

ORDINANCE

NUMBER 19-282

AN ORDINANCE OF THE COUNCIL OF THE CITY OF DELTA, STATE OF UTAH AMENDING THE ZONING MAP OF DELTA CITY AND AMENDING TITLE 1, CHAPTER 4 (GENERAL PENALTY); TITLE 4, CHAPTER 2 (NUISANCES AND WEEDS); TITLE 4, CHAPTERS 3 AND 4 (GARBAGE AND REFUSE; LITTER; HANDBILLS); TITLE 7, CHAPTERS 1 AND 2 (REGARDING SIDEWALKS, STREETS AND SIDEWALK CONSTRUCTION); TITLE 9, CHAPTERS 2, 3, 6, 7, 8, 10, 11, 14, 17, 18 19, 20, 21, 25, 26 (SUBSTANTIALLY REVISING THE LAND USE REGULATION OF DELTA CITY).

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

- A. Whereas**, the "Municipal Land Use, Development, and Management Act," Utah Code Ann. § 10-91-101 *et seq.*, as amended (the "Act"), provides that each municipality of the State of Utah may enact a land use ordinance and a zoning map establishing regulations for land use and development within the municipality;
- B. Whereas**, Pursuant to the Act, the municipality's planning commission shall prepare and recommend to the municipality's legislative body, following a public hearing, proposed land use ordinances and zoning maps, or amendment thereto, that represent the planning commission's recommendations for land use regulations within the municipality;
- C. Whereas**, the Delta City Planning Commission has reviewed and made a recommendation to the City Council concerning the proposed amendment to the Official Zoning Map of Delta City, and the City Council has found the proposed amendment to be consistent with the City's General Plan and the criteria/required findings of Section 9-3-1 (E) of the Delta City Code are satisfied;
- D. Whereas**, the Delta City Planning Commission has caused to be drafted the attached land use ordinance and has recommended to the City Council that it

be adopted by Delta City;

- E. Whereas,** the proposed amendment to the Zoning Map contemplated by this Ordinance has been reviewed by the Delta City Planning Commission and the City Council, and all appropriate public hearings have been held in accordance with Utah State law and the Ordinances to obtain public input regarding the proposed amendment to the Zoning Map;
- F. Whereas,** the Delta City Planning Commission has reviewed and made a recommendation to the City Council concerning the proposed amendment to the Official Zoning Map of Delta City, and the City Council has found the proposed amendment to be consistent with the City's General Plan and the criteria/required findings of Section 12-3-1(E) of the Ordinances are satisfied;
- G. Whereas,** the Delta City Planning Commission on November 20, 2019 conducted a public hearing as required and in the fashion prescribed by Utah Code Ann. § 10-9a-205 regarding that proposed land use ordinance and proposed amendments to the Delta City Zoning Map;
- H. Whereas,** the City Council for the City of Delta on December 4, 2019, conducted a public hearing;
- I. Whereas,** it is the intent of the Council to manage growth by implementing the principles of the City's General Plan;
- J. Whereas,** the Council finds that the current zoning system is inconsistent with State land use law;
- K. Whereas,** in accordance with the vision of the General Plan, the Council desires to make land use decisions which promote enduring quality and consideration to the entire community and promote equitable and uniform administration of land use law within the City;
- L. Whereas,** the Council finds that its current ordinances relating to conditional use permits is deficient of the requirements imposed by Utah Code Ann. § 10-9a-507;
- M. Whereas,** the Council has determined it in the best interest of the City that rather than revising its ordinances relating to conditional use permits, that the City should simply establish what uses are permitted and not permitted in the land use zones within the City, including regulations specific to each permitted use, if necessary;

- N. **Whereas**, pursuant to the provisions of Utah Code § 10-3-707, Delta City has previously adopted, as a method of perpetual codification, the loose-leaf type of binding, together with the continuous supplement service provided by Sterling Codifiers, Inc., whereby each newly adopted ordinance of a general and permanent nature amending, altering, adding or deleting provisions of the official city code, and as part of that perpetual codification has adopted a code with certain numerical, sequential numbering and organization; and
- O. **Whereas**, the proposed revisions to the Delta City Code are substantial in that Delta City has undertook substantive revision of Title 9, Land Use Regulations, of the Delta City Code to seek greater conformance with Utah Law and the attached Exhibits do not account for the effects these revisions with have on the numerical and sequential numbering of the codification of codified Delta City Ordinances.

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

Section 1. Adoption of Revisions to the Delta City Code. The Delta City Code is adopted and amended to read as reflected in the attached Exhibit A affixed to this ordinance.

Section 2. Adoption of Uniform Use Table.

- 2.1. The Delta City Code is adopted and amended to include the Use Table in the attached Exhibit B affixed to this ordinance. This Use Table shall be codified in the Delta City Code as a separate chapter after the presently existing "Chapter 5: Appeal Authority" and "Chapter 6: Agricultural 1 (A-1) Zone."
- 2.2. In addition to the Use Table Referenced in 2.1 above, the newly created chapter shall include the following language: "The following Use Table is to establish the permitted uses within the designated zones of Delta City. If the use is not specifically designated as allowed as contained in the Use Table, then it is prohibited."
- 2.2. The Use Tables contained in: 9-6A-2; 9-6C-2; 9-7A-2; 9-7C-2; 9-7E-2; 9-7G-2; 9-7I-2; 9-7K-2; 9-8-2; 9-9A-2; 9-9C-2; 9-10A-2; 9-12-2; 9-13-2 of the Delta City Code shall be removed from the Delta City Code.

Section 3. Numbering of Attachments and Current Codified Ordinance May Be Revised. If necessary to ensure that reasonable and organized codification of the amendments to the Delta City Code as set out and contemplated herein, the numerical numbering, including titles, chapters, article designations and section numbers/letters of the Exhibits affixed to this ordinance, or the currently enacted Delta City Code may be adjusted or modified by Sterling Codifiers, Inc. such that the substantive language of this ordinance may be included into the Delta City Code as is apparently intended by the attached Exhibits. This Section 3 may not be interpreted to allow any changes to the substantive language of this ordinance.

Section 4. Zoning Map Amendment. The Delta City Zoning Map is hereby amended and adopted as reflected in the attached Exhibit C affixed to this ordinance.

Section 4. Repeal of Ordinance Number 19-281. Ordinance Number 19-281, an ordinance adopting a moratorium on receiving or processing certain land use applications based pursuant to Utah Code Ann. § 10-3-717, is hereby repealed in its entirety.

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

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

Section 10. Severability. In the event that any provision of this ordinance less than the entire ordinance is held invalid by a court of competent jurisdiction, this ordinance shall be deemed severable and such finding of invalidity shall not affect the remaining portions of this ordinance.

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

PASSED AND ADOPTED by the City Council of the City of Delta, State of Utah on the 4th day of December, 2019, by the following Vote:

	Aye	Nay	Abstain	Absent
Robert W. Banks	<u>X</u>	_____	_____	_____
Brett C. Bunker	<u>X</u>	_____	_____	_____
Kiley J. Chase	<u>X</u>	_____	_____	_____
Nicholas W. Killpack	<u>X</u>	_____	_____	_____
Betty Jo Western	_____	_____	_____	<u>X</u>



John Wesley Niles
 John Wesley Niles
 MAYOR

Sherri Westbrook
 Sherri Westbrook
 CITY RECORDER

Exhibit A

Delta Ordinance Update - Draft 5

**Alicia Seeley, Christopher Higham, Michelle White, Nate Lant, Rachel Garey, Ryan Tiu,
Shae Johnston, Spencer Smith, Tyler Lindsay**

Dr. Michael Clay

11/22/2019

Brigham Young University

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ENFORCEMENT

Title 1 Chapter 4 GENERAL PENALTY

1-4-1: SENTENCING

A. Penalty For Violation Of Ordinance:

1. Criminal: The City Council may impose a minimum criminal penalty for the violation of any Municipal ordinance by a fine not to exceed the maximum Class B misdemeanor fine under Utah Code Annotated section 76-3-301 or by a term of imprisonment up to six (6) months, or by both the fine and term of imprisonment.
2. Civil:
 - a. Except as provided in subsection A2b of this section, the City Council may prescribe a minimum civil penalty for the violation of any Municipal ordinance by a fine not to exceed the maximum Class B misdemeanor fine under Utah Code Annotated section 76-3-301 or 76-3-302.
 - b. A municipality may not impose a civil penalty and adjudication for the violation of a Municipal moving traffic ordinance. (1981 Code § 1-321; amd. 2019 Code)

B. Term Of Imprisonment For Misdemeanors: A person who has been convicted of a misdemeanor may be sentenced to imprisonment as follows:

1. In the case of a Class B misdemeanor, for a term not exceeding six (6) months;
2. In the case of a Class C misdemeanor, for a term not exceeding ninety (90) days. (1981 Code § 1-322)

C. Infractions:

1. A person convicted of an infraction may not be imprisoned but may be subject to a fine, forfeiture and disqualification, or any combination.
2. Whenever a person is convicted of an infraction and no punishment is specified, the person may be fined as for a Class C misdemeanor. (1981 Code § 1-323; amd. 2019 Code)

D. Fines Of Persons: A person convicted of an offense may, in addition to any term of imprisonment imposed, be sentenced to pay a fine not to exceed:

1. Fines established for a Class B Misdemeanor as defined by Utah State Code: ~~One thousand dollars (\$1,000.00)~~ when the conviction is of a Class B misdemeanor conviction; and
2. Fines established for a Class C Misdemeanor or Infraction as defined by Utah State Code; ~~Infraction: Seven hundred fifty dollars (\$750.00)~~ when the conviction is of a class C misdemeanor conviction or infraction conviction. (Ord. 86-107, 10-27-1986; amd. 2019 Code)

- E. Fines Of Corporations: The sentence to pay a fine, when imposed upon a corporation, association, partnership or governmental instrumentality for an offense defined in this Code, or the ordinances of the City, or for an offense defined outside of this Code over which this City has jurisdiction, for which no special corporate fine is specified, shall be to pay an amount fixed by the court, not exceeding:
1. Fines established for a Class B. Misdemeanor as defined by Utah State Code when the convictions are of a Class B Misdemeanor conviction; and
 2. Fines established for a Class C Misdemeanor or Infractions as defined by Utah State Code or misdemeanor convictions or infraction conviction.: ~~Five thousand dollars (\$5,000.00) when the conviction is for a Class B misdemeanor conviction; and~~
 3. ~~Class C Misdemeanor, Infraction: One thousand dollars (\$1,000.00) when the conviction is for a Class C misdemeanor conviction or for an infraction conviction. (Ord. 86-107, 10-27-1986)~~
- F. Police Power: In addition to, or independent of the criminal penalties provided above, the City may bring a civil proceeding in a court of competent jurisdiction to enforce compliance with the terms of this ordinance, or to prevent, restrain, or abate any violation of the terms of this ordinance.
- G. Public Nuisance: Any violation of this ordinance is declared to be a public nuisance, and instead of, or in addition to, any criminal or civil enforcement measure authorized by this ordinance, may be enjoined or restrained by the City as other nuisances are abated under City ordinances or state law. (See also 4-2-1 and 4-2-2).

NUISANCES AND WEEDS

TITLE 4 CHAPTER 2 NUISANCES AND WEEDS

4-2-1: GENERAL DEFINITIONS:

The following words and phrases used in this chapter shall have the following meaning unless a different meaning clearly appears from the context:

AUTHOR OF NUISANCE: Where a nuisance exists upon property and is the outgrowth of the usual, natural or necessary use of the property, the landlord or his/her agent, the tenant or his/her agent, and all other persons having control of the property on which such nuisance exists, shall be deemed to be the authors thereof and shall be equally liable and responsible. Where any such nuisance shall arise from the unusual or unnecessary use of such property or from the business thereon conducted, then the occupants and all other persons contributing to the continuance of such nuisance shall be deemed the authors thereof.

~~**NUISANCE:** Whatever is dangerous to human life or health and whatever renders soil, air, water or food impure or unwholesome is declared to be a nuisance and unlawful. It shall be unlawful for any person either as an owner, agent or occupant to create or aid in creating or contributing to or maintaining a nuisance. (1981 Code §§ 10-311, 10-312)~~

This section defines "nuisance" by providing four (4) general definitions of what constitutes a nuisance. The purpose of the general definitions is to allow the City to classify an offending situation, conduct or activity as a nuisance, even though the situation, conduct or activity may not be listed as a nuisance in the specific examples. The first three (3) general definitions are taken directly from Utah State law. The purpose of listing the specific examples is to identify some of the specific situations, conduct and activities that the City intends to abate as nuisances.

GENERAL DEFINITIONS OF NUISANCE: Any activity that meets any one or more of the four (4) definitions set forth below shall constitute a "nuisance" if it occurs within the City of Delta:

- A. Anything which is injurious to health, indecent, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
- B. Any item, thing, manner, or condition whatsoever that it is dangerous to human life or health or renders soil, air, water, or food impure or unwholesome.
- C. Unlawfully doing any act or omitting to perform any duty, which act or omission:
 1. annoys, injures, or endangers the comfort, repose, health, or safety of three (3) or more persons;
 2. offends public decency;
 3. unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, any lake, stream, canal, or basin, or any public park, square, street, or highway; or
 4. in any way renders three (3) or more persons insecure in life or the use of property. An act that affects three (3) or more persons in any of the ways specified in this subsection is

considered a nuisance regardless of the extent to which the annoyance or damage inflicted upon individuals is unequal.

D. A condition which:

1. wrongfully annoys, injures, or endangers the comfort, repose, health or safety of others;
2. unlawfully interferes with, obstructs or tends to obstruct, or render dangerous for passage, any public park, square, street or highway, or any other public place; or
3. in any way renders other persons insecure in life, or in the use of property, and which affects the rights of an entire community or neighborhood, although the extent of the damage may be unequal.

4-2-2: DECLARATION OF NUISANCE:

A. **Statement:** Every act or condition made, permitted, allowed or continued in violation of section 4-2-1 of this chapter, is hereby declared to be a nuisance and may be abated and punished as hereinafter provided.

B. **Specified:** Nuisances include, but are not limited to:

1. **Befouling Water:** Befouling any water source supplying water for culinary use.
2. **Privies, Cesspools:** Allowing any privy vault or cesspool, or other individual wastewater disposal system, to become a menace to health or a source of odors or contamination to air or water.
3. **Garbage Containers, Offensive:** Permitting any garbage container to remain on premises when it has become unclean and offensive.
4. **Garbage Accumulation:** Allowing vegetable waste, garbage, litter, filth or refuse of any nature to accumulate within or upon any private alley, yard or area, except when it is temporarily deposited for immediate removal.
5. **Refuse:** All waste matter, except garbage, attending or resulting from the occupancy of residences, apartments, hotels or other places of dwelling and from the operation of a business. Refuse shall not be deemed to include industrial waste or waste matter resulting from the construction, demolition or repair of a building or other structure. (See section 4-3-1)
6. **5: Manure Accumulation:** Permitting the accumulation of manure in any stable, stall, corral, feed yard, yard or in any other building or area in which ~~any~~ animals are kept.
7. **Accumulation Of Junk:** Accumulation of used or damaged lumber; junk; salvage materials; abandoned, discarded or unused furniture; stoves, sinks, toilets, cabinets, or other fixtures or equipment stored so as to be visible from a public street, alley, or adjoining property. However, nothing herein shall preclude the placement of stacked firewood for personal non-commercial use on the premise(s).
8. **Vegetation And Garbage Accumulation:** Dead, decayed, diseased, or hazardous trees, weeds, hedges, and overgrown or uncultivated vegetation which is in a hazardous condition, is an obstruction to pedestrian or vehicular traffic, or which is likely to harbor rats, vermin or other pests.

9. ~~6:~~ Slaughterhouses, Feed Yards: Permitting any slaughterhouse, market, meat shop, stable, feed yard or other place or building wherein any animals are slaughtered, kept, fed or sold to remain unclean or in any state or condition detrimental to health or creating a nuisance because of odors, or in which flies or rodents breed therein.
10. ~~7:~~ Discharging Offensive Water Or Liquid Waste: Discharging or placing any offensive water, chemical spray, liquid waste or refuse of any kind into any street, alley, sidewalk, gutter, stream, wash, natural watercourse, ditch, canal or any vacant lot or which, as the result of continued discharge, will render the place of discharge offensive or likely to become so.
11. ~~8:~~ Collecting Grease, Offensive Matter: Keeping or collecting any stale or putrid grease or other offensive matter in quantities sufficient to produce offensive odors or a danger to health.
12. ~~9:~~ Flies And Mosquitos: Having or permitting upon any premises conditions providing breeding habitat for flies or mosquitos without effective measures to control such insect populations.
13. Noxious Emanation: Emanation of noxious or unreasonable odors, fumes, gas, smoke, soot or cinders.
14. ~~10:~~ Public Water Fountains: Keeping any water fountains for public use without providing a method of decontamination between uses.
15. ~~11:~~ Ablutions Near Drinking Fountain: Permitting or performing any ablutions in or near any public drinking fountain.
16. ~~12:~~ Stagnant Water; Offensive Substances: Permitting any lot or excavation to become the repository of stagnant water or any decaying or offensive substances.
17. ~~13:~~ Obstructing Public Ways, Watercourses, Parks: Obstructing or tending to obstruct or interfere with or render dangerous for passage any street or sidewalks, lake, stream, drainage, canal or basin, or any public park without first obtaining the written permission of the City Council. (1981 Code § 10-313; amd. 2019 Code)

C. Enumeration: The types of nuisances above stated shall be deemed in addition to and in no way a limitation of the nuisances subject to this chapter. (1981 Code § 10-314)

4-2-3: RESTRICTIONS ON BLOCKING WATER:

- A. Prohibition: It shall be unlawful for any person to permit any drainage system, canal, ditch, conduit or another watercourse of any kind or nature, natural or artificial, to become so obstructed as to cause the water to back up and overflow therefrom, or to become unsanitary.
- B. Abatement: Maintenance of any such watercourse in such condition shall constitute a nuisance and the same shall be subject to abatement. (1981 Code § 10-316)

4-2-4: WEEDS AND DELETERIOUS OBJECTS:

- A. ~~Weeds Defined: Weeds shall include any vegetation commonly referred to as a weed or which shall have been designated a noxious weed by the State Commissioner of Agriculture. (1981 Code § 10-322)~~ Noxious Weed Defined: Any plant the State Commissioner of Agriculture determines to be especially injurious to public health, crops, livestock, land or other property. (4-17-102-4, Utah Code)

B. Standard Of Weed Control:

1. It is hereby declared that weeds constitute a nuisance when they create a fire hazard, a source of contamination or pollution of the water, air or property, a danger to health, a breeding place of habitation for insects or rodents or other forms of life deleterious to humans or are unsightly or deleterious to their surroundings.
2. ~~Weeds of sufficient height or quantity to constitute a nuisance shall be removed.~~ Weed abatement compliance shall be accomplished by pulling, discing, plowing or mowing weeds exceeding six inches (6") in height, as well as the removal of all thorny, prickly, or spiky weeds on the premises. Undeveloped lots which have weeds, grass or other growth which constitute an existing or potential fire hazard shall be abated by the owner of the property. **Weeds cut for removal as required by this subsection shall be removed from the premises within forty-eight (48) hours after cutting.** The City shall survey properties within the City and identify those needing abatement. It will then serve notice in writing to the owner or occupant of such land in person or by mailing notice, addressed to the owner or occupant at the last known post office address as indicated by the records of the County Assessor. The notice shall require the owner or occupant as the case may be to abate the weeds by a specific time, which shall not be less than ten (10) days from the date of service of such notice. One notice shall be deemed sufficient on any lot or parcel of property for the entire season of weed growth during that year. (1981 Code § 3-323; amd. 2019 Code)

- C. Penalty: It shall be an infraction, subject to penalty as provided in section 1-4-1 of this Code, for persons owning or occupying in violation of this section. (1981 Code § 3-321; amd. 2019 Code)

4-2-5: NUISANCES ON PROPERTY:

- A. Definition: For the purpose of this section, the term "nuisance" is defined to mean any condition or use of premises or of building exteriors or of open lots or other space within the City which are deleterious or injurious, noxious or unsightly, which includes, but is not limited to, any one or more of the following:
1. Keeping, depositing on or scattering over premises any junk, trash or debris. (Ord. 86-100, 4-7-1986)
 2. Having or keeping abandoned, discarded or unused objects or equipment, such as automobiles, furniture, stoves, refrigerators, freezers, cans, containers or other discarded items not currently in use on any premises. (Ord. 86-100, 4-7-1986; amd. 2019 Code)
 3. Maintaining, keeping or depositing on any premises more than two (2) unregistered motor vehicles or any partially or fully stripped automobiles, any automobile parts and any unused or junked machinery, implements, equipment or other such personal property. As used herein, "partially or fully stripped automobiles" shall mean any automobile from which any equipment or parts are removed that alter the exterior appearance of the automobile or render the automobile inoperable or unlawful for use on public highways. The definition shall not apply to such automobiles as may be fully enclosed within a permanent structure or to the removal of equipment or parts incident to repair or restoration of such automobiles if the duration of the fully or partially stripped condition does not exceed seventy-two (72) hours.

The definition of nuisance shall not include any of the foregoing which is stored on property zoned for such use and is within a lawful fence or other suitable permanent enclosure such that the condition of the property is screened from view from all public rights-of-way and from adjacent

properties, and for which a permit has been obtained pursuant to subsection H of this section. (Ord. 86-100, 4-7-1986)

- B. **Duty Of Maintenance:** No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in any manner causing substantial diminution in the value of the other property in the neighborhood in which such premises is located. (1981 Code § 10-332)
- C. **Storage Of Personal Property:** Unsheltered storage of old, unused, stripped and junked machinery, implements, equipment or personal property of any kind which is no longer safely usable for the purposes for which it was manufactured, for a period of thirty (30) days or more (except in licensed junk yards) within the City, is hereby declared to be a nuisance and dangerous to the public safety. (1981 Code § 10-333)
- D. **Junk:** Storage or accumulation of "junk" or partially or completely dismantled automobiles shall be enclosed within a sight obscuring wall or fence of not less than six feet (6') in height, and material so stored shall be kept below the height of the fence or wall. Accumulated junk shall be understood to mean an accumulation of used or damaged lumber; salvage materials; abandoned, discarded or unused furniture; stoves, sinks, toilets, cabinets, or other deleterious or unpleasant fixtures or equipment stored so as to be visible from a public street, alley, or adjoining property. However, nothing herein shall preclude the placement of stacked firewood for personal non-commercial use on the premise(s).
- E. ~~D.~~ **Abatement By Owners:** The owner, owners, tenants, lessees or occupants of any lot within the City on which such storage, as defined in subsection C of this section, is made, and also the owner, owners or lessees of the above described personal property involved in such storage, shall jointly and severally abate such nuisance by its prompt removal into completely enclosed and secured yards or buildings to be used for such purposes, or otherwise remove such property from the City. (1981 Code § 10-334)
- F. ~~E.~~ **Abandonment Of Vehicles On Private Property:** It shall be unlawful for any person to abandon an automobile or other motor vehicles upon private property without the express or implied consent of the owner or person in lawful control of the said property. For the purposes of this section, a motor vehicle shall be presumed to be abandoned if it is left unattended on private property without the express or implied consent of the owner or person in lawful possession or control of the property for a period in excess of twenty-four (24) hours. If the owner or person in lawful possession or control of property has reasonable grounds to believe that a vehicle has been abandoned, such person may report the same to the City or its designated agent. Upon receiving such a report, the City or its designated agent shall proceed as set out in Utah Code Annotated section 41-6a-1406, as adopted under title 6, chapter 1 of this Code. (Ord. 86-100, 4-7-1986; amd. 2019 Code)
- G. **Improper Parking And Storage Of Vehicles:** It shall be unlawful to park, store, leave or permit parking, storage, or leaving of any licensed or unlicensed motor vehicle of any kind, including boats, trailer or vehicle parts, and recreational vehicles, or a part or parts thereof which is in a wrecked, junked, partially dismantled, dismantled, or inoperative condition, whether attended or not, upon any property in the City for a period of time in excess of seventy-two (72) hours, except that two (2) or fewer vehicles or part or parts thereof may be stored within a building, or placed behind an opaque screening fence six feet (6') in height, and except that such vehicles and part or parts thereof may be within a junkyard or automobile wrecking yard or motor vehicle repair establishment lawfully established and licensed pursuant to this code.

- H. Hazardous Conditions: Any wall, sign, fence, gate, hedge, or structure maintained in such condition of deterioration or disrepair as to constitute a hazard to persons or property. Hazardous Conditions also apply to structures which meet the following criteria:
1. Any building or structure which is unfit for human habitation, or which is an unreasonable hazard to the health of people residing in the vicinity thereof, or which presents an unreasonable fire hazard in the vicinity where it is located;
 2. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of City ordinances, or any use of land, buildings or premise(s) in violation of City ordinances;
 3. Buildings which are abandoned, partially destroyed, or left in an unreasonable state of partial construction for a period of six (6) months or longer. An unreasonable state of partial construction is defined as an unfinished building or structure where the appearance or condition of the building or structure does not meet the requirements for finished buildings or structures as required by applicable City ordinances or building codes. The building or structure shall not be considered to be a nuisance if it is under active construction;
 4. Buildings having dry rot, warping, termite infestation, decay, excessive cracking, peeling, or chalking, as to render the building unsightly and/or in a state of disrepair;
 5. Buildings with missing doors and/or windows containing broken glass and/or no glass at all where the window is of a type which normally contains glass;
 6. Building exteriors, walls, fences, gates, driveways, sidewalks, walkways, signs or ornamentation, or alleys maintained in such condition as to render them unsightly and/or in a state of disrepair; or
 7. Buildings or conditions that violate any building, electrical, plumbing, fire, housing or other code adopted by the City.
- I. **F. Maintenance Of Junked Automobiles On Real Property:** It shall be unlawful for the owner or person in lawful possession or control of property within the City to allow, cause or permit more than two (2) unlicensed automobiles or other motor vehicles, or any partially or fully stripped automobiles, as defined in subsection A3 of this section, or any unsheltered, junked machinery, implements, equipment, scrap, metal, or junk to remain on real property or premises. ~~unless in connection with a licensed business located in a zone district where such uses are permitted and after obtaining a permit therefor under the following procedure:~~
- ~~1. The person wishing to conduct such storage shall apply at the City Recorder's Office for a salvage storage permit. The application for the permit shall provide at least the following information:~~
 - ~~a. The name and address of the applicant.~~
 - ~~b. The location for which the storage permit is desired.~~
 - ~~c. The time at which the storage is to commence and the time period for which it will continue.~~
 - ~~d. The name, address and type of business connected with or used in conjunction with the storage or salvage to be conducted.~~

- e. ~~Whether the applicant holds title to the real property on which the storage is to be conducted, or the authority by which the person making application is deemed to have lawful possession or control of the property.~~
 - f. ~~The zone in which the property is located.~~
 - g. ~~The means by which the storage area will be shielded or screened from view from public rights-of-way or from adjacent properties (such as a fence or construction of a building).~~
2. ~~A permit shall be issued pursuant to application made under this section only upon the following terms and conditions:~~
- a. ~~The activity, business or property use shall not violate the zoning ordinance of the City.~~
 - b. ~~An application fee of twenty-five dollars (\$25.00) or such other amounts as the City Council may establish by resolution, is paid upon filing of an application under this subsection. (Ord. 86-100, 4-7-1986)~~
 - c. ~~No permit shall be issued until the property has been inspected by the applicable law enforcement agency and the Zoning Officer or designee a person designated by him to assure compliance with all applicable ordinances and regulations of the City. (Ord. 86-100, 4-7-1986; amd. 2019 Code)~~
 - d. ~~The proposed storage and related activities do not constitute a nuisance, as defined under subsection A of this section, or any other provisions of this Code.~~
3. ~~Any permit issued under this section shall be revoked upon failure by the applicant to comply with the terms and conditions hereof. Any person whose permit is to be revoked under this section shall be entitled to notice and hearing in accordance with the procedures set out in title 1, chapter 8 and section 3-1-13 of this Code. (Ord. 86-100, 4-7-1986)~~

J. Construction And Maintenance Of Open Ditches And/Or Canals: It shall be unlawful for any person to construct or cause to be maintained an open ditch or canal along any roadway frontage of their property, the violation of which shall constitute a public nuisance. (See also 9-26G-9)

K. Drug Houses: Every building or premise(s) where the unlawful sale, manufacture, service, storage, distribution dispensing, or acquisition of any controlled substance, precursor, or analog specified in Title 57, Chapter 37 of the Utah Code (Utah Controlled Substances Act) occurs.

**TITLE 4
CHAPTER 3
GARBAGE AND REFUSE**

4-3-1: DEFINITIONS: (THIS SECTION HAS BEEN ADDED FROM THE OLDER WRITTEN FORM OF CITY CODE)

- A. **GARBAGE:** Waste from the preparation, cooking or consumption of food, condemned food products and all refuse and waste from the handling, storage, preparation and sale of produce. Garbage originated primarily in kitchens, stores, markets, restaurants, hotels and other places where food is handled, stored, sold, cooked and consumed
- B. **RESIDENTIAL GARBAGE:** Garbage produced in places of private residence and dining halls not open to the public.
- C. **COMMERCIAL GARBAGE:** Garbage produced in commercial establishments, public or quasi-public institutions or establishments, including restaurants, hotels, motels and similar establishments.
- D. **REFUSE:** All putrescible and non-putrescible solid waste matter (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, and solid market and industrial wastes, attending or resulting from the occupancy of residences, apartments, hotels or other places of dwelling and from the operation of a business. Refuse shall not be deemed to include industrial waste or waste matter resulting from the construction, demolition or repair of a building or other structure.
- E. **COMMUNITY WASTE:** Lawn cuttings, clippings from bushes and shrubs, leaves and trees and tree branches.
- F. **CONTAINER or RECEPTACLE:** A garbage or trash container of galvanized metal or other approved material and having a tight fitting lid or properly and sufficiently treated weather resistant paper bag manufactured specifically for use in garbage and refuse collection.

4-3-2: ~~40-412-~~COLLECTION OF GARBAGE:

- ~~A. Delta City or its licensee shall collect remove and dispose of all residential, commercial garbage the removal of which is not otherwise provided for by the establishment or institution as herein provided. All garbage and refuse shall be collected, removed and disposed of with such frequency and in such manner as the City Council may from time to time established by regulation.~~
- ~~B. Except as otherwise expressly permitted by this part, no garbage or refuse shall be moved or hauled away or transported upon the streets or public ways of Delta City except by Delta City, its agent or licensee and except by authorized persons hauling commercial garbage or refuse as hereinafter provided. It is hereby declared to be unlawful for any person, except as permitted in this part, to haul or remove garbage or refuse in Delta City~~
- A. Commercial establishments, public or quasi-public, institutions and establishments creating commercial garbage, may remove commercial garbage themselves or may employ the services

of authorized contractors to remove commercial garbage. Authorized garbage haulers must apply for and receive permission to do so from the recorder. Haulage of refuse must be done in the manner, at such times and in such vehicles as may be approved for such purposes as the City Council may from time to time by regulation provide.

- ~~D. Nothing contained in this section shall preclude persons from hauling their own garbage, trash or community waste over the streets and alleys of Delta City in vehicles and containers approved by a sanitary inspector or such other Delta personnel as the City Council may authorize.~~
- ~~E. Nothing in this section shall be construed as regulating or eliminating charge made for garbage service.~~

4-3-3: ~~4-3-1~~ ACCUMULATION OF GARBAGE:

It shall be unlawful for any person to accumulate garbage or refuse or cause garbage or refuse to be deposited upon any street or alley or upon any premises in the City without express permission from the City. The City may permit the feeding or processing of garbage or refuse upon premises properly equipped and maintained so as to prevent the creation of a nuisance or a hazard to health, or permit the depositing of ashes and other dry material for filling purposes at such places as the City may designate and under such restrictions as the City Council may by regulation impose. Additionally, the City may grant to any person permission for sorting, bailing and marketing trade waste upon premises properly equipped and maintained. (1981 Code § 10-413; amd. 2019 Code)

4-3-4: ~~4-3-2~~ BURNING OF REFUSE.

It shall be unlawful for any person to burn garbage market waste, manure or other refuse in the open air or in any furnace or stove within Delta City without prior approval from the fire chief or his designated assistants.

4-3-5: ~~4-3-3~~ DUMPING REFUSE:

It shall be unlawful for any person to place, deposit or dump garbage, ashes, waste, or any other refuse upon any lot within the City, whether such lot is occupied or vacant and whether such person so placing, depositing or dumping such refuse is the owner, tenant, occupant or lessor thereof, or has the same under his jurisdiction and control. (1981 Code § 10-421; amd. 2019 Code)

4-3-6: ~~4-3-4~~ LIMITATIONS UPON DUMPING:

Dumping waste and garbage shall be permitted only in such places as are designated by the City Council. Dumping shall be subject to such rules and regulations as may be formulated by the City Council. (1981 Code § 10-422; amd. 2019 Code)

4-3-7: CONTAINERS:

- A. All garbage and refuse shall be placed in suitable and sufficient garbage receptacles, either receptacles with tight fitting lids or properly and sufficiently treated water resistant bags manufactured specifically for use in garbage and refuse collection.
- B. Containers shall not exceed a 30 gallon capacity, for receiving and holding garbage, market

waste or other refuse which may accumulate.

- C. Receptacles shall not be filled to exceed 75 pounds in weight including the weight of the receptacle. Metal receptacles shall be provided with handles for convenient lifting.
- D. Closing of garbage containers required: All garbage and market waste must be placed in rainproof and fly proof receptacles of the type herein required, and the receptacle shall be tightly closed in such manner as to prevent offensive odors or flies.

4-3-8: TIME AND PLACE OF PICKUP:

- A. All garbage and refuse subject to garbage Collection shall be placed at a pickup point at or near the premises designated from time to time by regulations adopted by the City Council.
- B. Until otherwise provided by regulation, garbage and refuse must not be set out upon the street for collection prior to the evening of the day before collection and must be set out on the day of collection before the hour of collection.
- C. All empty receptacles must be removed from the street as soon as practicable after being emptied, and in every case, must be removed from the street the same day they are emptied. Receptacles shall not be permitted to remain on any street longer than may be necessary for the removal of the contents.

4-3-9: DISPOSAL OF COMMUNITY WASTE:

- A. Community waste may be disposed of by residents and business establishments in vehicles provided by them subject to regulation by the City Council as to the places of disposal and as to the type of vehicle used to avoid spillage upon the public ways of Delta City, hazards to safety and the prevention of nuisances.
- B. The City Council from time to time may provide for the collection and disposal of such types of community waste as it may decide to collect and haul in connection with regular garbage, waste collection and disposal service. In the event community waste disposal needs should require a charge to be made by Delta City, the determination of the charge will be made by negotiation with the residents or business enterprises and the residents or business enterprises will be given an opportunity to choose from among the services offered.

4-3-10-4-3-5: REGULATIONS ADOPTED BY CITY COUNCIL:

The City Council may adopt such regulations as in its opinion are necessary to implement this chapter and its objectives. (1981 Code § 10-423)

TITLE 4
Chapter 4
LITTER; HANDBILLS

4-4-1: DEFINITIONS

For the purpose of this chapter:

AUTHORIZED RECEPTACLE: A public or private litter storage and collection receptacle.

COMMERCIAL HANDBILL: Any printed or written matter, any sample or device, dedger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter or literature.

- A. Which advertises for sale any merchandise, product, commodity or thing;
- B. Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest in sales thereof;
- C. Which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind, for which an admission fee is charged for the purpose of private gain or profit. However, the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order, providing that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition or event of any kind without a license, where such license is or may be required by any law of this state, or under any ordinance of Delta City, or;
- D. Which, while containing reading matter other than advertising matter is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as advertiser or distribution.

LITTER, REFUSE, RUBBISH: (See 4-3-1-A)

NEWSPAPER: Any newspaper of general or local circulation or any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

NONCOMMERCIAL HANDBILL: Any printed or written matter, any sample, or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.

PARK: (See OPEN SPACE in 9-2-1)

VEHICLE: Every device in, on or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively on stationary rails or tracks. (1981 Code § 10-431; amd. 2019 Code)

4-4-2: LITTER IN PUBLIC PLACES: ~~4-4-3: LITTER REGULATIONS:~~

No person shall throw or deposit litter in or on any street, sidewalk or other public place except in authorized receptacles for collection or in official municipal garbage dumps; or for collection as authorized by the City Council.

- A. Placement of litter in receptacles so as to prevent scattering: Persons placing litter in authorized receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements on any street, sidewalk or other public place or on private property.
- B. Sweeping litter into gutters: No person shall sweep into or deposit in any gutter, street or other public place the accumulation of litter from any building or lot or from any public or private sidewalk or driveway except as authorized by the City Council. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.
- C. Merchants' duty to keep sidewalks free of litter: No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place the accumulation of litter from any building or lot or from any public or private sidewalk or driveway, persons owning or occupying places of business shall keep the sidewalk in front of their business premises free of litter. (See also 7-1-4).
- D. Litter thrown by person vehicles: No person, while a driver or passenger in a vehicle, shall throw or deposit litter on any street or other public place, or on private property.
- E. Truck loads causing litter: No person shall drive or move any truck or other vehicle unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited on any street, alley or other public place. Nor shall any person drive or move any vehicle or truck, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind.
- F. Litter in parks: No person shall throw or deposit litter in any park except in authorized receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements on any part of the park or on any street or other public place. Where authorized receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.
- G. Litter in lakes and fountains: No person shall throw or deposit litter in any reservoir, pond, lake, stream or any other body of water within Delta City.
- H. Litter on occupied private property: No person shall throw or deposit litter on any occupied private property, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or onto any private property.
- I. Litter on vacant lots: No person shall throw or deposit litter on any open or vacant private property whether or not owned by such person.

4-4-3: ~~4-4-2:~~ HANDBILLS AND POSTERS; RESTRICTED ACTIVITY:

The purpose of this section is to provide regulations on the distribution and posting of various handbills, posters, and other notices in public places throughout the City of Delta.

- A. Throwing or distributing commercial handbills in public places: No person shall throw or deposit any commercial or non-commercial handbill in or on any sidewalk, street or other public place within Delta City. Unless otherwise authorized by the City Council; it is an infraction for any person to hand out, distribute or sell any commercial handbill in any public place.
 - 1. It shall be provided, however, that it shall not be unlawful on any sidewalk, street, or other public place for any person to hand out or distribute, without charge to the receiver thereof any non-commercial handbill to any person willing to accept it.
- B. Placing commercial and non-commercial handbills on vehicles: Unless otherwise authorized by the governing body, no person shall throw or deposit any commercial or non-commercial handbill in or on any vehicle, provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof a non-commercial handbill to any occupant of a vehicle who is willing to accept it.
- C. Depositing commercial and non-commercial handbills on uninhabited or vacant premises: No person shall throw or deposit any commercial or non-commercial handbill in or on any private premises which are temporarily or continuously uninhabited or vacant.
- D. Prohibiting distribution of handbills where properly posted: No person shall throw, deposit or distribute any commercial or non-commercial handbill on any private premises, if requested by anyone thereon not to do so or if there is placed on said premises in a conspicuous position near the entrance thereof a sign bearing the words: "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice, indicating in any manner that the occupants of the premises do not desire to be molested or have their right of privacy disturbed or to have any such handbills left on such premises.
- E. Distributing commercial and non-commercial handbills at inhabited private premises: No person shall throw, deposit or distribute any commercial or non-commercial handbill in or on private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant or other person then present in or on such private premises. However, in case of inhabited private premises which are not posted, as provided in this part, such person, unless requested by anyone on such premises not to do so, may place or deposit any such handbill in or on such inhabited private premises if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets or other public places, and except that mailboxes may not be so used when prohibited by federal postal law or regulations.
- F. Exemption for mail and newspapers: The provisions of this part shall not apply to the distribution of mail by the United States, nor to newspapers except that newspapers shall be placed on private property in such a manner so as to prevent their being carried or deposited by the elements on any street, sidewalk or other public place or on private property.
- G. Posting notice prohibited: No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamp post, public utility pole or shade, tree, or on any public structure or building, except as may be authorized or required by law.
- H. Handbills and Posters
 - 1. No person or business shall post, stick, stamp, paint or otherwise fix, or cause the same to be done by any person, any notice, placard, bill, card, poster, advertisement or other

paper or device which has been created to attract the attention of the public upon any sidewalk, curb or any other portion or part of any public way or public place or any plain post, electric light, telegraph, telephone or railway structure, hydrant, shade tree or tree-box, or upon the columns, trusses, girders, railings, gates or other parts of any bridge or other public structure or building, or upon any pole, box or fixture of the fire alarm or police telegraph system, except such as may be authorized or required by the laws of the United States, the State or the ordinances of Delta City.

2. It shall be unlawful to distribute indiscriminately to the public by leaving at houses or residences in Delta City any cards, circulars, handbills, samples of merchandise, or any advertising matter whatsoever without having first secured a permit therefor. This section shall not be construed to apply to the sale of articles by licensed peddlers.
3. Applications for such permit shall be made to the City recorder and shall contain a statement of the nature of the article, cards or advertisements to be distributed, the name of the applicant and the name of the manufacturer or distributor of such article or service advertised. Licenses shall be issued only to persons of good character. The chief of police shall make or cause to be made an investigation into the character of each applicant and shall report the results thereof to the recorder before any such license is issued.

SIDEWALKS
TITLE 7
CHAPTER 1
STREETS, SIDEWALKS AND PUBLIC WAYS

7-1-1: SUPPLEMENTARY REGULATIONS TO ALL ZONES:

Chapters 1 and 2 detail specific regulations with regard to the requirement, construction and maintenance of public ways as defined in 9-2-1, and the enforcement of related policies. City public parking is also mentioned. The regulations contained herein apply to all zones within the City.

7-1-4 2: STREET DEPARTMENT:

- A. Creation: There is hereby created a Street Department, which shall have general supervision of ~~streets, sidewalks, bridges and other~~ features of public ways.
- B. Public Works Director: The department shall be under the direction and control of the Public Works Department (Public Works Director). (1981 Code § 11-311)
- C. Powers, ~~And~~ Duties And Enforcement: The department shall:
1. Have charge of the delegation and enforcement of construction, maintenance and repair of features within public rights-of-way ~~streets, sidewalks, bridges, curbs, gutters, culverts, drains, waterways and other public ways~~. The department shall have control of all waters flowing on the streets, sidewalks and other public ways, whether originating from a storm, flood, drainage or irrigation waters.
 2. Keep a record of and promptly investigate all complaints affecting public ways and, when necessary, repair, replace, or compel responsible parties to repair and replace (see Section 1-4-1) and take reasonable precautions to protect the public from injuries due to such defects pending their repair or replacement.
 3. Enforce the provisions of this chapter and all other ordinances relating to the maintenance and use of the public ways. (See also Section 1-4-1) (1981 Code § 11-312; amd. 2019 Code)

~~**7-1-2: REMOVAL OF SNOW:**~~ (Moved to and modified as 7-1-4-B and 7-1-4-C)

- A. ~~Failure To Remove Unlawful:~~ It shall be unlawful for the owner, occupant, lessor or agent of any property, abutting on a paved sidewalk, to fail to remove, or have removed from such paved sidewalk, all hail, snow, or sleet thereon within a reasonable time after such snow, hail or sleet has fallen. ~~In the case of a storm between the hours of five o'clock (5:00) P.M. and six o'clock (6:00) A.M., such sidewalks shall be cleaned before nine o'clock (9:00) A.M. of the same day.~~
- B. ~~Depositing In Gutter Unlawful:~~ It shall be unlawful for any person removing snow from the sidewalk, to deposit snow, dirt, leaves, or any other material, in the gutter so as to clog or prevent the free flow of water therein. (1981 Code § 11-361)

~~7-1-3: OBSTRUCTIONS IN STREETS AND PUBLIC WAYS:~~ (Moved to and modified as 7-1-6)

~~It shall be unlawful for any person owning, occupying or having control of any premises to place or permit to be placed upon or in the sidewalk, gutter, parking area, or other public way next to such premises:~~

- ~~A. Waste Materials: Any rubbish, garbage, ice, snow, water, waste materials or waste products of any nature.~~
- ~~B. Trees: Trees or anything which may obstruct such public street, sidewalk, gutter, parking area or other public way, or any part thereof, or the passage over and upon the same, or any part thereof, except as expressly authorized by ordinance, without the permission of the City Council first had and obtained~~
- ~~C. Permanent Or Temporary Structures: Any permanent or temporary structure, mechanism, device, vehicle or other thing of any kind or character, except trees planted pursuant to the provisions of applicable ordinances. (1981 Code § 11-362; amd. 2019 Code)~~

~~7-1-4: DISCHARGE OF WATER:~~ (Moved to 7-1-7)

~~It shall be unlawful for any person owning, occupying or having control of any premises to fail, refuse or neglect to prevent water from the roof or eaves of any house, building or other structure, or from any other source under the control of such person, to be discharged upon the surface of any sidewalk. (1981 Code § 11-365)~~

7-1-3 : REQUIREMENT OF SIDEWALKS:

1. Sidewalks shall be required along street frontages for all new construction of primary structures in all zones throughout the City with the following exceptions: I-1, R-R-2, A5 and A1 (on parcels greater than two (2) acres in size). Construction specifications and materials shall be determined by the Public Works Director, and as further defined in Title 7, Chapter 2 of this Code.

7-1-4: MAINTENANCE OF SIDEWALKS:

- A. Removal of debris, snow or ice from sidewalks, to the extent that removal is required by state law, the Delta City Code or by other local ordinance, shall be the exclusive obligation of the owner, tenant or lessee of the property to which a sidewalk is contiguous. Civil liability for damages or injuries resulting from the failure to remove debris, snow or ice from sidewalks, to the extent that removal is required by state law, the Delta City Code or by other local ordinance, shall be borne by the owner, tenant or lessee of property, who shall be jointly and severally liable.
 1. This Section is enacted pursuant to section 10-8-23 Utah Code, as amended, for the purpose of describing the persons who shall perform duties which may exist from time to time under state law, the Delta City Code or other local ordinance in relation to removing debris, snow or ice from sidewalks.
- B. It shall be unlawful for any owners or occupants of any dwelling or place of business to refuse, neglect or fail to cause the sidewalk abutting thereon to be kept clean.
- C. Failure To Remove Unlawful:

1. It shall be unlawful for the owner, tenant or lessee of a property to fail or refuse to remove snow or ice from the sidewalks contiguous to said property at any time that the average snow depth exceeds one (1) inch, or when snow or ice on the sidewalk presents an unreasonably dangerous condition.
 2. It shall be unlawful for any person to push, pile or place snow or ice so that it unreasonably obstructs or blocks driveways or streets or blocks the visibility of motorists or otherwise creates a dangerous condition for pedestrian or vehicular traffic.
- D. **Depositing In Gutter Unlawful:** It shall be unlawful for any person removing snow from the sidewalk, to deposit snow, dirt, leaves, or any other material, in the gutter so as to clog or prevent the free flow of water therein. (1981 Code § 11-361)
- E. **Enforcement:** In the event that debris, snow or ice conditions on sidewalks are in violation of 7-1-4-A or the Public Works Director may do one (1) or more of the following: (See also 1-4-1)
1. Notify (using methods reasonable under the circumstances) the owner, tenant or lessee of the subject property to comply with the provisions of 7-1-4-A, and if the same is not done in a reasonable period of time, to cause the same to be done and recover the costs thereof in the name of Delta City from the owner, tenant or lessee, who shall be jointly and severally liable;
 2. If debris, snow or ice on sidewalks present an immediate and unreasonable risk of harm to persons or property, have the debris, snow or ice removed forthwith from the subject sidewalks and recover the costs thereof in the name of Delta City from the owner, tenant or lessee, who shall be jointly and severally liable.
 3. This Section shall not be interpreted to create any additional duties enforceable in a civil action for damages or injuries.

7-1-5: OTHER SIDEWALK REGULATIONS

- ~~A. **Businesses To Keep Clean:** It shall be unlawful for any owners or occupants of any place of business to refuse, neglect or fail to cause the sidewalk abutting thereon to be kept clean. (1981 Code § 11-367)~~
- A. **Placing Goods For Sale Or Show:** No goods, wares or merchandise shall be placed, maintained or permitted for sale or show in or on any parking area, street or sidewalk beyond two feet (2') from the front line of the lot, without first obtaining the written approval of the City Council. Such approval shall be granted only when such sale or show shall be a promotional activity not exceeding forty-eight (48) hours and when participated in by a majority of firms seeking approval in their business areas. The City Council's written approval shall specifically provide that no goods, wares or merchandise shall be placed in such a manner as to leave a sufficient passageway for pedestrians. (1981 Code § 11-368; amd. 2019 Code)
- B. **Placing Goods For Receipt Or Delivery:** It shall be unlawful for any person to place or suffer to be placed or kept upon any sidewalk, any goods, wares or merchandise which he may be receiving or delivering, without leaving a foot passageway upon such sidewalk. It shall be unlawful for any person receiving or delivering such goods, wares or merchandise to suffer the same to be or remain on such sidewalk for a longer period than two (2) hours. (1981 Code § 11-369)

- C. **Obstructing Street Or Sidewalk Passage:** Every person who obstructs the sidewalk or street by playing any game or engaging in any activity which obstructs the free passage thereon is guilty of an infraction, subject to penalty as provided in section 1-4-1 of this Code. (1981 Code § 11-370; amd. 2019 Code)
- D. **Unlawful Gathering:** It is an infraction, subject to penalty as provided in section 1-4-1 of this Code, for any person to obstruct or interfere with the free passage of persons entering, leaving or occupying buildings or premises. (1981 Code § 11-371; amd. 2019 Code)

7-1-3 6 : OBSTRUCTIONS IN STREETS AND PUBLIC WAYS:

It shall be unlawful for any person owning, occupying or having control of any premises to place or permit to be placed upon or in the ~~sidewalk, gutter, parking area, or other public way~~ public right-of-way next to such premises: (See also 9-26G-3-O)

- A. **Waste Materials:** Any rubbish, garbage, ice, snow, water, waste materials or waste products of any nature.
- B. **Trees:** Trees or ~~anything~~ other plantings which may obstruct such ~~public street, sidewalk, gutter, parking area or other public way~~ public rights-of-way, or any part thereof, or the passage over and upon the same, or any part thereof, except as expressly authorized by ordinance, without the prior permission of the City Council ~~first had and obtained~~.
- C. **Permanent Or Temporary Structures:** Any permanent or temporary structure, mechanism, device, vehicle or another thing of any kind or character, except trees planted pursuant to the provisions of subsection B of this section, or any other applicable ordinances. (1981 Code § 11-362; amd. 2019 Code)
- D. **Garbage Cans:** The leaving of any garbage can or refuse container in the street, other than on collection day, for more than 24 hours after the collection day shall be deemed a public nuisance. (See also section 4-3-1 Garbage and Refuse Definition)

7-1-4 7: DISCHARGE OF WATER:

It shall be unlawful for any person owning, occupying or having control of any premises to fail, refuse or neglect to prevent water from the roof or eaves of any house, building or other structure, or from any other source under the control of such person, to be discharged upon the surface of any sidewalk. (1981 Code § 11-365)

Chapter 2 STREET AND SIDEWALK CONSTRUCTION

7-2-1: PERMIT REQUIRED; INSPECTION:

- A. **Required:** No person, either as an owner, agent, servant, contractor or employee, shall construct any permanent sidewalk for public use without first obtaining from the Public Works Director or other designated person a permit to do so. The width and thickness of the cement and the quality of material used shall be determined by standards established by the ~~City Council~~ Public Works Director.

- B. Unlawful Violation Of Specifications: It shall be unlawful to construct a sidewalk in violation of City specifications.
- C. Inspection: All sidewalk construction shall be overseen and inspected by the Public Works Director or his duly authorized representative. ~~When the Public Works Director determines that it is necessary, pouring of cement shall be under continuous inspection.~~ (1981 Code § 11-352)

7-2-2: CONFORM TO ESTABLISHED SPECIFICATIONS:

It shall be unlawful for any person, either as owner, agent, servant, contractor or employee, to construct a street or sidewalk which does not conform to City specifications unless special permission to deviate from such specifications is first obtained from the City Council. (1981 Code § 11-351; amd. 2019 Code) Except as provided elsewhere in this ordinance for large lots, at the time of issuance of a building permit for the primary structure on a lot, the installation of curb, gutter, sidewalk and asphalt of a type approved by the city is required along the frontage of the lot on any existing street where such improvements are not already in existence or where existing improvements are not in good repair in accordance with the policies of Delta City.

7-2-3: CHANGING EXISTING CONSTRUCTION

It shall be unlawful for any person to construct a driveway across a sidewalk, or cut or change the construction of a sidewalk, curb or gutter without first making a written application and obtaining from the Public Works Director a permit to do so. The acceptance of such a permit shall be deemed an agreement on the part of such person to construct said driveway in accordance with specifications furnished by the City. (1981 Code § 11-353)

7-2-4: BUILDING MATERIALS IN STREET; PERMIT:

It shall be unlawful for any person to occupy or use any portion of the public streets when erecting or repairing any building upon land abutting thereon, without first making application to and receiving from the City a permit for the occupation or use of such portions of streets for such periods of time and under such limitations and restrictions as may be required by the City. Any such permit may be revoked by the City at any time when the holder thereof fails to comply with any rule or regulation under which it is granted, or when, in the opinion of the City, the public interest requires such revocation. (1981 Code § 11-354; amd. 2019 Code) No building permit shall be issued for the construction of a dwelling or commercial or industrial structure which is to be located on a lot or parcel outside of an approved subdivision. unless said lot or parcel shall be fully improved.

7-2-5: IRRIGATION DITCHES:

All owners or occupants of lots in the City who require water from a ditch for irrigation or other purposes shall dig ditches, erect flumes, lay pipes and install culverts, as needed, and maintain the same to convey water under sidewalks to or from their respective lots. All culverts, ditches, pipes, and flumes conveying water under sidewalks shall meet such reasonable standards and specifications as may be established by the Public Works Director, and shall be inspected and reviewed by the same. (1981 Code § 11-357)

LAND USE REGULATIONS

TITLE 9 CHAPTER 2 DEFINITIONS

9-2-1: DEFINITIONS:

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

ACCESSORY BUILDING, LARGE: An accessory building larger than six hundred (600) square feet that is located on the same lot as a residence.

ACCESSORY BUILDING, OCCUPIED: A building on the same lot as the principal building and that is:

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

ACCESSORY BUILDING, UNOCCUPIED: A building on the same lot as the principal building and that is:

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

ACCESSORY LIVING QUARTERS: Accessory dwelling incidental to a church or airport.

ACCESSORY USE OR BUILDING: A subordinate use or building customarily incidental to and located upon the same lot occupied by the main use or building.

ADULT ORIENTED BUSINESSES: Any or all of the following or any portions of the following: adult book store, adult video store, adult novelty store, adult motion picture theater, adult theater and tattoo parlors.

AFFECTED ENTITY: A county, municipality, local district under Utah Code Annotated title 17B, chapter 1, Local Districts, school district, interlocal cooperation entity established under Utah Code Annotated title 11, chapter 13, Interlocal Cooperation Act, a property owner, a property owner association, specified public utility, or the Utah Department of Transportation, if:

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

AGRICULTURAL INDUSTRY OR BUSINESS: An industry or business involving agricultural products in manufacturing, packaging, treatment, sales or storage, including, but not limited to, food packaging or processing plants, and similar uses as determined by the Planning Commission with a conditional use permit. This definition does not include hog farms, commercial poultry businesses or rendering facilities.

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

AGRICULTURE (IF LOT IS 1 OR GREATER): See definition of **AGRICULTURE** agriculture. Lot must be greater than or equal to one (1) acre in size.

ALLEY: A public thoroughfare less than thirty three feet (33') wide.

ALTERATIONS, STRUCTURAL: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

ANIMAL HOSPITAL OR VETERINARY OFFICES: An establishment where animals are medically treated, lodged or trained by a licensed veterinarian.

ANIMAL WASTE: The excrement and discharge from an animal, or animal carcasses, tissues or any other substance or material capable of transmitting disease or disease carrying agents.

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

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

ANTENNA, ROOF MOUNTED: An antenna or series of individual antennas mounted on the roof of a building.

ANTENNA, TEMPORARY: An antenna used for a time period of less than thirty (30) days.

ANTENNA, WALL MOUNTED: An antenna or series of individual antennas mounted fully against the exterior face of a building, including on the face of a chimney. A wall or face of a building is defined as the entire area of all exposed vertical surfaces of a building that are aboveground and facing approximately the same direction.

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

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

APARTMENT HOUSE: A building that contains four (4) or more dwelling units primarily for rent or lease, or a building that contains an apartment or apartments and also contains other approved uses, such as office or retail space.

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

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

APPLICATION: A written request for development approval, including, but not limited to, an alteration or revision to an approved master planned development, conditional use permit, zoning or rezoning, subdivision or annexation. The term "application" shall not include any building permits associated with construction within an approved subdivision or on an existing platted lot unless otherwise specified.

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

ASSISTED LIVING CENTER: Residences that provide for semi-independent living. Such facilities may be: a) equipped with a studio or one bedroom apartments with limited kitchen facilities, generally designed for single occupancy; b) contain central dining facilities where prepared meals are served to the residents; c) employ full time nursing or medical assistance and supervision; and d) may provide other additional services to residents.

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

ATTORNEY: The person, or persons, appointed by the City Council, to be the Delta City Attorney.

AUTO, TRUCK, RECREATIONAL VEHICLE AND EQUIPMENT SALES AND RENTAL: Sales of both new and used motor vehicles and equipment stored and displayed both indoors and on outside lots, but not to include non-serviceable or junk vehicles or equipment.

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

AUTOMOTIVE BODY/PAINT REPAIR ESTABLISHMENT: All buildings, structures, and premises where motor vehicles are stored, rented or sold, or where motor vehicles are repaired, oiled, greased, adjusted or worked upon in any manner whatsoever and for which a charge is made.

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

AUTOMOTIVE SELF-SERVICE STATION: An establishment for the retail sale of automobile fuels and lubricants, at which the customer provides the service to his own vehicle, and at which no vehicle repair or maintenance service is offered. Such an establishment may offer for sale at retail other convenience items as a clearly secondary activity. Stations located at interstate exchanges catering to semi-trucks,

which also include accommodations for truckers, also known as truck stops, require a conditional use permit.

AUTOMOTIVE SERVICE STATION: An establishment whose primary purpose is the retail sale of gasoline or other motor vehicle and related fuel, oil or lubricants. Secondary activities may include minor automotive repair, maintenance or automatic car wash.

AVIATION AIRPORT - ACCESSORY LIVING QUARTERS: The same as ~~ACCESSORY BUILDING; OCCUPIED~~ accessory building, occupied; built and maintained by or at the Delta City Airport.

AVIATION AIRPORT SERVICES: Area containing an aviation landing strip, runway, hangar or other related services needed for aircraft.

BALCONY: A platform that projects from the wall of a building and is enclosed by a railing, parapet or balustrade.

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

BAR, TAVERN, LOUNGE AND CLUB: An establishment intended primarily for the on premises sale and consumption of alcoholic beverages, open either to the public or operated as a nonprofit private club for members only.

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

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

BOND, PUBLIC IMPROVEMENT: A one year guarantee to the City that all public improvements have been installed to City specifications and will operate properly.

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

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

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

BUILDING INSPECTOR: Delta City official known as the Construction Enforcement Officer who is designated to inspect buildings under construction and upon completion.

BUILDING, MAIN: A building within which the principal land use of the lot is conducted.

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

BUSINESS, COMMERCIAL, LESS INTENSIVE: A business that does not include automotive, heavy equipment or twenty-four (24) hour uses. May be with or without a drive up window.

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

CARPORT: A roofed structure, open on at least three (3) sides, designed for or occupied by private passenger vehicles. Except for in the case of a permitted encroachment pursuant to section 9-19-2 of this title, for the purposes of this title, a carport shall be subject to all regulations prescribed for a private garage.

CEMETERY, COLUMBARIUM, CREMATORY, MAUSOLEUM: Land or buildings used for the cremation, burial or interment of the human dead, but not including facilities for embalming.

CHIEF EXECUTIVE OFFICER: The Mayor of Delta City.

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

CHILDCARE CENTER: The provision of childcare for business for eight (8) or fewer children, including the provider's children who are under the age of eighteen (18), within a dwelling unit.

CHILDCARE FACILITY: The provision of childcare for business for nine (9) or more children, including the provider's children who are under the age of eighteen (18).

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

CHURCH, ACCESSORY LIVING QUARTERS: See ~~ACCESSORY BUILDING, OCCUPIED~~ accessory building, occupied ~~definition~~; built and maintained by the religious organization.

CHURCH (FORTY FEET (40') FROM ALL PROPERTY LINES, NO RESIDENCE WITHIN): See definition of ~~CHURCH~~ church. The building must be forty feet (40') from all property lines, no residence within.

CINEMA, INDOOR: An enclosed building used primarily for the presentation of motion pictures.

CINEMA, OUTDOOR: An establishment at which motion pictures are projected onto an outdoor screen for viewing by patrons seated in parked motor vehicles.

CITY COUNCIL: The Governing Body of Delta City.

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

CLEAR VISION AREA: An area outlined by the sight distance triangle where solid fencing or natural vegetation is restricted to a height of three feet (3') and where all structures or other items that would obstruct vision are prohibited. See definition of sight distance triangle.

CLUB, PRIVATE: Any nonprofit corporation or organization, operating as a social club, recreational, fraternal, athletic or kindred association organized primarily for the benefit of its stockholders or members and serving alcoholic beverages and/or food.

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

CODE ENFORCEMENT OFFICER: The Delta City official known as the Zoning and Land Use Enforcement Officer. The Code Enforcement Officer shall be one and the same as any reference in any Delta City ordinance, resolution or policy that references a "Zoning Officer", "Land Use Administrator", "~~Land Use Authority~~", or any other title of a public official with duties regarding zoning and land use enforcement and shall have any and all discretion, duties and responsibilities as set out in such Delta City ordinance, resolution or policy.

COLLECTOR STREET: See definition of street, collector.

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

COMPLETE APPLICATION: A submission, which includes all information requested on the appropriate form, and full payment of all applicable fees.

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

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

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

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

CONSERVATION EASEMENT: An easement designed to restore, enhance, protect and sustain the quality and quantity of ecosystems and natural resources.

CONSTITUTIONAL TAKING: Final action by the City to physically take or exact private real property that requires compensation to the owner because of the mandates of the Fifth or Fourteenth Amendments to the Constitution of the United States, or article I, section 22, of the Utah Constitution.

CONSTRUCTION STANDARDS: The standards and specifications set out in this title or maintained by the City.

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

COUNCIL: Members of the City Council of Delta.

COUNTY: The unincorporated area of Millard County.

COURT: An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings and which is bounded on two (2) or more sides by such building or buildings.

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

CUL-DE-SAC: A minor street having an open end and being terminated at the other end by a vehicle turnaround.

CULINARY WATER AUTHORITY: The department, agency or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

CULTURAL, CIVIC SERVICES: A building primarily used for the public, nonprofit display of art, historic or cultural artifacts, or other inanimate exhibits or a building primarily used as a lending library or reading room.

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

DELTA CITY CONSOLIDATED FEE SCHEDULE (OR FEE SCHEDULE): A document adopted by resolution of the Delta City Council listing fees charged by Delta City to offset regulatory and administrative service costs of Delta City.

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

DISABILITY: A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment. Disability does not include current illegal use of, or addiction to, any Federally controlled substance, as defined in section 102 of the Controlled Substances Act, 21 USC 802.

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

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

DRIVE TEST, ANTENNA: A temporary antenna, which is used for field testing of telecommunications signals and possible locations, but does not provide telecommunications to customers.

DRY CLEANING ESTABLISHMENT: An establishment employing volatile or explosive substances for the cleaning or dyeing of fabrics. Excluded from this definition are traditional laundries employing water and soaps in the cleaning of fabrics and patron operated dry cleaning machines associated with laundromats.

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

DWELLING, FOUR-FAMILY: A building arranged or designed to be occupied by four (4) families, the structure having only four (4) dwelling units.

DWELLING, MULTIPLE-FAMILY: A building arranged or designed to be occupied by more than four (4) families.

DWELLING, SINGLE-FAMILY: A building arranged or designed to be occupied by one family, the structure having only one dwelling unit.

DWELLING, SINGLE (CAN BOARD 2 PEOPLE, NO SEPARATE KITCHEN): One or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family, with separate toilets and facilities for sleeping.

DWELLING, THREE-FAMILY: A building arranged or designed to be occupied by three (3) families, the structure having only three (3) dwelling units.

DWELLING, TWO-FAMILY: A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

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

ELDERLY CARE: A long term care residential facility for the elderly. The term does not include a healthcare facility.

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

ENGINEER: The person or firm appointed by the City Council to be the Delta City Engineer.

EQUIPMENT SHELTER: A structure used to house equipment for telecommunications facilities.

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

FARM ANIMALS/LIVESTOCK: Animals other than household pets that may, where permitted, be kept and maintained on private property.

FARM ANIMALS/LIVESTOCK (NON-COMMERCIAL USES): See Farm animals/livestock. Commercial use of animals/livestock or goods produced including but not limited to meat, eggs, manure, etc. are prohibited.

FEE SCHEDULE: See definition of Delta City consolidated fee schedule.

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

FENCE, CORNER LOT: Clearview Zone; Driveways (Corner Lots) refers to that portion of the corner lot lying within a triangular area formed by measuring back ten feet from the point where the interior property line shared with the adjacent lot meets the property line along the public right of way. No fence on a corner lot may obstruct visibility as outlined in section 9-21-2 of this document.

FENCE, ELECTRIC: A fence wired with low voltage (12 volt maximum) electricity.

FENCE, RAZOR: A fence with razor coil, cable or tooth wire along certain portions.

~~**FENCE, WILDLIFE:** Open fencing allowed at a height six feet (6') or higher when a need is shown to protect animals from entering or leaving an area.~~

FENCE, WILDLIFE/LARGE ANIMAL: Any inherently sturdy steel or solid wood fencing, which may be coupled with wire or other materials for the purpose of containing or deterring large animals or wildlife from passage. Open fencing allowed at a height of six feet (6') or higher more when a need is shown to protect animals from entering or leaving an area.

FINAL ACTION: The latter of the final vote or the approved, written decision on a matter.

FINAL PLAT: A recordable subdivision or condominium map.

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

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

FLOOR AREA, NET LEASABLE: Gross floor area excluding common hallways, mechanical and storage areas, and restrooms.

FLOOR AREA RATIO (FAR): The maximum allowed gross floor area divided by the area of the lot or parcel.

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

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

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

GARAGE, PRIVATE (Including UNENCROACHING CARPORT): A detached accessory building or portion of a main building for the parking or temporary storage of automobiles of the occupants of the premises.

GATED COMMUNITY: A subdivision or residential area where primary access is regulated through a gated entry point.

GENERAL MERCHANDISE SALES AND RELATED SERVICES: Stores, department stores or shops intended for sale of goods or merchandise, but not including convenience goods, liquor, motor vehicles, campers, trailers or lumber.

GENERAL PLAN: A document that a Municipality adopts that sets forth general guidelines for proposed future development of the land within the Municipality, as set forth in Utah Code Annotated sections 10-9a-401 and 10-9a-302.

GOVERNING BODY: The Delta City Council.

GRADE:

- A. For buildings adjoining more than one street, the average of the elevations of the sidewalks at the centers of all walls adjoining streets.
- B. For buildings adjoining one street only, the elevation of the sidewalk at the center of that wall adjoining the street.
- C. For buildings having no wall adjoining the streets, the average level of the ground (finished surface) adjacent to the exterior walls of the buildings.
- D. All walls approximately parallel to and not more than five feet (5') from a street line are to be considered as adjoining a street.

GROUP HOME: A profit or nonprofit boarding home for the sheltered care of persons with special needs, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation. Group home includes congregate facilities for all persons.

GROUP HOME, ASSISTED LIVING FACILITY: A residential facility, licensed by the state of Utah, with a home-like setting that provides an array of coordinated support personnel and healthcare services, available twenty-four (24) hours per day, to residents who have been assessed under the Utah Department of Health or whom the Utah Department of Human Services requires or recommends any of these services. Each resident shall have a service plan based on the assessment, which may include: a) Specified services of intermediate nursing care; b) Administration of medication; and c) Support services promoting resident's independence and self-sufficiency. Such a facility does not include adult day care provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.

GROUP HOME, DISABLED: A residence in which more than one person with a disability resides and is licensed or certified by the Utah Department of Human Services or the Department of Health. This term includes a recovery residence and a residential treatment facility as defined in Utah Code section 62A-2-101.

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

and requires special interdisciplinary or generic care, treatment or other services that are individually planned and coordinated to allow the person to function in, and contribute to, a residential neighborhood.

HEALTH DEPARTMENT: The Utah State Division of Environmental Health or local health agency having jurisdiction.

HEALTHCARE CENTER (CONVALESCENT CENTER): A publicly or privately operated facility, other than a hospital, intended for the long term, inpatient care of human illness or infirmity, including the elderly and developmentally disabled, normally employing the services of skilled and licensed practitioners.

HEAVY/FARM EQUIPMENT SALES: Vehicles or equipment in excess of one ton used in farming, construction or other related services.

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

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

HOSPITAL: An institution designed for the diagnosis, treatment and care of human illness or infirmity and providing health services, primarily for inpatients, and including as related facilities, laboratories, outpatient departments, training facilities and staff offices, but not including clinics or healthcare centers.

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

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

IMPROVEMENTS: Includes all roads, streets, curbs, gutters, gradings, landscaping, water and sewer systems, drainage systems, public facilities and sewer materials required by this title.

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

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

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

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

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

INTERMITTENT USE: A temporary business of selling and delivering goods, wares and merchandise within the City of Delta.

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

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

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

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

LAND USE APPLICATION: An application required by a Municipality's land use ordinance.

LAND USE AUTHORITY: A person, board, commission, agency or other body designated by the local legislative body to act upon a land use application. ~~(See "CODE ENFORCEMENT OFFICER" in this Section).~~

LAND USE ORDINANCE: A planning, zoning, development or subdivision ordinance of the Municipality, but does not include the general plan.

LATTICE TOWER: A self-supporting multiple sided, open steel frame structure used to support telecommunications antenna equipment.

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

LAUNDRY: An establishment at which clothing and other fabrics are washed and pressed. Excluded from this definition are dry cleaning establishments and laundromats.

LEASABLE, GROSS: Total area including hallways, mechanical equipment room and common bathrooms.

LEASABLE, NET: Total area excluding hallways, mechanical equipment room and common bathrooms.

LEGISLATIVE BODY: The Delta City Council.

LIQUOR STORE: A retail sales store authorized by the Utah Department of Alcoholic Beverage Control to sell packaged alcoholic beverages for off premises consumption.

LOCAL JURISDICTION: Delta City.

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

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

LOT DEPTH: The horizontal distance between the front and rear lot lines measured in the main direction of the side lot line.

LOT LINE: Property lines bounding the lot.

LOT LINE ADJUSTMENT: The relocation of the property boundary line between two (2) adjoining lots with the consent of the owners of record, so long as no new lot is created, and the adjustment does not violate this title.

LOT LINE, FRONT: The property line dividing a lot or parcel from the right-of-way of the street from which structure takes access.

LOT LINE, REAR: The property line opposite the front lot line.

LOT LINE, SIDE: Any lot or property line other than a front or rear lot line.

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

LOW POWER RADIO SERVICES FACILITY: An unmanned structure, which consists of equipment used primarily for the transmission, reception or transfer of voice or data through radio wave or wireless transmissions. Such sites typically require the construction of transmission support structures to which antenna equipment is attached.

LUMBER SALES AND STORAGE: The sale and display of lumber and building supplies, including the outside storage of lumber and related merchandise.

MAJOR STREET PLAN: The major street plan of Delta City.

MANUFACTURED HOME: A structure, transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. Calculations used to determine the number of square feet in a structure will be based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions will include all expandable rooms, cabinets and other projections containing interior space, but do not include bay windows. This term includes all structures which meet the above requirements except the size requirements and with respect to which the manufacturer voluntarily files a certification pursuant to 24 CFR 3282.13, and complies with the standards set forth in 24 CFR part 3280.

MANUFACTURING USE: Research and development facilities, testing laboratories and facilities for the production, fabrication, processing or assembly of goods and products.

MASSAGE THERAPY SERVICES: See definition of office, professional.

MASTER PLAN: The master plan of Delta City.

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

MEDICAL CLINIC: See definition of office, professional.

MENTAL HEALTH CENTER: A publicly or privately operated facility, intended for the diagnosis and treatment of mental or emotional disorders.

MILITARY SURPLUS GOODS/STORE: New or used military equipment, vehicles or supplies, which are available for resale to the general public.

MIXED USE, COMMERCIAL: Development which incorporates a mix of uses, including retail commercial and/or offices and residential.

MIXED USE, HORIZONTAL: Commercial and residential uses which are within close proximity to each other and designed in a "village" manner, but not necessarily within the same building structures.

MIXED USE, VERTICAL: Commercial and residential uses, which are within the same building structure.

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

MOBILE HOME LOT: A designated portion of a mobile home park, designed for the accommodation of one mobile home and its accessory buildings or structures which complies with all relevant Building Codes and ordinances.

MOBILE HOME PAD: Part of the mobile home space which has been prepared and reserved for the placement of one mobile home.

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

MOBILE HOME PARK PLUMBING SYSTEM: The park sewer and water supply systems within the park property line.

MOBILE HOME PARK SEWAGE SYSTEM: Any pipe or line not built into the mobile home which is used for the disposal of human waste.

MOBILE HOME SERVICE BUILDING: A building which is not a mobile home which houses separate toilet and bathing facilities for men and women and which may also have laundry facilities, flushing rim sink, and other facilities as may be required by the ordinances of the City of Delta.

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

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

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

MONUMENT SIGN: A sign six feet (6') or less in height which is flush to the ground.

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

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

MUNICIPAL FACILITIES: Those improved properties owned by the Municipality or the public.

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

NEW DEVELOPMENT: Any new construction activity.

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

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

NONCONFORMING USE: A use of a lot or parcel that legally existed on the lot or parcel before its current zoning designation; has been maintained continuously for the preceding twelve (12) months; and does not conform with the zoning regulations that now govern the land.

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

NURSERY (PERSONAL USE): A use wholly, or partially, contained within one or more greenhouses where trees, shrubs, flowers, or vegetable plants are grown for personal use. For-profit sales of goods are prohibited.

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

OFFICE, BUSINESS OR GOVERNMENT: A place intended for the conduct of administration or services by a business enterprise or unit of government.

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

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

OFFICIAL ZONING MAP: The map adopted by the City Council pursuant to law showing the streets, zoning districts and City boundaries; and any amendments or additions thereto resulting from the approval of rezones, subdivision or annexation plats and the subsequent filing of such approved plats.

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

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

OUTDOOR RECREATION, PARK OR PLAYGROUND (PUBLIC OR PRIVATE): An area free of buildings, except for restrooms, dressing rooms, equipment storage and maintenance buildings, and open air pavilions and used primarily for recreation activities not involving motor vehicles or overnight use.

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

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

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

PARCEL OF LAND: An area of land all portions or divisions of which are contiguous and in the possession or ownership of one person.

PARKING AREA: An unenclosed area or lot, other than a street, used or designed for parking, nine feet by eighteen feet (9' x 18').

PARKING AREA, PRIVATE: An open area, other than a street, used for the parking of the automobiles of occupants of a dwelling, hotel or apartment hotel.

PARKING, PUBLIC: A parking area or parking facility to be used by the public for fee or otherwise.

PARKING, RESIDENTIAL: A parking area or structure used exclusively for residential, noncommercial uses.

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

PARKING SPACE, AUTOMOBILE: A space within a building or a private or public parking area, exclusive of driveways, ramps, columns and office and work areas, for the parking of one automobile.

PARTIAL STREET: The portion of a street within a subdivision comprising the minimum required right-of-way on which improvements are constructed to width of one-half ($1/2$), plus ten feet (10') over the centerline of the typical street cross section, as set out in the Construction Standards.

PAWNSHOPS: A business dealing in or collecting used or secondhand merchandise of personal property, which has been legitimately obtained.

PERSON: An individual, individuals, corporation, partnership or incorporated association of individuals, such as a club. Also includes tenants in common, joint tenants, firms, limited partnerships or associations of individuals however styled or designated. Any use of the word person, as defined in this section, shall be deemed to include the singular or plural and each gender, as appropriate.

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

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

PLANNING COMMISSION: The Delta City Planning Commission.

PLAT: A map or other graphical representation of lands being laid out and prepared in accordance with Utah Code Annotated section 10-9a-603. See chapter 18, article A, "Development Standards", of this title.

PRELIMINARY PLAT: The preliminary drawings of a proposed subdivision, specifying the layout, uses and restrictions.

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

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

PROPERTY LINE: The boundary line of a parcel or lot.

PROPERTY LINE, FRONT: That part of a parcel or lot, which abuts a street.

PROTECTION STRIP: A strip of land of less than the minimum depth required by this title for a building lot bordering the boundary of a subdivision or a street within the subdivision for the purpose of controlling the access of property owners abutting the subdivision to the street.

PUBLIC HEARING: A hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

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

PUBLIC MEETING: A meeting that is required to be open to the public under Utah Code Annotated title 52, chapter 4, Open and Public Meetings.

PUBLIC RIGHT-OF-WAY: An area of land that is legally described in a registered deed for the provision of public access. Features within public right-of-ways (public ways) include streets, sidewalks, bridges, curbs, gutters, culverts, drains, waterways and others that are legally dedicated and recorded for the use of the general public.

PUBLIC SERVICE: Uses, which may be housed in separate buildings, or which may occupy a space within a building, that are operated by a unit of government to serve public needs, such as police (with

jail), fire service, ambulance, Post Office or judicial court, but not including public utility stations or maintenance facilities.

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

PUBLIC UTILITIES, EXCEPT SEWER: See ~~PUBLIC Services~~ ~~UTILITY STATIONS~~ public utility stations definition; excluding sewer sewage installments and utilities.

PUBLIC UTILITY STATIONS: A structure or facility used by a public or quasi-public agency to store, distribute, generate or chemically treat water, power, gas, sewage, equipment or other service elements.

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

RECORD OF SURVEY MAP: A graphic illustration of a survey of land prepared in accordance with State laws.

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

RECREATIONAL VEHICLE PARK (TRAVEL TRAILER PARK): Any area or tract of land or separately designated section where lots are rented to one or more owners or users of recreational vehicles for a temporary time.

RELIGIOUS, EDUCATIONAL INSTITUTE: A 28 USC 501(c)(3) nonprofit organization engaged in teaching, community programs or spiritual endeavors, which qualifies as a tax exempt religious institution under title 28 of the U.S. Code.

REPAIR SERVICES, SMALL APPLIANCE OR EQUIPMENT: An establishment for the repair of household or other small appliances or equipment and at which no such appliances or their parts are stored out of doors.

RESIDENTIAL FACILITY FOR THE DISABLED/RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY: A facility that is occupied by three (3) to five (5) unrelated persons with disabilities on a twenty-four (24) hour per day basis in a family type arrangement under the supervision of a house family or manager, and that conforms to all applicable standards and requirements of and is licensed by the Utah Department of Human Services - Division of Services for People with Disabilities or Health, and is operated by or under contract with that department. Such facilities shall not include facilities for the following: secure treatment, inpatient treatment, residential treatment, adult daycare, day treatment, comprehensive mental health treatment, comprehensive substance abuse treatment, or domestic violence treatment as defined in Utah Code Annotated section 62A-2-101.

RESIDENTIAL FACILITY FOR THE ELDERLY: A long-term care residential facility for elderly persons. The term does not include a healthcare facility.

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

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

RESOURCE FAMILY HOME: A home licensed to provide services to a child in the custody of the State and includes a foster care home and a legal risk home.

RESTAURANT, CAFE, CONFECTIONERY: An establishment where food is prepared and served to customers for consumption on the premises.

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

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

RIGHT-OF-WAY: A strip of land, dedicated to public use, that is occupied or reserved to be occupied by a street, crosswalk, trail, stairway, railroad, road, utilities or for another special use.

ROAD CLASSIFICATION: The streets, highways, roads and rights-of-way designated on the Streets Master Plan.

ROAD, RIGHT-OF-WAY WIDTH: The distance between property lines measured at right angles to the centerline of the street.

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

SANITARY SEWER AUTHORITY: The department, agency or public entity with responsibility to review and approve the feasibility of sanitary sewer services or on site wastewater systems.

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

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

SCHOOL, PRIVATE, QUASI-PUBLIC (40' FROM ALL PROPERTY LINES, NO RESIDENCE WITHIN): See ~~definition of SCHOOLS, PRIVATE, QUASI-PUBLIC~~ schools, private, quasi-public; The building must be forty feet (40') from all property lines, no residence within.

SCHOOL, PUBLIC: An educational facility operated by a school district or other public agency of the State of Utah.

~~SCHOOL, PUBLIC (40' FROM ALL PROPERTY LINES, NO RESIDENCE WITHIN):~~ See definition of ~~SCHOOL, PUBLIC~~ school, public. The building must be forty feet (40') from all property lines, no residence within.

SCREEN OR SCREENED: The act, process or result of visually and/or audibly shielding or obscuring a structure or use from adjacent property by fencing, walls, berms, densely planted vegetation or other features.

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

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

SETBACK: The required minimum distance between a building or structure and the closest of the following: property line; platted street; or existing curb or edge of a street.

SHOPPING CENTER, COMMUNITY (RETAIL BUSINESS): A completely planned and designed commercial development providing for the sale of general merchandise and convenience goods and including a variety store, discount store or supermarket.

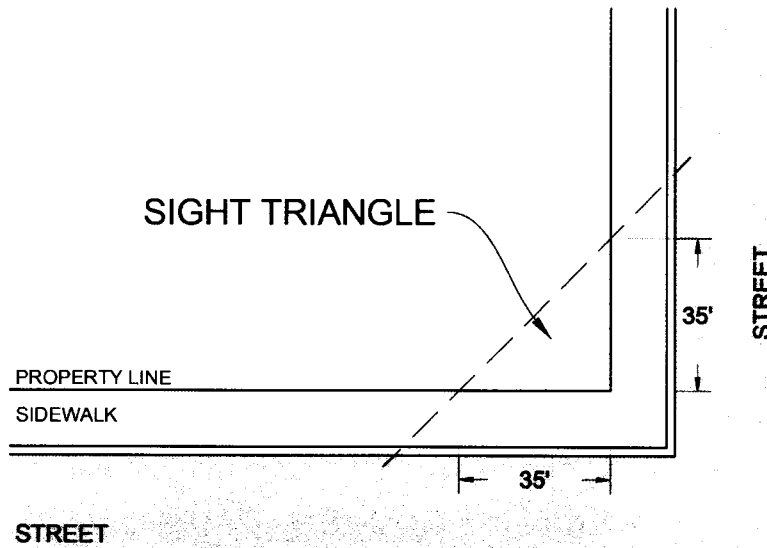
SHOPPING CENTER, NEIGHBORHOOD: A planned commercial development providing primarily for the sale of convenience goods and services. The center is designed to serve a residential neighborhood.

SIGHT DISTANCE TRIANGLE: A triangular area at the intersection of two (2) streets bounded by property lines connecting them at points thirty five feet (35') from the intersection of the two (2) adjoining property lines, which is to be kept reasonably clear to allow for the unimpeded view of drivers or pedestrians approaching the intersection.

TYPICAL SITE TRIANGLE AREA GUIDE



(OLD GRAPHIC ABOVE TO BE REPLACED WITH NEW GRAPHIC BELOW)



SIGNIFICANT VEGETATION: Includes all large trees six inches (6") in diameter or greater measured four and one-half feet (4½') above the ground, all groves of small trees, and all clumps of oak or maple covering an area fifty (50) square feet or more measured at the drip line.

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

- A. **Abandoned Sign:** Any sign which is obsolete or which has not been properly maintained for a period of three months, at which time such a sign can be removed by the City and a removal fee charged to the owner.
- B. **Billboard:** A freestanding ground sign located on industrial, commercial or residential property if the sign is designed or intended to direct attention to a business, product or service that is not sold, offered or existing on the property where the sign is located. For purposes of this definition, a billboard shall be considered to be an off premises sign.
- C. **Convert:** To change a billboard sign face from its existing, non-digital surface to a digitally controlled surface.
- D. **Directional Signs:** Signs containing information about public places owned or operated by Federal, State or local governments or their agencies, publicly or privately owned, natural phenomena, historic, cultural, scientific, educational or religious sites and areas of natural scenic beauty or naturally suited for outdoor recreation.
- E. **Erect:**
 - 1. To construct, build, raise, assemble, place, affix, attach, create, paint, draw or in any other way bring into being;
 - 2. Erect does not include any activities defined in subsection A of this definition if they are performed incident to the change of an advertising message or customary maintenance of a sign.
- F. **Maintain Or Maintenance:** To repair, refurbish, repaint or otherwise keep an existing sign structure safe and in a state suitable for use, including signs destroyed by vandalism or by acts of God. Owner or lessee of a sign may repaint, redecorate and/or change letters or panels on his/her own sign.
- G. **Off Premises Signs:** ~~Signs which advertise(s) or direct(s) attention to a use(s), product(s), commodity(ies) or service(s) not related to the premises on which it is located. For purposes of this title, if a sign advertises for uses, products, commodities or services on the property where the sign is located and for uses, products, commodities or services not related to the property, the sign shall be deemed an off premises sign.~~ A sign that advertises, communicates or identifies products, services, businesses, organizations, activities or messages that are not located, conducted, manufactured or sold on the premises where the sign is displayed. Off-premises signs generally include billboards and other similar signs.
- H. **Official Signs And Notices:** Signs and notices erected and maintained by Delta City within its territorial or zoning jurisdiction for the purpose of carrying out official duties or responsibilities in accordance with direction and authorization contained in Federal, State or local law.
- I. **On Premises Signs:** Signs which advertise or direct attention to a commercial building or a use conducted, a commodity sold or a service performed on the premises where the sign is located.
- J. **Sign Setback:** The minimum distance that any portion of a sign or sign structure shall be from any street property line.

SITE DEVELOPMENT STANDARDS: Regulations unique to each zone concerning standards for development, including, but not limited to, lot areas, setbacks and building height.

SKATING - ROLLERBOARD PARK: Any facility, structure or area in which skateboarding, in-line skating, or bicycle riding is allowed, which is owned, operated and maintained by the City, and which has been designated as a "skating- rollerboard park" by ordinance of the City council.

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

SMALL ENGINE REPAIR: An establishment engaged in the repair and maintenance of small engines with an engine displacement size no greater than two thousand (2,000) cc. This includes, but is not limited to: motorcycles, OHVs, ATVs, home and garden tools and equipment, outboard motor watercraft (engine removed), snowmobiles, chainsaws and other similar small engines.

SOLAR ENERGY SYSTEM: A system of apparatus and equipment capable of collecting and converting solar radiation into heat, mechanical or electrical energy, and transferring those forms of energy by a separate apparatus to storage or to point of use, including, but not limited to, water heating, space heating or cooling, electric energy generation or mechanical energy generation.

SOLICITING OR SOLICIT OR SOLICITATION: Any of the following activities:

- A. Seeking to obtain sales or orders for the exchange of goods, wares, merchandise or perishables of any kind, for any kind of remuneration or consideration, regardless of whether advance payment is sought.
- B. Seeking to obtain prospective customers to apply for or to purchase insurance, subscriptions to publications, or publications.
- C. Seeking to obtain contributions of money or any other thing of value for the benefit of any person or entity.
- D. Seeking to obtain orders or prospective customers for goods or services.
- E. Seeking to engage an individual in conversation at a residence for the purpose of promoting or facilitating the receipt of information regarding charitable conduct, or a home solicitation sale.
- F. Other activities falling within the commonly accepted definition of "soliciting", such as hawking or peddling.
- G. This section shall not be construed to disallow the proselytizing of religious or charitable groups.

SOLICITORS: Persons engaged in door-to-door solicitation.

SPECIAL DISTRICT: An entity established under the authority of Utah Code Annotated title 17A, Special Districts, and any other governmental or quasi-governmental entity that is not a county, municipality, school district or unit of the State.

STABLE, PRIVATE: A detached accessory structure used for the keeping and housing of livestock by the occupants of the premises.

STABLES, PRIVATE (PROVIDED STRUCTURES HOUSING ANIMALS SHALL NOT BE CLOSER THAN 200' TO ANY PROPERTY LINE): See definition of ~~STABLE, PRIVATE~~ stable, private: No part of the structures may be closer than two-hundred feet (200') to any property line.

STABLE, PUBLIC: A stable other than a private stable.

STABLES, PUBLIC (PROVIDED STRUCTURES HOUSING ANIMALS SHALL NOT BE CLOSER THAN 200' TO ANY PROPERTY LINE): See definition of ~~STABLE, PUBLIC~~ stable, public: No part of the structures may be closer than two-hundred feet (200') to any property line.

STABLES, PUBLIC/COMMERCIAL: A building in which domestic animals, such as horses, ponies, and cattle, are sheltered and fed, having stalls or compartments. Animals may be boarded for profit.

STEALTH TELECOMMUNICATIONS FACILITY: A telecommunications facility, which is disguised as another object or otherwise concealed from public view.

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

STORAGE UNIT, PUBLIC/COMMERCIAL: A building or series of buildings in which spaces are rented, leased, or sold for the purpose of storage. Spaces shall be individually secured and enclosed.

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

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

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

STREAM CORRIDOR: The corridor defined by the stream's ordinary high water mark.

STREET: A private or public right-of-way, including a highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement or other way. Also includes a thoroughfare which has been dedicated and accepted by the City Council, which Delta City has acquired by prescriptive right or which Delta City owns, or which has been offered for dedication on an approved final plat, or a thoroughfare of at least thirty three feet (33') in width which has been abandoned or made public by right of use and which affords access to abutting property, including highways, roads, lanes, avenues and boulevards.

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

STREET, ARTERIAL: A street which provides for through traffic movement between areas and across the City, with moderate access to abutting property subject to necessary control of entrances, exits and curb use, and also provides access to highways. Arterials are not usually included in residential street plans. Maximum ADT is three thousand plus (3,000+) vehicles.

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

STREET, LOCAL: A street that provides for direct access to abutting land and for local traffic movements.

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

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

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

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

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

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

STRUCTURE, PRE-EXISTING: A structure, which was legally constructed prior to August 16, 2012.

SUBDIVISION:

- A. Any land that is divided, re-subdivided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots or other division of land for the purpose, whether immediate or future, for offer, sale, lease or development, either on the installment plan or upon any and all other plans, terms and conditions. Subdivision includes: 1) the division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat or other recorded instrument; and 2) divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural and industrial purposes.
- B. Subdivision does not include:
 1. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable zoning ordinance;
 2. A "lot line adjustment" that satisfies the applicable requirements of this title.
 3. A recorded document, executed by the owner of record, revising the legal description of more than one contiguous parcel of property into one legal description encompassing all such parcels of property, or joining a subdivided parcel of property to another parcel of property that has not been subdivided, so long as the joinder does not violate this title.

SUBDIVISION PLAT: The final map or drawing, on which the applicant's plan of subdivision is presented to the City Council for approval and which, if approved, may be submitted to the County Recorder for filing.

SUBDIVISION, SIMPLE LOT: Any subdivision containing not more than three (3) lots fronting on an existing street, not involving any new street, or the extension of Municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the General Plan, Official Land Use Map, Street Master Plan or these regulations. Subdivisions qualifying as a simple lot subdivision are exempt from the plat requirement.

SURPLUS, SECONDHAND STORE: An establishment that sells surplus items, used furniture, appliances, clothing and miscellaneous small items. Excluded from this definition are establishments selling used motor vehicles, their parts, military surplus and other heavy equipment.

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

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

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

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

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

THEATER, CONCERT HALL: A building or amphitheater used primarily for the presentation of live stage productions or performances.

TOBACCO PRODUCT:

- A. Any cigar, cigarette or electronic cigarette as defined in Utah Code Annotated section 76-10-101, as amended;
- B. A tobacco product as defined in Utah Code Annotated section 59-14-102, as amended, including:

1. Chewing tobacco; or
 2. Any substitute for a tobacco product, including flavoring or additives to tobacco; and
- C. Tobacco paraphernalia as defined in Utah Code Annotated section 76-10-104.1, as amended.

TOBACCO SPECIALTY BUSINESS, RETAIL: A commercial establishment in which:

- A. The sale of tobacco products accounts for more than thirty five percent (35%) of the total annual gross receipts for the establishment;
- B. Food and beverage products, excluding gasoline sales, is less than forty five percent (45%) of the total annual gross receipts for the establishment; and
- C. The establishment is not licensed as a pharmacy under Utah Code Annotated title 58, chapter 17b, Pharmacy Practice Act.
- D. And as further defined by Utah Code Annotated section 10-8-41.6, as amended.

TRAILER, TRAVEL: See definition of recreational vehicle.

TRANSFER STATION: A facility designed for the transfer and transport of solid waste.

TRAVEL PARK: See definition of recreational vehicle park.

UNINCORPORATED: The area outside of the incorporated boundaries of cities and towns.

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

USE, PRE-EXISTING: A use, which validly existed prior to August 16, 2012, and has not been abandoned for more than six (6) months.

UTILITIES: Includes culinary water lines, pressure and gravity irrigation lines, sanitary and storm sewer lines, electric power, gas and telephone transmission lines, television cables, underground conduits and junction boxes.

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

WAREHOUSE, COMMERCIAL: An establishment primarily engaged in the storage and sale of goods to other firms for resale, as well as activities involving movement and storage of products or equipment. Typical uses include mail distribution centers, moving and storage firms, and warehousing and storage facilities.

WAREHOUSE STORAGE UNITS: ~~A building in which goods, merchandise or equipment are stored for eventual distribution, or for which storage space is rented.~~

WELDING MACHINE SHOP: A building or structure where pieces of metal are welded.

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

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

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

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

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

YOUTH PROGRAM:

- A. A nonresidential program, designed to provide behavioral, substance abuse or mental health services to minors that:
1. Serves either adjudicated or non-adjudicated youth;
 2. Charges a fee for its services;
 3. May or may not provide host homes or other arrangements for overnight accommodation of the youth;
 4. May or may not provide all or part of its services in the outdoors;
 5. May or may not limit or censor access to parents or guardians; and
 6. Prohibits or restricts a minor's ability to leave the program at any time of his own free will.
- B. Youth program does not include recreational programs, such as Boy Scouts, Girl Scouts, 4-H and other such organizations.

ZONING MAP: A map, also known as a land use map, adopted as part of a land use ordinance that depicts land use zones, overlays or districts. (Ord. 18-277, 2-15-2018; amd. 2019 Code)

MOBILE HOME (M-H) ZONE

TITLE 9

CHAPTER 8

~~9-8-3: MINIMUM LOT AND DEVELOPMENT STANDARDS:~~

ZONE-DISTRICT M-H

MINIMUM LOT AND DEVELOPMENT STANDARDS

	Area	Width	Setbacks	Height	Sidewalks
Lot Standard	6,000/ unit	60'	Front: 15' Side: 10' Rear: 10'	35'	No
Exceptions	No	No	A corner lot shall have 2 fronts, 2 sides, 0 rear. Front is determined by location of street		

(Ord. 18-277, 2-15-2018)

MOBILE HOME PARKS

TITLE 9 CHAPTER 14

ARTICLE A -- ~~9-14-1~~: GENERAL PURPOSE

The purpose of this chapter is to allow for the usage of mobile homes and mobile home parks within the City and to allow for proper safety, sanitary and design considerations within the parks. (Ord. 18-277, 2-15-2018)

ARTICLE B -- ~~9-14-2~~: LOT AND DEVELOPMENT STANDARDS

The following development standards apply to all new development in the M-H zone:

TABLE 9-14-2
MINIMUM LOT AND DEVELOPMENT STANDARDS

		Area	Width	Setbacks	Sidewalks Required	Height
Lot	Standards	4,000 /unit	40'	Front: 10' Side: 10' Rear: 10'	No Yes (See also Sections 7-1-3 and 9-26G-3-D).	35'
	Exceptions	No	No	A corner lot shall have 2 fronts, 2 sides, 0 rear. Front is determined by location of street.		

Mobile home park size, area, and density:

- A. Mobile home parks shall have a minimum area of four (4) acres and a maximum area of twenty (20) acres.
- B. Mobile-home parks shall have a maximum density of six (6) dwelling units per acre.

(Ord. 18-277, 2-15-2018)

ARTICLE C -- ~~9-14-3~~: ZONING AND REGULATORY REQUIREMENTS:

9-14C-1: ~~LICENSE AND PERMITS:~~

~~A. License and Permits:~~

- A. No person shall construct, maintain or operate any mobile home park within the City limits without first obtaining a ~~license~~ permit for the mobile home park from the City Recorder and a certificate of occupancy from the City Building Inspector.
- B. Any person or other entity who commences development or operation of a mobile home park without first securing the necessary permits and licenses from the City shall be guilty of

developing or operating a mobile home park without a proper permit. When the building inspector or other authorized person learns of a violation, he or she shall have authority to require that the work or operation stop immediately and that it not continue until an authorized person acquires a permit.

- C. Any person or entity that violates this subsection T shall be guilty of an infraction, and shall be fined an amount not to exceed seven hundred fifty dollars (\$750.00) for each offense. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues
- D. Before a permit shall be issued for a mobile home park ~~or a travel trailer court~~, the overall site plan of the development must be submitted to the Planning Commission for its review and approval.

The overall site plan must show:

1. Sufficient information to locate accurately the property under review;
 2. The topography represented by contours shown at intervals no greater than two feet (2');
 3. The proposed street and typical mobile home layout;
 4. Proposed reservations for parks, playgrounds and open spaces;
 5. Size and character of recreation buildings, pergolas, arbors and other structures associated with land and facilities to be used by the mobile home park occupants;
 6. Proposed location of parking spaces;
 7. Proposed landscape planting plan, including the type and location of plant materials, location of water and sewer lines, fire hydrants, curbs and other improvements;
 8. Tabulations showing
 - a. Proposed road layout and trailer space;
 - b. Proposed reservations for parks, playgrounds, and other open spaces;
 - c. Proposed location for service facilities;
 - d. A generalized landscape plan;
 9. Proposed ~~landscape planting plan, including the type and location of plant materials,~~ location of water and sewer lines, fire hydrants, curbs and other improvements;
 10. Any other data that the Planning Commission may require.
- E. No person shall use, permit or cause to be used a mobile home which is structurally unsound, which constitutes a safety hazard, or which does not adequately protect its occupants against the elements.
 - F. No person shall construct, enlarge, alter, improve or convert any lands within the City limits for use as a mobile home park without first obtaining a valid permit for such work from the City office.
 - G. Applications for a mobile home park ~~or travel trailer court~~ shall be submitted to the Planning Commission at its regular meeting and shall be granted or denied only after a public hearing preceded by a two (2) week notice officially published by the Planning Commission.
 - H. In addition to any applicable regulations in this title, all development of mobile home parks shall

strictly conform to the procedures and standards set forth in the City subdivision ordinance (See section 9-26G).

9-14C-2: INSPECTIONS:

~~B. Inspections:~~

- A. ~~The building inspector~~ Building Inspector or Code Enforcement Officer shall make such inspections of the mobile home park, at the expense of the owner, during development and upon completion, as may be necessary to determine satisfactory compliance with this and other applicable ordinances and regulations and shall take such steps as necessary to enforce compliance. (See also 9-26B and 9-3-12 of this Code).
- B. ~~The building inspector~~ Building Inspector and/or Fire Chief ~~shall~~ may have the power to enter annually or at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this title or regulations issued under it for the purpose of its enforcement.
- C. The Building Inspector and Fire Chief are hereby authorized and directed to inspect the mobile home park, at least yearly, by the first business day in December, to determine satisfactory compliance with this chapter and the regulations issued hereunder.
- D. The Building Inspector and Fire Chief, or their representatives, are hereby authorized to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter.
- E. As a condition of the issuance of a permit, an applicant shall, upon demand, allow continuing inspections of the place of business or other activity to ensure compliance with all applicable zoning, health, or safety regulations.
 1. The City may refuse to issue a permit or may suspend or revoke a permit if an applicant ~~or licensee~~ should, for any reason, fail or refuse to cooperate with such an inspection.
 2. No fee shall be charged for inspection to the tenant of a rental dwelling.

9-14C-3: CERTIFICATE OF OCCUPANCY:

~~C. Certificate Of Occupancy:~~

Upon the final approval by the building inspector that the newly developed mobile home park complies with all applicable City and State regulations, the building inspector shall issue the developer a certificate of occupancy.

9-14C-4: PHYSICAL REQUIREMENTS FOR MOBILE HOME PARKS:

~~D. Physical Requirements For Mobile Home Parks:~~

The soil conditions, groundwater level, drainage and topography of mobile home parks shall not create hazards to the property, adjacent properties or to the health and safety of the occupants. The site shall not be exposed to objectionable smoke, dust, noise, odors or other adverse environmental influences, and no portion shall be subject to predictable sudden flooding or erosion. The site shall not be used for

any purpose which would expose persons or property to hazards to health or safety. The site must comply with HUD standards.

9-14C-5: COMMON-USE AREAS:

- A. No less than ten percent (10%) of the gross area of the mobile home park shall be set aside for common use. The land covered by vehicular roadways, sidewalks, off-street parking and landscaped areas surrounding trailer spaces that are pertinent to each trailer space and area devoted to service facilities shall not be construed as being part of the area required for common use areas, parks and playgrounds.
- B. A strip of land at least eight feet (8') wide surrounding the mobile home park shall be left unoccupied by mobile homes and shall be landscaped and maintained.

9-14C-6: FINAL PLANS AND LOT PLACEMENT:

~~E. Plans and Lot Placement:~~

Within one (1) year after approval of the preliminary plan, the subdivider shall submit to the Planning Commission a final site plan of either the entire mobile home park ~~or travel trailer court~~ or the first phase of such development that is to be constructed.

- A. The plan shall show:
 - 1. Area of land within the development;
 - 2. Number of lots provided;
 - 3. Number of mobile homes provided;
 - 4. Number of parking spaces provided;
 - 5. Storm drainage and runoff calculations, as specified in 9-26G-8;
 - 6. Percentage of the area to be devoted to common-use areas;
 - 7. Any other data the Planning Commission may require.

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

9-14C-7: LOT MARKERS

~~F. Lot Markers:~~

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

9-14C-8: LIVABLE OPEN SPACE**G. Livable Open Space**

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

9-14C-9: UTILITIES:**H. Utilities:**

Each mobile home space shall be provided with underground electric, natural gas, and telephone service. All other utility lines and communication systems to individual lots, which may be installed, shall also be underground. Risers for connections, meters, necessary service attachments, etc., which must be above-ground, shall be as uniform in appearance and as unobtrusive as practicable.

9-14C-10: WATER SUPPLY AND DISTRIBUTION:**I. Water Supply and Distribution**

- A. The park culinary water supply system shall be connected to the City water system and shall be the only water system used. The City will supply the master meter connecting to the park. All other water lines shall remain private. All water piping fixtures and other equipment shall be constructed in accordance with applicable local, State and Federal regulations and shall be of a type and in locations approved by appropriate health agencies.
- B. Each lot shall have an approved shutoff valve of sufficient depth and approved by the Water Superintendent to allow and provide for water control. Installation of backflow valves are encouraged and shall be in accordance with the applicable code.
- C. Fire hydrants shall be constructed within or adjacent to a mobile home park as required by the Fire Chief to comply with the Fire Code; provided, however, the maximum distance from any mobile home is no more than 500 feet from a fire hydrant.

9-14C-11: GAS AND ELECTRICITY:**J. Gas and Electricity:**

- A. Gas equipment and installations within the mobile home park shall be designed and constructed in accordance with applicable codes and regulations.
- B. All electrical wiring, fixtures and other material or equipment shall be designed and constructed in accordance with applicable Electrical Codes.

9-14C-12: TELEPHONE AND TELEVISION:**K. Telephone And Television:**

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

9-14C-13: SEWAGE DISPOSAL:

~~L. Sewage Disposal:~~

Sewage systems shall meet local and State codes and regulations for each lot in the park. All sewage systems within the park shall remain private. ~~Whenever feasible,~~ Connections shall be made to a public sewage system. All joints shall be watertight. Provisions shall be made for sealing riser pipes on unoccupied lots. Surface drainage shall be diverted away from risers. Rims of risers shall extend at least four inches (4") above ground elevation.

9-14C-14: SETBACK, YARD SIZE, SEPARATION OF BUILDINGS:

~~M. Setback, Yard Size, Separation of Buildings:~~

No two (2) mobile homes shall have any point less than twenty feet (20') apart, and all mobile homes shall be set back at least ten feet (10') from the roadway within the mobile home park. The minimum distance from the shorter dimension side of a mobile home to a boundary of the mobile home park shall be eight feet (8'). The minimum distance from the longer dimension side of a mobile home to a boundary of the mobile home park shall be twenty feet (20'). A strip of land at least eight feet (8') wide surrounding the mobile home park shall be left unoccupied.

9-14C-15: SKIRTING:

~~N. Skirting:~~

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

9-14C-16: CARPORTS, AWNINGS, PATIO COVERS ETC.

~~O. Carports, Awnings, Patio Covers, Etc.:~~

All carports, awnings, patio covers or similar accessory structures or constructions shall meet all applicable City Building Codes, including building permit and inspection requirements.

9-14C-17: INDIVIDUAL STRUCTURES:

~~P. Individual Structures:~~

~~Freestanding or attached structures covering not more than one hundred (100) square feet of ground space may be located in any portion of the required open space on individual mobile home lots, with the exception of the eight foot (8') zone that shall surround the outside of the mobile home park. Any such~~

~~structure shall be separated from any structure on any neighboring lot by at least five feet (5') of open space.~~

Accessory buildings shall be located at least twenty feet (20') from the back of the sidewalk. An accessory building may be located on the side or rear line of a space provided it is located more than forty feet (40') from the street, is located more than ten feet (10') from any mobile home or dwelling unit on the space or any adjacent space or property line, has not openings on the side or sides contiguous to the space boundaries, and discharges not roof drainage onto the adjoining space. All other accessory buildings shall be located at least five feet (5') from the space boundary.

9-14C-18: STREETS AND STREET LIGHTING:

~~Q. Streets and Streetlighting~~

- A. Streets, drives, parking and service areas within the mobile home park shall provide safe and convenient access to dwelling units and supporting facilities and shall allow convenient access for service and emergency vehicles. Access to individual lots within the mobile home park shall be limited to streets internal to the park.
 - 1. Ingress/Egress: See section 9-26F-2 for City standard designs relative to second-access requirements for new development. There shall be no more than two (2) entrances from the mobile home park onto any one (1) street, which entrances shall be no closer than twenty-five feet (25') from each other. Mobile home parks must have immediate access to one or more collector or arterial streets.
- ~~B. Streets and roads shall have a minimum width of thirty two feet (32'), shall be durably paved to a width of at least twenty six feet (26') and be well drained under normal use and weather conditions. Their surfaces shall be protected by suitable means to prevent shifting of the base.~~
- B. All streets in a mobile home park shall have a paved width of not less than thirty-five feet (35'). All streets shall be constructed in accordance with the standard specification of the City for construction of City streets, including, but not limited to, type and thickness of the base, compaction, thickness and type of pavement. No street shall be constructed until the design thereof has been approved by the Public Works Director or his assignee.
- C. Dead-end streets are not allowed.
- D. Lighting shall be designed to produce a minimum of 0.1 foot-candles throughout the street system. Potentially hazardous locations, such as major street intersections, shall be illuminated with a minimum of 0.3 foot-candles.
- E. Street lighting must be provided at each street intersection, or in cases where blocks exceed six-hundred and sixty feet (660'), every four hundred to five hundred feet (400'-500').

9-14C-19: PARKING:

~~R. Parking:~~

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

Each mobile home space shall include a paved parking space with a minimum size of eighteen feet (18') by twenty feet (20'). The parking space shall be paved with concrete (to the Public Works Director specification) and shall be provided with paved access to the street. There shall be a minimum of one (1) space of visitor parking for every four (4) mobile home spaces in the mobile home park. All visitor parking shall be located within a reasonable distance of a group of mobile home spaces as approved by the Planning Commission.

9-14C-20: CURB, GUTTER, AND SIDEWALKS:

- A. All streets in a mobile home park shall have a concrete curb, gutter, and sidewalk on each side. The curb and gutter must comply with the standards in 9-26G-4. The sidewalk shall be four feet (4') in width. All concrete shall conform to the City's specifications for curb, gutter, and sidewalk.
- B. Each mobile home space shall abut the sidewalk along the street frontage or a paved parking space bounded by a paved walkway with a width of not less than four feet (4').

~~S. Inspection of Mobile Home Parks: (MOVED AND MODIFIED TO 9-14C-2)~~

~~A. The Building Inspector and Fire Chief are hereby authorized and directed encouraged to inspect the mobile home park, at least yearly, by the first business day in December, to determine satisfactory compliance with this chapter and the regulations issued hereunder.~~

~~B. The Building Inspector and Fire Chief, or their representatives, are hereby authorized to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter~~

~~T. Operating Without Permit: Penalty for developing or operating mobile home park without a permit: (MOVED AND MODIFIED TO 9-14C-1)~~

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

~~2. Any person or entity that violates this subsection T shall be guilty of an infraction, and shall be fined an amount not to exceed seven hundred fifty dollars (\$750.00) for each offense. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.~~

9-14C-21: PENALTY FOR VIOLATION: PENALTY AND PROCEDURE FOR VIOLATING THIS CHAPTER

~~U. Penalty For Violation: Penalty and procedure for violating this chapter:~~

- A. Any person or other entity who violates any provision of this chapter shall be guilty of an infraction and shall be fined an amount not to exceed seven hundred fifty dollars (\$750.00) for each offense and shall be required to correct the violation.

- B. Before issuing a citation for an infraction, the building inspector or other authorized person shall issue a warning notice, describing the alleged offense, the location, the ordinance or Code section involved, and a statement of what must be done to correct the violation. The notice shall state the date by which such correction must be completed. Such date shall give five (5) calendar days from the date of the notice; provided, that a shorter time shall be specified if there is substantial immediate danger to persons or property. A longer time than five (5) days shall be stated if there would be practical physical difficulties in completing the correction within five (5) days and there is no emergency.
- C. Failure of the City to issue a warning as described in subsection U2 of this section shall not affect the validity of any prosecution for an infraction.

9-14C-22: SAFETY AND FIRE PROTECTION:

~~V. Safety and Fire Protection:~~

- A. Mobile home parks shall be subject to the fire and safety rules and regulations as set up by the City Council.
- B. Mobile home parks shall be kept free of litter, rubbish, and other flammable materials.
- C. Portable fire extinguishers of a type approved by the Fire Chief or his authorized representative shall be kept in mobile home park service buildings and at all other locations designated by the Fire Chief and shall be maintained in good operating condition.
- D. Cooking shelters, barbecue pits, fireplaces, and stoves shall be so located, constructed, maintained and used as to minimize fire hazards and smoke nuisance, both on the property on which they are used and on neighboring property. Installation of stoves and fireplaces must meet current Building Code regulations. Stoves must be UL approved for mobile homes. An inspection shall be made by the Fire Chief prior to the operation of such stoves and/or fireplaces.
- E. Fire hydrants shall be installed in accordance with all applicable Fire and Building Codes. Fire hydrants shall be constructed within or adjacent to a mobile home park as required by the Fire Chief to comply with the Fire Code; provided, however, the maximum distance between hydrants, when measured along the street shall be five hundred (500').
- F. Fire hydrants shall be of the type, size and number as approved by the Delta City Public Works Director and installed by the subdivider. Spacing and placement of hydrants shall be in accordance with adopted fire code, or as otherwise directed by the Fire Department.

9-14C-23: AGE LIMIT OF MOBILE HOMES:

All trailers and mobile homes must comply with current HUD standards.

9-14C-24: MOBILE HOME STORAGE:

It shall be unlawful for any person to place, keep, maintain, or permit to be placed, kept, or maintained, a mobile home upon any lot, piece, or parcel of land within the City except in the Mobile Home (M-H) Zone.

9-14C-25: RISERS:

All risers must comply with HUD standards.

9-14C-26: RESPONSIBILITIES OF MOBILE HOME PARK OCCUPANTS:~~X. Responsibilities Of Mobile Home Park Occupants:~~

Mobile home park occupants shall comply with all applicable requirements of this chapter and regulations issued hereunder, and shall maintain their mobile home lots, facilities and equipment in good repair, in a clean and sanitary condition and in a manner free of fire hazards.

9-14C-27: PERMIT REQUIRED PRIOR TO RELOCATION AND OCCUPANCY:~~Y. Permit Required Prior To Relocation And Occupancy:~~

A mobile home permit shall be required to move any mobile home into a mobile home park. Occupancy may occur after inspection and approval by the City building inspector.

9-14C-28: CONFLICT WITH STATE OR FEDERAL LAW:~~Z. Conflict With State Or Federal Law:~~

Nothing in this chapter or in its interpretation, application or enforcement shall act or be allowed to operate in conflict with any State or Federal law. (Ord. 18-277, 2-15-2018)

SHORT-TERM RENTALS / STORAGE CONTAINERS

TITLE 9

CHAPTER 17

~~CONDITIONAL USE STANDARDS OF REVIEW~~ ACCESSORY STRUCTURES AND RELATED USES

~~9-17-1: COMPLIANCE REQUIRED~~

~~The City shall not issue a conditional use permit unless the Code Enforcement Officer, in the case of an administrative conditional use, concludes that the application fully mitigates all identified adverse impacts and complies with the following general standards applicable to all conditional uses, as well as the specific standards for the use. (Ord. 18-277, 2-15-2018)~~

~~9-17-2: GENERAL REVIEW CRITERIA~~

~~[...]~~

~~9-17-3 1: SPECIFIC REVIEW CRITERIA FOR CERTAIN CONDITIONAL USES~~ SPECIFIC CRITERIA FOR ACCESSORY STRUCTURES

A. Accessory Structure (Occupied):

1. Zones Applicable: The following conditions are applicable in these zone districts: A-1, ~~A-1-NM~~, A-5, ~~A-5-NM~~, R-1-A, R-1-B, R-1-B-NM, R-2, ~~R-2-NM~~, R-4, ~~R-4-NM~~, R-D, ~~R-D-NM~~, R-R and ~~R-R-NM~~. Additionally, requirements generally applicable to all other zones as set out in this title shall also apply.
2. Development Standards: New development of an accessory structure intended for human occupancy is a conditional use and shall meet the following development standards:
 - a. Proximity: The accessory structure must be located no less than six feet (6') from the main building;
 - b. Setbacks: The accessory structure must be located in either the rear or side yard, with no less than a ten-foot (10') setback from the rear and side lot lines, unless the accessory structure is located at the front yard setback of an adjacent corner lot, in which case, the side yard setback to the nearest side lot line must be at least fifteen feet (15');
 - c. Height: The accessory structure height may not exceed twenty four feet (24') to the midpoint for a sloped roof and twenty feet (20') to the cornice for a flat roof; and
 - d. Building Area: The maximum area of an occupied accessory structure is the larger of nine hundred (900) square feet or thirteen percent (13%) of the lot area. No more than six hundred (600) square feet of the accessory structure shall be used for human occupancy.

B. Rental Units:

Accessory structures used as rental units are subject to the following criteria:

1. The Owner shall strictly adhere to all the conditions of approval and the prohibition of the rental of either Dwelling Unit for short term rentals of less than thirty (30) days.
2. NIGHTLY RENTALS. If an Accessory Apartment permit is granted, neither the main Dwelling Unit nor the Accessory Apartment may be rented for periods of time less than thirty (30) days.

C. Storage Containers:

1. ~~Zones Applicable: The following conditions are applicable in these zone districts: A-1, A-5, C-B, C-D, H-C, I-1, I-D, L-R-R, M-H, P-D, P/QP, R-1-A, R-1-A-NM, R-1-B, R-1-B-NM, R-2, R-2-NM, R-4, R-4-NM, R-D, R-D-NM, R-R, R-R-NM, R-R-2-NM and P-F and R-R-2.~~ No person shall place or cause to be placed or use or permit the use of any storage container as an accessory building, storage building, or living unit outside of these zone districts (A-1, A-5, I-1, and R-R-2).

~~3. Conditions:~~

2. Number Permitted:

- a. In Residential Zones: A maximum of ~~two (2)~~ one (1) storage container per ~~business~~ residential parcel within zones A-1, A-5 and R-R-2 shall be allowed as a conditional use provided it complies with applicable setback requirements, and is painted a color to match the primary building or structure or, in the direction of the Planning Commission, shall be painted a neutral color.
- b. In Zone I-1: Storage containers shall be permitted only on parcels owned by an active business entity, and which actively uses said property to conduct regular business operations. There shall be no limit to the number of storage containers permitted on such properties within the I-1 zone district. Storage containers used as accessory structures shall conform to setback requirements and painted a color to match the primary building or structure or, in the direction of the Planning Commission, shall be painted a neutral color.

~~b. Setback: Storage containers shall be required to have a setback from the primary building or structure, and shall be painted a color to match the primary building or structure or, in the direction of the Planning Commission, shall be painted a neutral color; and~~

3. Defined: For purposes of this Subsection ~~K C~~, "storage container" shall mean any trailer or portable shipping container of any size commonly described as a storage container or storage unit, including, but not limited to, semi-trailers, cargo trailers and any other similar unit with a storage space of greater than two hundred (200) square feet. Freestanding units not secured to a trailer or a foundation in accordance with applicable building code shall also be subject to this Subsection C.

~~B. Adult Oriented Businesses; Retail Tobacco Business: The following conditions are applicable in these zone districts: I-1 and I-D:~~

1. ~~Zones Applicable: The following conditions are applicable in these zone districts: I-1 and I-D:~~
2. ~~Adult Oriented Businesses: [...]~~

~~a. Location: [...]~~

~~i. School, daycare facility, cemetery, public park, library or religious institution;~~

~~[...]~~

~~3. Retail Tobacco Specialty Business:~~

~~a. Proximity Restrictions: [...]~~

~~i. One thousand feet (1,000') of a community location. [...]~~

~~[...]~~

~~G. Childcare Facility Center:~~

~~[...]~~

~~D. Condominiums:~~

~~[...]~~

~~E. Gated Communities:~~

~~[...]~~

~~F. Gated Communities For Industrial Developments:~~

~~[...]~~

~~G. Intermittent Commercial Uses:~~

~~[...]~~

~~H. Multiple-Family Dwellings:~~

~~[...]~~

~~I. Recreational Activity Specialties:~~

~~[...]~~

~~J. Small Engine Repair:~~

~~[...]~~

RIGHT-OF-WAY / SETBACK ENCROACHMENTS & PORCHES

TITLE 9 CHAPTER 19 RIGHT-OF-WAY USE AND ENCROACHMENTS

9-19-1: PUBLIC RIGHT-OF-WAY USE:

No structures, fence, sign or other permanent, manmade object may be erected in any public right-of-way without specific approval by the ~~Code Enforcement Officer~~ Planning & Zoning Commission. No part of any right-of-way may be used for the storage or display of goods, wares or merchandise offered for sale or for advertising or for any purpose unless so authorized and in compliance with provisions of all applicable City ordinances. (See also 7-1-5) (Ord. 18-277, 2-15-2018)

9-19-2: PERMITTED ENCROACHMENTS:

The following features and no others may extend into required minimum yard areas of all structures in all zones within the City. These restrictions shall apply to buildings, structures or projections located in yards, or portions thereof, that are required by the setback regulations of this title:

A. A carport, subject to the following:

1. Carport (including the roof, eaves, and supporting members) must be set back at least five feet (5') from a side property line.
2. Carport (including the roof, eaves, and supporting members) must be within street side setbacks, including corner lots.
3. No opening on any side shall be lower than seven feet (7') as measured from floor to bottom of the carport eave line.
4. Perimeter of encroaching carport must remain open on at least three (3) sides. When located in the front yard, perimeter of carport must remain open on at least the three (3) sides that are parallel to the front and side yards. Openings must be unobstructed by walls, screens, latticework or similar features that would create an enclosed space or obstruct visibility. Supporting vertical members, such as columns, poles and posts must have a cross-section no larger than a square that is twelve inches (12") on each side.
5. Supporting vertical members, other secondary structural members for lateral bracing, trim, fascia and other vertical elements must not obscure more than fifteen percent (15%) of the vertical plane of any open side.
6. The area beneath the roof of the carport must be covered with at least four inches (4") compacted road base, subbase or aggregate, or hard-surfaced, such as concrete or asphalt.
7. Carport (including the roof, eaves, and supporting members) must not overhang or intrude into any type of public utility or drainage easement that is currently being used by or housing a public utility or drainage.

8. Carport (including the roof, eaves and supporting members) must not overhang or intrude into any type of public utility or drainage easement without the written approval of the Code Enforcement Officer/Public Works Director.
9. There can be no enclosed use above or on top of the carport.
10. Carport must be used solely for the parking of vehicles and not for any other purpose, including storage of any type.
11. All carports shall be kept in an attractive state, in good repair, and in a safe and sanitary condition.
12. All Building Codes shall apply.
13. Maximum of one encroaching carport per residential lot. (Ord. 18-277, 2-15-2018)

B. A porch, subject to the following:

1. Only those residential dwellings which received a building permit prior to the adoption of this ordinance on *****DATE***** shall be eligible to construct a porch which extends past standard building setback limits.
2. Porch must not protrude more than ten feet (10') from the outer wall of the dwelling into any building setback.
3. Porch may be covered with a suitable roof, but must not be permanently enclosed; encroaching porch must not be used in such a way as to extend or expand the livable or usable indoor space of the dwelling.

9-19-3: NONCONFORMITIES CREATED BY PUBLIC ACTION:

When area or setbacks of a legally-created lot or parcel are reduced as the result of conveyance to a federal, state or local government for a public purpose and the remaining area or setback is at least seventy-five percent (75%) of the required minimum in the zone where it is located, the lot or parcel shall be deemed to be in compliance with the minimum lot size and setback standards of this title without any need for a variance.

CELL TOWERS / TELECOMMUNICATION

TITLE 9 CHAPTER 20 ANTENNAS AND TOWERS (INCLUDING ANY UNOCCUPIED STRUCTURE EXCEEDING 35 FEET IN HEIGHT)

C. Requirements:

1. **Permitted Locations:** A telecommunications site or tower is not permitted within three hundred feet (300') of any residential zone. Towers not exceeding two hundred feet (200') are permitted ~~It is allowed as a conditional use in all industrial, highway commercial and public/quasi-public~~ in I-1, H-C, and P/QP zones. Towers not exceeding thirty-five feet (35') are permitted in C-B zone.
2. **Total Tower Height:** Total height of a tower shall not exceed two hundred feet (200'). ~~The Planning and Zoning Commission shall review all proposals for development of telecommunication towers.~~
3. **Setbacks:** The base of the tower shall be set back from all property lines, public right-of-ways and public utility lines a distance equal to the total extended height. ~~Turbines shall be allowed closer to a property line than its total extended height if the abutting property owner(s) grants written permission and the installation poses no interference with public utility lines or public road and rail right-of-ways.~~
4. **Requirements For Engineered Drawings:** Building permit application for towers shall be accompanied by standard drawings of the structure and stamped engineered drawings of the tower, base, footings and/or foundation as provided by the manufacturer.
5. **Compliance With FAA Regulations:** No tower shall be constructed, altered or maintained so as to project above any of the imaginary airspace surfaces described in FAR part 77 of the FAA Guidance on Airspace Protection.
6. **Abandonment:** If a tower is inoperable for six (6) consecutive months, the owner shall be notified that they must, within six (6) months of receiving said notice, restore their system to operating condition. If the owner(s) fails to restore their system to operating condition within the six (6) month time frame, then the owner shall be required, at his expense, to remove the tower for safety reasons. The tower then would be subject to the public nuisance provisions of this title.
7. **Signage:** All signs, other than the manufacturer's or installer's identification, appropriate warning signs or owner identification on a tower, building or other structure associated with a tower, visible from any public road shall be prohibited.
8. **Lighting:** No illumination of the tower shall be allowed unless required by the FAA.
9. **Access:** Any climbing footpegs or rungs below twelve feet (12') of a freestanding tower shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal may be fastened to the bottom tower section such that it cannot be readily climbed.
10. **Fencing:** Fencing shall be provided for security reasons. (Ord. 18-277, 2-15-2018)

FENCING REQUIREMENTS
TITLE 9
CHAPTER 21
FENCING, WALLS AND HEDGES

9-21-1: PERMITTED, ALLOWED, GENERALLY:

Fences, walls and hedges may be allowed ~~permitted~~ in any required yard, or along the edge of any yard in a height not exceeding six feet (6') ~~seven feet (7')~~; provided, that no fence, wall or hedge along the front, as defined in section 9-2-1 of this title, edge of any front yard shall be over four feet (4') ~~three feet (3')~~ in height. However, no barbed wire or electrically-charged fences shall be allowed except in the industrial, rural residential or agricultural zones, or as required by Federal, State or local statute for protection purposes. In places where a residential zone abuts a different zone, the fence height allowance may be extended to nine feet (9'), at the point where the zones adjoin, to allow for privacy in the residential yard. (Ord. 18-277, 2-15-2018)

9-21-2: VISIBILITY AT INTERSECTIONS IN RESIDENTIAL DISTRICTS:

- A. Requirements: To ensure visibility at intersections, on a corner lot in any residential district, nothing shall be erected, placed, planted or allowed to grow to a height exceeding three feet (3') above the grade in the triangular area, two (2) sides of which are determined by measuring along the curb line from the projected intersection of both corner curb lines a distance of thirty five feet (35'), with the third side of such triangle being a line connecting the two (2) points so determined.
- B. Removal, Modification: Any fence or wall found to obstruct the view of vehicular traffic shall be removed or modified to mitigate the obstruction to the satisfaction of the Code Enforcement Officer. (Ord. 18-277, 2-15-2018)

9-21-3: FENCING REGULATIONS -- RESIDENTIAL:

Fencing within twenty-five feet (25') of the main property frontage, including any fencing along the side(s) of a property, may not exceed four feet (4') in height. Fencing beyond twenty-five feet (25') from the property frontage may not exceed six feet (6') in height. (Diagram 9-21-1)

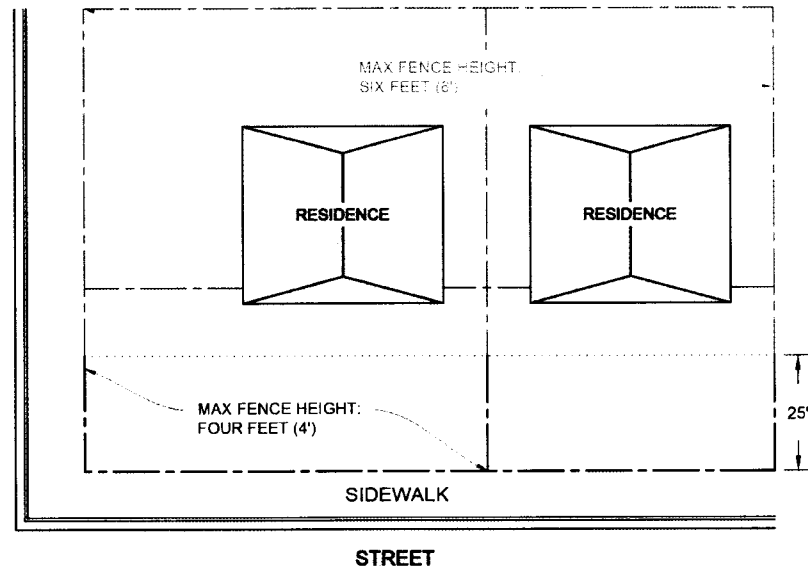


Diagram 9-21-1: Fencing setbacks (residential)

9-21-4: FENCING REGULATIONS -- NON-RESIDENTIAL

A. Non-Residential Zones: The following provisions shall govern the height and location of fences, walls, and hedges or other obstructions to view.

1. Fences, walls and hedges up to six feet (6') in height may be constructed or maintained in non-residential zones. All fences, walls or hedges in non-residential zones shall be placed no less than one foot (1') from the sidewalk.

B. The provisions of this section shall not apply to:

1. Fences required by state law to surround or enclose public utility installations, hazardous areas, public schools or other public buildings.
2. Temporary construction fences that are installed to protect the public from injury during construction or to maintain security for the development which is under construction. Temporary construction fences must be removed as soon as construction is finished. A permit will be required before installation.

9-21-3: 9-21-5: CONSTRUCTION MATERIAL:

All fences and walls shall be constructed of substantial material and the design and construction shall be consistent with the quality of dwellings and other improvements within the surrounding area. Examples of acceptable fencing construction material include, but are not limited to, vinyl, block, chainlink, concrete and cedar slate. (Ord. 18-277, 2-15-2018) It shall be unlawful for any person to erect or maintain any barbed wire, concertina or razor wire, or electric fence along or adjacent to any public street in the City, unless required by federal, state, or local statute for protection purposes.

9-21-4: 9-21-6: BUILDING PERMIT REQUIRED:

- A. Submittal, Approval Required: In order to ensure correct placement to establish accurate property lines, avoid conflict with public utilities and reduce conflict between adjacent property owners, a fence permit must be obtained prior to the placement or complete replacement of any fence or wall. Before commencing construction, plans for all fences, living fences and walls shall be submitted to and approved by the Code Enforcement Officer.
- B. Referral To Planning Commission: Where, in the opinion of the City staff, a proposed fence, living fence or wall does not conform to the above criteria, the Code Enforcement Officer shall refer the application to the Planning Commission for action. The Planning Commission shall have the authority to reverse, affirm or modify any decision of the Code Enforcement Officer.
- C. Fee For Permit: The applicant for a fence permit shall pay a fee set by the fee schedule. (Ord. 18-277, 2-15-2018)
- D. Before commencing construction of a fence or wall, plans shall be submitted and approved by the Public Works Director. Construction of fences, walls and retaining walls must meet applicable requirements of Delta Building Code. For construction of all fences over six feet (6') and retaining walls over four feet (4'), including the footings, in height, a building permit must also be secured.

SIGNS

TITLE 9 CHAPTER 25 SIGNS

9-25-1: SCOPE OF REGULATIONS: [...]

9-25-2: PURPOSES: [...]

9-25-3: DEFINITIONS

ABANDONED SIGN: Any sign which is obsolete or which has not been properly maintained for a period of three months, at which time such a sign can be removed by the City and a removal fee charged to the owner.

[...]

OFF-PREMISES SIGN: A sign that advertises, communicates or identifies products, services, businesses, organizations, activities or messages that are not located, conducted, manufactured or sold on the premises where the sign is displayed. Off-premises signs generally include billboards and other similar signs.

[...]

9-25-4: PERMITS; GENERAL REQUIREMENTS

[...]

9-25-5: CONSTRUCTION OF SIGNS

The following standards shall apply to all signs erected, relocated, altered or replaced after the effective date of this chapter:

- A. **Materials:** Signs shall be constructed and erected using materials of sufficient strength and quality to reasonably: ensure the public safety and to prevent litter.
- B. **Height, Restrictions:** Signs shall conform to the height and other restrictions applicable to the zoning district in which the sign is located.
- C. **Footage Clearance:** Where vehicular or pedestrian traffic is anticipated, the Land Use Authority Code Enforcement Officer shall impose a minimum footage clearance, on a case by case basis, between the ground, street or sidewalk and any part of a sign that projects across the space where the traffic is anticipated.
- D. **Abate, Remove:** Any person or property owner who has erected or controls a sign on any premises within the City limits shall be required to abate or remove such sign if the owner of the business to which the sign advertises or refers ceases to conduct business for a period of at least six (6) months. (Ord. 18-277, 2-15-2018)

- E. Clearance from Fire Escapes, Exits or Standpipes: Signs or sign structures shall not be erected in such a manner that a portion of their surface or supports will interfere with the free use of any fire escape, exit or standpipe.

9-25-6: EXEMPTIONS:

[...]

9-25-7: RELOCATION AND ALTERATION OF SIGNS:

In order to minimize confusion and unfair competitive disadvantage to those businesses which are required to satisfy current standards of this Chapter, the City intends to apply firm regulation of existing nonconforming signs with a view to their eventual elimination. This goal shall be achieved by strictly construing limits on change, expansion, alteration, abandonment and restoration of nonconforming signs. No sign erected before the enactment of this chapter shall be relocated, enlarged, converted or replaced unless it complies with the provisions of this chapter. (Ord. 18-277, 2-15-2018)

9-25-8: CONVERSION OF BILLBOARDS:

No billboard may be converted from a traditional printed form to a digitally-controlled screen form, ~~unless it can be demonstrated that the conversion method and operation adequately mitigates the impact of the digitally controlled surface on:~~

~~A. Traffic~~

~~B. Visual clutter;~~

~~C. Neighboring property rights; and~~

~~D. Full and complete economic development of the surrounding area. (Ord. 18-277, 2-15-2018)~~

9-25-9: SIGNS ON UTILITY POLES, TREES AND OFFICIAL SIGNPOSTS:

[...]

9-25-10: PROHIBITED SIGNS:

The following devices used to attract pedestrian or vehicular attention are prohibited in any zone in the City. Any sign not specifically allowed in this chapter is also prohibited.

- A. Flashing: Any sign which flashes, blinks, uses chaser lights, etc., or moves in any way or inanimate which are of such intensity or so located that it could detract a motorist's vision from normal, safe driving, shall not be permitted in any district. Commercial signs may be approved with time/temperature or electronic message center capability. Subtitle lighting changes or low intensity are allowed.

- B. Air Balloons: Hot or cold air balloons or inflatables, except as specifically allowed by this title for temporary signs, or as part of a grand opening period or special promotion.
- C. Truck, Trailer: Any truck, trailer or other vehicle conspicuously or regularly parked on or off premises with an advertising message or logo displayed to attract attention to a business, product or promotion. The LUA, or other authorized officer, may require a business to remove the same if in his opinion such vehicle is being utilized for advertising purposes.
- D. Handbills, Signs; Public Places And Objects:
 - 1. No person shall paint, mark, write on, post or otherwise affix any handbill or sign to or upon any sidewalk, crosswalk, curb, curbstone, parking strip, street lamp post, hydrant, tree, shrub, tree stake or guard, railroad trestle, electric light, or power, telephone, telegraph or trolley wire pole, or wire appurtenance thereof, or upon any lighting system, public bridge, drinking fountain, life saving equipment, street sign or traffic sign.
 - 2. Any handbill or sign found posted upon any public property contrary to the provisions of this subsection D may be removed by the Police Department or Public Works Department. The person responsible for any such illegal posting shall be liable for the cost incurred in the removal thereof and the City is authorized to effect the collection of said cost.
 - 3. Nothing in this subsection D shall apply to the installation of a metal plaque, plate or individual letters or figures in a sidewalk commemorating a historical, cultural or artistic event, location or personality for which the Department of Public Works has granted a written permit.
 - 4. Nothing in this subsection D shall apply to the painting of house numbers upon curbs.
- E. Conflicting Signs: No sign in any district shall conflict in any manner with the purpose or operation of traffic devices controlling pub.
- F. Overhanging, Freestanding In Right-Of-Way: No overhanging or freestanding signs shall be permitted in any public right-of-way, except those traffic control and direction devices erected and approved by the public agency having jurisdiction over the public right-of-way. Overhanging signs are permitted to extend over a public right-of-way only in the Central Business and Commercial Development Districts, and only upon approval. (Ord. 18-277, 2-15-2018)

9-25-11: SIGN USAGE

Zone A-1:		
	Attached on-premises sign	Attached on-premises signs allowed of a size not to exceed 16 square feet

	Detached on-premises sign	Detached on-premises signs allowed with a maximum height of three feet (3') from ground to top of sign and maximum size not to exceed 12 square feet
	Off-premises sign	Off-premises signs are not allowed
Zone A-1-NM		Same as Zone A-1
Zone A-5:		
	Attached on-premises sign	Attached on-premises signs allowed of a size not to exceed 64 square feet
	Detached on-premises sign	Detached on-premises signs allowed of a size not to exceed a maximum height of three feet (3') above ground to top of sign and a maximum size of 24 square feet,, so long as setback requirements are met
	Off-premises signs	Off-premises signs are not allowed
Zone A-5-NM		Same as Zone A-5
Zone C-B:		

	Attached on-premises sign	Attached on-premises signs allowed of a size not to exceed the size of the building
		Political signs no bigger than 16 square feet
	Detached on-premises sign	Detached on-premises signs are allowed with a maximum size of 300 square feet per size
		Political signs no bigger than 32 square feet
	Off-premises sign	Off-premises signs allowed of a size not to exceed 64 square feet per side
		Political signs no bigger than 32 square feet
Zone C-D:		
	Attached on-premises sign	Attached on-premises signs allowed of a size not to exceed the size of the building
		Political signs no bigger than 16 square feet
	Detached on-premises sign	Detached on-premises signs are allowed with a maximum size of 300 square feet per size
		Political signs no bigger than 32 square feet

	Off-premises sign	Off-premises signs allowed of a size not to exceed 300 square feet. A permit for an off-premises sign shall expire 10 years from the date of issuing such permit
		Political signs no bigger than 32 square feet
Zone H-C:		
	Attached on-premises sign	Attached on-premises signs allowed of a size not to exceed the size of the building
		Political signs no bigger than 16 square feet
	Detached on-premises sign	Detached on-premises signs allowed with a maximum size of 300 square feet per side
		Political signs no bigger than 32 square feet
	Off-premises sign	Off-premises signs allowed of a size not to exceed 64 square feet per side
		Political signs no bigger than 32 square feet
Zone I-1:		
	Attached on-premises sign	Attached on-premises signs allowed of a size not to exceed the size of the building

		Political signs no bigger than 32 square feet
	Detached on-premises sign	Detached on-premises signs allowed with a maximum size of 300 square feet per side
		Political signs no bigger than 32 square feet
	Off-premises sign	Off-premises signs allowed of a size not to exceed 300 square feet. A permit for an off-premises sign shall expire 10 years from the date of issuing such permit
		Political signs no bigger than 32 square feet
Zone 1-D:		
	Attached on-premises sign	Attached on-premises signs allowed of a size not to exceed the size of the building
		Political signs no bigger than 32 square feet
	Detached on-premises sign	Detached on-premises signs allowed with a maximum size of 300 square feet per side
		Political signs no bigger than 32 square feet
	Off-premises sign	Off-premises signs allowed of a size not to exceed 300 square feet. A permit for an off-premises sign shall expire 10 years from the date of issuing such permit

		Political signs no bigger than 32 square feet
Zone L-R-R		No signs allowed. Only "For Sale", "For Rent" and political signs of a size not to exceed 6 square feet
Zone M-H		No signs allowed. Only "For Sale", "For Rent" and political signs of a size not to exceed 6 square feet
Zone P-D		No signs allowed. Only "For Sale", "For Rent" and political signs of a size not to exceed 6 square feet
Zone P/QP:		
	Attached on-premises sign	Attached on-premises signs allowed of a size not to exceed the size of the building
	Detached on-premises sign	Detached on-premises signs allowed with a maximum size of 300 square feet per side
	Off-premises sign	Off-premises signs allowed of a size not to exceed 64 square feet per side
Zone R-1-A		No signs allowed. Only "For Sale", "For Rent" and political signs of a size not to exceed 6 square feet
Zone R-1-A-NM		Same as Zone R-1-A

Zone R-1-B		No signs allowed. Only "For Sale", "For Rent" and political signs of a size not to exceed 6 square feet
Zone R-1-B-NM		Same as Zone R-1-B
Zone R-2:		
	Attached on-premises sign	Attached on-premises signs allowed of a size not to exceed 16 square feet
	Detached on-premises sign	Detached on-premises signs allowed with a maximum height of 3 feet from ground to top of sign and maximum size not to exceed 12 square feet
	Off-premises sign	Off-premises signs are not allowed
Zone R-2-NM		Same as Zone R-2
Zone R-4:		
	Attached on-premises sign	Attached on-premises signs allowed of a size not to exceed 64 square feet

	Detached on-premises sign	Detached on-premises signs allowed with a maximum height of 3 feet from ground to top of sign and maximum size of 24 square feet, so long as the setback requirements are met. Detached on-premises signs placed behind minimum setback are not to exceed a maximum size of 32 square feet
	Off-premises sign	Off-premises signs are not allowed
Zone R-4-NM		Same as Zone R-4
Zone R-D:		
	Attached on-premises sign	Attached on-premises signs allowed of a size not to exceed 64 square feet
	Detached on-premises sign	Detached on-premises signs allowed with a maximum height of 3 feet from ground to top of sign and maximum size of 24 square feet, so long as the setback requirements are met. Detached on-premises signs placed behind minimum setback are not to exceed a maximum size of 32 square feet
	Off-premises sign	Off-premises signs are not allowed
Zone R-D-NM		Same as Zone R-D
Zone R-R:		

	Attached on-premises sign	Attached on-premises signs allowed of a size not to exceed 64 square feet
	Detached on-premises sign	Detached on-premises signs allowed with a maximum height of 3 feet from ground to top of sign and maximum size of 24 square feet, so long as the setback requirements are met. Detached on-premises signs placed behind minimum setback are not to exceed a maximum size of 32 square feet
	Off-premises sign	Off-premises signs are not allowed
	Zone R-R-NM	Same as Zone R-R
	Zone R-R-2-NM	Same as Zone R-R

(Ord. 18-277, 2-15-2018)

SUBDIVISION REQUIREMENTS

TITLE 9 CHAPTER 26

ARTICLE C -- REVIEW AND PLAT REQUIREMENTS

9-26C-1: COMPLIANCE REQUIRED

[...]

9-26C-2: CONCEPT PLAN REVIEW:

[...]

9-26C-3: SUBMISSION OF PRELIMINARY PLAT:

[...]

9-26C-4: PLANNING COMMISSION APPROVAL:

[...]

9-26C-5: FORMS AND CONTENT OF PRELIMINARY PLAT:

- A. Scale Of Plat: The preliminary plat shall be drawn to a scale of no smaller than one hundred feet to the inch (100' = 1") and shall be on standard twenty four inch by thirty six inch (24" x 36") paper.
- B. Content Of Preliminary Plat: The preliminary plat shall show:
 1. The proposed name of the subdivision;
 2. Where the plat submitted covers only a part of the subdivider's tract, or is part of a larger vacant area, the plat shall show the location of the subdivision as it forms part of the larger tract or parcel of land. In such case, a sketch of the prospective future street system of the unplanned parts shall be submitted and the street system of the part submitted shall be considered in the light of adjustments and connections with the future street system of the larger area;
 3. Sufficient information to locate accurately the property shown on the plat;
 4. The names, addresses, email addresses and telephone numbers of the subdivider, the engineer or surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided as shown in the records of the Millard County Recorder;
 5. Contour map with contour lines shown at intervals no greater than two feet (2') ~~at appropriate intervals~~;
 6. The boundary lines and measured property corners of the tract to be subdivided;
 7. Existing sanitary sewers, storm drains, water supply mains and culverts within the tract or within six hundred feet (600') of the boundaries of the proposed or nearest subdivision. If there are no existing sanitary sewer, storm drains or water supply main culverts within six hundred feet (600'), the nearest of each such facility shall be shown;

8. The location, widths and other dimensions of proposed streets, alleys, easements, parks and other open spaces and lots, with proper labeling of spaces to be dedicated to the Municipality;
 9. The location, principal dimension and names of all existing or recorded streets, alleys and easements, both within the proposed subdivision and within six hundred feet (600') of the boundary thereof, or if there are none within six hundred feet (600'), then the nearest of such, whether recorded or claimed by usage; the location and dimensions to the nearest existing benchmark or monument, and section line; the location and principal dimensions for all watercourses, public utilities and other important features and existing structures within the land adjacent to the tract to be subdivided, including railroads, exceptional topography, airports and air approaches to the airport;
 10. The location of existing bridges, culverts, irrigation ditches, surface or subsurface drainageways, utilities, public buildings, pumping stations or appurtenances within the subdivision or within six hundred feet (600') thereof or to nearest of each such structures or appurtenances if there are none within six hundred feet (600');
 11. Proposed off site and on site water facilities, sanitary sewers, storm drainage facilities and fire hydrants;
 12. The proposed location of all utility easements and utility lines, including water, irrigation water, sewer, telephone, power, gas and any other utility easements or lines;
 13. A tentative plan by which the subdivision proposes to handle drainage for a ~~42~~ ten (10)-year ~~stormwater drainage~~ storm event for the subdivision;
 14. Each sheet of the preliminary plat shall contain the name of the project, scale (not less than one hundred feet (100') ~~feet~~ to the inch), sheet number and north arrow;
 15. Boundary lines of adjacent tracts of unsubdivided land, showing ownership and property monuments.
- C. Preliminary And Final Plan Check Fees: The subdivider shall pay a nonrefundable plat check fee for each lot within the subdivision pursuant to the City consolidated fee schedule. The fee shall be paid on or before the date the preliminary plat is submitted for approval by the Land Use Authority ~~Code Enforcement Officer~~. The subdivider shall also pay any actual costs incurred by the City for engineering services reasonably incurred by the City rendered in checking the preliminary and final plats for compliance with this chapter.
- D. Documents Required: The subdivider shall provide to the Land Use Authority ~~Code Enforcement Officer~~, not later than the time the subdivision plat is submitted for preliminary approval, the following documents:
1. Verification that a record of survey has been filed pursuant to Utah Code Annotated section 17-23-17, as amended;
 2. Evidence that the survey boundaries and traverse to permanent survey monuments have been certified by a Professional Land Surveyor registered to practice in the State;
 3. A statement from the surveyor that he has employed practices and standards such that error is limited to one foot (1') of error per five thousand feet (5,000') of distance traversed;

4. A preliminary title report from a title insurance company licensed to do business in the State or from a qualified attorney licensed to practice in the State showing the current vested owner of the parcel to be subdivided and the status of title;
5. Proposed changes to existing zoning district boundaries or zoning classifications, if any;
6. Copies of any required agreements with owners of property adjacent to the proposed subdivision;
7. A preliminary soil report prepared by a registered civil engineer, based upon adequate test boring or excavations (if required by the Land Use Authority Code Enforcement Officer).

(Ord. 18-277, 2-15-2018)

9-26C-6: FINAL PLAT:

- A. Final Plat Required: After compliance with the provisions of section 9-26C-3 of this article, a plat of the subdivision covering all or part of an approved preliminary plat shall be prepared by a licensed surveyor, not in the employ of the City, in conformance with the design standards of this chapter, and submitted within one year from the date of preliminary plat approval, unless the time is extended in writing by the Land Use Authority Code Enforcement Officer. Otherwise, preliminary approval shall be deemed to have been withdrawn.
- B. Contents, Procedures And Form Of Final Plat:
 1. The final plat shall be submitted on a sheet of approved mylar. The outside or trim dimensions shall be twenty-four inches by thirty-six inches (24" x 36") and the border line of the plat shall be drawn in heavy lines leaving a space of at least one-half inch ($\frac{1}{2}$ ") margin on all four (4) sides of the sheet. The plat shall be so drawn that the top of the sheet faces either north or east, whichever best accommodates the drawing best. All lines, dimensions and markings shall be made on approved mylar with black waterproof ink. The plat shall be made to a scale large enough to clearly show all details, in any case not smaller than one hundred feet to the inch (100' = 1"), and the workmanship on the finished drawing shall be neat, clean cut and legible. The plat shall be signed by all parties mentioned in this section, duly authorized and required to sign, and shall contain the following information:
 - a. The subdivision name and the general location of the subdivision in bold letters in the lower right hand corner;
 - b. A north point, scale of the drawing not less than one hundred feet (100') to the inch, and the date;
 - c. Accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision, properly tied to public survey monuments with the basis for bearings shown and clearly defined. These lines should be slightly heavier than street and lot lines;
 - d. The names, widths, lengths, bearings and curve data on centerlines of proposed streets, alleys and easements; also the boundaries, bearings and dimensions of all portions within the subdivision intended to be dedicated to the use of the public; the lines, dimensions, bearings and numbers of all lots, blocks and parts reserved for any reason within the subdivision. All lots and blocks are to be

numbered consecutively under a definite system. All proposed streets shall be named or numbered in accordance with and in conformity with the adopted street naming and numbering systems. Each lot shall show the street address assigned thereto by the City. In the case of corner lots, an address will be assigned for each part of the lot having street frontage;

- e. The description of the boundaries of the subdivision together with a certification by the subdivider's survey or stating that the lots described comply with the requirements of this chapter;
 - f. The registered Professional Land Surveyor's "Certificate of Survey";
 - g. The owner's Certificate of Dedication;
 - h. A notary public's acknowledgement;
 - i. The Code Enforcement Officer's approval;
 - j. The Land Use Authority's approval;
 - k. The City Attorney's approval;
 - l. The City Council's approval shown by the signature of the Mayor and attested by the City Recorder;
 - m. An occupancy restriction; and
 - n. Utility company approval for each utility company operating within the City.
2. The final plat shall be submitted to the Land Use Authority ~~Code Enforcement Officer~~ for final approval. The Land Use Authority ~~Code Enforcement Officer~~ shall circulate for comment and review copies of the final plat to all affected Municipal departments and special service districts. The engineer shall approve or disapprove the plat within thirty (30) days after the plat is submitted to the Land Use Authority ~~Code Enforcement Officer~~. If the engineer disapproves, the engineer shall state to the Land Use Authority ~~Code Enforcement Officer~~ the reasons for the disapproval. The Land Use Authority ~~Code Enforcement Officer~~ shall have forty-five (45) days after the plat is submitted to approve or disapprove the plat. If no action is taken within forty five (45) days, the plat shall be deemed to have been approved by the Land Use Authority ~~Code Enforcement Officer~~, except that such approval shall not operate to waive any requirement of this or any other ordinance of the City. At the time of submission of the final plat, the subdivider shall furnish to the engineer a complete set of construction plans and profiles, prepared by a licensed professional engineer not employed by the City, of all existing and proposed streets within the subdivision.
 3. If the Land Use Authority ~~Code Enforcement Officer~~ disapproves of the final plat, it shall so notify the subdivider in writing stating that the plat has been disapproved and the reasons therefor, based on the ordinances of the City or the laws of the State. The written notice shall be personally delivered or mailed to the subdivider within ten (10) days after the action by the Land Use Authority ~~Code Enforcement Officer~~.
 4. The Land Use Authority ~~Code Enforcement Officer~~ may approve a final plat subject to written conditions. Before proceeding on the basis of a plat being conditionally approved, the subdivider shall agree in writing to the conditions imposed by the Land Use Authority ~~Code Enforcement Officer~~. (See also 9-3-4).

5. Following approval by the Land Use Authority ~~Code Enforcement Officer~~ and the engineer, the subdivider shall secure the approval of the attorney. The final plat shall then be taken before the City Council, which shall approve the plat if it finds that the plat fully complies with the ordinances of the Municipality and the laws of the State or that the plat, together with the conditions to which the subdivider has agreed, fully complies.
6. The final plat, together with any conditions to which the subdivider has approved, bearing all official approvals as above required, shall be deposited in the Office of the Millard County Recorder for recording at the expense of the subdivider. No lot included in the subdivision shall be sold or exchanged and no offer shall be made to sell or exchange any such lot until the plat is so approved and recorded. (Ord. 18-277, 2-15-2018)

ARTICLE E -- SUBDIVISION IMPROVEMENTS REQUIRED

9-26E-3: DEVELOPMENT SEQUENCE ~~ORDER OF MAKING IMPROVEMENTS~~

Unless waived by the Public Works Director, underground utilities (such as cable television, electrical power, natural gas, and other such buried utilities), water, pressurized irrigation, sewer laterals, storm drains and fire hydrants shall be installed prior to surfacing the streets and installing road base, curb, gutters and sidewalks. (Ord. 18-277, 2-15-2018)

ARTICLE F -- DESIGN STANDARDS

9-26F-1: STREET DESIGN:

Subdividers shall locate streets within the subdivision so that ~~the~~ proposed subdivision streets will ~~connect~~ adjoin with existing streets. Streets shall be located and designed so that the adjoining land shall not be diminished in value. If the adjoining land is zoned for residential use, streets shall be located so that the adjacent land may be most efficiently subdivided. Partial streets on the boundary of a subdivision shall be permitted only upon approval of the Land Use Authority [restore] ~~Code Enforcement Officer~~ and City Council. Half streets are prohibited. (Ord. 18-277, 2-15-2018)

9-26F-2: SECOND ACCESS REQUIREMENT:

No street, or series of connecting streets shall exceed 660' in length, as measured from the centerline of intersecting streets to the center of a cul-de-sac, dead-end, or otherwise closed-off road network without providing second access for ingress and egress. The second access must exit to a different location from the first, providing for traffic circulation and flow.

9-26F-2 3: INTERSECTING ANGLES OF MINOR STREETS:

Minor streets shall approach the major or collector streets at an angle of at least eighty degrees (80°). (Ord. 18-277, 2-15-2018)

9-26F-3 4: STREETS CONFORM TO MAJOR STREET PLAN:

Major and collector streets shall conform to the width designated on the major street plan wherever a subdivision is in an area for which a major street plan has not been adopted. Where feasible and according to terrain or existing built features, efforts should be made such that proposed streets shall be continuous and in alignment with existing or platted streets, and according to the typical grid-block road layout of the city center as defined in 9-26F-11.

For territory where such street plan has not been completed at the time the subdivision preliminary plat is submitted to the Land Use Authority Code Enforcement Officer, major or collector streets shall be provided as required by the Land Use Authority Code Enforcement Officer, with minimum widths of one hundred feet (100') for major ~~streets~~ street right-of-ways and sixty feet (60') to eighty feet (80') for collector ~~streets~~ street right-of-ways. (Ord. 18-277, 2-15-2018)

9-26F-4 5 : MINIMUM WIDTH:

The minimum street right-of-way width for roads built within the City shall be sixty feet (60'), and shall be reserved for minor residential streets, as described in subsection 4. ~~Minor residential streets shall have a minimum width of sixty feet (60').~~ (Ord. 18-277, 2-15-2018)

9-26F-5 6 [...]

9-26F-6 7: CUL-DE-SACS & DEAD-ENDS:

Cul-de-sacs shall not be permitted in the City unless it can be demonstrated to the satisfaction of the City Planning Commission that no reasonable alternative to a cul-de-sac exists. If approved, cul-de-sacs shall not be longer than four hundred feet (400') from the centerline of the adjoining street to the center of the cul-de-sac. ~~Cul-de-sacs over one hundred fifty feet (150') in length must be terminated by~~ terminate with a turnaround, such that the radius of the right-of-way is not less than one hundred feet (100') in diameter. Cul-de-sacs must be designed such that surface drainage is directed toward the edge of the circle, and the drainage system must be designed and installed to sufficiently handle runoff, as required in 9-26G-3-H. ~~If surface water drainage is into~~ collects within the turnaround due to the grade of the street, necessary catch basins and drainage easements shall be provided.

Dead-end streets shall not be permitted in the City unless designed to be temporary stubs which will adjoin with future development. ~~Where a street longer than one hundred fifty feet (150') in length is designed to remain only temporarily as a dead-end street, an adequate temporary turning area not less than seventy feet (70') in diameter shall be provided at the dead end thereof to remain and be available for public use so long as the dead end exists.~~ (Ord. 18-277, 2-15-2018)

9-26F-7 8 [...]

9-26F-8 9 [...]

9-26F-9 10 [...]

9-26F-40 11: BLOCKS– BLOCK STANDARDS:

- A. **Length And Walkways:** ~~Blocks shall not be longer than one thousand six hundred feet (1,600')~~ Block length shall exceed a three hundred foot (300') minimum length and shall not exceed six hundred and sixty feet (660') maximum, as measured from the center of the street to the center of the street, with exceptions of up to one thousand three hundred feet (1,300'), as approved by the Planning Commission. In the case of blocks exceeding six hundred and sixty feet (660'), the City Council may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic. **Dedicated walkways six feet (6') wide may be required in the middle of blocks. Where a walkway is required, the subdivider shall surface the full width of the walkway with concrete or asphalt and install a chain-link fence at least four feet (4') high on each side the full length of the walkway. The chain-link fence shall be owned and maintained by the property owner on whose property the fence is located or which abuts the fence.**
- B. **Width:** Blocks shall be at least two (2) building lots wide.
- C. **Irregular Shapes:** Irregular-shaped blocks, indented by cul-de-sacs, or containing interior spaces, are prohibited, ~~but may be allowed~~ with the exception for areas where topography necessitates such ~~shapes~~ modifications from the regular block-grid street pattern of the City.

9-26F-44 12 : LOTS:

- A. **Minimum Requirements:** All lots shown on the subdivision plat shall conform to the minimum requirements of this chapter, the zoning ordinance for the zone in which the subdivision is located, and to the minimum requirements of the Public Works Director and the Board of Health for sewage disposal. The minimum width for any residential building lot shall be as required by this chapter.
- B. **Abut Public Street:** All lots shall abut a dedicated public street or shall have access to a dedicated public street through a private right-of-way approved by the Land Use Authority Code Enforcement Officer. Streets shall be at least sixty feet (60') wide. In the event a lot abuts a public right-of-way created by use, the subdividers shall improve the right-of-way to the standards required by this chapter.
- C. ~~Corner Lots: Corner lots shall have extra width sufficient for maintenance of required building lines on both streets.~~
- C. **Corner Lots:** Corner lots shall be large enough to ensure sufficient buildable space to accommodate the sight triangle and building setbacks (see also 9-21-2).
- D. **Side Lines:** Side lines of lots shall be at right angles or radial to the street line.
- E. **Remnants:** Remnants of lots less than minimum size left over after subdividing a larger tract shall be added to adjacent lots rather than being allowed to remain as a lot remnant.
- F. **Ownership:** Where the land in a subdivision includes two (2) or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be held in either single or joint ownership before approval of the final plan and such ownership shall be recorded in the Office of the Millard County Recorder.

ARTICLE G -- SUBDIVISION IMPROVEMENTS

9-26G-1 A: TIME OF CONSTRUCTION REVIEW AND CONFORMANCE

Before a permit (including a preliminary subdivision plat approval) shall be issued for a new subdivision, the overall site plan of the development must be submitted to the Planning Commission for its review.

A. The overall site plan must show (as applicable):

1. Sufficient information to locate accurately the property under review;
2. The topography represented by contours shown at intervals no greater than two feet (2');
3. The proposed streets and lots;
4. Proposed location(s) of building(s), if any;
5. Proposed reservations for parks, playgrounds and open spaces;
6. Size and character of recreation buildings, pergolas, arbors and other structures associated with land and facilities to be used by the occupants of the development;
7. Proposed location of parking spaces;
8. Proposed landscape planting plan, including the type and location of plant materials;
9. Location of existing and proposed utilities and site features, as outlined in 9-26G-3.
10. Tabulations showing:
 - a. Area of land within the development;
 - b. Storm drainage and runoff calculations, as specified in 9-26G-3-H;
 - c. Number of parking spaces provided;
 - d. Percentage of area to be devoted to parks and playgrounds;
11. Any other data that the Planning Commission may require.

B. All lots shown on the subdivision plat shall conform to the minimum requirements of the zoning ordinance for the zone in which the subdivision is located, and to the minimum requirements of the Public Works Director and the Board of Health for sewage disposal. The minimum width for any residential building lot shall be as required by this title. (Ord. 18-277, 2-15-2018)

9-26G-2: OFF-SITE IMPROVEMENTS

Approval of a preliminary subdivision plat shall not be granted until such time as the Planning & Zoning Commission has established that adequate off-site public facilities exist in the areas affected by the development sufficient to accommodate the development.

- A. The public facilities to which the preceding paragraph applies shall include the following:
1. The City culinary water system, including quantity, quality, treatment, storage capacity, and distribution capacity;
 2. The City sanitary sewer system, including treatment, overall capacity, outfall lines, laterals, and collector lines;
 3. The City electric power system, including generation, transformation, transmission, and distribution;
 4. Streets and roads, including arterial collector, and local roads, sidewalks, curb and gutter, and related transportation facilities and meeting the requirements of the Delta City Construction Standards;

9-26G-3: ON-SITE IMPROVEMENTS

Costs of improvements covered under the provisions of this section are to be paid by the subdivider and are subject to the approval of the City (with exclusions specifically noted in Redevelopment Zone).

The owner of any land located in or platted as a subdivision shall install the following improvements in compliance with the specifications determined by City Staff, and to the requirements contained herein:

- A. Streets On Public Property Or Property Of Utility Companies:

~~9-26G-2: STREETS ON PROPERTY OF OTHER PUBLIC AGENCIES OR UTILITY COMPANIES~~

Where it is proposed that streets be constructed on property controlled by a public agency or utility company, approval for the location, improvement, and maintenance of such streets shall be obtained from the public agency or utility company. (Ord. 18-277, 2-15-2018)

- B. Street Signs:

~~9-26G-12: STREET SIGNS~~

~~Unless the City provides the signs,~~ The subdivider shall furnish and install all necessary street signs. (Ord. 18-277, 2-15-2018)

- C. Street Lights:

~~9-26G-15: STREETLIGHTS~~

Streetlights of a type approved by the Public Works Director and by the electrical utility company shall be installed at all locations within the subdivision as required by the Land Use Authority Code Enforcement Officer or City Council. Installations shall be made by the subdivider and inspected by the Public Works Director. Street Lighting shall be dedicated to the City in the same manner as other improvements to be dedicated under this chapter and shall be subject to all provisions hereof relating to such improvement. (Ord. 18-277, 2-15-2018)

- D. Curbs, Gutters, and Sidewalks:

Curbs, gutters, and sidewalks shall be installed by the subdivider on the development side of existing streets, and both sides of the proposed streets ~~by the subdivider~~ in all subdivisions, except the rear of those lots which back on major streets and are not permitted access to such streets. All curb and gutter shall comply with specifications adopted by the City. Roll type gutters shall not be permitted. (Ord. 18-277, 2-15-2018)

E. Culinary Water Supply:

9-26G-5 : WATER SUPPLY

A culinary water supply, which must be approved by the Public Works Director and State Board of Health, shall be made available to each lot in the subdivision and shall be provided in conformance with the standards, and rules and regulations of the City. Where an approved public water supply is available, the subdivider shall install water mains and service lines or laterals from such mains shall make connections to the City's public water system, and supply culinary water via mainlines, service lines, or other lateral connections to each lot within the subdivision prior to the installation of road base, surfacing, curbs and gutters, and sidewalks.

1. Lateral line connections shall be clearly identified either by marking on the curb, measuring to a permanent structure or by other means approved by the Public Works Director. The locations shall be clearly shown on the as-built drawings.
2. Water meters shall be furnished by the City, at the expense of the subdivider. Water laterals and water meters must be at least three feet (3') but not more than five feet (5') below finished grade.

F. Fire Hydrants:

9-26G-6 : FIRE HYDRANTS

The type, size and quantity of fire hydrants shall be approved by the Delta City Public Works Director, in consultation with the Delta City Fire Chief, before being installed by the subdivider. ~~at locations determined by the~~ Spacing and placement of hydrants shall be in accordance with adopted fire code, or as otherwise directed by the Fire Chief. ~~Public Works Director and Fire Department.~~ (Ord. 18-277, 2-15-2018)

G. Sewage Disposal:

9-26G-7 : SEWAGE DISPOSAL

Individual sewer disposal systems or public disposal facilities shall be provided and must meet Municipal and State codes and regulations for each lot in the subdivision. The subdivider shall, unless waived by the City Council, connect with the City sanitary sewer system and provide sewer mains and extend laterals from the main sewer line for each lot in the subdivision prior to the installation of the road base, surfacing, curbs, gutters, and sidewalks. (Ord. 18-277, 2-15-2018)

H. Storm Drainage:

9-26G-8 : SURFACE WATER

~~If the subdivider is within an area where there is stormwater runoff, the subdivider shall construct a stormwater drainage system within the subdivision which shall be constructed of materials and in accordance with the specifications of the master storm drain plan or according to generally accepted engineering standards based on a 12-year storm pattern. (Ord. 18-277, 2-15-2018)~~

The subdivider shall provide adequate surface drainage for the development, including primary on-site drainage adequate to handle a twenty-four (24) hour, ten (10) year storm event. Design calculations shall be submitted along with the construction plans. Inlets shall be provided so that surface water is not carried across intersections, or for a distance of more than six hundred feet (600') in the gutter. Underground seepage sumps may be approved only after receipt of acceptable engineering calculations.

I. Ditches & Canals:

9-26G-9: DITCHES AND CANALS

Pursuant to Section 4-2-5-J of this Code, open ditches or canals are prohibited along the street frontages within or adjoining a subdivision, ~~except~~ and shall only be permissible along rear or side lot lines. Where there is an open ditch or canal, the subdivider shall install a six foot (6') chain-link fence, or the equivalent thereof, along the ditch or canal adjacent to the subdivision or subdivided property lot line, but outside the canal and maintenance right-of-way or easement. The owner of the property shall install grates, baffles, or screens at least once every three hundred feet (300') and at all transitions into and out of any connected buried pipe systems to reduce the transportation of floating vegetation and debris, and prevent accidental or intentional access to buried pipes. (Ord. 18-277, 2-15-2018)

J. Electric power:

The subdivider shall pay the cost of trenching and installation of electric system extensions to service the subdivision.

K. Other utilities:

Utilities including but not limited to electrical, natural gas, telephone and cable television shall be located underground when such underground service does not violate safety standards nor impose any additional maintenance burden on City personnel.

L. Landscaping:

9-26G-10: LANDSCAPING

The Land Use Authority ~~Code Enforcement Officer~~ may require subdividers to provide ground cover where it determines that soil erosion may be a problem, that surface water may flood portions of the City or damage Municipal property ~~and~~ or to prevent the growth of noxious weeds which may become a nuisance or fire hazard or danger to the public health. The Land Use Authority ~~Code Enforcement Officer~~ may specify the types of ground cover. (Ord. 18-277, 2-15-2018)

M. Monuments & Survey:

9-26G-11: MONUMENTS

Permanent monuments shall be accurately set and established at such points as are necessary to definitely establish all lines of the plat, except those outlining individual lots. Monuments shall be of a type approved by the Public Works Director. All subdivision plats shall be tied to a corner or monument of record or established land office survey corner. (Ord. 18-277, 2-15-2018)

Survey stakes shall be placed at both front and back lot corners to completely identify the lot boundaries on the ground. Backlot corners shall be marked with a metal pipe or rebar and cap driven into the ground, and front lot corners shall be identified with permanent plugs in the sidewalk or back of the curb, or with a metal pipe or rebar and cap driven into the ground if sidewalks or curbs have not been installed. All stakes shall be in place prior to the issuance of building permits and after the completion of all subdivision improvements, or in accordance with the Sequence of Development and Guarantee of Improvements as outlined in Article E, Section 9-26E-3 through 9-26E-4.

N. Bridges:

9-26G-13: OBSTRUCTIONS IN STREET

1. On-site: The cost and responsibility for the construction of any bridge located within a subdivision, which has been deemed necessary by the Public Works Director, shall be the full burden of the subdivider.
2. Off-site and Adjoining Properties: In the event that any road or street in any subdivision shall terminate at or within fifty feet (50') of any ditch, canal, creek, waterway or other obstruction which, in the opinion of the Public Works Director requires a bridge or other structures in order to continue the road over or across the ~~canal, ditch, creek, waterway or other obstruction~~ and onto an adjacent tract of land, not owned by the subdivider, the subdivider shall deposit with the City Recorder the full estimated cost, as determined by the Public Works Director ~~a sum of money equal to one-half (1/2) of the Public Works Director's estimate of the cost~~ for constructing a proper and suitable bridge over the same. The Public Works Director shall, on request, furnish to the subdivider a cost breakdown for any such structure. The deposited funds shall then be applied by the City toward ensuring the full completion of the structure. ~~When, in the opinion of the City Council, it becomes desirable to construct such structure, it shall be constructed by the City, applying the deposit toward the construction costs and charging the other one-half (1/2) of such cost to the person developing the opposite side of such obstruction, or if there is no person so developing the other side, the half shall be borne as a Municipal expense.~~ (Ord. 18-277, 2-15-2018)

O. Site cleanup & Obstructions in street:

The construction process shall create no traffic hazards or other nuisances, except as properly planned-for, presented-to, and approved-by the Director of Public Works.

Upon construction completion, all lots shall be left free from construction materials and debris.

Construction which affects street shoulders, curbs, sidewalks or adjacent driveways must be properly planned-for in order to mitigate hazards toward pedestrians, vehicles, and other users. For example, if driveway access to an existing property is impeded due to the removal of curb and gutter, a temporary ramp must be provided to allow access to the affected property.

When making utility connections which require making cuts into existing City streets, the subdivider shall bear the cost of replacing any affected existing features, such as sidewalk, curb and gutter, and street surfaces, using proper base and fill materials, adequate compaction strengths of asphalt, and sufficient roadway paint striping to the satisfaction and approval of the Public Works Director.

P. Fences and Cattle Guards:

9-26G-14: FENCES AND GUARDS

In locations where a land subdivision abuts or is adjacent to public or private grazing land, a fence of material and quality satisfactory to the Land Use Authority Code Enforcement Officer shall be erected around the outer limits of the subdivision on the side abutting such grazing land. Any fencing utilized for the corralling, penning, or holding of animals, including household pets, shall be of sufficient durability, strength, and design so as to prevent any encroachment or damage by such contained animals upon adjacent properties. The Land Use Authority Code Enforcement Officer may also require the installation of cattle guards where it deems such is needed. (Ord. 18-277, 2-15-2018)

Animal fencing which consists of electrical barriers, razed wire or barbed strands may not be used.

- Q. Other improvements, such as parks, trails, open space or other amenities, fencing, etc. as may be required.

INSPECTION FEES

TITLE 9 Chapter 3

ADMINISTRATION AND ENFORCEMENT

9-3-12: INSPECTION FEES:

The ~~subdivider~~ owner or owner's designee of any property requiring inspection shall pay to the City an amount sufficient to reimburse the City for the cost, including engineer fees, of providing inspectors, together with mileage, and any other costs incurred in conducting the periodic or continuous inspection required for ~~inspection of~~ improvements installed under this chapter, and also Article C of Chapter 14 (Mobile Home Parks) and also Article G of Chapter 26 (Subdivisions) of this Code. Payment of such inspection fees and costs shall be made at the City offices within thirty (30) days after written request for payment is sent by the City to the last known address of the subdivider. If payment is not made within forty-five (45) days after written request is sent, the City shall be entitled to receive payment from the proceeds of any type of guarantee posted under section 9-26E-4 of this title. (Ord. 18-277, 2-15-2018)

APPENDIX
TITLE 9
Chapter 6
AGRICULTURAL ZONES

~~ARTICLE B. AGRICULTURAL 1, NO MANUFACTURED HOMES (A-1-NM) ZONE~~

~~9-6B-1: PURPOSE:~~

~~The purpose of this zone is to create a zone identical to the A-1 Zone, as set out in article A of this chapter, with the only variation being that manufactured homes are not allowed in an A-1-NM Zone. (Ord. 18-277, 2-15-2018)~~

~~9-6B-2: USE TABLE:~~

~~The use table of the A-1-NM Zone is identical to the use table of the A-1 Zone as set out in section 9-6A-2 of this chapter, except that manufactured homes are not allowed in an A-1-NM Zone. (Ord. 18-277, 2-15-2018)~~

~~9-6B-3: MINIMUM LOT AND DEVELOPMENT STANDARDS:~~

~~Standards for Zone District A-1-NM are identical to those lot and development standards for Zone District A-1 in section 9-6A-3 of this chapter. (Ord. 18-277, 2-15-2018)~~

~~ARTICLE D. AGRICULTURAL 5, NO MANUFACTURED HOMES (A-5-NM) ZONE~~

~~9-6D-1: PURPOSE:~~

~~The purpose of this zone is to create a zone identical to the A-5 Zone, as set out in article C of this chapter, with the only variation being that manufactured homes are not allowed in an A-5-NM Zone. (Ord. 18-277, 2-15-2018)~~

~~9-6D-2: USE TABLE:~~

~~The use table of the A-5-NM Zone is identical to the use table of the A-5 Zone as set out in section 9-6C-2 of this chapter, except that manufactured homes are not allowed in an A-5-NM Zone. (Ord. 18-277, 2-15-2018)~~

~~9-6D-3: MINIMUM LOT AND DEVELOPMENT STANDARDS:~~

~~Standards for Zone District A-5-NM are identical to those lot and development standards for Zone District A-5 in section 9-6C-3 of this chapter. (Ord. 18-277, 2-15-2018)~~

TITLE 9
Chapter 7

RESIDENTIAL ZONES

ARTICLE B. SINGLE-FAMILY RESIDENTIAL LOW DENSITY, NO MANUFACTURED HOMES (R-1-A-NM) ZONE

9-7B-1. PURPOSE:

The purpose of this zone is to create a zone identical to the R-1-A Zone as set out in article A of this chapter, with the only variation being that manufactured homes are not allowed in an R-1-A-NM Zone. (Ord. 18-277, 2-15-2018)

9-7B-2. USE TABLE:

The use table of the R-1-A-NM Zone is identical to the use table of the R-1-A Zone as set out in section 9-7A-2 of this chapter, except that manufactured homes are not allowed in an R-1-A-NM Zone. (Ord. 18-277, 2-15-2018)

9-7B-3. MINIMUM LOT AND DEVELOPMENT STANDARDS:

Standards for the R-1-A-NM Zone are identical to those lot and development standards for the R-1-A Zone in section 9-7A-3 of this chapter. (Ord. 18-277, 2-15-2018)

ARTICLE D. SINGLE-FAMILY RESIDENTIAL MEDIUM DENSITY, NO MANUFACTURED HOMES (R-1-B-NM) ZONE

9-7D-1. PURPOSE:

The purpose of this zone is to create a zone identical to the R-1-B Zone as set out in article C of this chapter with the only variation being that manufactured homes are not allowed in an R-1-B-NM Zone. (Ord. 18-277, 2-15-2018)

9-7D-2. USE TABLE:

The use table of the R-1-B-NM Zone is identical to the use table of the R-1-B Zone as set out in section 9-7C-2 of this chapter, except that manufactured homes are not allowed in an R-1-B-NM Zone. (Ord. 18-277, 2-15-2018)

9-7D-3. MINIMUM LOT AND DEVELOPMENT STANDARDS:

Standards for the R-1-B-NM Zone are identical to those lot and development standards for the R-1-B Zone in section 9-7C-3 of this chapter. (Ord. 18-277, 2-15-2018)

ARTICLE F. SINGLE AND TWO-FAMILY RESIDENTIAL, NO MANUFACTURED HOMES (R-2-NM) ZONE

9-7F-1. PURPOSE:

The purpose of this zone is to create a zone identical to the R-2 Zone as set out in article E of this chapter with the only variation being that manufactured homes are not allowed in an R-2-NM Zone. (Ord. 18-277, 2-15-2018)

9-7F-2: USE TABLE:

The use table of the R-2-NM Zone is identical to the use table of the R-2 Zone as set out in section 9-7E-2 of this chapter, except that manufactured homes are not allowed in an R-2-NM Zone. (Ord. 18-277, 2-15-2018)

9-7F-3: MINIMUM LOT AND DEVELOPMENT STANDARDS:

Standards for the R-2-NM Zone are identical to those lot and development standards for the R-2 Zone in section 9-7E-3 of this chapter. (Ord. 18-277, 2-15-2018)

ARTICLE H. ~~SINGLE AND MULTI-FAMILY RESIDENTIAL, NO MANUFACTURED HOMES (R-4-NM) ZONE~~

9-7H-1: PURPOSE:

The purpose of this zone is to create a zone identical to the R-4 Zone as set out in article G of this chapter with the only variation being that manufactured homes are not allowed in an R-4-NM Zone. (Ord. 18-277, 2-15-2018)

9-7H-2: USE TABLE:

The use table of the R-4-NM Zone is identical to the use table of the R-4 Zone as set out in section 9-7G-2 of this chapter, except that manufactured homes are not allowed in an R-4-NM Zone. (Ord. 18-277, 2-15-2018)

9-7H-3: MINIMUM LOT AND DEVELOPMENT STANDARDS:

Standards for the R-4-NM Zone are identical to those lot and development standards for the R-4 Zone in section 9-7G-3 of this chapter. (Ord. 18-277, 2-15-2018)

ARTICLE J. ~~SINGLE AND TWO-FAMILY RESIDENTIAL, NO MANUFACTURED HOMES (R-R-NM) ZONE~~

9-7J-1: PURPOSE:

The purpose of this zone is to create a zone identical to the R-R Zone as set out in article I of this chapter with the only variation being that manufactured homes are not allowed in an R-R-NM Zone. (Ord. 18-277, 2-15-2018)

9-7J-2: USE TABLE:

The use table of the R-R-NM Zone is identical to the use table of the R-R Zone as set out in section 9-7I-2 of this chapter, except that manufactured homes are not allowed in an R-R-NM Zone. (Ord. 18-277, 2-15-2018)

9-7J-3: MINIMUM LOT AND DEVELOPMENT STANDARDS:**ZONE DISTRICT R-R-NM****MINIMUM LOT AND DEVELOPMENT STANDARDS⁴**

Standards for the R-R-NM Zone are identical to those lot and development standards for the R-R Zone in section 9-7I-3 of this chapter

Note:

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

(Ord. 18-277, 2-15-2018)

**TITLE 9
Chapter 10
INDUSTRIAL ZONES**

ARTICLE B. INDUSTRIAL DEVELOPMENT (I-D) ZONE

9-10B-1: PURPOSE:

The Industrial Development Zone is intended to provide for and encourage development of industrial, manufacturing and similar facilities which can be developed and utilized in such a manner as to not exceed permissible performance criteria designed to limit the adverse impact of such facilities on surrounding land uses and for which adequate public facilities exist to support such use and development. A development permit shall be obtained for all new development or changes in land use within the Industrial Development Zone. (Ord. 18-277, 2-15-2018)

**TITLE 9
Chapter 11
PLANNED DEVELOPMENT (P-D) ZONE**

PLANNED DEVELOPMENT (P-D) ZONE

9-11-1: MASTER PLAN AND DEVELOPMENT REQUIREMENTS:

In-zone districts Agricultural 1 (A-1), Agricultural 5 (A-5), Commercial Business (C-B), Commercial Development (C-D), Mobile Home (M-H), Planned Development (P-D), Single-Family Residential (R-1-A), Single-Family Residential (R-1-B), Single and Two-Family Residential (R-2), Single and Multi-Family Residential (R-4), Residential Development (R-D), Rural Residential (R-R), Rural Residential 2 (R-R-2-NM), and all no-manufactured home zones (i.e., R-1-A-NM):

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

A. Application: All master planned development applications must include:

1. Planned access for pedestrian use;
2. A minimum of fifteen percent (15%) of the land as improved common open space, to include such uses as: mini-parks, picnic, playground, recreation structures, etc.;
3. A designated permanent easement on and over all open spaces to guarantee that the open space remains in recreation use, with the ownership and maintenance the responsibility of the owners' association; and
4. Adopted articles of association and bylaws that are satisfactory to the City and are in compliance with State and Federal laws.

~~B. Incentives For Master Planned Development Design: The Planning Commission may recommend the following incentives for master planning:~~

- ~~1. Reduction of setbacks and required yard, subject to the International Building Code;~~
- ~~2. Allow for the development of private roads and reduced right-of-way areas;~~
- ~~3. Reduce required parking, based on an analysis that shows:

 - ~~a. The proposed number of vehicles required by the typical tenant mix of the project;~~
 - ~~b. A comparison of similar projects and proposed occupancy;~~
 - ~~c. The parking needs of nonresidential uses; and~~
 - ~~d. A shared parking plan and plan for overflow parking. (Ord. 18-277, 2-15-2018)~~~~

TITLE 9 Chapter 18 ARTICLE A. DEVELOPMENT STANDARDS

9-18A-5: PUBLIC STREETS AND RIGHT-OF-WAY:

The following restrictions are applicable in this zone district: R-R-2-~~NM~~:

- A. Public streets and right-of-way.
- B. Size: The dedicated public right-of-way shall be not less than sixty feet (60').
- C. Design Specifications: Public street shall meet the design specifications set out in appendix A on file in the City. (Ord. 18-277, 2-15-2018)

9-18A-6: ~~MANUFACTURED HOUSING:~~

~~A. The following restrictions are applicable in these zone districts: A-1, A-5, C-B (conditional use), G-D (conditional use), M-H, P-D (conditional use), R-1-A, R-1-B, R-2, R-4, R-D and R-R:~~

- ~~1. Requirements: Manufactured homes shall be allowed in A-1, A-5, C-B with conditional use permit, M-H, and all residential zones, provided, that the unit meets the definition set out in this title and was manufactured within five (5) years immediately previous to the date application is made for a building permit, and that the manufactured home unit complies with the following requirements:

 - ~~a. No manufactured house shall be located in the City without a building permit having first been issued therefor by the City building inspector as required by the City Building Code, Plumbing Code, Electrical Code, Mechanical Code and other applicable codes as adopted in this title.~~
 - ~~b. No manufactured house shall be located in the City in violation of any applicable provisions of this title or of the City subdivision ordinance providing for site preparation, provision of utilities, construction of necessary accessory structures and access from public or approved private rights-of-way.~~
 - ~~c. All manufactured houses shall be placed on a permanent, firm foundation, with footings and blocking support as provided in this Code.~~~~

- d. ~~All manufactured houses shall be designed and constructed to withstand a roof load of thirty (30) pounds per square foot roof load and fifteen (15) pounds per square foot wind load.~~
 - e. ~~No manufactured house shall be located on a site unless the site is properly graded and sloped and compacted to ninety percent (90%) maximum relative density.~~
 - f. ~~Manufactured houses may be set on concrete pier foundations and footings or by other methods approved by the City building inspector. Each corner of such a building shall be bolted or similarly attached to a concrete foundation, as approved by the City building inspector.~~
 - g. ~~All manufactured houses must be located with an enclosed concrete foundation, or shall have complete masonry skirting installed and finished prior to occupancy.~~
 - h. ~~All manufactured houses shall have shingled, pitched roofs with eaves.~~
 - i. ~~Each manufactured house must have improved access entrance or exits installed according to City standards, including any steps, porches, walkways, decks, patios and other improvements necessary for access installed in compliance with Delta City ordinances.~~
 - j. ~~No manufactured house shall be located in any subdivision or on any lot where location of such housing will violate any covenants, conditions or restrictions of record on the lot where the unit is to be located.~~
2. ~~Procedure: Any person who desires to place a manufactured house on a lot within the City limits, shall make application for a building permit for that purpose, along with an affidavit of the value of the manufactured house. No manufactured house shall be occupied without an occupancy permit therefor having first been issued by the City building inspector. The affidavit of value to be filed with the building permit shall be filed by the building inspector with the Millard County Assessor.~~
3. ~~Mobile Home Restrictions: No mobile home shall be located on any lot within the City, except within an existing, approved mobile home park, except as set out in this title.~~
- B. ~~The following restrictions are applicable in these zone districts: A-1-NM, A-5-NM, R-1-A-NM, R-1-B-NM, R-2-NM, R-4-NM, R-D-NM and R-R-NM:~~
- 1. ~~Manufactured Homes Prohibited: Manufactured homes shall not be allowed in A-1-NM, A-5-NM, R-1-B-NM, R-2-NM, R-4-NM, R-D-NM, R-R-NM or R-R-2-NM.~~
 - 2. ~~Mobile Home Restrictions: No mobile home shall be located on any lot within the City, except within an existing, approved mobile home park, except as set out in this title. (Ord. 18-277, 2-15-2018)~~

~~9-18A-7~~ 9-18A-6: PUBLIC UTILITY STATIONS:

[...]

~~9-18A-8~~ 9-18A-7: PARKING LOT SURFACE, DRAINAGE AND MAINTENANCE:

The following restrictions are applicable in these zone districts: A-1, ~~A-1-NM~~, A-5, ~~A-5-NM~~, C-B, H-C, I-1, ~~H-D~~, P-D, P/QP, R-R, ~~R-R-NM~~, and R-R-2-NM: [...]

Exhibit B

Exhibit C

Land Use: Proposed Zoning Map

- (A-1) Agricultural 1
- (A-5) Agricultural 5
- (C-B) Commercial Business
- (H-C) Highway Commercial
- (I-1) Industrial 1
- (M-H) Mobile Home
- (P/QP) Public/Quasi-Public
- (R-1-A) Single Family Residential Low Density
- (R-1-B) Single Family Residential Medium Density
- (R-2) Single & Two-Family Residential
- (R-4) Single & Multi-Family Residential
- (R-R) Rural Residential
- (R-R-2) Rural Residential 2
- (L-R-R) Lyman Row Residential

