

## **TITLE FOURTEEN - COMPREHENSIVE ZONING ORDINANCE**

### **CHAPTER 1 - GENERAL PROVISIONS**

#### **14-1-010. Intent.**

It is the intent of the Salem City Council to divide the city into zoning districts as set forth in this title, to provide general zoning guidelines to promote the health, safety, morals and general welfare of the inhabitants of the city and to facilitate the orderly growth and development of the city. It is the intent of the Salem City Council that the provisions of this title be interpreted and construed so as to further the objectives and purposes of this Ordinance.

#### **14-1-020. Amendments.**

- A. The zoning ordinances of Salem City may be amended from time to time by complying with the provisions of Utah Code Annotated §10-9-a—501 et. seq..
- B. Any person seeking an amendment of the zoning ordinance, or of the zoning designation for his/her property, may petition for the same by filing with the Salem City recorder a written petition designating the desired change, the reasons for the change, and why the change further promotes the objectives and purposes of the zoning plan of the city. A filing fee in an amount as set from time to time by resolution of the city council shall also be remitted.

#### **14-1-030. Annexation.**

In the event of annexation to the city, the annexed property shall be zoned the same as the property already in the city which shares the longest contiguous boundary with the property annexed, unless those petitioning for annexation request a different zone, which zone is approved by the city council at the time the annexation is approved.

#### **14-1-040. Definitions.**

As used throughout this title, the following words shall have the meanings set forth herein:

- A. **“Accessory Building”**--A subordinate building, the use of which is incidental to that of the main building.
- B. **“Accessory Use”**--A related use which is incidental to the prescribed and permissible use.
- C. **“Affected Entity”** – A government entity, school district, public utility, interlocal cooperative entity, or special service district whose facilities are likely to require expansion or significant modification because of an intended use of land or the entity’s facilities or boundaries are within one mile of land which is the subject of a land use ordinance change.

- D. **“Agriculture”**--Agriculture shall mean the growing of soil crops in the customary manner in the open. It shall also include livestock raising activities. It shall not include retailing of goods on the premises.
- E. **“Animal Unit”**--An animal unit shall mean one horse, or one cow, or two sheep, or ten fowl.
- F. **“Bed and Breakfast Inn”**--Any building which is used to provide temporary lodging and simple meals for no more than two or three days and nights to the traveling public.
- G. **“Boarding House”**--A building containing not more than one kitchen, where, for compensation, meals and sleeping accommodations are provided pursuant to previous arrangements on a daily, weekly, or monthly basis in contradistinction to a hotel or a cafe.
- H. **“Conditional Use”**--A use which is permitted in a zone only after obtaining a conditional use permit required by this Ordinance.
- I. **“Corner Lot”**--A lot situated at a junction of two public streets, or situated on a curved street or way whose radius is thirty-five (35) feet or less, and where the angle formed by the intersection of the tangent is one hundred five (105) degrees or less.
- J. **“Curb Cut”**--A cut in the curb line for the passage of vehicles.
- K. **Development Review Committee or DRC** – A committee that provides technical review, analysis, and recommendations to the Planning and Zoning Commission and the City Council as related to the City’s Comprehensive General Plan, Zoning Ordinance, Subdivisions, Capital Facilities Plan, and Site Plans.
- L. **“Dwelling”**--Any permanent building which is used and approved for residential purposes.
- M. **“Dwelling Unit”**--One or more rooms in a building designed for or occupied by one family for living or sleeping purposes.
- N. **“Family”**--An individual or two or more persons related by blood, marriage or adoption living together in a dwelling unit.
- O. **“Final Decision”** – A decision by a land use authority which approves, approves with conditions, or denies a land use application. A final decision is made by motion and majority vote in a public meeting, or by a written decision if no vote is taken in a public meeting. When a final decision is

made by a staff person, it is when the application is either approved or denied in writing.

- P. **“Formally Initiated”** – An act taken to change or modify a land use ordinance by application or by motion of the Planning and Zoning Commission or City Council, made in a public meeting.
- Q. **“Garage”**—A fully enclosed accessory building or portion of a main building designed for the parking or temporary storage of automobiles of the occupants of the premises.
- R. **“Grade”**--The average of the finished ground level at the center of exterior walls of a building.
- S. **“Guest”**--a person staying or receiving services at a hotel, motel, bed and breakfast, boarding house, rooming house or rest home, or similar use for compensation.
- T. **“Historic site or building”** means any structure which is listed individually in the Nation Register of Historic Places, such register being maintained by the United States Department of Interior.
- U. **“Home Occupation”**--The use of space within a dwelling as an office, studio, shop or work room for occupation at home by a person residing on the premises or their family members.
- V. **“Height of Building”**--Shall be the vertical distance from the grade to the elevation of the square of the building. Where the building walls vary in height along a side yard, the height of the building shall be determined by multiplying the length of each section of said wall by its height and dividing the sum derived therefrom by the total length of said wall.
- W. **“Hotel or Motel”**--Any building used, rented, or hired out to be occupied on a daily or weekly basis for sleeping purposes by guests.
- X. **“Household Pet”**--Animals or fowl customarily permitted in the house and kept for company or pleasure, including dogs, cats, and similar animals.
- Y. **“Interior Lot”**--A lot other than a corner lot.
- Z. **“Land Use Authority”** – A person, board, commission, agency, or other body designated by ordinance to act upon a land use application.
- AA. **“Land Use Ordinance”** – A Planning, Zoning, Development, or Subdivision Ordinance of the City, but does not include the Comprehensive General Plan.

- BB. **“Lot”**--Land occupied or to be occupied by a building or buildings together with such open spaces as required under this Ordinance and having its principal frontage on a street or on officially approved place. Also building sites without reference to lots as recorded on official plats.
- CC. **“Master Plan”**--A comprehensive plan, or part thereof, which has been adopted by the City Council for the purpose of building development in the city, including but not limited to, a plan or plans of land use, streets, parks, and playgrounds, public buildings and grounds, off-street parking, neighborhood conservation, water facilities, sewerage facilities and similar plans.
- DD. **“Main Building”**--One or more of the principal buildings upon a lot.
- EE. **“Manufactured Home”**--Shall mean a dwelling unit, designed to be transported after fabrication on its own wheels or detachable wheels and which is ready for occupancy as an independent dwelling unit except for connection to utilities and/or location on a foundation. The term mobile home shall not include conventional houses which are manufactured elsewhere and moved into an area for use as permanent housing.
- FF. **“Non-Complying Structure”** – A structure that 1) legally existed before its current land use designation; and 2) because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations which govern the use of land.
- GG. **“Non-Conforming Building”**--A building, structure, or portion thereof, which does not conform to the regulations of this Ordinance applicable to the zone or district in which such building is situated, but which existed prior to the effective date of this Ordinance.
- HH. **“Non-Conforming Use”** – The use of land that: 1) legally existed before its current land use designation; 2) has been maintained continuously since the time a land use ordinance governed the land; and 3) because of one or more subsequent land use ordinance changes, does not conform to regulations that now govern the use of the land.
- II. **“Nursery or Day Care”**--The watching, caring for or tending children for compensation.
- JJ. **“Offstreet Parking Space”**--An area for the parking of automobiles which does not include a public street, but has convenient access to it.

- KK. **“Parking Space”**--Space, exclusive of driveways, ramps, columns, office and working areas, for the parking of a motor vehicle, not less than eighteen (18) feet in length and not less than eight and one-half (8½) feet in width.
- LL. **“Park and Playground”**--An open space which has been dedicated, designed for or used for outdoor recreation activities. Not including outdoor theaters and similar commercial recreational activities.
- MM. **“Public Parks”**--Parks which are owned and/or maintained by the City and which are open to use by the general public.
- NN. **“Rest Home, Nursing Home, Convalescent Home”**--A building for the care and keeping of persons in need of medical assistance and/or physical or occupational therapy, whether due to infirmities incident to age, accident, or illness. A rest home is not a boarding, lodging or rooming house.
- OO. **“Section House or Modular Homes”**--A home fabricated in two or more sections or modules which are transported to a building site for placement on a permanent foundation, and which carries the HUD seal of compliance with national safety standards.
- PP. **“Setback”**--The shortest distance between the property line and the foundation, wall or main frame of the building.
- QQ. **“Story”**--That portion of a building included between the surface of a floor and the ceiling next above it.
- RR. **“Street”**--A public thoroughfare for the passage of vehicles.
- SS. **“Trailer House”**--The term trailer house shall mean any vehicle used or maintained for temporary human habitation. Trailer houses shall be deemed to include vehicles on their own separate wheels, separated from the sources of motive power and shall also include campers of the type normally put on trucks or trailers. For purpose of this title, trailer houses shall also refer to units in which the habitation unit is integrated as a part of the motor vehicle.
- TT. **“Treatment/Rehabilitation Facility”**: means a 24-hour group living environment for four or more individuals unrelated to the owner or provider that offers room or board and specialized treatment, rehabilitation, or habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies. Individuals residing therein for treatment are assisted in acquiring the social and behavioral skills necessary for living independently in the community. Individuals who have been charged with the commission of any felony or who are convicted sex offenders are ineligible to reside in such a facility. For purposes of this definition, resident means a non-staff

person who spends nights at the facility, or who spends four or more consecutive hours at the facility, or who receives treatment at the facility. In appropriate circumstances, resident also includes up to three dependent children twelve years of age or younger, provided that the overall average of dependent children at a treatment facility may not be more than two per resident.

UU. **“Twin Home”**--Any building or portion thereof which is designed, built, rented, or sold, to be occupied or which is occupied as the home or residence of two families living independently of each other. The individual units of a twin home may be rented or sold separately. Construction of any twin home shall include a fire wall which complies with the uniform building code. No building without a fire wall may be approved as a twin home.

VV. **“UCA”**--The term UCA shall mean Utah Code Annotated (1953 as amended).

**14-1-050. The Sale of Non-Conforming Lots.**

A parcel of land which has less than the minimum width and area requirements for the zone in which it is located and which has been cut off from a larger parcel of land since the effective date of the width and area requirements of this title, shall not be entitled to the issuance of a building permit for any type of construction thereon until such time as the lot is fully conforming to the zoning requirements of the area where it is located.

A variance to the strict requirement of this section may be granted by the Appeal Authority if each of the following criteria are met:

1. The property in question is not in a formally plotted subdivision;
2. Each new lot contains the minimum square footage required in the zone;
3. Each new lot contains at least 75 feet of frontage on a public street.

**14-1-060. Accessory Buildings.**

**1. In General**

- A. All detached buildings, structures, or satellite earth stations must be located behind the front wall plane of the principal structure.
- B. All detached buildings or structures must comply with any height restrictions found in the applicable zone where they are located. The combined square footage of all detached accessory buildings, structures, and satellite earth stations shall not exceed 500 square feet, or ten percent (10%) of the total lot area, whichever is greater.

- C. Detached sheds or similar structures two hundred (200) square feet or less, may be built to property line. The maximum height of such structure shall not exceed twelve (12) feet from the ground to the peak of the structure and the structure shall not drain storm water onto the neighboring properties. Any owner, or successor in interest, who constructs such an accessory structure on a public utility easement shall be responsible for all costs associated with removing and/or replacing such structure in the event public utilities need to be worked on within the public utility easement.
- D. All detached buildings or structures over two hundred (200) square feet in size and not exceeding sixteen (16) feet in height shall maintain a five foot setback from the side and rear yards. All detached structures over two hundred (200) square feet in size and between sixteen (16) and twenty (20) feet in height shall maintain a ten foot setback from the side and rear yards. All detached structures over two hundred (200) square feet in size and over twenty (20) feet in height shall be setback from all side and rear yards ten(ten) feet, plus one additional foot for each additional foot in height over twenty (20) feet, to a maximum height of twenty-five (25) feet. Height shall be measured from ground level to the peak of the building. Any owner, or successor in interest, who constructs such an accessory structure on a public utility easement shall be responsible for all costs associated with removing and/or replacing such structure in the event public utilities need to be worked on within the public utility easement.
- E. If any accessory building must be removed, relocated, or otherwise modified in any manner in order to access public utilities, the property owner shall bear the full expense of such removal, relocation, or modification, together with all costs of restoration.
- F. All detached structures which have open sides shall obtain a building permit, if over 200 square feet in size, and shall maintain a two foot setback from the side and rear yards. The maximum height, of any portion of the building, shall be sixteen (16) feet from ground level to the peak of the building. Any owner, or successor in interest, who constructs such an accessory structure on a public utility easement shall be responsible for all costs associated with removing and/or replacing such structure in the event public utilities need to be worked on within the public utility easement.

## **II. On a Historic Site.**

- A. The Salem City Planning and Zoning Commission may approve a variance to the accessory building requirements of this title for Historic Structures and/or sites when the following standards are met:

1. A public hearing will be held by the Planning and Zoning Commission, with a minimum ten days notice to each adjoining property owner, plus posting on the City web page;
2. The owner of the subject building/site demonstrates through appropriate documentation that the building/site is a “historic site or building”;
3. A variance from zoning standards/requirements is necessary for the enhancement, preservation, rehabilitation, restoration, reconstruction, or maintenance of the site/structure;
4. Design and development standards for the site and related structures are adopted which ensure that the historic or cultural significance and character of the subject site and/or structure is perpetuated and adherence to said standards are made as a condition of the permit;
5. The variance granted will not create significant, unmitigated adverse impacts;
6. No adjacent land owners voice any opposition at the public hearing held to consider the variance(s) proposed;
7. The project associated with the subject site has been reviewed and approved, where applicable, pursuant to the National Historic Register and the Department of the Interior (documentation provided to the city by the owner/developer).

- B. The City Council shall act as the appeal authority for any appeal from the decision of the Planning and Zoning Commission concerning a historic structure/site variance. The applicant or any adjoining landowner may file an appeal by submitting a written notice of appeal to the City Recorder within fifteen (15) days of the Planning and Zoning Commission decision. The appeal authority shall hear the appeal within forty-five (45) days of receipt of the notice of appeal and act upon the appeal within thirty (30) days of the hearing.

**14-1-070. Additional Height Allowance for Public Buildings.**

Public buildings, schools and churches may be erected to any height provided the building is set back from the required building setback lines a distance of at least one foot for each additional foot of building height above the maximum height otherwise permitted in the zone in which the building is located.

**14-1-080. Minimum Height.**

No dwelling shall be erected which has a ceiling height of less than eight feet or one story above grade, whichever is greater.



**14-1-090. Maximum Height of Fencing.**

Walls, hedges, or vision barrier fences which are located within 30 feet from the street property line shall not exceed 36 inches in height, unless approval is obtained from the Public Works Director and Public Safety Director after review of the site plan and the property and a determination is made that such wall, hedge, or vision will not affect the safety of motorist or pedestrians. Fences may be six feet in height if they are not a vision barrier fence.

The Public Works director and Public Safety Director will not only inspect the involved property, but will inspect the streets, intersections, sidewalks, and driveways which may be impacted by such a wall, hedge, or vision barrier fence.

**14-1-100. Clear view of Street Intersections.**

All properties located on the corners of intersecting streets shall be prohibited from having or permitting any obstruction which would obscure the view of automobile drivers approaching the intersection.

**14-1-110. Effect of Comprehensive General Plan.**

Wherever a building is planned or abutting on a proposed street which has not yet been constructed, but which has been designated in the general plan as a future street, the setback requirements of such front or side yards shall be measured from the planned street right-of-way line.

**14-1-120. Dwelling Size to Have Frontage on a Deeded Street.**

At least one side of each lot used as a dwelling site shall abut on a street which has been deeded or dedicated to the public for street purposes.

**14-1-130. Sewage Disposal.**

The owners of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is required, at the owner's expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the rules and regulations of the city sewer department, within 60 days after date of official notice to do so, provided, that said public sewer is within 500 feet of the property line.

**14-1-140. Prohibited Uses.**

Uses of land which are not expressly permitted within the zone as set forth in this title are prohibited.

**14-1-150. Trailer Houses .**

No trailer house or mobile home shall be permitted for occupancy except under the following conditions:

- A. When the trailer house or mobile home is located in a licensed trailer court or mobile home park; and

- B. The house trailer or mobile home shall be connected to the city sewer system.

**14-1-160. Rules of Construction.**

For purposes of this title, words used in the present tense include the future and the future includes the present; the singular includes the plural and vice-versa; the word "lot" includes the word "plot", "tract" or "parcel of land", as the sense may require it. The word masculine includes the feminine and vice-versa; the term "erected" means "constructed", "altered", "moved" or "repaired". The words "shall" and "must" are always mandatory. The word "district" is synonymous with the word "zone"; the term "building inspector" is synonymous with the term "zoning administrator".

**14-1-170. Variances.**

Variances to the terms of the zoning ordinance may be made by the Appeal Authority upon the finding that the requirements of Utah Code Annotated §10-9a-702 have been met.

**14-1-180. Public Hearings.**

The City Council shall hold a public hearing prior to amending any portion of this title.

**14-1-190. Notices.**

Public hearings required by law shall be noticed in the manner required by the Land Use Development and Management Act, U.C.A. §10-9a-101 et seq.

**14-1-200. Appeal Process.**

- A. Any land use decision made under this title may be appealed by an interested party by following the procedures set forth in this section. All appeals shall be to the Appeal Authority identified in this title. Appeals from the Appeal Authority shall be to the District Court.
- B. All appeals must be in writing and, unless otherwise indicated, must be filed within 15 days from the date of a final decision by the appropriate land use authority.
- C. Appeals must be received in the office of the City Recorder and any fees paid, within the appeal time limit.
- D. Matters considered by the Appeal Authority shall be *de novo*. Matters appealed to the District Court shall be a review of the record made before the Appeal Authority or Council. No matter may be considered on appeal which was not first presented to the land use authority for its consideration.

**14-1-210. Appeal Authority.**

The City Council will act as the Appeal Authority for land use decisions made under this title, except those decisions made by the Council as the land use authority. In Those instances when the Council is the land use authority, the appeal shall be filed directly with the District Court. All appeals shall follow the process set forth in §14-1-200, unless more specific procedures are set forth for a specific appeal.

**14-1-220. Violators.**

A violation of any section of this title is a class C misdemeanor.

## **CHAPTER 2**

### **PLANNING AND ZONING COMMISSION**

#### **14-2-010. Creation.**

There is hereby established a Planning and Zoning Commission which shall have the powers and duties as set forth in Utah Code Annotated §10-9a-301 et. seq.

#### **14-2-020. Appointment, Term, Vacancy and Compensation.**

- A. The Planning and Zoning Commission shall consist of five members who shall be appointed by the Mayor with the consent of the City Council. No member of the Planning and Zoning Commission may simultaneously sit as a Council member.
- B. Each member of the Planning and Zoning Commission shall serve for a period of five years unless they are earlier removed or resign. The initial members of the Planning and Zoning Commission shall be appointed for respective terms of one year, two years, three years, four years and five years. A member of the Planning and Zoning Commission may not serve more than two consecutive terms.
- C. Vacancies in the Planning and Zoning Commission may be appointed by the mayor with the consent of the city council to serve the unexpired term. The term shall expire on January 31 of the respective year. A new appointment shall be made and brought before the City Council for approval on the last meeting date of January in each year, such that the member shall be ready to commence serving with the first meeting in February.
- D. Malfeasance in office, conviction of a crime involving moral turpitude, nonattendance at meetings and such other causes as may be established from time to time by the City Council shall be grounds for removal.
- E. A member of the Planning and Zoning Commission shall serve without compensation except that necessary expenses actually incurred shall be reimbursed to them.

#### **14-2-030. Advisory Body.**

The Planning and Zoning Commission of Salem City shall be an advisory body to the City Council, which is not bound by the Commission's recommendations.

#### **14-2-040. Timely Consideration.**

Any matter referred by the City Council to the Planning and Zoning Commission shall be reviewed and studied and a recommendation returned to the City Council within 30 days. In the event the Planning and Zoning Commission fails to make a recommendation within 30 days, the City Council may proceed without a recommendation.

**14-2-050. Quorum.**

The attendance of at least three members of the Planning and Zoning Commission shall constitute a quorum. No business may be conducted nor recommendation made without a quorum, except for adjourning to another date and time to have a quorum present.

**14-2-060. Majority Vote.**

A majority vote of the quorum of the Planning and Zoning Commission shall be required to submit a recommendation to the City Council.

**14-2-070. Chairperson.**

A member of the Planning and Zoning Commission shall be appointed each year by the mayor to act as the chairperson of the Commission. The chairperson shall conduct all meetings of the Commission. In the event of the absence of the chairperson, the present members may elect one of their members to act as chairperson *pro-tempore*.

## **CHAPTER 3**

### **HOME OCCUPATIONS**

#### **14-3-010. Residential Zones.**

No commercial, retail, or industrial uses of any kind are allowed in any residential zone of the city except as permitted in this chapter on home occupations.

#### **14-3-020. Standards.**

A home occupation may be permitted only if all of the following conditions are met:

- A. The home occupation is clearly incidental to the residential use.
- B. No more than two non-resident employees may be at the premises at any given time. Off street parking must be provided for any such employees.
- C. The use does not change the residential character of the building or of the neighborhood.
- D. The use requires no enlargement of the residence.
- E. The use will not produce offensive noise, vibrations, fumes, smoke, dust, or other particulate matter, odorous matter, heat, humidity, glare, electrical interference, excess traffic for a residential neighborhood, or other objectionable effects.
- F. The use does not require more than three patrons and/or non-resident family member employees at a time to be on the premises, except for child care and similar youth (age 17 and younger) related occupations. Off street parking must be provided for all anticipated patrons who will remain on the premises for a period of time longer than necessary to pick up or drop off a child.
- G. No more than one youth (age 17 or younger) related home occupation license may be issued to an address.

#### **14-3-030. Prohibitions.**

The following activities are prohibited as home occupation uses:

- A. The retail or wholesale sale of goods or commodities from the premises, except agricultural products grown on the premises, and goods which are incidental to the primary home occupation, and retail or wholesale sales over the internet, where the goods are not stored on the premises, customers are not coming to the premises, and where increased delivery or shipping of products is not increased in the residential setting.

- B. The display and storage of goods and materials visible from the exterior of the building.
- C. The use of yard space in a manner not normally associated with a residential use.
- D. Commercial stables, kennels, or similar uses.
- E. Use of any power driven equipment using motors with more than three horsepower capacity. The use of power driven equipment with three or less horsepower capacity shall be limited to the hours of 7:00 a.m. to 6:00 p.m.
- F. Mechanical uses, industrial related uses, and other uses which are not in harmony with a residential zone.

**14-3-040. Permitted Uses.**

Examples of uses permitted as home occupations are beauty shops, accounting offices, insurance sales offices, and similar type uses which do not effect the residential character of the zone.

**14-3-060. Revocation.**

A Business license for a home occupation may be revoked if all of the requirements of the permit and of this chapter are not complied with. A revocation hearing before the Council, with at least five days notice, shall be conducted prior to revoking a license.

**14-3-070. Inspections.**

The City Council may require a city inspection or inspections prior to the issuance of a home occupation business license. Such inspections shall determine and require compliance with the building and fire codes of the City and shall meet such other criteria as the Council may direct to protect the health, safety, and welfare of the residents of the city.

## **CHAPTER 4**

### **NON-CONFORMING USES**

#### **14-4-010. Non-Conforming Uses - When Allowed.**

Any structure or use of property which was legal when commenced but is currently non-conforming to the zoning code may continue in such non-conforming status.

#### **14-4-020. Conditions.**

The conditions upon which non-conforming structures or uses may continue are as follow:

- A. It may not be expanded nor intensified;
- B. It may not be enlarged;
- C. It may not be extended;
- D. It may not be altered;
- E. It may not be substituted.

#### **14-4-030. Reconstruction - When Allowed.**

Whenever a non-complying structure or nonconforming use is destroyed or damaged by fire, flood, natural disaster, or other calamity, it may be reconstructed if it was actively used as a non-complying structure or nonconforming use immediately prior to the fire, flood, natural disaster or other calamity and if the building permit for the reconstruction is obtained within one year of the fire, flood, natural disaster or other calamity. A non-complying structure which is reconstructed may not be expanded, intensified, enlarged, extended, altered, or substituted.

#### **14-4-040. Abandonment.**

The non-complying structure or nonconforming use may not be reconstructed or reinstated if it is abandoned, except in conformance with this title. Abandonment is presumed to have occurred if:

- A. The majority of the primary structure associated with the nonconforming use has been voluntarily demolished without prior written agreement with the municipality regarding as extension of the nonconforming use;
- B. If the use has been discontinued for a minimum of one year; or
- C. The primary structure associated with the nonconforming use remains vacant for a period of one year.



## **CHAPTER 5**

### **R-8 SINGLE FAMILY RESIDENTIAL ZONE**

#### **14-5-010. Objectives, Restrictions.**

The objective of the R-8 Single Family Residential Zone is to create a residential environment that is medium density and characterized by medium sized lots for single family residences and twin homes. No use is permitted in this zone except as specifically provided in this chapter.

#### **14-5-020. Permitted Uses.**

##### **A. Permitted Uses.**

The following uses are permitted:

1. One single family residence per lot.
2. Accessory buildings in compliance with §14-1-060.

##### **B. Uses Subject to Conditions.**

The following uses are permitted subject to conditions:

1. Home occupations with the conditions set forth in Chapter 4.
2. Manufactured homes with the condition that they meet the requirements of federal law, are placed on a permanent foundation, file an affidavit with the Utah State Tax Commission to be taxed as real property, have a minimum length of 40 feet and minimum width of 20 feet, and have a minimum roof pitch of 4:12.
3. Temporary office or construction trailers with the conditions that a final plat is first recorded, it be removed when the last lot in the subdivision is sold and has a site plan approved which addresses parking, fencing, lighting and signage.
4. Twin homes which meet the conditions of 60 feet of frontage for each unit, and have a minimum lot size of 6000 square feet for each unit, have an enclosed garage for each unit, with at least two off street parking spaces for each unit, must be a minimum of 150 feet from another twin home, as measured from lot line to lot line (which requirement may be waived by the Council upon showing of special circumstances), and the front yards are fully landscaped within 12 months of completion, and the entire lot is landscaped within 24 months of completion, with a bond is given to ensure performance.
5. Churches, provided they are fully landscaped prior to occupancy, off street parking is provided at the rate of one stall per every 90 inches of pew space, or one stall per every five persons of maximum capacity as determined by the fire code, whichever is greater, and a six foot high masonry wall is provided between it and any adjoining properties which are zoned or general planned to be residential. The Council may modify this requirement to allow a high density polyethylene wall in lieu of masonry wall. A photometric lighting plan is

required showing there will be no significant overflow lighting. In addition thereto, the building may not exceed thirty feet in height at the square of the building, with a steeple not to exceed 60 feet in height. A single sign is permitted provided it is a monument sign no more than six feet in height from its base, which base may set on a berm which is no more than two feet in height from the base elevation of the adjoining street.

C. Uses Subject to a Conditional Use Permit.

The following uses are permitted upon obtaining a conditional use permit:

1. Residential Facilities which meet the conditions set forth in Chapter 20. The conditional use permit may impose other conditions as deemed appropriate to mitigate adverse impact.
2. Residential facilities for the elderly which meet the conditions set forth in Chapter 14. The conditional use permit may impose other conditions as deemed appropriate to mitigate adverse impacts.
3. Bed & Breakfast Inns which have no illuminated signage, meet the standards for the zone, is full landscaped prior to opening, provides adequate for all employees and guests, and provides screening from the adjoining residences. The conditional use permit may impose other conditions as deemed appropriate to mitigate adverse impacts.

**14-5-030. Standards.**

All dwellings shall meet the following minimum standards:

1. The minimum lot size shall be 8000 square feet with 75 feet of frontage at the building line.
2. The minimum setbacks shall be 25 feet in front, 10 feet on each side, except a corner lot, which shall have a 25 foot setback on the side facing the street, and 15 feet in the rear yard. All accessory building shall be set behind the front of the principal residence.
3. Residences shall have a minimum finished floor area of 1000 square feet.
4. Residences shall have a minimum height of 10 feet and a maximum height of 30 feet, measured from the grade to the elevation of the square of the building.
5. The minimum roof pitch shall be 4:12.

## **CHAPTER 6**

### **R-10 SINGLE FAMILY RESIDENTIAL ZONE**

#### **14-6-101. Objectives, Restrictions.**

The objective of the R-10 Single Family Residential Zone is to create a residential environment that is medium density and characterized by medium sized lots for single family residences. No use is permitted in this zone except as specifically provided in this chapter.

#### **14-6-020. Permitted Uses.**

##### **A. Permitted Use.**

The following uses are permitted:

1. One single family residence per lot
2. Accessory buildings in compliance with §14-1-060.

##### **B. Uses Subject to Conditions.**

The following uses are permitted subject to conditions:

1. Home occupations with the conditions set forth in Chapter 4.
2. Manufactured homes with the condition that they meet the requirements of federal law, are placed on a permanent foundation, file an affidavit with the Utah State Tax Commission to be taxed as real property, have a minimum length of 40 feet and a minimum width of 20 feet, and have a minimum roof pitch of 4:12.
3. Temporary office or construction trailers with a condition that a final plat is first recorded, it be removed when the last lot in the subdivision is sold, and has a site plan approved which addresses parking, fencing, lighting and signage.
4. Twin homes which meet the conditions of 60 feet of frontage for each unit, and have a minimum lot size of 6000 square feet for each unit, have an enclosed garage for each unit, with at least two off street parking spaces for each unit, must be a minimum of 150 feet from another twin home, as measured from lot line to lot line, and the front yards are fully landscaped within 12 months of completion, and the entire lot is landscaped within 24 months of completion, with a bond is give to ensure performance.
5. Churches, provided they are fully landscaped prior to occupancy, off street parking is provided at the rate of one stall per every 90 inches of pew space, or one stall per every five persons of maximum capacity as determined by the fire code, whichever is greater, and a six foot high masonry wall is provided between it and any adjoining properties which are zoned or general planned to be residential. The Council may modify this requirement to allow a high density polyethylene wall in lieu of a masonry wall. A photometric lighting plan is required showing there will be no significant overflow lighting. In addition thereto, the building may not exceed thirty feet in height at the square of the building, with a steeple not

to exceed 60 feet in height. A single sign is permitted provided it is a monument sign no more than six feet in height from its base, which base may set on a berm which is no more than two feet in height from the base elevation of the adjoining street.

C. Use Subject to a conditional Use Permit.

The following uses are permitted upon obtaining a conditional use permit:

1. Residential Facilities which meet the conditions set forth in Chapter 20. The conditional use permit may impose other conditions as deemed appropriate to mitigate adverse impacts.

2. Residential facilities for the elderly which meet the conditions set forth in Chapter 14. The conditional use permit may impose other conditions as deemed appropriate to mitigate adverse impacts.

3. Animal rights provided the lot contains a minimum of 20,000 square feet, all corrals, stalls, pens, paddocks for the enclosure of livestock, and all barns, stables, sheds, or similar buildings used for the housing or confinement of livestock and all water troughs in areas used for feeding of livestock shall be located no closer than 100 feet from a dwelling located on another lot or parcel. An animal unit is defined to include one horse, or one cow, or two sheep, or ten fowl. One animal unit is allowed for every 20,000 square feet of lot area, unless restricted by the conditional use permit. The conditional use permit may impose other conditions deemed necessary to mitigate adverse impacts.

**14-6-030. Standards.**

All dwellings shall meet the following minimum standards:

1. The minimum lot size shall be 10,000 square feet with 90 feet of frontage at the building line.

2. The minimum setbacks shall be 25 feet in front, 10 feet on each side, except a corner lot, which shall have a 25 foot setback on the corner side facing the street, and 15 feet in the rear yard. All accessory buildings shall be set behind the front of the principal residence.

3. Residences shall have a minimum finished floor area of 1000 square feet.

4. Residences shall have a minimum height of 10 feet and a maximum height of 30 feet, measured from the grade to the elevation of the square of the building.

5. The minimum roof pitch shall be 4:12.

## **CHAPTER 7**

### **R-12 SINGLE FAMILY RESIDENTIAL ZONE**

#### **14-7-010. Objectives, Restrictions.**

The objective of the R-12 Single Family Residential Zone is to create a residential environment that is low density and characterized by larger sized lots for single family residences. No use may be permitted in this zone except as is specifically provided in this chapter.

#### **14.7.020. Permitted Uses.**

##### **A. Permitted Uses.**

The following uses are permitted:

1. One single family dwelling per lot.
2. Accessory buildings in compliance with §14-1-060.

##### **B. Uses Subject to Conditions.**

The following uses are permitted subject to conditions:

1. Home occupations with the conditions set forth in Chapter 4.
2. Manufactured homes with the conditions that they meet the requirements of federal law, are placed on a permanent foundation, file an affidavit with the Utah State Tax Commission to be taxed as real property, have a minimum length of 40 feet and minimum width of 20 feet, and have a minimum roof pitch of 5:12.
3. Temporary office or construction trailers with a condition that a final plat is first recorded, it be removed when the last lot in the subdivision is sold, and has a site plan approved which addresses parking, fencing, lighting, and signage.
4. Churches, provided they are fully landscaped prior to occupancy, off street parking is provided at the rate of one stall per every 90 inches of pew space, or one stall per every five persons of maximum capacity as determined by the fire code, whichever is greater, and a six foot high masonry wall is provided between it and any adjoining properties which are zoned or general planned to be residential. The Council may modify the requirement to allow a high density polyethylene wall in lieu of a masonry wall. A photometric lighting plan is required showing there will be no significant overflow lighting. In addition thereto, the building may not exceed 30 feet in height at the square of the building, with a steeple not to exceed 60 feet in height. A single sign is permitted provided it is a monument sign no more than six feet in height from its base, which base may set on a berm which is no more than two feet in height from the base elevation of the adjoining street.

C. Uses subject to a Conditional Use Permit.

The following uses are permitted upon obtaining a conditional use permit:

1. Animal rights provided the lot contains a minimum of 20,000 square feet, all corrals, stalls, pens, paddocks for the enclosure of livestock, and all farms, stables, sheds, or similar buildings used for the housing or confinement of livestock and all water troughs in areas used for the feeding of livestock shall be located no closer than 100 feet from a dwelling located on another lot or parcel. An animal unit is defined to be one horse, or one cow, or two sheep or ten fowl. One animal unit is allowed for each 20,000 square feet of lot area, unless restricted by the conditional use permit. The conditional use permit may impose other conditions deemed necessary to mitigate adverse impacts.

**14-7-030. Standards.**

All dwellings shall comply with the following minimum requirements:

1. Minimum lot size shall be 12,000 square feet, with a minimum of 100 feet of frontage at the building line.
2. The minimum setbacks shall be 25 feet in the front, 10 feet on each side, except on corner lot, which shall have a 25 foot setback on the corner side facing the street, and 15 feet in the rear yard. All accessory buildings shall be set behind the front of the principal residence.
3. Dwellings shall have a minimum finished floor area of 1000 square feet.
4. Dwelling shall have a minimum height of 10 feet and a maximum height of 30 feet, measured from the grade to the elevation of the square of the building.
5. The minimum roof pitch shall be 5:12.

## **CHAPTER 8**

### **R-15 SINGLE FAMILY RESIDENTIAL ZONE**

#### **14-8-010. Objectives, Restrictions.**

The objectives of the R-15 Single Family Residential Zone is to create a residential environment that is low density and characterized by larger, well manicured lots for single family residences. No use is permitted in this zone except as is specifically provided in this chapter.

#### **14-8-020. Permitted Uses.**

##### **A. Permitted Uses**

The following uses are permitted:

1. One single family residence per lot.
2. Accessory buildings in compliance with §14-1-060.

##### **B. Use Subject to Conditions.**

The following uses are permitted subject to conditions:

1. Home occupations with the conditions set forth in Chapter 4.
2. Manufactured homes with the conditions that they meet the requirements of federal law, are placed on a permanent foundation, file an affidavit with the Utah State Tax Commission to be taxed as real property, have a minimum length of 40 feet and a minimum width of 20 feet, and have a minimum roof pitch of 5:12.
3. Temporary office or construction trailers with a condition that a final plat is first recorded, it be removed when the last lot in the subdivision is sold, and has a site plan approved which addresses parking, fencing, lighting and signage.
4. Churches, provided they are fully landscaped prior to occupancy, off street parking is provided at the rate of one stall per every 90 inches of pew space, or one stall per every five persons of maximum capacity as determined by the fire code, whichever is greater, and a six foot high masonry wall is provided between it and any adjoining properties which are zoned or general planned to be residential. The Council may modify this requirement to allow a high density polyethylene wall in lieu of a masonry wall. A photometric lighting plan is required showing there will be no significant overflow lighting. In addition thereto, the building may not exceed thirty feet in height at the square of the building, with a steeple not to exceed 60 feet in height. A single sign is permitted provided it is a monument sign no more than six feet in height from its base, which base may set on a berm which is no more than two feet in height from the base elevation of the adjoining street.

C. Use Subject to a Conditional Use Permit.

The following uses are permitted upon obtaining a conditional use permit:

1. Animal rights provided the lot contains a minimum of 20,000 square feet, all corrals, stalls, pens, paddocks for the enclosure of livestock, and all barns, stables, sheds, or similar buildings used for the housing or confinement of livestock and all water troughs in areas used for the feeding of livestock shall be located no closer than 100 feet from a dwelling located on another lot or parcel. An animal unit is defined to include one horse, or one cow, or two sheep, or ten fowl. One animal unit is allowed for each 20,000 square feet of lot area unless restricted by the conditional use permit. The conditions use permit may impose other conditions deemed necessary to mitigate adverse impacts.

**14-8-030. Standards.**

All dwellings shall meet the following minimum requirements:

1. Minimum lot size be 15,000 square feet, with a 100 feet of frontage at the building line.
2. The minimum setbacks shall be 25 feet in front, 10 feet on each side, except on a corner lot, which shall have a 25 foot setback on the corner side facing the street, and 25 feet in the rear yard. All accessory buildings shall be set behind the front of the principal residence.
3. Residences shall have a minimum finished floor area of 1200 square feet.
4. Residences shall have a minimum height of 10 feet and a maximum height of 30 feet, measured from the grade to the elevation of the square of the building.
5. The minimum roof pitch shall be 5:12



## **CHAPTER 9**

### **R-30 SINGLE FAMILY RESIDENTIAL ZONE**

#### **14-9-010. Objectives, Restrictions.**

The objective of the R-30 Single Family Residential Zone is to create a residential environment that is low density and characterized by large lots with open space for agricultural pursuits and animal rights for single family residences. Rural street standards will give the look and feel of a rural area. The zoning district may only be enacted to zone a parcel or parcels of land consisting of at least 40 acres. No use may be permitted in this zone except as is specifically provided in this chapter.

#### **14.9.020. Permitted Uses.**

##### **A. Permitted Uses.**

The following uses are permitted:

1. One single family residence per lot.
2. Accessory buildings in compliance with §14-1-060.
3. Animal rights

##### **B. Uses Subject to Conditions.**

The following uses are permitted subject to conditions:

1. Home occupations with the conditions set forth in Chapter 4.
2. Manufactured homes with the conditions that they meet the requirements of federal law, are placed on a permanent foundation, file an affidavit with the Utah State Tax Commission to be taxed as real property, have a minimum roof pitch of 5:12.

##### **C. Uses Subject to a Conditional Use Permit.**

The following uses are permitted upon obtaining a conditional use permit:

1. Bed and Breakfast Inns which have no illuminated signage, meets the standards for the zone, is fully landscaped prior to opening, provides adequate parking for all employees and guests, and provides screening from the adjoining residences. The conditional use permit may impose other conditions as deemed appropriate to mitigate adverse impacts.

#### **14-9-030. Standards.**

All dwellings shall meet the following minimum requirements:

1. The minimum lot size shall be 30,000 square feet, with 125 feet of frontage at the building line.

2. The minimum setbacks shall be 25 feet in front, 15 feet on each side, except a corner lot, which shall have a 25 foot setback on the corner side facing the street, and 150 feet in the rear yard. The maximum front yard setback shall be 200 feet. Any driveway over 35 feet in length shall be constructed of a width and appropriate materials to allow a full size fire truck to travel on it without causing damage to the driveway and without getting struck, including while turning around. All accessory buildings shall be set behind the front of the principal residence.
3. Residences shall have a minimum of finished floor area of 1500 square feet.
4. Residences shall have a minimum height of 10 feet and a maximum height of 30 feet, measured from the grade to the elevation of the square of the building.
5. The minimum roof pitch shall be 5:12.

**14-9-040. Animals.**

The maximum number of animals or fowl permitted on any lot or parcel shall be as follows:

1. Two animal units for the first 30,000 square feet of lot area.
2. One additional animal unit is allowed for each additional 20,000 square feet of lot area.
3. All corrals, stalls, pens, paddocks for the enclosure of livestock, and all barns, stables, coops, sheds, hutches, or similar buildings used for the housing or confinement of livestock and/or fowl and all water troughs in areas used for the feeding of livestock shall be located no closer than 150 feet from a dwelling located on another lot or parcel.
4. An animal unit is defined as one horse or one cow, or two sheep, or ten fowl.

## **CHAPTER 10**

### **A-1 AGRICULTURAL ZONE**

#### **14-10-010. Objectives, Restrictions.**

The objectives in creating the A-1 agricultural zone are to maintain the use of land for agricultural and livestock raising purposes. This zone is characterized by farms and ranches devoted to the production of wholesome plant and animal products. This zone is meant to protect and encourage continued use of land for agricultural purposes, to reduce the cost of government expenditures for police, fire protection, road maintenance and other public services, to discourage the wasteful scattering of population, and to allow limited development in an orderly, economical fashion. No use may be permitted in this zone except as is specifically provided in this chapter, or those allowed with a conditional use permit.

#### **14-10-020. Permitted Uses.**

Uses permitted in the A-1 agricultural zone are as follows:

1. Single family dwellings and accessory buildings and structures such as garages and greenhouses.
2. Agriculture and the raising, handling and processing of agricultural products, livestock, poultry and other farm products and buildings and structures incidental thereto.
3. Barns, machinery sheds, corrals, pens, coops, feed storage buildings, produce sheds, and similar agricultural structures.
4. Churches, and publicly owned buildings.
5. Kennels, riding academies, riding clubs.
6. Country clubs and golf courses.
7. Stadiums, rodeo arenas and customary concession in connection therewith.
8. Veterinary hospitals.
9. Water reservoirs, wells, and facilities.
10. Fruit and vegetable stands made of temporary construction for the sale of produce raised on the premises, provided the stands do not exceed 100 square feet, are made of wood frame or light metal material, are maintained and comply with board of health standards, and are separated from any highway or street by fencing between October 1 and May 1.

**14-10-030. Other Requirements.**

All dwellings in the A-1 agricultural zone shall comply with the following minimum requirements:

1. Minimum lot size shall be five acres, with a minimum frontage of 250 feet at the building line.
2. The minimum front yard setback requirement shall be 25 feet to the residence. The maximum front yard setback shall be 200 feet. If the front yard setback is more than 30 feet, access shall be a minimum width of 20 feet and constructed of a material to allow a fire truck to approach the dwelling and turn around. The minimum side yard setback requirement shall be 10 feet, except on corner lots, where the side yard facing the road shall have a minimum setback of 25 feet. The minimum rear yard setback shall be 15 feet. All accessory buildings shall be set behind the principal residence as a front yard setback requirement.
3. The dwelling shall have a minimum of finished living area of 1,000 square feet.
4. The dwelling shall have a minimum height of 10 feet and a maximum height of 30 feet, measured from the grade to the elevation of the square of the building.

**14-10-035. Other Requirements – Non-Dwellings.**

All non-dwellings in the A-1 Agricultural Zone shall comply with the following minimum requirements:

1. Churches, public office buildings, and veterinary hospitals must be a minimum of one-half acre, with a minimum of one hundred fifty (150) feet of frontage, front yard setbacks of twenty-five (25) feet to the building, and ten (10) ten foot side yards, except on corner lots, where the corner side yard setback shall be twenty (20) feet. Rear yard setbacks must be a minimum of twenty (20) feet.
2. Public facilities for utility infrastructure, wells, shops, pump houses, and similar uses may be on small parcels, the exact size of which an applicable setbacks will be established by the Planning & Zoning Commission, with a recommendation from the DRC.

**14-10-040. Animals.**

There are no restrictions on animals, consistent with the agricultural purposes of this zone.

## CHAPTER 11

### R-5 TOWNHOME DEVELOPMENT ZONE

#### **14-11-010. Purpose and Intent.**

The purpose of the R-5 Townhome Development Zone is to allow and encourage a flexible, efficient and creative development pattern. Townhome developments can:

- A. Promote attractive architectural design (as approved by the Architectural Review Committee), provide open spaces, and ensure efficient delivery of services.
- B. Promote usable public and private recreation areas, parks, trails, and open space.
- C. Promote specific aspects of development of interest to the City.
- D. Reduce development costs and ongoing maintenance costs.
- E. Provide high quality affordable housing.
- F. Encourage the clustering of dwellings within specific areas of development. The intent of this chapter is to provide regulations that further the objectives of the General Plan relating to residential developments. It is the intent to achieve a balance between open space and buildings, harmony between new development and the surrounding area, longer life expectancy for buildings, superior maintenance and appearance of buildings and premises, and an overall project atmosphere that concurs with the goals for an attractive and functional city.

#### **14-11-020. Definitions and Development.**

A. A Townhome Development is a development containing residential units with two or more of the units attached to each other. Projects are planned to achieve a coordinated, functional and unified development pattern.

B. The architectural review committee, as used herein, shall consist of the Mayor, a Planning Commission member, a city staff member, the developer, and a member of the Home Owners Association (HOA). If the HOA is not yet established, the developer may appoint a member to take the place of the HOA member.

C. The R-5 Townhome Development zone must contain a minimum of five acres, a maximum of twenty acres, unless it has a single family residence element, in which event it may contain up to 50 acres, at the sole and absolute discretion of the City Council. If a project of greater than 20 acres contains a single family element, 80% of the residences must be single family and the other 20% may be twin homes or townhomes. This zone is intended for higher densities, and may contain up to nine units per acre. All projects must meet the development standards set forth in this chapter.

#### **14-11-030. Permitted Uses.**

Uses permitted in the R-5 Townhome Zone are as follows:

1. Townhomes;
2. Twin homes;
3. Single Family Residences;
4. Accessory buildings such as garages and sheds.

#### **14-11-040. Development Standards.**

A. Plats. Plats should show the residential unit footprint, with any limited common area. Adequate common areas must be established to meet the minimum recreation requirements of this section.

B. Single family residence lots must be a minimum of 3000 square feet. The residence must contain a minimum of 1200 square feet of finished living space. All single family residences must contain a two car garage.

C. Twin home lots must be a minimum of 3000 square feet each. The residence must contain a minimum of 1200 square feet of finished living space. All twin homes must contain a two car garage.

D. Townhomes must contain a minimum of 1200 square feet of finished living space. Townhomes must have a minimum of a one car garage, subject to the provisions of paragraph G.

E. Streets. Streets may be public or private. Public streets must meet the requirements of the Construction and Development Standards, including curb, gutter and sidewalk. Private streets must contain a minimum of thirty feet of asphalt, with curb and gutter on both sides of the street. A five foot sidewalk must be on at least one side of a private street. Private streets must otherwise meet the Construction and Development Standards.

F. Setbacks. Single family residences and twin homes must have a minimum front setback of 25 feet to the garage and twenty feet to other portions of the building. Rear yard setbacks must be a minimum of 15 feet. Side yard setbacks must be a minimum of five feet on each side. Single family and twin home residences which have rear yard setbacks less than 20 feet must have a vision barrier fence between rear yards. It shall be the developer's obligation to install the fence prior to occupancy of either residence. Townhomes must be set back from public streets a minimum of twenty-five (25) feet from garages and a minimum of twenty (20) feet from other parts of the building. Buildings must be set back from side yards a minimum of ten feet and from rear yards a minimum of fifteen feet.

G. Parking. A minimum of fifty percent (50%) of townhomes must have a two-car garage. The remaining townhomes must have a one-car garage and provide off-street parking for an additional one and one-half cars per unit.

H. Fences/Walls. A six foot high masonry wall, approved by the Architectural Review Committee and the Planning and Zoning Commission, shall be placed between the project and the adjacent zones. This requirement may be waived, at the sole and the absolute discretion of the City Council, for adjacent residential zones.

I. Garbage Collection. A project may elect to use individual trash receptacles provided by the City to collect garbage, or may elect to contract with a private sanitation company for garbage collection. If City receptacles are elected, all requirements of the City must be met. If a private provider is elected, collection dumpsters must be kept enclosed behind six foot high, gated, masonry walls.

J. Design Theme. Each project should have a design theme (Spanish, Swiss, Colonial, etc.), which must be maintained throughout the development. The Architectural Review Committee and the Planning and Zoning Commission shall review and approve the theme and architectural design during the plat approval process.

K. Recreation. Each project must maintain adequate common area, in the sole and absolute discretion of the City Council, to provide active recreation opportunities for the residents. The type of activity may be geared to the potential resident. Examples include, but are not limited to, commercial grade playground equipment, swimming pools, tennis courts, or clubhouses (with specified activities to be conducted therein). The City may require more or higher quality recreation opportunities, or more open space than initially proposed, based upon the extent and quality of the other standards provided.

L. Height Restrictions. Units may not exceed thirty feet in height, measured from the grade to the elevation of the square of the building.

M. Exterior Building Material. All units must be constructed entirely of stucco, masonry product (hardi-plank), or similar material specifically approved by the Architectural Review Committee and the Planning and Zoning Commission during the design and architectural review process.

N. Roof Pitch. The minimum roof pitch shall be 6:12.

O. Rain Gutters. Each unit shall have rain gutters on all eaves where the roof will allow water to flow, with down spouts.

P. Landscaping. All common areas and limited common areas shall be fully landscaped, including automatic sprinkler systems. In the event the Mayor or City Council declares a water shortage or potential shortage, the city may dictate the watering schedule for all common and limited common areas.

Q. Home Owner's Association. Each project shall have a home owner's association, which shall be responsible to maintain, at a minimum, all common area, recreational activities provided, private streets, and off street parking. The home owner's association shall also be responsible to dispose of all landscaping debris (lawn clippings, tree limbs, etc).

R. Animals. No animals are allowed in the R-5 zone except those which can be, and are, maintained in a humane and healthy manner, indoors.



## **CHAPTER 12**

### **MASTER PLANNED ZONE**

#### **14-12-010. Objectives, Restrictions.**

The objective of the Master Planned Zone is to allow for the development of large tracts of property with densities higher than the base density allowed in the standard residential zones, but not exceeding the highest densities allowed in the Comprehensive General Plan. In projects which include more than one density area, as shown in the Comprehensive General Plan, blended densities may be used throughout the project, as long as the combined density does not exceed the density allowed in the total project area. In return, amenities above and beyond standard development are required. Property will not be zoned for Master Planned Developments until an application is filed, providing all the information required in this chapter. If the Council approves the application, it may change the zone at that time. Simultaneous with the zone change, a development agreement must be presented to the Council, which will set forth the conditions, requirements, amenities, and obligations of the project. The property will be zoned "Master Planned Zone" and the densities will be established in the development agreement.

Approval of a Master Planned Development is discretionary with the Council. Applications for a master Planned Development will be approved by the council based on a number of factors. Factors to be considered are the amenities offered, the densities sought, the qualification of the management team, the timing of construction, the phasing of amenities, and the overall quality of the project.

#### **14-12-020. Standards of Review**

##### **A. Management Team**

An application for a Master Planned Development shall identify a management team. The management team shall consist of the applicant, a licensed engineer, a licensed architect or landscape architect, a construction or project manager, and such others as the applicant desires. The applicant, engineer, or architect may also act as the construction or project manager. The qualifications of the management team will be a major factor in the approval or denial of the application. In order to assist the Council in determining the qualifications, a resume of each individual and/or firm on the management team shall be attached to the application. The resume shall, at a minimum, contain the experience of the person in developing master planned developments, a list of all prior projects completed as master planned developments, and a list of references related to the master planned developments.

##### **B. Overall Design**

An application for a Master Planned Development shall contain a description of the overall design of the project. The description should contain a short narrative accompanied by a preliminary plat map, including a subdivision layout and street cross sections, architectural drawings, an on-site utilities plan, an off-site utilities plan showing how utilities will be made available to the property if not readily available, and such other material as the applicant deems necessary to establish the quality of the project. The City encourages

innovation and ingenuity, and therefore offers no specific guidelines. Projects which exceed the maximum density allowed in the Comprehensive General Plan for the total area where the project is located will be summarily rejected. Applicants should not assume that maximum density, as allowed in Comprehensive General Plan, can be obtained. Densities will be determined by the City, based on the overall quality of the project.

### **C. Amenities Proposed**

An application for a Master Planned Development shall specifically list the amenities proposed. Amounts, types, and other pertinent information should be provided. Applications which provide generic descriptions of amenities will be summarily rejected.

### **D. Phasing Plan**

An application for a Master Planned Development shall contain a phasing plan. The phasing plan shall specifically indicate when each proposed amenity will be provided, including the dedication of open space and the construction of improvements, in relation to the build out of the project. The final phasing plan, as approved by the City, shall be an exhibit to the development agreement. Assurance that the amenities will be built shall also be provided.

### **E. Landscape / Fencing Plan**

An application for a Master Planned Development shall contain a plan showing how any common areas within the project will be landscaped. The plan shall also show if and how individual lots within the project will landscape. A fencing plan, if any fencing is proposed, including type and height, shall be submitted for the perimeter and each individual lot. Entrance signage/monuments, if any, shall be included in the plan.

## **14-12-030. Requirements and Guidelines**

An application for a Master Planned Development shall meet the minimum requirements set forth herein. Guidelines are recommendations, but give the applicant and the City a starting point to negotiate a development agreement. Application which only meets the minimum standard or guideline will not be eligible for maximum density, and may be rejected at the discretion of the Council.

### **A. Minimum Size**

A Master Planned Development shall contain a minimum of 120 acres. A master planned development in the mixed use zone shall contain a minimum of five acres. The City Council has the discretion to reduce the minimum acreage requirement by up to ten percent (10%) for particularly well designed projects which provide excellent quality, and upon a showing that the project is unable to obtain the standard acreage.

### **B. Open Space**

A Master Planned Development shall retain a minimum of fifteen percent (15%) of the acreage as open space. Open space may not include streets or paved parking areas. At the sole discretion of the Council, up to five percent (5%) of the open space requirement may be in sensitive lands (wet lands, slopes over 29%, and other non-buildable lands), improved

grass or storm water basins (with the recommendation of the City Engineer). At least ten percent (10%) of the open space area must be in improved lands, such as parks, trails, recreation facilities, and other functional uses, as approved by the Council. A detailed plan showing how any open space is to be improved shall be submitted with the application.

### **C. Infrastructure**

Applications for a master planned development are required to demonstrate how utility services will be provided, as well as show how proposed improvements will impact existing or proposed city infrastructure, including flood irrigation systems or ditches acting as storm water facilities. City will make available all city GIS information and existing modeling information. This includes, but is not limited to, culinary water pressurized irrigation, sewer collection, sewer treatment, storm water, streets, electrical power, and others as directed by the City Engineer. Given the wide variations and forms that a master planned development may take, the applicant will coordinate design efforts with the engineering department to determine infrastructure needs and formulate a plan for how they will be met and how they will complement existing infrastructure. If the City questions the recommendations of the applicant for the development needs, it may hire an independent consultant, at the applicant's expense, to review the information. In the event of a disagreement between consultants, the City may, at its discretion, require the larger project service to be installed by the applicant, with no reimbursement. The City may require any service to be oversized in order to accommodate other growth in the area. The development agreement shall address reimbursement for the oversizing beyond what is needed for the project. Deviations from standard street cross sections may be allowed, at the sole discretion of the City, in order to accomplish a superior design of the project.

### **D. Amenities**

A Master Planned Development shall be required to install a certain portion of the amenities with each phase of the project. The precise amenities and the timing of their installation shall be set forth with specificity in the development agreement. No building permits will be issued until the required amenities are either built or otherwise provided for in a manner acceptable to the City to ensure they will be constructed in a timely manner. Assurance must be provided by the applicant that all the amenities will be constructed according to the plans and the development agreement. Assurance may take various forms, but shall be determined at the sole discretion of the Council, on a project by project basis.

## **14-12-040. Permitted Uses**

This section lists the uses permitted in this zone as either permitted, permitted with conditions, or conditional uses. Any use not specifically listed is prohibited.

### **A. Permitted Uses.**

The following uses are permitted:

1. Single family residences;
2. Multiple family residences;
3. Public and private utility buildings and/or facilities;

4. Parks and recreation centers;
5. Amenities as provided in the development agreement;
6. Those uses allowed in the mixed use zone, when accompanied with the mixed use designation.

**B. Uses subject to Conditions.**

The following uses are permitted subject to conditions:

1. Day care centers with the conditions the building must have two (2) approved exits, opening directly to the outside; the exits must be minimum of three (3) feet wide and, if not grade level, be provided with ramp to grade not to exceed a slope of 1:12; walls must meet national requirements for flame and smoke spread restrictions; all doors opening into or from a one hour fire rated corridor must be a minimum of twenty minute fire resistive assemblies (including frames) and with self closures; the building must have a fire alarm system wired in accordance with the National Life Safety Code; the use of any basement must have exit doors directly to the outside, in addition to windows; all storage and maintenance areas must be constructed of one hour fire resistive material; all electrical wiring must be grounded and otherwise meet the National Electrical Safety Code; all construction must be overseen by a general contractor and all work must be done by licensed contractors; all state licensing requirements must be met.
2. Churches, provided they are fully landscaped prior to occupancy, off street parking is provided at the rate of one stall per every 90 inches of pew space, or one stall per every five person of maximum capacity as determined by the fire code, whichever is greater. In addition thereto, the building may not exceed thirty (30) feet in height at the square of the building, with a steeple not to exceed sixty (60) feet height. Two signs are permitted; one of which may list only the name of the church and be attached to the building, and the other is a monument sign no more than six (6) feet in height from its base, which base may set on a berm which is no more than two (2) feet in height from the base elevation of the adjoining street.

**C. Uses Subject to Conditional Use Permit.**

The following uses are permitted upon obtaining a conditional use permit:

1. Assisted living Centers. The conditional use permit will address size limitations, parking, signage, lighting, landscaping and architectural compatibility with the project. The conditional use permit may impose additional conditions deemed appropriate to mitigate adverse impacts.

**14-12-050. Residential Standards.**

The intent of setting forth residential standards is to establish guidelines for a quality development. Other standards may be presented, and may be accepted if the City believes they provide an adequate alternate to the quality development sought. The City Council has absolute discretion to accept or deny standards proposed.

**A. Lot Sizes.**

Lot size requirements for single family detached dwellings are intended to be guidelines for the amount of space required for a quality development. The City Council has the final approval authority. The guidelines for residential dwellings are 6,000 square feet for single family detached dwellings and 5,000 square feet for twin homes, duplexes, and triplexes.

**B. Setbacks.**

Setback requirements are intended to be guidelines for the amount of space required between buildings and property lines, subject to the approval process. The City Council has the final approval authority. Accessory buildings are required to meet the conditions for accessory buildings in the R-10 zone. The guidelines for the principal residential building are as follows:

Front: 20 feet;

Interior Sides: 10 feet;

Corner Sides: 20 feet on the corner side;

Rear: 15 feet.

**C. Lot Frontage.**

Frontage requirements are intended to be guidelines, subject to the approval process, with the City Council having the final approval authority. The guidelines for single family homes are to have adequate area for a driveway and utility connections, which are not located within the driveway area. Attached units shall have sufficient frontage to allow the delivery of all utility services to each of the premises, without having utility connections in driveways or parking areas.

**D. Height of Structures.**

No single family residence in this zone shall exceed a maximum height of thirty (30) feet, measured from grade to the elevation of the square of the building.

**E. Dwelling Size.**

Size requirements are intended to be guidelines, subject to the approval process, with the City Council having the final approval authority. The guidelines for single family detached dwelling units recommended a minimum of 1,000 square feet of finished living space. Attached dwelling units are recommended to contain a minimum of 900 square feet of finished living space.

**F. Landscaping Requirement.**

Landscaping requirements are intended to be guidelines, subject to the approval process, with the City Council having the final approval authority. The guidelines recommend the front and side yards of residential dwellings, plus all common areas of multi-family housing be landscaped. Landscape plans are required to be prepared by a landscape architect and all landscaping is required to be completed prior to the issuance of a certificate of occupancy. If a building is ready for occupancy during the winter season, a cash bond for landscaping in the amount of 125% of the estimated cost to complete the landscaping may be posted to complete the landscaping by the following May. If the landscaping is not completed by the following May, the City may use the bond to complete the landscaping according to the

landscape plan. All sensitive lands shall be protected as part of the landscaped area of any development.

**G. Parking.**

Each residential unit shall have a minimum of two (2) parking spaces, one of which must be in a fully enclosed garage. In addition, multi-family housing must provide adequate visitor parking. As a guideline, it is recommended there be one and one-half (1 ½) off-street parking stalls for every two dwelling units.

## **CHAPTER 13 MIXED USE ZONE**

### **14-13-010. Objectives, Restrictions.**

The objective of the Mixed Use Zone is to allow for the establishment of medium density residential neighborhoods mixed with commercial properties. Master Planned Developments are required in this zone such that open space, landscaping, architectural standards, trails and other amenities may be created. A site plan review is required for each phase prior to the issuance of any building permits. Developments in the Mixed Use Zone shall be designed so as to integrate the residential and commercial components into one harmonious development and to be compatible with the existing or anticipated uses on the surrounding properties.

The City will review proposals on an individual basis in determining an acceptable ratio for the residential and commercial components. As a guideline, achieving a mix of thirty percent (30%) commercial and seventy percent (70%) residential uses in mixed use developments is the goal. However, the City may deviate from this guideline and require a different ratio depending on the quality of each project. Creativity and quality in both site design and architecture is expected. Project designs that fail to integrate commercial and residential uses in a functional and attractive manner will not be considered for approval.

This land use district, in conjunction with the City's Comprehensive General Plan, recognizes that in order for the City to be a well-rounded community, many different housing types and sizes should be permitted. Residential densities in this zone shall not exceed ten (10) dwelling units per acre for the portion of the project devoted to the residential use.

### **14-13-020. Permitted Uses.**

This section lists the uses permitted in this zone as either permitted, permitted with conditions, or conditional uses. Any use not specifically listed is prohibited.

#### **A. Permitted Uses.**

The following uses are permitted:

1. Single family residences, both attached and detached;
2. Multi-family residences;
3. Retail Sales;
4. Grocery stores;
5. Dry Cleaners and Laundromats;
6. Banks and other financial institutions;

7. Restaurants, cafes, fountains, ice cream parlors, coffee shops, and other similar uses;
8. Beauty shops, barber shops, and hair salons;
9. Small appliance sales and repairs;
10. Convenience stores and gas stations;
11. Professional offices;
12. Parking lots;
13. Health and fitness centers;
14. Dance studios, music schools, and other schools for the enhancement of the arts;
15. Post offices;
16. Public and private utility buildings and/or facilities;
17. Reception centers;
18. Funeral homes;
19. Tutorial and training services;
20. Personal services.

**B. Uses Subject to Conditions.**

The following uses are permitted subject to conditions:

1. Day care centers with the conditions the building must have two (2) approved exits, opening directly to the outside; the exits must be minimum of three (3) feet wide and, if not grade level, be provided with ramp to grade not to exceed a slope of 1:12; walls must meet national requirements for flame and smoke spread restrictions; all doors opening into or from a one hour fire rated corridor must be a minimum of twenty minute fire resistive assemblies (including frames) and with self closures; the building must have a fire alarm system wired in accordance with the National Life Safety Code; the use of any basement must have exit doors directly to the outside, in addition to windows; all storage and maintenance areas must be constructed of one hour fire resistive material; all electrical wiring must be grounded and otherwise meet the National Electrical Safety Code; all construction must be overseen by a general contractor and all work must be done by licensed contractors; all state licensing requirements must be met.

2. Bed and breakfast inns with the conditions that there be no more than ten (10) guest rooms. A single sign is permitted provided it is a monument sign no more than six (6) feet



in height from its base, which base may set on a berm which is no more than two (2) feet in height from the base elevation of the adjoining street. There shall be one parking space for each employee at the highest shift, plus one parking space per room.

3. Churches, provided they are fully landscaped prior to occupancy, off street parking is provided at the rate of one stall per every 90 inches of pew space, or one stall per every five persons of maximum capacity as determined by the fire code, whichever is greater. In addition thereto, the building may not exceed thirty (30) feet in height at the square of the building, with a steeple not to exceed sixty (60) feet in height. A single sign is permitted provided it is a monument sign no more six (6) feet in height from its base, which base may set on a berm which is no more than two (2) feet in height from the base elevation of the adjoining street.

### **C. Uses Subject to Conditional Use Permit**

The following uses are permitted upon obtaining a conditional use permit:

1. Commercial Recreation (pools and slides, miniature golf, bowling allies, go carts, and similar type uses). The conditional use permit will address size limitations, parking signage, lighting, noise, and landscaping. The conditional use permit may impose additional conditions deemed appropriate to mitigate adverse impacts.

2. Assisted Living Centers. The conditional use permit will address size limitations, parking, signage, lighting, landscaping, and architectural compatibility with the project. The conditional use permit may impose additional conditions deemed appropriate to mitigate adverse impacts.

## **14-13-030. Standards.**

### **A. Commercial Standards.**

#### **1. Minimum Lot Sizes**

There are no minimum lot sizes for commercial buildings.

#### **2. Setbacks.**

Mixed use projects are required to follow the master planned development standards. Therefore, setback requirements are intended to be guidelines for the amount of space required between buildings and property lines, subject to the approval process, with the City Council having the final approval authority. No accessory buildings are allowed in conjunction with the commercial uses in the Mixed Use Zone. Commercial buildings which have multiple tenants or which are condominiums are not required to have setbacks between businesses, but the building shall meet setbacks from the project property lines. The guidelines for commercial buildings are as follows:

Front: 15 feet;

Interior Sides: 10 feet;

Corner Sides: 20 feet on the corner side;

Rear: 10 feet.

### **3. Minimum Lot Frontage**

Mixed use projects are required to follow the master planned development standards. Therefore, frontage requirements are intended to be guidelines, subject to the approval process, with the City Council having the final approval authority. The approval shall assure adequate frontage along a public street for access to the commercial uses.

### **4. Maximum Height of Structures**

No structure in this zone shall exceed a maximum of six (6) stories in height.

### **5. Landscaping and Walls Requirement**

Mixed use projects are required to follow the master planned development standards. Therefore, landscaping and wall requirements are intended to be guidelines, subject to the approval process, with the City Council having the final approval authority. The guidelines for landscaping are for a minimum requirement of 15% of the total commercial area to be landscaped. Despite the guidelines, landscape plans are required to be prepared by a landscape architect and all landscaping is required to be completed prior to the issuance of a certificate of occupancy. If a building is ready for occupancy during the winter season, a cash bond for landscaping, equal to 125% of the estimated cost of the landscaping, may be posted to complete the landscaping by the following May. If the landscaping is not completed by the following May, the City may use the bond to complete the landscaping according to the landscape plan. All sensitive lands shall be protected as part of the landscaped area of any development. The guidelines for walls are for a six (6) foot high masonry wall to be constructed between mixed use projects and adjacent residential uses or zones.

### **6. Parking**

Mixed use projects are required to follow the master planned development standards. Therefore, parking requirements are intended to be guidelines, subject to the approval process, with the City Council having the final approval authority. The guidelines for parking are as follows: Parking stalls shall be a minimum of nine (9) feet wide by eighteen (18) feet long. No parking is allowed on or over sidewalks, trails, or landscaped areas. Parking surfaces shall be asphalt or concrete. Businesses which are permitted as conditional uses shall have the parking requirement spelled out in the Conditional Use Permit. Any uses not identified shall have the parking requirement established with the master planned development approval.

Retail uses (unless otherwise specifically identified): 1 space per every 250 square feet of building size;

Office uses (unless otherwise specifically identifies): 1 space per every 300 square feet of building size;

Medical and dental office uses: 1 space per every 150 square feet of building size;

Restaurants: 1 space per every 100 square feet of building size;

Banks and financial institutions: 1 space per every 250 square feet of building size;

Beauty or barber shop: 1 space per every 100 square feet of building size;

Minor appliance repair: 1 space per every 300 square feet of building size;

Reception Centers and Funeral Homes: 1 space per every 100 square feet of building size;

Convenience Stores: 1 space per every 200 square feet of building size;

Dance, music, and similar studios: 1 space per every 200 square feet of building size;

Assisted Living Centers: 1 space per every employee at the highest shift plus 1 space per every four beds.

#### **8. Lighting.**

Lighting, including parking lots lights, security lights, and illuminated signs, shall be designed and directed in a manner to prevent glare on adjacent properties. In order to more fully implement this requirement, a photometric lighting plan shall be submitted, showing there will be no significant overflow lighting.

#### **9. Signs.**

Each commercial business may display its business name and address on the building where the business is located, unless a monument sign is mandated by this Chapter, in which case the monument sign replaces the wall sign. In addition, each mixed use project may have one tenant sign for each 300 feet of frontage on a public street. Multi-tenant signs may have a maximum height of twenty-five (25) feet and a total area of 160 square feet. Single tenant signs may have a maximum height of twenty-five (25) feet and a total area of eighty (80) square feet.

### **B. Residential Standards**

#### **1. Minimum Lot Sizes.**

The minimum lot size for single family detached dwellings is 6,000 square feet.

#### **2. Setbacks.**

Mixed use projects are required to follow the master planned development standards. Therefore, setback requirements are intended to be guidelines for the amount of space required between buildings and property lines, subject to the approval process, with the City Council having the final approval authority. Accessory buildings are required to meet the conditions for accessory buildings in the R-8 zone. The guidelines for the principal residence are as follows:

Front: 20 feet;  
Interior Sides: 10 feet;  
Corner Sides: 20 feet;  
Rear: 15 feet.

### **3. Minimum Lot Frontage.**

Mixed use projects are required to follow the master planned development standards. Therefore, frontage requirements are intended to be guidelines, subject to the approval process, with the City Council having the final approval authority. The guidelines for single family homes are to have a minimum lot frontage of sixty-five (65) feet along a public street.

### **4. Maximum Height of Structures.**

No single family residence in this zone shall exceed a maximum height of thirty (30) feet, measured from grade to the elevation of the square of the building. Multi-family residences shall not exceed a height of thirty (30) feet, unless the building is part of a commercial structure, in which event, the commercial standard for height shall apply.

### **5. Minimum Dwelling Size.**

Every dwelling unit shall contain a minimum of 900 square feet of finished living space.

### **6. Landscaping and Walls Requirement**

Mixed use projects are required to follow the master planned development standards. Therefore, landscaping requirements are intended to be guidelines, subject to the approval process, with the City Council having the final approval authority. The guidelines for landscaping are for a minimum requirement of twenty-five percent (25%) of the total residential area to be landscaped. Despite the guidelines, landscape plans are required to be prepared by a landscape architect and all landscaping is required to be completed prior to the issuance of a certificate of occupancy. If a building is ready for occupancy during the winter season, a cash bond for landscaping in the amount of 125% of the estimated cost to complete the landscaping may be posted to complete the landscaping by the following May. If the landscaping is not completed by the following May, the City may use the bond to complete the landscaping according to the landscape plan. All sensitive lands shall be protected as part of the landscaped area of any development. The guidelines for walls are six (6) foot high masonry wall to be constructed between mixed use projects and adjacent residential use or zones.

### **7. Parking**

Each residential unit shall have a minimum of two (2) parking spaces, one of which must be in a fully enclosed garage.

## **CHAPTER 14**

### **C-1 COMMERCIAL ZONE**

#### **14-14-010. Objectives, Restrictions.**

The objectives in creating the C-1 commercial zone are to encourage the commercial development of the city in an organized manner for the betterment of merchants and residents. This zone is meant to create a dominant shopping district for the city allowing business and shopping activities to be carried on with maximum convenience, to induce attractive, inviting and well maintained shops, stores, offices and similar uses with ample parking and attractive landscaping. The C-1 Commercial Zone is to be characterized by wide, clean, well-lighted streets, and ample pedestrian ways for the convenience and safety of the public. Attractive, inviting, and well maintained shops, stores, offices, and other buildings are also characteristic of this zone. This zone will tend to encourage an architectural theme which will strengthen the continuity of the area and give it a "character" with which the citizens of Salem can identify. No use may be permitted in this zone except as is specifically provided in this chapter, or those allowed with a conditional use permit.

#### **14-14-020. Permitted Uses.**

Uses permitted in the C-1 commercial Zone are as follows:

1. New and used automobile dealers.
2. Bakeries.
3. Barber and Beauty shops.
4. Banks and other financial institutions.
5. Book, stationary, and office supply stores.
6. Camera and photo supply shops.
7. Professional offices and clinics.
8. Grocery stores, drug stores, dry good stores and similar retail uses.
9. Dry cleaning and laundry establishments.
10. Floral and gift shops.
11. Restaurants, cafes, fountains, ice parlors and similar uses.
12. Hardware stores.
13. Household appliance and furniture stores.

14. Repair shops.
15. Jewelry stores.
16. Pressing, altering, and repairing of wearing apparel.
17. Public and private parking lots.
18. Convenience stores and service stations, providing that all gasoline storage tanks comply fully with EPA rules and regulations.
19. Motels.
20. Hospitals.
21. Shoes sales and repair shops.
22. Day care, provided care for more than six children complies with the following requirements:
  - A. The building must have two approved exits, opening directly to the outside.
  - B. The exits must be a minimum of three feet wide and, if not grade level, be provided with a ramp to grade not to exceed a slope of 1:12.
  - C. Walls must meet national requirements for flame and smoke spread restrictions.
  - D. All doors opening into or from a one hour fire rated corridor must be a minimum of 20 minute fire resistive assemblies (including frames) with self closures.
  - E. The building must have fire alarm system wired in accordance with the national life safety code.
  - F. If the basement is to be used, it must have exit doors directly to the outside in addition to windows.
  - G. All storage and maintenance areas must be constructed of one hour fire resistive materials.
  - H. All electrical wiring must be grounded and otherwise meet the NEC standards.

- I. All construction must be overseen by a general contractor and all work must be done by licensed contractors.
- J. All state licensing requirements must be met.
- 23. Bowling alleys.
- 24. Health & Fitness Centers
- 25. Dancing and music schools.
- 26. Heating and air-conditioning uses, entailing retail sales, service, and repair, including fabrication, but excluding manufacturing and further provided that all noise and/or pollution generated by such activity remain on the premises.
- 27. Funeral Homes

**14-14-030. Other Requirements.**

All uses in the C-1 commercial zone shall comply with the following minimum requirements:

- 1. Prior to the issuance of a building permit, a site plan must be submitted to the DRC and the Planning and Zoning Commission for a site plan review and recommendations. The same process shall apply to a business license unless the business license is of the same use which was previously occupying an existing building, or the business is a contemplated use in a building or commercial center which has already received a site plan review. The Planning and Zoning commission shall act as the land use authority for these matters.
- 2. The site plan must show the location of all existing and proposed main buildings and accessory buildings, showing distances and contemplated uses.
- 3. The minimum front yard setback requirement shall be fifteen (15) feet. The minimum side yard setback requirement shall be ten (10) feet. The minimum rear yard setback requirement shall be ten (10) feet. An exception for condominium projects will allow zero lot lines for the units within the building, provided that the building itself remains the minimum distance from the project property lines as for non-condominium buildings. Accessory buildings larger than 125 square feet shall have a minimum setback requirement in the side and rear yards of ten (10) feet. Accessory buildings smaller than 125 square feet shall have no rear or side yard setback requirements.

4. Buildings shall have a minimum height of 10 feet and a maximum height of 40 feet, measured from the grade to the elevation of the square of the building.
  - A. Buildings located between 600 North and 600 West along State Road 198 shall have a minimum height of 10 feet and a maximum height of 40 feet, measured from the grade to the elevation of the square of the building.
  - B. Buildings located outside the area from 600 North to 600 West along State Road 198, shall have a minimum height of 10 feet and a maximum height of 65 feet, measured from the grade to the elevation of the square of the building, and which building shall have a minimum of three percent (3%) slope and a maximum of five percent (5%) slope away from the building for a distance of ten (10) feet.
5. Provide driveways, points of vehicular ingress and egress, and a minimum of four parking spaces for each 1000 square feet of main building.
6. Provide solid waste disposal areas that, to the extent feasible, are not in the public view.
7. Provide for and maintain landscaping in all areas visible from the street not used for drives, walks, or other required uses and to include with the landscaping a sprinkling or irrigation system.
8. Prior to the issuance of a building permit, all new construction or remodeling shall provide for a drainage plan for excess run-off waters which plan is acceptable to the city engineer.
9. Provide a visual barrier fence a minimum of six feet high between commercial and residential uses, which construction shall be approved by the city engineer.
10. All commercial uses shall provide curb, gutter, sidewalk, and asphalt paving from the curb and gutter to the existing street asphalt.
11. Metal buildings are not allowed in the C-1 zone. Accessory buildings are to be of the same material and style as the main structure.

**14-14-040. Bond Requirements.**

Prior to the issuance of a building permit in the C-1 commercial zone, the city shall obtain a bond from the building permit applicant in an amount and form acceptable to the city engineer. The bond shall be in the amount of 125% of the estimated costs of sidewalk, curb and gutter, and asphalt surfacing and shall be for the purpose of



guaranteeing the installation of the required improvements of sidewalk, curb and gutter, and street surfacing. The city engineer shall authorize the release of the bond upon the acceptable performance by the developer concerning the installation of the required improvements. If the required improvements are not satisfactorily installed and approved by the city engineer within one year after first occupancy, the city shall redeem the bond and cause the improvements to be installed.

**14-14-050. Signs.**

Business in this zone shall comply with the signage regulations set forth in Chapters 7 and 8 of Title 6 of the Salem City Municipal Code.

## **CHAPTER 15**

### **C-2 COMMERCIAL ZONE**

#### **14-15-010. Objectives, Restrictions.**

The objectives in creating a C-2 Commercial Zone are to encourage light commercial development in the City where traditional commercial uses have been authorized and where extensive development is not likely, but where some expansion of existing establishments may take place in a manner for the betterment of merchants and protection of residents. This zone is meant to create a light commercial district for the City allowing business and shopping activities to be carried on with maximum convenience, to induce attractive, inviting, and well-maintained shops, stores, offices, and similar uses with adequate parking and appropriate landscaping. No use may be permitted in this zone except as is specifically provided in this chapter, or those allowed with a conditional use permit.

#### **14-15-020. Permitted Uses.**

Uses permitted in the C-2 Commercial Zone are as follows:

1. Bakeries.
2. Barber and beauty shops.
3. Banks and other financial institutions.
4. Book, stationary, and office supply stores.
5. Camera and photo supply shops.
6. Professional offices and clinics.
7. Grocery stores, drug stores, dry goods stores, and similar retail uses.
8. Floral and gift shops.
9. Restaurants, cafes, fountains, ice cream parlors, and similar uses.
10. Hardware stores.
11. Household appliance and furniture stores.
12. Repair shops, but excluding automotive bodywork, paint shops, or similar type uses which are prohibited in the C-2 Zone.
13. Jewelry stores.
14. Tailor shops.

15. Public and private parking lots.
16. Convenience stores and service stations, providing that all gasoline storage tanks comply fully with EPA rules and regulations.
17. Shoe sales and repair shops.
18. Day care, provided care for more than six children complies with the following requirements:
  - A. The building must have two approved exits, opening directly to the outside;
  - B. The exits must be a minimum of 3 feet wide and, if not grade level, be provided with ramp to grade not to exceed a slope of 1:12;
  - C. Walls must meet national requirements for flame and smoke spread restrictions;
  - D. All doors opening into or from a one-hour fire-rated corridor must be a minimum of 20-minute fire-resistive assemblies (including frames) and with self-closures.
  - E. The building must have a fire alarm system wired in accordance with the National Life Safety Code;
  - F. If the basement is to be used, it must have exit doors directly to the outside in addition to windows;
  - G. All storage and maintenance areas must be constructed of 1-hour fire resistive material;
  - H. All electrical wiring must be grounded and otherwise meet the national electric code standards;
  - I. All construction must be overseen by a general contractor and all work must be done by licensed contractors;
  - J. All state licensing requirements must be met.
19. Health & Fitness Centers
20. Dancing and music schools.
21. Heating and Air-conditioning uses

22. Funeral Homes

**14-15-030. Other Requirements.**

All uses in the C-2 Commercial Zone shall comply with the following minimum requirements:

1. Prior to the issuance of a building permit, a site plan must be submitted to the Development Review Committee and the Planning and Zoning Commission for a site plan review and recommendations. The same process shall apply to a business license unless the business is of the same use which was previously occupying an existing building, or the business is a contemplated use in a building or commercial center which has already received a site plan review.
2. The site plan must show the location of all existing and proposed main buildings and accessory buildings, showing distance and contemplated uses.
3. The minimum front yard set-back requirement shall be five (5) feet. The minimum side yard set-back requirement shall be five (5) feet. The minimum rear yard set-back requirement shall be five (5) feet.
4. The building shall have a minimum height of ten (10) feet and a maximum height of forty (40) feet, measured from the grade to the elevation of the square of the building.
5. Provide driveways, points of vehicular ingress and egress, and provide for off-street parking for all employees of the establishment, together with sufficient off-street parking for consumers or clients. A traffic study conducted by a traffic engineer may be required by the City.
6. Provide solid waste disposal areas that, to the extent feasible, are not in the public view.
7. Provide for and maintain landscaping in all areas visible from the street not used for drives, walks, or other required uses, and to include with the landscaping an automatic sprinkling system.
8. Prior to the issuance of a building permit, all new construction or remodeling shall provide for a drainage plan for excess run-off waters which plan is acceptable to the City Engineer.
9. Provide a vision barrier fence a minimum of six feet high between commercial and residential uses, which construction shall be approved by the City Council.

10. All commercial uses shall provide curb, gutter, sidewalk, and asphalt paving from the curb and gutter to the existing street asphalt.
11. Metal buildings are not allowed in the C-2 zone. Accessory buildings are to be of the same material and style as the main structure.

**14-15-040. Bond Requirements.**

Prior to the issuance of a building permit in the C-2 Commercial Zone, the City shall obtain a bond from the building permit applicant in an amount and form acceptable to the City Public Works Director. The bond shall be in the amount of 125% of the estimated cost of sidewalk, curb, gutter, and asphalt surfacing and shall be for the purpose of guarantying the installation of the required improvements of sidewalk, curb and gutter, and street surfacing. The Public Works Director shall authorize the release of the bond upon the acceptable performance by the developer concerning the installation of the required improvements. If the required improvements are not satisfactorily installed and approved by the Public Works Director within one year after first occupancy, the City shall redeem the bond and cause the improvements to be installed.

**14-15-050. Signs.**

Businesses in this zone shall comply with the signage regulations set forth in Chapters 7 and 8 of Title 6 of the Salem City Municipal Code.

## **CHAPTER 16**

### **C-3 SHOPPING CENTER ZONE**

#### **14-16-010. Objectives, Restrictions.**

The objective in creating a C-3 Shopping Center Zone is to provide retail uses and restaurants in an integrated center. Each center should share common architecture, access, parking, signage, and landscape design. This zone should provide a community or regional level destination shopping. This zone is intended to create a heavy retail shopping district for the City, taking advantage of major highways within the City. Stores should be attractive and well maintained. No use is allowed in this zone except as is specifically provided in this chapter.

#### **14-16-020. Permitted Uses.**

Uses permitted in the C-3 Shopping Center Zone are as follows:

1. Retail sales of goods, except for convenience stores, service (gas) stations (except those which are an accessory use to a larger, retail use).
2. Barber & beauty shops.
3. Banks and other financial institutions.
4. Municipal facilities required to provide municipal services.

Professional and service oriented businesses and offices, other than those incidental to the retail sales of goods, are not allowed in the C-3 Shopping Center Zone.

#### **14-16-030. Other Requirements**

All uses in the C-3 Shopping Center Zone shall comply with the following minimum requirements:

1. Prior to the issuance of a building permit, a site plan must be submitted to the Development Review Committee and the Planning & Zoning Commission for a site plan review and recommendations. The same process shall apply to the issuance of a business license unless the business is of the same use which previously occupied the existing building, or the business is a contemplated use in the building or commercial center which has already received the site plan review.
2. The site plan must show the location of all existing and proposed main buildings and accessory buildings, showing distance and contemplated uses.
3. The minimum front yard setback requirements shall be twenty five feet. The minimum side yard setback requirement shall be five feet. The minimum rear yard setback requirement shall be five feet.

4. The building shall have a minimum height of ten feet and a maximum height of fifty feet, measuring from the grade to the elevation of the square of the building.
5. Provide driveways, points of vehicular ingress and egress, and provide for all street parking for all employees at the establishment, together with sufficient off street parking for consumers or clients. A traffic study conducted by a traffic engineer may be required by the City.
6. Provide solid waste disposal areas that, to the extent feasible, are not in the public view.
7. Provide for and maintain landscaping in all areas visible from the street that are not used for drives, walks, or other required uses, and to include with the landscaping an automatic sprinkling system.
8. All new construction and remodeling shall provide for a storm drainage plan for excess run off waters, which plan is acceptable to the City Engineer.
9. Provide a vision barrier fence a minimum of six feet high between commercial and residential uses, which construction shall be approved by the City Council.
10. All commercial uses shall provide curb, gutter, sidewalk, and asphalt paving from the curb and gutter to the existing street asphalt.

**14-16-040. Bond Requirements.**

Prior to the issuance of a building permit in the C-3 Shopping Center Zone, the City shall obtain a bond from the building permit applicant in the amount and form acceptable to the City Public Works Director. The bond shall be in the amount of 125% of the estimated cost of sidewalk, curb, gutter and asphalt surfacing and shall be for the purpose of guaranteeing the installation of required improvements of sidewalk, curb and gutter and street surfacing. Public Works Director shall authorize the release of the bond upon acceptable performance by the developer concerning installation of the required improvements. If required improvements are not satisfactorily installed and approved by the Public Works Director within one year after first occupancy, the City shall redeem the bond and cause the improvements to be installed.

## **CHAPTER 20**

### **PUBLIC FACILITIES ZONE**

#### **14-20-010. Public Facilities Zone.**

This district is intended to provide for structures and uses that are owned, leased, or operated by a governmental entity for the purpose of providing governmental services to the community. Allowed uses will be necessary for the efficient function of the local community or may be desired services with contribute to the community's cultural or educational enrichment. Other allowed uses will be ancillary to a larger use that provides a direct governmental service to the community. No use is allowed in this zone unless specifically allowed by this chapter.

#### **14-20-020. Permitted Uses.**

1. Any use which is owned or operated by a governmental entity.
2. Temporary office and construction trailers.
3. Parking structures.
4. Automotive repair.
5. Gas stations, with or without convenience stores.
6. Lube centers.
7. Car wash (self or full service).
8. Wireless communication facilities on light stanchions in public parks, playgrounds, schools, golf courses and related facilities (so long as the structure height does not exceed 20 feet above the existing structure and is a monopole).

#### **14-20-030. Uses Subject to Conditional Use Permit.**

1. Hospitals and medical clinics.
2. Restaurants.
3. Wireless communications facilities on existing structures, with the intent to make them "stealth" facilities, which are not noticeable to a degree greater than the structure to which it is attached; or new facilities which are camouflaged into its surroundings, and provided that the distance from the base of the pole to any residential property is at least one and one-half (1 ½) times the height of the pole.



**14-20-040. Standards.**

1. The maximum height of any building or structure, measured from the ground to the square of the building, shall be limited to 60 feet.
2. The minimum setbacks shall be twenty feet in the front and rear yards, ten feet on a side yard, and twenty feet on a corner side yard.

## **CHAPTER 21**

### **RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY**

#### **14-21-010. Definitions.**

As used in this chapter, the following terms shall have the following meanings:

1. Disability shall have the meaning as defined in Utah Code Annotated §10-9a-103(9).
2. Residential Facility shall mean a residential facility for persons with a disability as defined in Utah Code Annotated §10-9a-103(44).

#### **14-21-020. License Required.**

A Residential Facility shall be licensed by the State of Utah Department of Social Services and obtain a Salem City business license.

#### **14-21-030. Land Use Regulations.**

A Residential Facility shall conform to the standards of the zoning district in which it is located, unless modified by this Chapter.

#### **14-21-050. Physical Facilities.**

A Residential Facility shall be located on a lot of at least 20,000 square feet if located in a residential zone, and of at least 15,000 square feet if located in a commercial or industrial zone. The maximum number of beds allowed in a residential zone, unless the density of the zone would permit a greater number, is sixteen (16). The building may not be larger than twenty percent (20%) greater than the average size of the residences located within two blocks of the Residential Facility when located in residential zones. Notwithstanding the building may be up to twenty percent (20%) larger than surround dwellings, the height limits of the zone shall still apply. There must be minimum parking for all staff members at the highest shift plus one for each three beds. The yard must be fully landscaped, with automatic sprinklers.

#### **14-21-060. Supervision.**

Any Residential Facility located in a residential zone must be supervise 24 hours a day seven days a week which shall include, but not necessarily be limited to, house parents who are on site 24 hours a day, and video monitoring in all common areas, including entrances and exits. Other surveillance measures may be included which are designed to protect the health and safety of residents therein.

#### **14-21-070. Violence.**

No facility shall be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals in the facility or result in substantial physical damage to the property. In order to implement this requirement, prior to being issued a business license, and annually thereafter, the owner/operator/licensee shall:

a. Provide a copy of their state license showing the facility classified as level 1 or level 2 as set forth in the Small Health Care Facility Rules as promulgated by the State of Utah, Department of Health Care Licensing.

i. Persons placed in a level 2 facility shall be deemed non-violent or non-threatening and shall be permitted with no further requirements.

ii. Individuals placed in a level 1 facility shall produce, through the operator of the facility, a certificate issued by appropriate medical professionals and based upon professional evaluations such as the ICAP, MMPI, and/or such other resources, including a potential patient's behavioral history, as may be available to the medical or other mental health professional, which certificate shall indicate that the person is not violent, nor a direct threat to the safety of the property or any other person at the time of placement. Production of the certificate required by this section shall be a prerequisite to the obtaining of the business license required by this chapter. Each new resident shall also provide said certificate in order for the facility to be eligible to renew its business license.

iii. A patient's or resident's name does not need to be disclosed on any medical certificate required hereunder.

iv. A level 1 Residential Facility shall not be located within 1320 feet of a public school or a church, unless written consent is given by the school district or the church.

#### **14-21-080. Integration.**

In order to more fully integrate disabled person into the community as a whole, no Residential Facility shall be allowed, in a residential zone, within 1320 feet of another Residential Facility, measured in a straight line from building to building.

#### **14-21-090. Non-discrimination.**

It shall be unlawful to discriminate against persons with a disability or Residential Facilities. Nothing contained herein shall in any way be construed to prohibit individual person with a disability from purchasing or renting residential accommodations of their choosing.

#### **14-21-100. Severability.**

If any portion of this Chapter is declared void or unenforceable for any reason whatsoever, the remaining portion(s) shall remain in full force and effect.

## **CHAPTER 22**

### **LIVING ACCOMMODATIONS FOR THE ELDERLY**

#### **14-22-010. Definitions.**

1. Elderly Person(s) means an individual who is 60 years of age or older that needs minimal assistance in performing daily activities.
2. Residential facility for elderly persons means a home which restricts residency to individuals 60 years of age or older and which is licensed by the State of Utah as a type I or type II small assisted living facility.

#### **14-22-020. Permitted Use.**

A residential facility for elderly persons is allowed in City Residential Zones of the City, subject to the conditions set forth in this Chapter.

#### **14-22-030. Business License and Site Plan.**

Prior to opening up any residential facility for elderly persons, the operator thereof must obtain a Salem City business license. Prior to the issuance of a business license, a sit plan must be submitted to the Development Review Committee (DRC), which may impose conditions concerning landscaping, parking, fencing, signage, and lighting pursuant to the provision of this Chapter.

#### **14-22-040. Land Use Regulations.**

A residential facility for elderly persons must comply with the land use regulations required in the zone where it is located, including, but not limited to, minimum lot size, frontage requirements, setbacks, height and other structural limitations, roof pitch, and every other condition and/or limitation required in the applicable zone.

#### **14-22-050. Neighborhood Characteristics.**

A residential facility for elderly persons located in a residential zone may not change the character of the neighborhood. It may not be larger than the total square footage of the largest single family residence located within two blocks. It must have an architectural style similar to the homes within one block. It shall have finished landscaping similar to other homes within one block.

#### **14-22-060. Safety Codes.**

Any residential facility for the elderly shall be required to comply with all health and safety codes, ordinance, laws, or regulations applicable to that type of building and use, including building codes, fire code, and rules and regulations of the Utah State Department of Health.

**14-22- 070. Supervision.**

Any residential facility for the elderly shall provide supervision on a twenty-four hour a day basis.

**14-22-080. Parking**

Each residential facility for the elderly shall provide, at minimum, one parking stall for each staff member at the highest staffed time, plus one parking stall for each three bedrooms. The required parking shall be off street and situated in such a manner so as not to detract from the residential neighborhood where the facility is located. Screening and/or fencing to obstruct the parking from view may be required.

**14-22-090. Restrictions.**

Residential facilities for the elderly are not to be treatment centers for drug abuse, alcoholism, social disorders, or other addictions. No individual shall reside in a residential facility for the elderly who is violent or who constitutes a direct threat to the health or safety of other individuals, including other residents or staff of the facility, or whose residency would result in substantial physical damage to the property of others, including other residents of the facility.

**14-22-100. Signage and Lighting.**

One identification sign is allowed for a residential facility for the elderly. The sign shall be limited to six square feet and may only contain the name and address of the facility. No lighting is allowed, other than what is found on single family residences in the neighborhood.

**14-22-110. Severability.**

If any portion of this Chapter shall be declared void or unenforceable for any reason whatsoever, the remaining portion shall, nevertheless, be given full force and effect.

## **CHAPTER 23**

### **I-1 INDUSTRIAL ZONE**

#### **14-23-010. Objectives, Restrictions.**

The objectives in creating the I-1 industrial zone are to restrict the growth and development of manufacturing and industrial uses to areas which will not interfere with residential or commercial uses. This zone is meant to accommodate manufacturing, fabricating, processing, and warehousing establishments in a pollution free environment which will encourage expansion of those uses for the economic well-being of the city. No use may be permitted in this zone except as is specifically provided in this chapter, or those allowed with a conditional use permit.

#### **14-23-020. Permitted Uses.**

Uses permitted in the I-1 industrial zone are as follows:

1. Wholesale distributing and warehouses.
2. Printing plants.
3. Machine shops.
4. Food preparation plants, the operation of which is not obnoxious by reason of emission of odors, smoke, or noise, except for normal traffic movement.
5. Milk distribution plants, creameries, bottling works, and similar uses.
6. Assembly and sale of farm equipment, mining machinery, vehicles, and similar products, but excluding junk yards and auto wrecking yards.
7. Air conditioning and heating service establishments.
8. Amusement enterprises and dance halls.
9. Assembly of products with previously prepared parts such as computers and appliances, and including limited manufacture of parts to be assembled on site.
10. Auction establishments.
11. Construction sales and service and related storage yards.
12. Lumber yards.
13. Repair services.

14. Transportation and storage businesses, excepting storage businesses located within 1000 feet of a residential zone.
15. Glass cutting and installation.
16. Commercial garages and body shops, requiring the storage of not more than ten vehicles, which vehicles shall be stored behind a vision barrier fence.
17. Agricultural enterprises except animal feed lots, rendering houses, and slaughter houses.
18. Stone cutting and monument works.
19. Plumbing, carpenter and similar shops.
20. Storage units.
21. General manufacturing
22. Veterinary services.
23. Sexually oriented businesses, following the criteria found in §6-10-010 et seq.; provided the following restrictions are met:
  - a. They may not be located within 200 feet of SR-198, Beet Road (460 W.), Woodland Hills Dr., or any other road which provides a major entry or gateway to Salem City;
  - b. They may not be located within 1000 feet of an establishment which serves alcohol, measured in a direct line from property line to property line;
  - c. They may not be located within 100 feet of a church, daycare, or school, measured in a direct line from property line to property line;
  - d. They may not be located within 1000 feet of another SOB, measured in a direct line from property line to property line;
  - e. Their hours of operation are limited from 8:00 a.m. to 1:00 a.m. the following morning, and further provided they may not be open on Sundays.

**14-23-025. Restricted Uses.**

Limited retail sales may be allowed in the I-1 Industrial Zone when approved by the City Council, after having been reviewed by the Planning and Zoning Commission. Any such retail uses may not be inconsistent with any planned or existing industrial use in the immediate vicinity. All of the requirements of §14-23-030 are applicable to retail sales uses except that free standing signage may not exceed forty feet height.

**14-23-030. Other Requirements.** All uses in the I-1 industrial zone shall comply with the following minimum requirements:

1. Prior to the issuance of a building permit, a site plan prepared by an engineer or architect must be submitted to the DRC, which shall review it for compliance with all requirements and standards of the City. When the requirements and standards have been met, the DRC may authorize the issuance of a building permit and act as the land use authority. All construction must be in compliance with the approved site plan.
2. The site plan must show the location of all existing and proposed main buildings and accessory buildings, showing distances and contemplated uses.
3. The minimum front yard setback requirement shall be 25 feet. The rear and side yard setback requirement shall be at least 10 feet.
4. Buildings shall have a minimum height of 10 feet and a maximum height of 40 feet, measured from the grade to the elevation of the square of the building. Accessory buildings may exceed 40 feet, upon obtaining a conditional use permit.
5. Provide driveways, points of vehicular ingress and egress, and four parking spaces for each 1000 square feet of main building, unless the building official determines, based upon the use of the building, that more or fewer spaces are required.
6. Provide solid waste disposal areas that are not in the public view.
7. To provide and maintain xeriscape landscaping in all setback areas and parking lots not covered with asphalt or concrete and to include with the landscaping an automatic sprinkling system. Landscape plans should reflect the following techniques:
  - a. using plant material with comparatively low moisture requirements;
  - b. Selecting plants on the basis of specific slope, aspect, soil, and microclimate conditions;
  - c. Using native and adapted plant species;
  - d. Minimizing the amount of irrigated turf surfaces;
  - e. Planting and designing slopes to minimize runoff;
  - f. Separating irrigation zones according to plant water requirements and using drip/trickle systems to conserve water;
  - g. Using mulch in planting areas to reduce weed growth, promote soil cooling, and reduce evaporation.
8. Prior to the issuance of a building permit, all new construction or remodeling shall provide for a drainage plan for excess run-off waters which plan is acceptable to the city engineer.



9. Provide a visual barrier fence a minimum of six feet high between commercial and residential uses, or other appropriate land use buffers as approved by DRC, such as berms, trees, shrubs, hedges, etc., which provide a barrier to mitigate or eliminate light, noise, odor, dust, vibration, or other similar incidents of the industrial use, which construction shall be approved by the city engineer.
10. All industrial uses shall provide curb, gutter, sidewalk, and asphalt paving from the curb and gutter to the existing street asphalt.
11. All uses in the industrial zone shall comply with all federal, state, and local environmental rules or regulations.
12. Building design should be used as a method of enhancing the theme or character of a building. Details of a building elevation, such as particular design characteristics or use of material and color shall continue the character of theme of the project. Equipment such as, but not limited to, roof mounted communications and mechanical equipment, vending machines and similar equipment shall be screened from view and placed in an area designed for their inclusion as an integral part of the project. Exterior building materials shall be durable, require low maintenance, and be of high quality. Reflective surfaces shall not be used in locations which may produce excessive reflections or glare that may create a potential safety hazard. Tile, architectural grade asphalt shingles, standing seam metal, or similar quality roofing materials shall be used on all visible pitched roofs.

**14-23-040. Signs.**

Businesses in this zone shall comply with the signage regulations set forth in Chapters 7 & 8 of Title 6 of the Salem City Municipal Code.

## **CHAPTER 24**

### **I-5 GRAVEL PIT ZONE**

#### **14-24-010. Intent.**

This district is intended to provide for the extraction of earth products using surface mining methods while protecting the rights of neighboring properties and while protecting public facilities, such as roads, from unusual wear or damage. This is an interim use of the land, with the ultimate intent being to rehabilitate the site and convert the property to a use or uses compatible with the surrounding area.

#### **14-24-020. Permitted Uses.**

The following uses are permitted in the I-5 Gravel Pit Zone.

- A. Extraction of sand, gravel, clay, topsoil, rock, or other minerals by an open pit method with a conditional use permit.
- B. Offices and related buildings necessary to a surface mining operation, but excluding asphalt batch plants, concrete and asphalt mixing plants, and rock crushers. Any existing rock crushers may be moved to other locations where a valid permit exists, but may not be expanded in size nor increased in number. A company which has an existing rock crusher may bring in a mobile crusher to avoid multiple transports of material, provided that only one crusher may operate at a time and the mobile crusher is at least as quiet and clean as the existing crusher.

#### **14-24-030. Conditions.**

- A. Size.
  - 1. The operable portion of an open pit shall be authorized in ten (10) acre increments by use of an open pit excavation permit. Permits are valid for seven years, subject to the review required by this chapter.
  - 2. Two (2) permits per company may be outstanding at once. Reclamation of one permit, plus pre-existing pits, as set forth herein, shall be completed according to the reclamation standards of this chapter, prior to the issuance of a third permit.
- B. Nuisance Abatement.
  - 1. Dust generated in the extraction and processing of the earth products shall be contained on site by paving main roads in the pit, wetting extraction areas and loaded trucks, chemical treatment, placing landscaped berms, and other similar measures. The applicant shall submit a dust control plan with its application to

show how all dust will be contained on site. The conditional use permit may adapt the applicant's plan, or set more stringent standards.

2. Back up warning devices on motor equipment shall be by flashing lights. No beepers or similar audio warning devices are allowed.
3. Water shall not be allowed to settle or pond in the bottoms of the pits. All water shall be required to drain promptly in accordance with Salem City requirements. The depth of the pit may not exceed the grade to drain slope, such that natural drainage occurs without ponding or settling.

C. Performance Standards.

1. The operation must be in compliance with all state and federal regulations.
2. All cuts and fills must be a minimum of 75 feet from any dwellings and a minimum of 25 feet from property line. No cuts or fills are permitted outside areas for which an open pit excavation permit has been issued in accordance with Section 14-24-020(A).
3. An accurate site plan must be submitted which shows the topography, utilities, roads, and structures on the site in their current state and as proposed after completing the excavation and reclamation. All buildings are to meet a 30 foot set back from all property lines. Proof of ownership or leasehold interest is required with the site plan. All owners of property must sign a certificate acknowledging receipt of this ordinance and agreeing to abide by its terms.
4. A traffic plan must be submitted which shows the routes which loaded trucks will follow to gain access to state highways and/or arterial streets. Salem City may dictate routes for loaded trucks in order to preserve its streets.
5. All loaded trucks are to have tightly closed tailgates and tarps to prevent spillage.
6. The hours of operation are limited to no earlier than 6:00 a.m. nor later than 9:00 p.m. on weekdays and 6:00 a.m. to 2:00 p.m. on Saturdays. Operations shall not be open on Sundays. In the event that a permittee procures a contract for work on a federal or state highway which required night time operations, or in the event of an emergency, the Mayor may authorize a temporary permit to operate on nights and Sundays. Such an emergency permit is only

valid until the next Development Review Committee meeting. The Development Review Committee will review the situation and determine if the permit should be extended and if so, for how long. The permittee or an affected landowner may appeal the decision of the Development Review Committee to the City Council.

7. Public utilities are not to be left on islands making them difficult to access. Operators shall be required to relocate such utilities at their expense. Construction standards set by the utility company involved shall be met when relocating utilities. Operators may be required to grant new easements to facilitate any relocation. Utility service is not to be interrupted.
8. Precautions to protect ground water (well sources) from pollution shall be required.
9. For all new permits, the topsoil shall be stored on site for eventual reclamation.

**14-24-040. Reclamation.**

- A. When the extracted material has been removed from a pit, the pit shall be immediately reclaimed pursuant to these standards:
  1. The side walls of a pit or mound shall be smoothed and evenly contoured, and the floor of a pit or top of a mound shall be flattened and leveled, as the case may be.
  2. Mounds of fill shall not remain after rehabilitation of an extraction operation, even if utility poles must be relocated at the operation expense.
  3. No depression which lacks a surface outlet, shall exist on the rehabilitated site. No pond or intermittent lake is permitted.
  4. No slope shall be steeper than 2:1.
  5. All areas shall be covered with a minimum four-inch layer of topsoil and reseeded with an approved plant material to eliminate erosion.
- B. Pits which were excavated prior to annexation shall meet the Utah county reclamation standards in place at the time the excavation was concluded. For pits where disputes exist, as to either standards, dates, or any other matter, five acres shall be reclaimed with each new reclamation and prior to the issuance of a third open pit excavation permit as set forth in Section

14-24-030(A)(2). Salem City may require all reclamation to be completed if it determines that reclamation was required, but that the applicable standards were not met.

- C. A new site plan shall be submitted showing current topography, roads, and how reclamation compares with the initial site plan.

**14-24-050. Review Process.**

- A. An applicant for an open pit excavation permit shall provide the site plan required by Section 14-24-020(C)(3) to the City seven days prior to the scheduled review with the Development Review Committee. The Development Review Committee will review the application using the following criteria:
  - 1. That the proposed use will not disrupt the development character of the adjacent properties.
  - 2. That the proposed site is adequate in size and shape to accommodate the intended use, and that all requirements for the zoning district, including but not limited to: setbacks, walls, landscaping and buffer yards are met.
  - 3. That the proposed site has adequate access to public streets to carry the type and quantity of traffic which may be generated by the use.
  - 4. All appropriate conditions are met and other conditions to protect the health, safety, and welfare of the residents are addressed.
- B. The Planning and Zoning Commission will review the recommendation of the DRC. The Planning and Zoning Commission shall act as the land use authority and may grant the permit, insuring the conditions required by this chapter are met, and adding such additional conditions as necessary to protect the health, safety, and welfare of the resident of the City.
- C. Each conditional use permit granted will be reviewed by-annually by the Development Review Committee to determine compliance with the conditions imposed by the Planning and Zoning Commission. The City Public Works Director may schedule an earlier review if he/she observes a violation of any condition.
- D. Expenses incurred by the City, in determining non-compliance with conditions, must be reimbursed to the City by the permittee prior to reinstating the permit.

**14-24-060. Bonds.**

- A. A cash bond, or other type of bond acceptable to the City, is required to be posted by the operator of the gravel pit, together with the owner of the property, if different than the operator, in accordance with this section.
  - 1. The bond shall be in the amount of \$1800 per acre of ground included in the open pit excavation permit.
  - 2. A separate bond is required for each permit.
  - 3. The bond shall guarantee performance of all of the conditions of the conditional use permit, including reclamation.
  - 4. The bond shall be for a maximum period of seven years.
  - 5. The DRC may review the bond annually to assure the amount is sufficient to reclaim the project. The City may increase the amount of the bond during the review.
- B. The bond shall be forfeited to the City in the event any of the following occurs:
  - 1. A condition imposed is violated and not corrected after 30 days notice to correct the violation.
  - 2. Reclamation of the pit has been commenced within six months from the time that mining operations within the pit have ceased.
  - 3. Reclamation of the pit has not commenced within six months from the date that an open pit excavation permit expired, or was revoked.
  - 4. Reclamation of the pit has not been completed within one year from the date reclamation is commenced.
- C. Monies from a forfeited bond are to be used to reclaim the pit in accordance with this chapter. Notwithstanding any forfeiture of a bond, the operator and property owner remain individually liable for any expenses of reclamation not covered by the bond.

**14-24-070. Violation.**

A violation of any provision of this chapter is a Class "C" misdemeanor.