-8-4: **HEIGHT:**

- A. Established: The maximum and minimum heights for principal (or main) structures and the maximum height for accessory structures in each of the zoning districts shall be in accordance with information provided on the space requirement chart shown in Section 10-8-1 of this Chapter. There shall be no minimum height required of accessory structures. Where a lawfully existing building at the effective date hereof has a greater or lesser height than allowed herein, said height may be altered if said alteration in no way increases the degree of nonconformity and provided all other requirements are satisfied.
- B. Determination: The height of a building or structure shall be determined as the vertical distance as measured from the highest point of the roof of the building or structure down to a point representative of the average finished grade of the land around the perimeter of the building or structure. (Zon. Ord., 5-8-1991)

10-8-5: **COMMERCIAL ZONED DISTRICTS; SITE DEVELOPMENT:** All site development and landscaping in the commercial zoned districts (C1) shall conform to the minimum regulations specified herein: (Zon. Ord., 5-8-1991; 1998 Code)

A. Landscaping:

- 1. Parking Spaces: Provisions shall be made to accommodate three hundred (300) square feet of landscaped area for every ten (10) parking spaces within the parking lot in any commercial district. The landscaped area shall consist of medians, islands, or area around the structures. A minimum of ten percent (10%) of the total lot is to be landscaped. The landscaped public area between the curb, gutter, and sidewalk is not used to meet the requirement. (Ord. 98-OM007, 3-24-1998)
- 2. Median Adjacent Parking Aisle: A landscaped median running the length of the adjacent parking aisle shall be provided for every two (2) contiguous double-loaded parking aisles.
- 3. Width: All planted medians shall be a minimum of ten feet (10') in width.
- 4. Buffering: All parking areas shall be visually buffered from main roadways with appropriate landscaping.
- 5. Building: A ten foot (10') wide minimum landscaped area shall be provided around the entire building, with the exception of where loading docks, ramps, etc., are located. Up to five feet (5') of said ten foot (10') minimum may be sidewalk. (Zon. Ord., 5-8-1991)
- 6. Trees: One tree (minimum 1¾ inch caliper, minimum 10 feet in height) shall be planted and maintained for each one thousand (1,000) square feet of

landscaped area. Trees in portable planters shall not qualify to meet the tree requirements. (Ord. 98-OM007, 3-24-1998)

7. Yard, Setback Areas: All yards and setback areas not occupied by buildings or parking shall be landscaped as herein required. (Zon. Ord., 5-8-1991)
  8. Public Right of Way: The area within the public right of way between the curb, gutter and sidewalk shall be landscaped. A minimum of one tree per thirty feet (30') frontage shall be planted and maintained. Trees must be a variety listed by the City as acceptable street trees, (minimum 1<sup>3</sup>/<sub>4</sub> inch caliper, minimum 10 feet in height). The tree requirement may be reduced or waived by the City for safety reasons. (Ord. 98-OM007, 3-24-1998)
- B. Curb, Gutter and Sidewalk:
1. A curb shall be provided along all interior roadways to prevent vehicular intrusion.
  2. Curb/gutter and sidewalk may be required along the entire frontage of the lot if deemed desirable by the City for drainage purposes and pedestrian access, etc.
- C. Storage: No storage or equipment or materials shall be visible from any public right of way. Storage areas shall be screened appropriately and be within setback lines.
- D. Docks, Service Areas: Wherever practical, loading docks and service areas shall be located so as not to be visible from any public right of way. Every reasonable effort shall be made to screen docks and service areas from any public right of way.
- E. Installation; Performance Security: No requests for any building, structure or other improvements shall be approved until site and landscape plans satisfactory to the Land Use Authority have been submitted. Landscaping and site developments in accordance with the approved plans shall be installed within thirty (30) days following occupancy of the building. If said completion date is impossible due to adverse weather conditions, a mutually agreed upon completion date shall be determined by the City and the applicant, but in no case shall the completion date be more than one hundred fifty (150) days from the date of occupancy. The developer (or owner) shall hereby deposit a security of performance as specified in subsections 11-5-7B through C of the Subdivision Title as security to assure compliance with all landscaping and site requirements. If the developer or an agent of the developer fails to comply with the above installation and time requirements, the security of performance may be foreclosed upon by the City to cover costs of installing, repairing or replacing said landscaping and site developments.

- F. Maintenance Responsibility: Maintenance of all landscaping shall be the sole responsibility of the landowner/developer. Failure to adequately maintain and protect said landscaping (as determined by the City) shall cause the landowner/developer to be guilty of a misdemeanor as detailed in Section 10-2-2 of this Title. (Zon. Ord., 5-8-1991)

10-8-6: **PARKING REGULATIONS:** Except as herein provided, no building or structure shall be constructed, altered or converted for or to any use unless there shall be provided on the lot or parcel vehicle parking of at least the following ratio of vehicle spaces for the uses specified in the designated districts and that all roadways comply with the standards contained herein. The exception being that, an established use lawfully existing at the effective date hereof need not provide parking or roadways as herein set forth and that no existing vehicle parking or roadways be reduced or further reduced below the minimum standards herein required.

- A. Schedule: In all districts, the following off-street parking schedule shall apply:

1. Dwelling Unit:

- a. Two (2) spaces for each unit, except as provided in subsection A1b and A1c of this Section.
  - b. Dwelling unit occupied by four (4) or more individuals unrelated by blood, marriage or adoption; two (2) spaces per three (3) individuals, plus one additional space for each additional individual exceeding three (3) and up to and including five (5) individuals.
  - c. Multi unit residences for persons with disabilities and/or residential facility for the aged; when evidence presented by the applicant warrants, the Land Use Authority may allow a number less than two (2) space per dwelling unit; but not less than 1.5 spaces per dwelling unit to the City Council. (Ordinance Modification 002-02 03/26/02)
2. Clinic or Doctor's Office: Ten (10) spaces per clinic or four (4) spaces per doctor or dentist, plus three (3) additional spaces for each doctor or dentist over three (3).
  3. Restaurant or Cafeteria: One space for each four (4) fixed seats and one space for each forty (40) square feet of floor area for moveable seating under maximum seating arrangement.
  4. Office, General: One space for each two (2) employees working the shift with the greatest number of employees.

5. Commercial:
  - a. Recreation And Amusement: One space for each two hundred fifty (250) square feet in use.
  - b. Retail Or Personal Service: One space for each two hundred fifty (250) square feet in use.
6. Churches, Meeting Rooms, Public Assembly: One space for each five (5) fixed seats and one space for each fifty (50) square feet of floor area for moveable seating under maximum seating arrangement.
7. Storage or Warehouse: One space for each five thousand (5,000) square feet or floor area.
8. Manufacturing, Process or Repair: One space for each two (2) employees working the shift with the greatest number of employees.

B. General Requirements:

1. Buildings, Developments; Computation: In computing the parking requirements for any building or development, the total parking requirements shall be the sum of the specific parking space requirements of all of the buildings, structures or uses in the development.
2. Single-Family Dwelling: Single-family dwelling unit (detached or attached) parking shall be provided only in a private garage or in an area properly located for a future garage.
3. Plan Approval: Prior to the issuance of any building permit, a plan which clearly and accurately designates parking spaces, access aisles, driveways and the relationship to the use to be served by the off-street parking shall be forwarded to the Land Use Authority for the process of City approval. Approval shall be based on:
  - a. Adequate number of spaces, including handicap spaces if required;
  - b. Relationship of parking to use;
  - c. All parking spaces being usable and accessible by adequate roadway/parking configuration; and
  - d. Parking stalls being nine feet in width by twenty feet in length (9' x 20') and on a hard paved surface (see subsection D of this Section for

handicap parking requirements). Access to all stalls shall also be of a paved hard surface.

4. Location: Parking space as required above shall be on the same lot with the main building, or in the case of nonresidential buildings, it may be located no further than three hundred feet (300') therefrom. (Zon. Ord., 5-8-1991)

C. Commercial General (CGD) Zoned District:

1. Visitor, guest or customer drop-off zones and parking shall be provided near visitor or customer entrances into buildings and shall be separated from all-day employee parking.
2. Parking will not be permitted closer than 15 feet to the property line unless it is decided by the Land Use Authority to be in the best interest of the City to permit parking to be closer than 15 feet. (Ordinance Modification 019-99 07/27/99) A business that locates the parking in the rear of the building rather than the front will be allowed a front yard setback of 15 feet. The standard front yard setback will be used when a business locates the parking in the front of the building. When parking is allowed on the street adjacent to the building the standard front yard setback applies. (Ordinance Modification 009-2002 06/11/02)
3. Parking aisles shall not exceed forty (40) cars in a row. Total parking area shall be broken down into sections not to exceed one hundred (100) cars. Each section shall be separated by internal drives to improve traffic circulation.
4. All parking spaces must be designated properly by painter lines or other City-approved methods.
5. Minimum aisle dimensions (from face of curb to face of curb) shall be:  

When 90° parking	64 feet
When 60° parking	60 feet
When 45° parking	53 feet
6. One access shall be allowed per lot, as exists on the effective date hereof, or one access shall be allowed for each one hundred fifty feet (150') of frontage with a maximum of two (2) accesses per street frontage. Minimum distance between accesses shall be one hundred feet (100') and the minimum distance from the street intersection shall be one hundred feet (100'), except for service stations which are approved conditional uses where only two (2) accesses are allowed per lot with one frontage. A third access shall be allowed for the other street frontage on corner lots as long as it meets the frontage and distance requirements above. (OM 006-2005 02/08/05)

- 7. Handicap Parking: All private, public and City parking lots shall provide accessible handicap parking. Minimum design, sign and identification of handicap parking spaces shall be as specified in the Utah State Building Board Planning and Design Criteria to Prevent Architectural Barriers for the Aged and Physically Handicapped. (Zon. Ord., 5-8-1991)

**10-8-7: SITE REQUIREMENTS FOR SEASONAL, SEMI-PERMANENT, AND TEMPORARY BUSINESS FACILITIES:**

- A. Purpose: Provide a variety of business opportunities and increase sales revenue.
- B. Approval Authority: The Land Use Authority shall be the approving authority for site approvals for seasonal, semi-permanent, and temporary business facilities.

C. Definitions:

IMPROVED SITE	A lot in an approved subdivision in which utilities, including water and sewer, curb, gutter, and sidewalk, have been installed according to the approved construction drawings. Landscaping requirements may or may not have been met.
SEASONAL BUSINESS FACILITY	A facility for a business that is operated for a period of 120 days or less; generally associated with a season such as Summer or Fall produce sales, snow cone sales, etc.
SEMI-PERMANENT BUSINESS FACILITY	A facility for a business that is operated not more that nine months during a calendar year or nine consecutive months.
TEMPORARY BUSINESS FACILITY	A facility for a business that is operated for a period of forty-five days or less; may be associated with an event, such as fireworks sales, Christmas trees sales, etc.
Unimproved Site	A parcel of property that does not have utilities, culinary water, or sewer (where required) service into the parcel; or A future phase or a remainder parcel in a platted subdivision that does not have utilities, culinary water, or sewer (where required) service into the phase or parcel.

- D. Site Plan Agricultural and Residential Zones: Seasonal and temporary businesses in agricultural and residential zones shall comply with the requirements for a home business.
- E. Site Plan Commercial Zones: Seasonal and temporary business facilities may be located on improved sites or unimproved sites in CHD, CGD, CND, MXD zones with the following conditions:
1. Improved Site. Utilities (if required); parking must be asphalt; restrooms (may be portable units).
  2. Unimproved Site. Utilities (if required); parking and access must be an all weather surface to prevent tracking of mud and debris on the City right-of-way; if restrooms are required, portable units may be used.
  3. Must provide a signed statement from the property owner or assigns that the business may occupy the space and has permission to use the amenities listed in 1 or 2 above from the existing on-site or adjacent permanent facility.
  4. If a parking lot is used to house a temporary or seasonal business, the spaces used must be in excess of those spaces required for the permanent facility.
  5. Must comply with applicable City, County, State, and/or Federal codes, rules, and policies (including but not limited to building, fire, health). Zoning codes for setbacks and landscaping may not apply.
  6. Tents and temporary signs must be secured in such a manner that they not pose a hazard for buildings, vehicles, and/or pedestrians.
  7. If selling from a car, truck, van, trailer, tent, etc., it must not be located in a manner that blocks required building entrances/exits, ingress and egress, pedestrian and/or vehicular flow and visibility.
  8. Must not be located in or on City owned property, including parkstrips and right-of-way, without written consent from the City or as part of a City sponsored event.
  9. Any facility structures, tents, trailers, vehicles, etc. must be removed within ten calendar days after the site approval expires. Temporary signs must be removed within 24 hours after the site approval expires.
- F. Semi-permanent business facilities shall be located on improved sites in CHD, CGD, CND, MXD zones with the following conditions:

1. Must provide a signed statement from the property owner or assigns that the business may occupy the space and has permission to use their utilities (other than culinary water and sewer), storm water facilities, and parking from the existing on-site or adjacent permanent facility. On-site or adjacent permanent facility must have enough parking to meet its requirements and excess to share with the semi-permanent business.
2. Must have a separate culinary water connection as shown on the approved construction drawings for the development or as approved by the Public Works Director. If portable restroom(s) are used, a separate sewer connection will not be required.
3. Must comply with applicable City, County, State, and/or Federal codes, rules, and policies (including but not limited to building, fire, and health). Must comply with zoning codes for setbacks and landscaping.
4. Tents and temporary signs must be secured in such a manner that they not pose a hazard for buildings, vehicles, and/or pedestrians.
5. Any structures, tents, trailers, debris, etc. must be removed within thirty calendar days after the site approval expires. Temporary signs advertising the business activity must be removed within 24 hours after the site approval expires.

**10-8-8: Low Power Towers and Antennas for Radio Communication.**

- A. This section addresses planning issues resulting from the rapid growth in demand for low-power radio services within the City. It distinguishes low-power radio from other broadcasting type telecommunication technologies and established provision relating to demand, visual mitigation, noise, engineering, residential impact, health, safety and facility siting. The requirements of this Section apply to both commercial and private low power radio services such as cellular or PCS (Personal Communication System) communications and paging systems (hereinafter referred to as “cellular facilities”). All cellular facilities shall comply with the regulations set forth in this Section, other applicable ordinances of the City, and any pertinent State and Federal regulations including Federal Communications Commission and the Federal Aviation Administration.
- B. Definitions:

- |    |                            |  |
|----|----------------------------|--|
| 1. | Low-powered Radio Service. | Communication systems which are not used for the broadcasting of information to the public but instead for communication purposes between individuals or entities via radio waves. |
| 2. | Personal Communication     | All forms of wireless communications   |

System.

which interconnect with the public switched telephone network.

- C. All cellular facilities described herein shall be allowed as a conditional use subject to the conditions set forth in Section 10-3-5 of the Providence City Code. No other cellular facilities shall be allowed. A site plan is required as part of the conditional use application, see Providence City Code 10-8-5.
- D. Wall-mounted antennas. A wall-mounted antenna is an antenna or series of individual antennas mounted against the vertical wall of a building. A wall-mounted antenna shall comply with the following development standards:
1. Wall-mounted antennas shall not extend above the roof line of the building more than four (4) feet.
  2. Wall-mounted antennas may have a maximum area of forty (40) square feet, as determined by drawing straight lines between the outermost portions of the antenna until enclosed.
  3. All equipment associated with the operation of the antenna shall be located within the structure to which the antenna is attached, or screened from public view.
  4. If associated equipment is located on the ground, it shall be appropriately landscaped.
  5. Whip antennas shall not be permitted.
- E. Roof-Mounted Antennas. A roof-mounted antenna is an antenna or series of individual antennas mounted on a roof having less than or equal to a 3 – 12 pitch, mechanical room, or penthouse of a building. A roof-mounted antenna shall comply with the following development standards:
1. A roof-mounted antenna shall be screened, constructed, and/or colored to match the structure to which it is attached.
  2. A roof-mounted antenna shall be set back from the building edge one (1) foot for every one (1) foot of antenna height and shall not exceed fifteen (15) feet in height.
- F. Stealth-Fixture Antennas. A stealth-fixture antenna is one or more antennas attached to a supporting structure which is disguised as part of the structure or otherwise concealed from public view as much as reasonably possible. A stealth antenna shall be subject to the following development standards:
1. A stealth-fixture antenna may be attached to an existing or replacement power pole or light pole or disguised as a flag pole, man-made tree, clock tower, steeple or structure used primarily for another use so long as any

antenna located on the structure does not detract visually from the primary use.

2. When a stealth-fixture antenna is attached to an existing or replacement power pole or light pole the following conditions shall be met:
  - a. The antenna shall not exceed the height of an existing pole by more than:
    - ii. Ten (10) feet; or
    - iii. Twenty (20) feet and shall not be located closer to a residential zone boundary than two (2) times the height of the pole;
  - b. If a replacement pole is proposed, the pole shall be installed in the same location as the pole being replaced unless the Land Use Authority specifically approves a different location as provided in a conditional use permit; and
  - c.
    - i. any existing light or power pole located in a public right-of-way or in a required front or side yard shall not be increased in height to accommodate a cellular facility antenna; or
    - ii. Any replacement pole located in a public right-of-way or in a required front or side yard shall not be higher than the pole that it is replacing.
    - iii. Each installation shall be approved by the power utility company (or other utility company, as applicable), including approval and acceptance of any applicable agreements and payment of any required fees. Such approvals shall be received prior to final approval of a conditional use permit.
    - iv. A structure to which a stealth fixture antenna is attached shall be designed by a state-certified engineer to verify that the structure can support the stealth fixture antenna.
    - v. The overall height of any structure proposed to be used for a stealth-fixture antenna shall be consistent with any similar structure being used as a model for the stealth structure. Except as otherwise provided in Subsection F.2.a.II. of this section stealth fixture shall be no more than ten (10) feet higher than the structure to which it is attached; provided the fixture and the structure to which it is attached is consistent with the character of similar structures located in the same area, as determined by the Land Use Authority. The Land

- Use Authority shall make specific findings to support its determination.
- vi. A stealth fixture antenna, including the mounting structure, shall not exceed thirty (30) inches in diameter; provided, however, that antennas exceeding thirty (30) inches, including the mounting structure, may be permitted if the antenna is a stealth fixture antenna located on or within a clock tower, steeple, man-made tree, or other similar structure.
  - vii. Equipment and/or equipment shelters used in connection with stealth fixture antennas shall be camouflaged behind an effective year-round landscape buffer and/or wooden fence equal to the height of the proposed equipment. Equipment shelters shall not be located within a utility easement.
  - viii. Stealth-fixture antennas and all associated equipment visible to public view shall be painted to match the color of the structure to which it is attached.
  - ix. Electrical wiring shall be located within the pole whenever possible and shall be required when a metal replacement pole is provided.
- d. If a stealth-fixture antenna becomes obsolete or the structure to which it is attached is vacated by the operator of the cellular facility, then within ninety (90) days thereafter the cellular facility operator shall remove the antenna and all associated equipment and shall restore the structure to its original condition. If the requirements of this Subsection (d) are not met, the City shall have the right to enter the subject property and remove the equipment or pole at the expense of the cellular facility operator.
- e. A project plan application for a stealth-fixture shall include the following:
- i. A letter from the applicant stating the applicant will conform to the requirements of Subsection (d) above; and
  - ii. Verification that the applicant owns the property where the stealth-fixture antenna is proposed to be located or a copy of a lease agreement with the property owner indicating the antenna may be located on the property.
- f. If all the conditions set forth in this Subsection cannot be met, the requirements of Subsection G below shall apply.

G. Monopole Structures. A monopole structure is a single pole that acts as the support structure for one (1) or more antennas for a cellular facility as provided in this Subsection.

1. A monopole structure shall comply with the following development standards:
  - a. All tower structures shall be of monopole construction. No lattice constructed towers of any kind shall be allowed.
  - b. All monopole structures shall be designed by a state-certified engineer to allow co-location of antennas owned by at least three (3) separate users on a single pole.
  - c. No monopole structure shall be located closer to a residential zone boundary than two (2) times the height of the monopole.
  - d. A monopole with antennas and antenna support structures shall not be located in a required front setback, front landscaped area, buffer area, or required parking area.
  - e. If a monopole antenna becomes obsolete, then within ninety (90) days thereafter the operator of the cellular facility shall remove the antenna, the top three (3) feet of antenna footing and all associated equipment, and shall restore the site to its original condition. If the requirements of this Subsection are not met, the City shall have the right to enter the subject property and remove the equipment at the expense of the cellular facility operator.
  - f. No monopole structure shall exceed 150 feet in height.
2. An application for a monopole structure shall include the following:
  - a. A letter from the applicant stating that the applicant will conform to the requirements of Subsection e above, and that the monopole structure is capable of supporting co-located antennas; and
  - b. Verification that the applicant owns the property where the monopole structure is proposed to be located, or a copy of a lease agreement with the property owner indicating the antenna may be located on the property.
3. Co-location on an existing monopole structure shall be a conditional use and shall be handled administratively.

H. Temporary Monopole Structures. A temporary monopole structure may be allowed for a maximum of sixty (60) days subject to the following requirements:

1. A temporary monopole structure shall be located in a zone that allows for the placement of a monopole structure as a conditional use.

2. An application shall be filed with the City for the placement of a permanent monopole structure prior to the placement of a temporary monopole structure.
  3. The placement of a temporary monopole structure shall meet the height requirement set forth in Subsection 10-8-8:G.1.f. of this Section.
  4. A bond in the amount of five hundred dollars (\$500.00) shall be posted to guarantee removal of a temporary monopole structure when:
    - a. A permanent monopole structure is constructed; or
    - b. Sixty (60) days have elapsed and a temporary monopole structure has not been removed. One fifteen (15) day extension may be granted to the sixty (60) day period if an applicant can reasonably demonstrate a need for additional time to complete construction of the monopole structure.
- I. Additional requirements.
1. Each cellular facility shall be considered as a separate use; and an annual business license shall be required for each such facility.
  2. In addition to the conditional use standards set forth in Section 10-3-5, the Land Use Authority shall make the following findings for any cellular facility subject to a conditional use permit:
    - a. That the proposed structure is compatible with the height and mass of existing building and utility structures;
    - b. That co-location of the antenna or other existing structures in the same vicinity such as other towers, buildings, water towers, utility poles etc. are possible without significantly impacting antenna transmission or reception;
    - c. That the antenna location blends with existing vegetation, topography and buildings;
    - d. That the location approval of monopoles will not create a detrimental impact to adjoining properties; and
    - e. That location of cellular facility will not interfere with existing transmission signals.