

ORDINANCE NUMBER 255

THIS ORDINANCE RESCINDS ORDINANCE NUMBERS 80, 164, 167, 171, 173, 174, 185, 187,
AND 221.

AN ORDINANCE ADOPTING THE "UNIFORM ZONING ORDINANCE OF HARRISVILLE, UTAH."

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HARRISVILLE, UTAH:

SECTION ONE. ZONING ORDINANCE ADOPTED. A comprehensive Zoning Ordinance
was prepared in accordance with the recommendations of the Planning Commission of
the City of Harrisville, is hereby adopted by the City Council of the City of
Harrisville.

SECTION TWO. That in the opinion of the City Council of the City of
Harrisville, a public emergency exists in connection with the matters herein
contained, and that it is necessary for the peace, health, safety and general
welfare of the inhabitants of the City of Harrisville, that this Ordinance take
effect immediately upon its adoption and posting.

SECTION THREE. That this Ordinance shall take effect immediately upon its
adoption and posting.

PASSED, ADOPTED, AND ORDERED POSTED this 26th day of November, 1991.

ASSISTANT MAYOR

WITNESSES:

CITY RECORDER

ZONING ORDINANCE OF HARRISVILLE, UTAH
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CHAPTER 1

GENERAL PROVISIONS

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1-1. **Short Title.** This Ordinance shall be known as the "Zoning Ordinance of Harrisville, Utah."

1-2. **Purpose.** This Zoning Ordinance is designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Harrisville, Utah, including amongst other things, the lessening of congestion on the streets or roads, securing safety from fire and other danger, providing adequate light and air, the classification of land uses and distribution of land development and utilization, protection of the tax base, securing economy in governmental expenditures, foster the commercial, industrial and agricultural growth, protection of the environment, and the protection of both urban and non-urban development of the City.

1-3. **Interpretation, Conflict, and Effect on Previous Ordinances and Maps.**

1. In interpreting and applying the provisions of this Zoning Ordinance, the requirements contained herein are declared to be the minimum requirements for the purpose set forth.
2. This Zoning Ordinance shall not nullify the more restrictive provisions of covenants, agreements, other ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive.
3. The existing ordinances of the City governing the zoning of areas and districts in the City in their entirety and including the maps heretofore adopted and made a part of said ordinances are hereby superseded and amended to read as set forth herein.

1-4. **Changes and Amendments.** This Zoning Ordinance, including the maps, may be amended from time to time by the City Council after holding a Public Hearing. At least fifteen (15) days notice of the time and place of such hearing shall be posted in the City. All proposed amendments shall be first proposed by the Planning Commission or shall be submitted to the Planning Commission for its recommendation which shall be returned to the City Council for its consideration within thirty (30) days. Failure of the Planning Commission to take action on the proposed amendment within the prescribed time shall be deemed approval by such Commission of the proposed change or amendment. The City Council may overrule the Planning Commission's recommendation by a majority vote of its members.

Administration and Enforcement.

1. The Chief Building Official of the City is hereby charged with the administration and enforcement of the provisions of this Zoning Ordinance.
2. The Chief Building Official shall not grant a permit for the construction or alteration of any building or structure, nor issue any Certificate of Occupancy for a change in the use of land, if such construction or alteration or change would be in violation or would involve a violation of any of the provisions of this Zoning Ordinance or any other ordinance of the City or of any law of the State of Utah.
3. The Chief Building Official shall enforce all of the provisions of this Zoning Ordinance. He/She shall inspect or cause to be inspected all of the buildings in the course of construction, alteration, or repair, and any change in the use of land. If, in the course of such inspection, or otherwise, it shall come to his/her attention that any such construction, alteration or repair, or that any use or contemplated use of land is in violation of the provisions of this Zoning Ordinance, he/she shall issue his/her written order to the person responsible therefore, ordering and directing such person to cease and desist such construction, alteration, repair or use. He/She shall report violation of this Zoning Ordinance to the City's Legal Department for prosecution and make complaint thereof before the court or courts having jurisdiction of such violation of this Zoning Ordinance.
4. The Chief Building Official may call for the assistance of law enforcement personnel whenever, in his/her opinion, such assistance is necessary in the investigation of a suspected violation of this Zoning Ordinance.
5. The Chief Building Official may establish reasonable rules and regulations necessary or desirable in the administration of this Zoning Ordinance. Three copies of such rules and regulations shall become effective when so filed.
6. The City Council may by resolution, prescribe an exact payment of reasonable fees to cover the expense of examining plans, issuing building permits, inspecting uses, and issuing Certificates of Occupancy, and may determine the method of collecting such fees.

1-6. **Building Permit.** The construction, alteration, repair, removal, or occupancy of any structure or of any part thereof, as provided or as restricted in this Zoning Ordinance shall not be commenced or proceeded with, except after the issuance of a written permit for the same by the Chief Building Official; provided that no permit shall be necessary where the erection, construction, reconstruction, or alteration is minor in character as defined herein, or as determined the Chief Building Official.

1-7. **Certificate of Occupancy Required.** No land shall be used or occupied and no building hereafter structurally altered or erected shall be used or changed in use until a Certificate of Occupancy shall have been issued by the Chief Building Official stating that the building or structure or the proposed use thereof, or the use of land, complies with the provisions of this Zoning

Ordinance. A like certificate shall be issued for the purpose of maintaining, renewing, changing, or extending a non-conforming use. A Certificate of Occupancy either for the whole or a part of a building or structure shall be applied for coincidentally with the application for a Building Permit and shall be issued within ten (10) days after the erection or structural alteration of such building or structure, or part thereof, shall have been completed in conformity with the provisions of this Zoning Ordinance.

1-8. **Issuance of Licenses and Permits.** All departments, officials and public employees of the City, who are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Zoning Ordinance and shall issue no such permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this Zoning Ordinance, and any such permit or license, if issued in conflict with the provisions of this Zoning Ordinance shall be null and void.

1-9. **Violation a Nuisance.** Any structure made or existing, and any use of land in violation of any provision of this Zoning Ordinance is a public nuisance and may be abated by appropriate proceedings.

1-10. **Violation a Misdemeanor.** Any person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating or causing or permitting the violation of any of the provisions of this Zoning Ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine of not more than two hundred ninety-nine dollars (\$299.00) or by imprisonment for a term not exceeding six months, or by both such fine and imprisonment. Such person, firm, or corporation shall be deemed guilty of a separate offense for each and every day during which any portion of any violation of this Zoning Ordinance is committed, maintained, continued, or permitted by such person, firm, or corporation, and shall be punishable as herein provided.

1-11. **Territory Annexed to the City.** At the time of the annexation of new territory to the City, the City Council, after reviewing the recommendation of the Planning Commission, shall classify such territory for zoning purposes according to the zones established by this Zoning Ordinance.

CHAPTER TWO

DEFINITIONS

- 2-1. **Applicability - Definitions in Other Titles.** The words and terms defined in this Chapter shall have the meanings indicated. Words used in the present tense include the future and words in the singular number include the plural and words in the plural include the singular. Words not included herein but defined elsewhere in the City Ordinances shall be construed as termed therein. The word "shall" is mandatory.
- 2-2. **Access Strip.** A strip of land which is part of a lot and provides access to the part thereof used or to be used for buildings or structures.
- 2-3. **Agriculture.** The tilling of soil, the raising of crops, horticulture and gardening, but not including or keeping or raising of domestic animal and fowl, except household pets, and not including any agricultural industry or business, such as fruit packing plants, fur farms, animal hospitals, or similar uses.
- 2-4. **Alley.** A public thoroughfare less than twenty-six (26) feet wide.
- 2-5. **Architectural Projection.** Any projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building, but shall not include signs.
- 2-6. **Basement.** A story partly under ground and having at least one-half (1/2) of its height above the average level of the adjoining ground. A basement shall be counted as a story, for purposes of height measurement.
- 2-7. **Blanketing.** The term blanketing or blanket, when applied to signs or sign structure, shall mean the partial or complete shutting off of the face of one sign by another sign.
- 2-8. **Boarding House.** A building with not more than five (5) guest rooms where, for compensation, meals are provided for at least five (5) but not more than fifteen (15) persons.
- 2-9. **Building.** Any structure other than a boundary wall or fence.
- 2-10. **Building, Accessory.** A subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.
- 2-11. **Building, Detached.** A building surrounded by an open space on the same lot.
- 2-12. **Building Facade.** That portion of an exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.
- 2-13. **Building Facade Facing.** A re-surfacing of an existing facade with approved material illuminated or non-illuminated.
- 2-14. **Building, Height of.** The vertical distance from the grade elevation to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to a point midway between the lowest part of the eaves or cornice and ridge of a pitch or hop roof.

- 2-15. **Building, Main.** A building in which is conducted the principal use of the lot in which it is located.
- 2-16. **Building Official.** Building Official is the official or other person charged with the administration and enforcement of this Title or his duly authorized deputy.
- 2-17. **Building, Public.** A building owned and operated, or owned and intended to be operated by a public agency of the United States of America, or the State of Utah, or any of its political subdivisions.
- 2-18. **Car Wash, Laundry Type.** A structure or portion thereof containing facilities for washing passenger automobiles, using production line methods such as, but not limited to, chain conveyor, movable or revolving cleaning brushes, blower, steam cleaning, or similar mechanical devices.
- 2-19. **Car Wash, Manual Spray.** A structure or portion thereof containing facilities for washing passenger automobiles, limited to using only hand operated manual spray cleaning equipment and techniques.
- 2-20. **Cellar.** A story having more than one-half (1/2) its height below the average level of the adjoining ground. A cellar shall not be counted as a story for the purpose of height measurement.
- 2-21. **Changeable Copy Panel.** A panel which is characterized by changeable copy regardless of method of attachment.
- 2-22. **Cluster Subdivision.** A subdivision of land in which the areas and widths of residential lots are reduced below the minimum lot areas and lot width requirements of a zone in which the subdivision is located and where equivalent common open space areas are provided to compensate for such lot reduction.
- 2-23. **Common Open Space.** The land area in a Planned Residential Unit Development (PRUD) reserved and set aside for recreational uses, landscaping, open green areas, parking and driveway areas for the common use and enjoyment of the residents of the Planned Residential Unity Development.
- 2-24. **Common Open Space Easement.** A required right-of-use granted to Harrisville by the owner of a Planned Residential Unit Development, on and over land in a Planned Residential Unit Development, designated as common open space, which easement guarantees to Harrisville that the designated common open space and recreation land is permanently reserved for access, parking and recreation, and open green space purposed in accordance with the plans and specifications approved by the Planning Commission and City Council at the time of approval of the Planned Residential Unit Development or as such plans are amended from time to time.
- 2-25. **Condominium Project.** A real estate condominium project where ownership of a single unit in a multi-unit project, together with an undivided interest in common in the common areas and facilities of the property, is transferred; a plan or project whereby four or more apartments, rooms, office spaces, or other existing and proposed apartments or commercial or industrial buildings or structures are separately offered or proposed to be offered for sale and meeting all requirements of the "Condominium Ownership Act" of the State of Utah. Structures shall conform with all area, yard frontage and height regulations of the zone district in which they are located.

- 2-26. **Corral.** A space other than a building, less than 10,000 square feet in area, and less than one hundred (100) feet in width, used for the confinement of animals.
- 2-27. **Court.** An unoccupied open space, other than yard, on the same lot with a building or buildings, which is bounded on two or more sides by the walls of such building or buildings.
- 2-28. **Coverage. Lot.** The percent of the lot area covered by the main and accessory buildings.
- 2-29. **Dairy.** A commercial establishment for the manufacture, processing, or sale of dairy products.
- 2-30. **Day Care Center.** A building or structure where six (6) or more children are regularly cared for during the day for compensation.
- 2-31. **Dry Cleaner.** An establishment which has as its sole purpose the cleansing of fabrics with substantially nonaqueous organic solvents. Laundry establishments with self-service, coin operated dry cleaning machines shall not be classified as a dry cleaner.
- 2-32. **Dwelling.** A building or portion thereof designed or used as the living quarters for one or more families.
- 2-33. **Dwelling Unit. Bachelor or Bachelorette.** A dwelling unit designed or used to accommodate unrelated persons exclusively.
- 2-34. **Dwelling. Group.** Two (2) or more dwellings placed upon a single lot.
- 2-35. **Dwelling. Multiple Family.** A building arranged or designed to be occupied by three (3) or more families.
- 2-36. **Dwelling. Single Family.** A building arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.
- 2-37. **Dwelling. Single Family Row House.** A building built directly against an adjoining building without an open space between, and containing a one-family dwelling unit extending from basement to roof. Each such single-family attached dwelling unit shall have a front and rear entrance. Each group or single-family attached dwellings shall be considered one structure, for purposes of front, rear, and side yard requirements.
- 2-38. **Dwelling. Two Family.** A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.
- 2-39. **Dwelling Unit.** One or more rooms in a dwelling, apartment, hotel, or apartment hotel, designed for or occupied by one family for living, sleeping, and eating purposes. A dwelling unit may contain more than one set of kitchen facilities, whether temporary or permanent provided they are used only by members of the family occupying the dwelling unit or their non-paying guests. A dwelling unit may include up to two (2) persons per unit to whom rooms are rented in addition to a family related by blood, marriage or adoption, but if the number of such additional persons exceeds two (2) or if they use or are furnished separate cooking facilities, whether temporary or permanent, such additional persons shall be considered a separate dwelling unit.

2-40. **Educational Institution.** A public elementary or secondary school or a private educational institution having a curriculum similar to that ordinarily given in public schools.

2-41. **Family.** One or more persons related by blood, marriage, or adoption plus domestic servants employed for service on the premises, or a group of bachelor or bachelorettes of not more than four (4) persons who need not be so related living together as a single nonprofit housekeeping unit.

2-42. **Family Food Production.** The keeping of not more than two (2) pigs, two (2) sheep, two (2) cows, two (2) goats, twenty (20) rabbits, fifty (50) chickens, fifty (50) pheasants, ten (10) turkeys, ten (10) ducks, ten (10) geese, and twenty (20) pigeons, provided that an additional number of fowl, equal to two times the number listed above, may be kept for each one (1) acre in the parcel over and above the minimum area required for a single family residential lot in the zone. Not more than three (3) of the above listed kinds of animals and fowl may be permitted at any one time on any parcel smaller than one (1) acre, and not more than five (5) times the number listed above, shall be permitted at any one time on any one parcel, no matter how large.

2-43. **Fence.** A tangible barrier or obstruction of any material, with the purpose or intent, or having the effect of preventing passage or view across the fence line. It included hedges and walls.

2-44. **Floor Area.** The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not devoted to residential use, but including the area of roofed terraces. All dimensions shall be measured from the exterior faces of the exterior walls.

2-45. **Floor-Lot Area Ratio.** The total floor area of a building divided by the area of the lot in which it is located.

2-46. **Fraternity or Sorority House.** A building occupied by and maintained exclusively for students affiliated with an academic or professional college or university or other recognized institution of higher learning, and when acknowledged by such institution.

2-47. **Frontage.** All the property fronting on one side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage of the side of the street which it intercepts.

2-48. **Garage. Carport.** A private garage not completely enclosed by walls or doors. For the purpose of this Title, a carport shall be subject to all of the regulations prescribed for a private garage.

2-49. **Garage. Private.** An enclosed space or accessory building for the storage of one or more motor vehicles, provided that no business occupation or service is conducted for profit therein nor space therein for more than one car is leased to a non-resident of the premises. A garage shall be considered part of a dwelling if the garage and dwelling have a roof or wall in common, or are connected structurally by a physical connection such as a wall, trellis, or solid fence.

2-50. **Garage, Public.** A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling, or storing motor-driven vehicles.

2-51. **Grade.** The average level of the finished surface of the ground adjacent to the exterior walls of those buildings more than five (5) feet from the street line. For buildings closer than five (5) feet to the street line, the grade is the sidewalk elevation at the center of the building. If there is more than one street, an average sidewalk elevation is to be used. If there is not a sidewalk, the City Engineer may establish the grade.

2-52. **Group Housing for Handicap.** A single-family or multi-family dwelling unit, consistent with existing zoning of the desired location, that is occupied on a 24-hour per day basis by eight or fewer handicapped persons in a family-type arrangement under the supervision of a maximum of two house parents or manager, conforming to all applicable standards and requirements of the Department of Social Services, and is operated by or under contract with that Department.

2-53. **Guest House.** A separate dwelling structure located on a lot with one or more main dwelling structures and used for housing of guests or servants and not rented, leased, or sold separate from the rental, lease, or sale of the main dwelling.

2-54. **Home Occupation.** Any use conducted entirely within a dwelling or enclosed accessory building, and carried on by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and in connection with which there is no exterior display, nor exterior storage of materials, and no other exterior indication of the home occupation. It may include child day care of not more than five (5) children.

2-55. **Horses, Riding.** Horses maintained by occupants of dwellings for riding purposes of a non-commercial nature. Two (2) horses may be kept on lots or plots of one (1) acre or more. No riding horses may be kept on lots of less than one (1) acre, nor increased in number on lots of less than one (1) acre where they are maintained at the time this ordinance is passed. One (1) additional riding horse may be kept for each one-half (1/2) acre of ground exceeding one (1) acre.

2-56. **Hotel.** A building designed for or occupied as the more or less temporary abiding place of sixteen (16) or more individuals who are, for compensation, lodged with or without meals.

2-57. **Household Pets.** Animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, or canaries, but not including a sufficient number of dogs or cats to constitute a kennel, as defined in this Zoning Ordinance.

2-58. **Incombustible Material.** Incombustible material is any material which will not ignite at or below a temperature of 1200 degrees Fahrenheit during an exposure of five minutes, and will not continue to burn or glow at that temperature. Tests shall be made as specified in the Uniform Building Code.

2-59. **Junk Yard.** The use of any lot, portion of 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, or

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 to any agricultural use permitted in the district.

2-60. **kennel.** The land or buildings used in the keeping of three (3) or more dogs at least four (4) months old.

2-61. **Kindergarten.** A school or class for children of the four to six year age group.

2-62. **Laundromat or Launderette.** A self-service laundry establishment where clothes are cleansed in a coin operated machine. A laundromat or launderettes may include self-service, coin operated, dry cleaning machines.

2-63. **Lodging House.** A building where lodging is only provided for compensation to five (5) or more, but not exceeding fifteen (15) persons, in contrast to hotels.

2-64. **Lot.** A parcel of land occupied or to be occupied by a main building or group of buildings (main or accessory), together with such yards, open spaces lot width and lot area as are required by this Zoning Ordinance and having frontage upon a street. Except for group dwellings and a guest house, not more than one dwelling structure shall occupy any one (1) lot.

2-65. **Lot. Corner.** A lot abutting on two intersecting streets where the interior angle of intersection or interception does not exceed one hundred thirty-five (135) degrees.

2-66. **Lot. Interior.** A lot other than a corner lot.

2-67. **Maintain.** Includes, but is not limited to, the following: service, repair, alter, remodel, re-letter, redecorate, repaint, move, or remove. It does not include the removal of signs by a licensed wrecking contractor. Owner or lessee of sign may re-paint, redecorate, and/or change letters or panels on his own sign.

2-68. **Map. Official.** Any map adopted by the City Council under the provisions of 10-9-23, Utah Code Annotated.

2-69. **Mobile Home.**

1. A movable living unit designed to be transportable after fabrication on its own wheels, attached wheels, or low boy, suitable for year-round occupancy and containing a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities, plumbing, and electric connections provided for attachment to appropriate external systems. Pre-sectionalized, modular, or pre-fab housing not placed on a permanent foundation shall be regarded as a mobile home whether or not such units meet the City's building and housing codes.

2. A mobile home as defined in the preceding paragraph which meets the City's applicable building and housing codes and which is placed on a permanent foundation is controlled by the Zoning Ordinance and other applicable ordinances the same as dwelling units constructed in the conventional manner.

2-70. **Mobile Home Park.** A parcel of land which has been planned and improved for the placement of mobile homes for residential use.

- 2-71. **Hotel.** Any building or group of buildings containing sleeping rooms, designed for temporary use by automobile tourists or transients, with garage attached or parking space conveniently located to each unit.
- 2-72. **Natural Waterways.** Those areas, varying in width, along streams, creeks, gullies, springs, or washes which are natural drainage channels as determined by the Chief Building Official and in which areas no buildings shall be constructed.
- 2-73. **Nightclub.** A place of entertainment open at night usually serving food and liquor, having a floor show, and providing music and space for dancing.
- 2-74. **Nonconforming Building.** A building or structure or portion thereof lawfully existing at the time any applicable zoning regulations become effective, the design, erection, use, height, area, and yard dimensions of which do not conform to the provisions of such regulation or regulations.
- 2-75. **Nonconforming use.** The prior lawful use of land or of a building or structure which subsequently is prohibited by zoning regulations pertaining to the zone in which the building or land is situated.
- 2-76. **Nursery for Children.** A building or structure where six (6) or more children are regularly cared for during the day for compensation.
- 2-77. **Open Green Space.** An open space suitable for relaxation or landscaping. It shall be unoccupied and unobstructed by buildings and/or hard surface such as asphalt, cement, and packed gravel, except that such open green space may be traversed by necessary sidewalks.
- 2-78. **Parcel of Land.** A contiguous quantity of land, in the possession of, or owned by, or recorded as the property of the same claimant or person.
- 2-79. **Parking Lot.** An open area, other than a street, used for parking of more than four (4) automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.
- 2.80. **Parking Space.** Space within a building, lot, or parking lot for parking or storage of one (1) automobile.
- 2.81. **Paying Guest.** Any person hiring a room in a dwelling unit for living, eating, or sleeping purposes.
- 2.82. **Person.** One or more persons, an association, a co-partnership, or a corporation or firm, either by themselves or by an agent, employee, guardian or trustee.
- 2.83. **Planned Residential Unit Development (PRUD).** A development in which the regulations of the zone in which the development is situated are waived to allow flexibility and initiative in site and building design and location in accordance with an approved plan and imposed general requirements.
- 2-84. **Planning Commission.** The Planning Commission of Harrisville, Utah.
- 2-85. **Private Drive.** Non-dedicated thoroughfare or road used exclusively for private access to and from private land and/or developments.

2-86. **Recreational Coach.** A vehicle such as a recreational trailer, tent, camper trailer, truck camper, travel trailer, camp car, other vehicle with or without motive power, designed and/or constructed to travel on the public thoroughfare in accordance with the provisions of the Utah Vehicle Code, designed for the use of human habitation.

2-87. **Recreational Coach Park.** Any area or tract of land or a separate designated section within a mobile home park where lots are tented or held out for rent to one or more owners or users of recreational coaches for a temporary time not to exceed two(2) weeks.

2-88. **Shopping Center.** Multi-entity commercial complex under single ownership which leases space to various commercial establishments.

2-89. **Sign.** A presentation or representation of words, letters, figures, designs, picture, or colors, publicly displayed so as to give notice relative to a person, a business, an article of 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.

2-90. **Sign. Advertising.** See Sign, Off Premise.

2-91. **Sign. Animated.** A sign which involves motion or rotation of any part, created by artificial means or displays flashing or intermittent lights.

2-92. **Sign. Background Area.** The entire background area of a sign upon which copy is placed. In computing area of sign background, only the face or faces which can be seen from any one direction at one time shall be counted.

2-93. **Sign. Business.** An on premise sign which directs attention to a use conducted, a commodity sold, or a service performed on the premise. A maximum of ten percent (10%) of copy area may also advertise a product not manufactured on the premise.

2-94. **Sign. Cloth.** Any sign executed upon or composed of any flexible fabric.

2-95. **Sign. Combination.** A sign incorporating any combination of the features of projecting, roof or free standing signs.

2-96. **Sign. Development.** An on premise sign identifying a construction project or subdivision development. The sign may contain the name of the project, name and address of the construction firm(s), architect, and developer.

2-97. **Sign. Copy Area.** The area of a sign that is used for display purposes excluding the minimum frame and supports. In relation to signs that do not have a frame or separate background, sign area shall be computed on the basis of the least rectangle, triangle or circle large enough to frame the display.

2-98. **Sign. Directional.** On premise incidental signs designed to guide or direct pedestrians or vehicular traffic.

2-99. **Sign. Flat.** Any sign attached to a building or other structure that projects less than eighteen (18) inches beyond the building but extends parallel or substantially parallel or substantially parallel thereto.

- 2-100. **Sign. Floodlighted.** Any sign illuminated in the absence of daylight only by devices which reflect or project light upon it.
- 2-101. **Sign. Free Standing.** A sign which is supported by one or more columns, uprights or braces in or upon the ground.
- 2-102. **Sign. Identification and Information.** An on premise sign displayed to indicate the name or nature of a building or use, including all professional and business buildings, home occupations, apartment complexes and public and semi-public buildings. Temporary and development signs are classified in this category only.
- 2-103. **Sign. Illuminated.** Sign in which a course of light is used in order to make the message readable. This definition shall include internally and externally lighted signs.
- 2-104. **Sign. Incombustible.** A sign which is constructed entirely of incombustible material.
- 2-105. **Sign. Marquee.** Any sign attached to or made an integral part of a marquee.
- 2-106. **Sign. Multiple copy.** A sign which advertises other than the name of the business and the principal product or service.
- 2-107. **Sign. Name Plate.** A sign indicating the name of a person or persons residing on the premises.
- 2-108. **Sign. Off Premise.** A sign which directs attention to a use, product, commodity, or service not related to the premise on which it is located.
- 2-109. **Sign. On Premise.** See Sign, Business.
- 2-110. **Sign. Projecting.** Any attached sign extending in whole or in part, more than eighteen (18) inches beyond the building line.
- 2-111. **Sign Roof.** Any sign erected upon or supported by the roof or parapet of a building.
- 2-112. **Sign. Structure.** Any structure which supports any sign as defined in this code. A sign structure may be a single pole or poles or an integral part of the building.
- 2-113. **Sign. Temporary.** An on premise sign which is intended to advertise community or civic projects, real estate for sale or lease on a temporary basis. Such sign shall not be erected earlier than thirty (30) days prior to date of beginning of event and shall be removed within thirty (30) days after event is concluded.
- 2-114. **Sign. Time and/or Temperature.** A display containing illuminated numerals to show the time and/or temperature.
- 2-115. **Sign. Wall.** A sign which is affixed to an exterior wall of a building or structure and which projects not more than eighteen (18) inches from

the building or structure wall and which does not extend more than four feet above the parapet, eaves, or building facade of the building on which it is located.

2-116. Site Development Standards. Established regulations concerning lot areas, yard setbacks, building height, lot coverage, open green space, and any other special regulations deemed necessary to accomplish the purpose of this Zoning Ordinance.

2-117. Stable, Private. A detached, accessory building for the keeping of horses owned by the occupants of the premises, and not kept for remuneration, hire, or sale.

2-118. Stable, Public. A stable other than a private stable.

2-119. Story. The space within a building, other than a cellar, included between the surface of any floor and the surface of the ceiling next above.

2-120. Story, Half. A story with at least two (2) of its sides situated in a sloping roof, the floor area of which does not exceed two-thirds (2/3) of the floor immediately below it.

2-121. Street. A public thoroughfare, dedicated, abandoned, or condemned for public use prior to the initial enactment of the Zoning Ordinance, which affords the principal means of access of abutting property and is more than twenty-six (26) feet wide, and any public thoroughfare dedicated to the public and accepted by proper public authority or condemned for public use after said date.

2-122. Structure. Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

2-123. Structural Alterations. Any change in supporting members of a building, such as bearing walls, columns, beams, or girders.

2-124. Swimming Pool. Any artificial or semi-artificial container, whether indoors, and whether above or below the surface of the ground, or both, used or intended to be used to contain a body of water for swimming by any person or persons, together with all permanent structures, equipment, appliance, and other facilities used or intended for use in and about the operation, maintenance, and use of such pool.

2-125. Swimming Pool, Family. A swimming pool used and intended to be used solely by the owner, operator, or lessee thereof and his family and by friends invited to use it without payment of any fee or consideration.

2-126. Tavern. Any business establishment operating under a class "C" beer license. Such establishments shall be limited in number to two (2) per lineal block.

2-127. Theater, Indoor Picture. A building or part of a building devoted to the showing of moving pictures on a paid admission basis.

2-128. Theater, Outdoor Drive-In. An open lot or part thereof, with its appurtenant facilities devoted primarily to the showing of moving pictures, on a paid admission basis, to patrons seated in motorized vehicles.

- 2-129. **Trim. Non-Structural.** Non-structural trim is the moulding, battens, caps, nailing strips, latticing, outouts, or letters and walkways which are attached to the sign structure.
- 2-130. **Uniform Building Code (U.B.C.)**. The current edition of the Uniform Building Code as adopted by the City of Harrisville.
- 2-131. **Use.** The specific purposes for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.
- 2-132. **Use. Accessory.** A subordinate use customarily incidental to and located upon the same lot occupied by the main use and devoted exclusively to the main use of the premises.
- 2-133. **Uses. Conditional.** A use or occupancy of a building, or use of land, permitted only when authorized upon issuance of a Conditional Use Permit and subject to the limitations and conditions specified therein as provided in Chapter 5 of this Zoning Ordinance intended to allow compatible integration of uses which may be suitable only in certain locations within a particular zone, or only upon certain conditions and/or design criteria being achieved.
- 2-134. **Use. Permitted.** Any use lawfully occupying land or buildings as authorized in the zone regulations and for which no Conditional Use Permit is required.
- 2-135. **Width of Lot.** The distance between the side lot lines at the distance back from the front lot line required for the depth of the front yard.
- 2-136. **Yard.** An open space on a lot, other than a court, unoccupied and unobstructed from the ground upward by buildings, except as otherwise provided herein.
- 2-137. **Yard. Front.** An open space on the same lot with a building between the front line of the building (exclusive of steps) and the front lot line and extending across the full width of the lot. The depth of the front yard is the minimum distance between the front lot line and the front line of the building.
- 2-138. **Yard. Rear.** An open, unoccupied space on the same lot with a building between the rear line of the building (exclusive of steps) and the rear lot line and extending the full width of the lot.
- 2-139. **Yard. Side.** An open, unoccupied space on the same lot with a building, between the side line of the building, (exclusive of steps) and the side lot line and extending from the front yard to the rear yard.
- 2-140. **Zone.** The geographical area of the City within which the zoning regulations are uniform.
- 2-141. **Zoning Ordinance.** The Zoning Ordinance of Harrisville City.

CHAPTER 3

REGULATIONS APPLICABLE TO ALL ZONES

- 3-1. Applicability.
- 3-2. Additional Use Regulations.
- 3-3. Additional Area Regulations.
- 3-4. Additional Yard Regulations.
- 3-5. Additional Height Regulations.
- 3-6. Animals and Fowl.
- 3-7. Building Regulations.
- 3-8. Fence Height.
- 3-9. Lighting.
- 3-10. Private Park, Playground or Recreation.
- 3-11. Public Utility Substation.
- 3-12. Swimming Pool.

3-1. **Applicability.** the regulations hereinafter set forth in this Chapter qualify or supplement, as the case may be, the zone regulations contained elsewhere in this Zoning Ordinance.

3-2. **Additional Use Regulations.** The requirements of this Zoning Ordinance as to minimum site development standards shall not be construed to prevent a use as permitted in a respective zone of a parcel of land in the event such parcel was held in separate ownership prior to April 4, 1963. Each such parcel to be developed must have not less than 16 feet of frontage on a street, or as approved by the Board of Adjustment, and the density of development may not exceed that permitted by area requirements in the respective zone.

3-3. **Additional Main Building Regulations.** Every main building shall be located and maintained on a "lot" as defined in Section 2, and every lot shall have required frontage on a "street" as defined in Section 2, except as follows:

- a. Where a parcel of land was in separate ownership prior to April 4, 1963, as described in Section 3-2, and
- b. Where under special circumstances of design of a parcel of land, the Planning Commission approves a lot plat, as defined and provided for in Harrisville City Subdivision Ordinance, which may or may not have the required frontage as provided for in this Title. Under no circumstances may the frontage be less than sixteen (16) feet.

3-4. **Additional Yard Regulations.**

- 1. No required yard or other open space around an existing building or which is hereafter provided around any building for the purpose of complying with the provisions of this Zoning Ordinance, shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected or established.
- 2. On any lot under a separate ownership from adjacent lots and of record at the time of the initial enactment of this Zoning Ordinance and such lot having a smaller width than required for the zone in which it is located, the following regulations shall apply:
 - a. For interior lots, each side yard may be equal to but not less than the same percentage of the required side yard width as the lot is of the required lot width, provided that in no case shall the smaller of the two side yards be less than five feet, or the larger less than eight feet.
 - b. On corner lots, each side yard may be equal to but not less than the same percentage of the required side yard width as the lot is

of the required lot width, provided that in no case shall the side yard on the street side be less than fifteen feet in an RE-15, R-1-10, R-2 and the other side yard shall be not less than five feet in all residential zones.

3. On any interior lot where a private attached garage containing a sufficient number of parking spaces to meet the requirements of this Zoning Ordinance has a side yard equal to the minimum side yard required for a dwelling in the same zone the width of the other side yard for the dwelling may be reduced to equal that of the minimum required side yard.
4. Every part of a required yard shall be open to the sky unobstructed except for accessory buildings in a rear yard, and except for the ordinary projections of skylights, sills, belt courses, cornices, and other ornamental features.
5. Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers may project into a yard not more than five feet, and the ordinary projections of chimneys and flues are permitted.
6. No accessory building nor group of accessory buildings in any Residential Zone shall cover more than twenty-five percent of the rear yard.
7. No space needed to meet the width, yard, area, coverage, parking, or other requirements of this Zoning Ordinance for a lot or building may be conveyed away from such lot or building, except as permitted by the Board of Adjustment, and any attempted conveyance or lease in violation hereof shall be void.
8. No parcel of land which has less than the minimum width and area requirements for the zone in which it is located may be cut off from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot, except by permit of the Board of Adjustment.
9. One zero side yard may be permitted when approved by the Planning Commission and City Council, and only if the following requirements are met:
 - a. The remaining one side yard is equal to the combined total of the required two side yards of the zone in which it is located,
 - b. No window or other similar opening shall be installed in the building or any accessory building along the side having a zero side yard.
 - c. No zero side yard will be permitted on the lot side bordering on a nonresidential zone or on a residential lot not utilizing zero side yard provisions.
 - d. Use of the zero side yard provision is contingent upon development of or commitment to development of a zero side yard on an adjoining lot.

3-5.

Additional Height Regulations.

1. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain a building, and fire or parapet walls, skylights, towers, steeples, flag poles, chimneys, smokestacks, and water tanks, wireless or television masts, theater lofts, silos, or similar structures may be erected above the height limits prescribed in the Zone Height Regulations, but no space above the height limit shall be allowed for the purpose of providing additional floor space.
2. No dwelling shall be erected to a height less than ten feet, and no accessory building in a Residential Zone shall be erected to a height greater than twenty-five feet.

3-6.

Animals and Fowl. No animals or fowl shall be kept or maintained closer than forty (40) feet from any dwelling, and not closer than seventy-five (75) feet from any dwelling on an adjacent lot. Any barn, stable, coop, pen, corral, or enclosure for the housing or keeping of animals or fowl shall be kept, constructed or maintained not less than one hundred (100) feet from a public street.

3-7.

Building Regulations. Domestic water supply and sewage disposal shall comply with the Weber County Health Department requirements in all applications for a building permit where either an approved supply of piped water under pressure, or a sewer, is not available.

3-8.

Fence Height Regulations.

1. No fence, hedge, shrubs, or other plants or similar structure shall be erected in any required front yard of a dwelling to a height in excess of four feet; nor shall any fence or other similar structure be erected in any side or rear yard to a height in excess of seven feet.
2. On corner lots, no fence or other similar structure shall be erected in any yard bordering a street or front yard of an adjoining lot to a height in excess of three and one half feet except in accordance with the Traffic Code. On corner lots that do not block the vision of the street intersection and for the adjacent driveway, a fence may be erected to a height not to exceed six feet.
3. Where a fence is erected upon a retaining wall or where for other reasons there is a difference in the elevation of the surface of the land on either side of a fence, height of the fence shall be measured from a point half-way between the top of the retaining wall and the land on either side of the fence, but nothing herein contained shall be construed to restrict a fence to less than three and one-half feet in height measured from the surface of the land on the side having the highest elevation.

3-9.

Lighting.

1. Exterior lighting. No spotlight or floodlight shall be installed in any way which will permit the direct rays of such light to penetrate into any residential zone or onto any property used for residential purpose.
2. Lights not to Constitute Traffic Hazard. No light, sign, or other advertising structure as regulated by this Zoning Ordinance shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision; or at any location where, by reason

of the positions, shape, or color, it may interfere with, obstruct the view of, or be confused with, any authorized traffic sign, signal, or device or which makes use of the words, "STOP", "LOOK", "DRIVE-IN", "DANGER" or any other word, phrase, symbol, or character in such manner as to interfere with, mislead, or confuse traffic.

3-10. **Private Park, Playground, or Recreational Area.** In all residential zones, a private park, playground, or recreation area, with or without a swimming pool shall meet the following requirements:

1. The lands and facilities used for such purpose shall be owned or leased and operated by a non-profit corporation for the exclusive benefit of the members, their immediate families and non-paying guests.
2. Adequate rest rooms and sanitary facilities shall be provided and kept available for use by members, their families and guests, and shall be maintained in proper working order and in a clean and sanitary condition and in full compliance with the reasonable standards, rules and regulations established by the Weber County Health Department.
3. Twenty-five off-street parking spaces, or one off-street parking space for each four memberships in the operating corporation, whichever is greater, shall be provided on the lot devoted to the principal use.
4. Operation or use of the recreational or other facilities provided is forbidden between the hours of 12:00 o'clock a.m. to 6:00 o'clock a.m. next following.
5. All facilities, equipment, and buildings shall be set back not less than twenty feet from any property line and shall be located not less than fifty feet from any main building on an adjoining lot and from any area upon which any such main building is in existence.
6. The minimum size of the lot or suite used for such recreational or other purposes shall be one acre.
7. Any lights used to illuminate the premises shall be installed in such manner that the source of light shall be suitably screened to avoid annoying illumination of lands outside said premises.

3-11. **Public Utility Substation.** In all residential zones, public utility substations shall meet the following requirements:

1. Lot Area. Each public utility substation in a residential zone shall be located on a lot not less than two thousand square feet in area.
2. Yards. Each public utility substation in a residential zone shall be provided with a yard on each of the four sides of the building not less than five feet in width, except that for such stations located on lots fronting on a street abutted by one or more residential lots, the front yard, side yards, and rear yards shall equal those required for a single-family residence in the same zone.
3. Street access. Each public utility substation in a residential zone shall be located on a lot which has adequate access from a street, alley, or easement.
4. Location to be Approved. The location of public utility substation in a residential zone shall be subject to approval by the City Planning Commission.

3-12. **Swimming Pool: Family.** A family swimming pool shall be permitted in the rear yard of a dwelling as an accessory use provided the following requirements are met:

1. The location of such family swimming pool or accessory machinery shall not be less than thirty-five feet from any dwelling on an adjoining lot and not less than ten feet from any interior property line. On corner lots, the distance from said pool to the property line facing on a street shall not be less than the required side yard for an accessory building in that zone.
2. An outside family swimming pool shall be completely enclosed by a substantial fence of not less than five feet in height and any lights used to illuminate said pool or its accessories shall be so arranged as to reflect the light away from the adjoining premises.

4-1. **Purpose and Intent.** The purpose of this chapter is to regulate parking and loading spaces, vehicle traffic and access in order to provide orderly and adequate development of these needed amenities, and in so doing, promote the safety and well-being of the citizens of the City. Consequently, there shall be provided, at the time of the erection of any main building or at the time any main building is enlarged or increased, minimum off-street parking space with adequate provisions for ingress and egress by standard-sized automobiles.

4-2. **Parking Space for Dwellings.** In all zones there shall be provided in a private garage or in an area located for future garage:

1. For a single-family dwelling, two side by side, non-tandem parking space.
2. For a two-family dwelling, two side by side non-tandem spaces.
3. For a three-family dwelling, four side by side non-tandem parking spaces.
4. For a four-family dwelling, six parking spaces.
5. For other multiple-family dwellings:
 - a. Standard multiple-family dwelling, one and three-fourths parking spaces per dwelling unit.
 - b. Multiple family dwelling designed to accommodate exclusively bachelor and/or bachelorette (Presence of Resident Manager does not make this type a standard multiple family dwelling), one parking space for each person in each unit. Building permit will stipulate maximum number of persons per unit and number and type of unit.
 - c. Housing exclusively for elderly and/or handicapped, one parking space per unit.
6. If any dwelling unit is increased by occupant use after the original building permit is issued, the parking requirements shall reflect that increase.
7. In addition to the above parking space requirements, one parking space shall be provided for every two paying guests residing in such dwelling units. Such paying guests refers to the rental of sleeping rooms within the dwelling unit.

4-3. **Additional Off-Street Parking for Dwellings.** One concrete or asphalt slab for additional off-street parking may be constructed in one required side yard of a dwelling provided that:

1. The dwelling unit has the minimum number of required off-street parking spaces as stipulated by Paragraph 4-2 of this ordinance.
2. The slab is at least eight (8) feet wide and is of sufficient length to accommodate the vehicle with no portion of the vehicle extending forward of the front face of the dwelling.
3. The appurtenant driveway to the slab must be tapered to use the existing driveway approach or a new approach must be installed for the new driveway.
4. Any slab constructed must remain open and unobstructed to the sky.
5. No vehicle shall be parked in the required side yard unless the parking area is improved with hard surface material such as concrete or asphalt.
6. Any slab constructed for vehicle parking must be screened by a non-see-through fence of not less than six feet in height along the length of the slab behind the front yard setback, if adjacent property owner objects to visibility of vehicles that will be parked there.

7. All storm water run-off from the hard surface of the slab must be directed so as to prevent drainage onto adjacent properties.
8. No vehicle shall be parked in the required 20 foot side yard on a corner lot.

4-4. **Parking Space for Non-dwelling Building.** For new buildings or for any enlargement or increase in seating capacity, floor area or guest rooms of any existing building, there shall be provided:

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| 1. | Apartment Hotel | 1 space per two sleeping units |
| | Auditors Office | 1 space per staff member plus 3 spaces for clients. |
| | Auto Repair Shop | 1 space per employee plus 5 spaces for client use. |
| 2. | Bank | Not less than 30 spaces |
| | Barber Shop | 2 spaces per staff member |
| | Beautician Shop | 3 spaces per staff member |
| | Boarding House | 3 spaces per 4 persons to whom rooms will be rented |
| | Business Office | 1 space per employee on highest shift |
| 3. | Cafe | 1 space per eating booth and table plus one space per three stools |
| | Cafeteria | 1 space per eating booth and table plus one space per three stools |
| | Car Wash | 4 spaces in approach lane to each wash bay |
| | Chiropractor Office | 4 spaces per professional staff member plus 1 space per subordinate staff member |
| | Church | 1 space per five fixed seats |
| | Clinic | 4 spaces per professional staff member plus 1 space per subordinate staff member |
| | Club, Private | At least 20 client spaces |
| 4. | Dance Hall | 1 space per 200 square feet of floor space |
| | Day Care Center | 1 space per employee plus 4 spaces for client use |
| | Dental Office | 4 spaces per professional staff member plus 1 space per subordinate staff member |
| | Drive-in Food Establishment | 1 space per 100 square feet of floor space, but not less than 10 spaces |
| | Dry Cleaner | 1 space per employee plus 5 spaces for client use |
| 5. | Educational Institution (Private) | 2 spaces per 3 student capacity plus 1 space per staff member |
| | Employment Office | 1 space per employee plus 6 spaces for client use |

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| 6. | Finance Office | 1 space per staff member plus 3 spaces for client use |
| | Fraternity | 2 spaces per 4 persons the building is designed to accommodate |
| | Furniture Store | 1 space per 300 square feet of sales floor space in the building |
| 7. | Hospital | 1 space per 2 bed capacity |
| | Hotel | 1 space per two sleeping units |
| 8. | Insurance Office | 1 space per staff member plus 4 spaces for client use |
| 9. | Laboratory | 1 space per employee on highest shift |
| | Laundromat | 1 space per 3 coin operated machines |
| | Legal Office | 4 spaces per professional staff member |
| | Library | At least 30 spaces |
| | Lodging House | 3 spaces per 4 persons to whom rooms will be rented |
| | Lounge | At least 20 client spaces |
| | Liquor Store | At least 20 spaces |
| 10. | Medical Office | 4 spaces per professional staff member plus 1 space per subordinate staff member |
| | Mortuary | At least 30 spaces |
| | Motel | 1 space per sleeping or living unit |
| | Museum | At least 30 spaces |
| 11. | Night Club | At least 20 client spaces |
| | Nursery for Children | 1 space per employee plus 4 spaces for client use |
| | Nursing Home | 1 space per 2 bed capacity |
| 12. | Optometrist Office | 4 spaces per professional staff member plus 1 space per subordinate staff member |
| 13. | Photo Studio | At least 6 spaces |
| | Post Office | At least 20 client spaces |
| | Psychiatric Office | 4 spaces per professional staff member plus 1 space per subordinate staff member |
| 14. | Real Estate Office | 1 space per employee plus 4 spaces for client use |
| | Reception Center | At least 30 spaces |
| | Recreation Center | 1 space per 200 square feet of recreation area |
| | Rental Establishment | At least 4 client spaces |
| | Restaurant | 1 space per eating booth or table |
| | Retail Store | 1 space per 200 square feet of sales floor space in building |
| | Retail Store with Drive-In Window | 1 space per 200 square feet of sales floor space in building plus storage capacity of 4 cars per window on the property |

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| 15. | Sanitarium | 1 space per 2 bed capacity |
| | Service Repair Shop, | |
| | General Repair | At least 4 client spaces |
| | Stadium | 1 space per 5 fixed seats |
| | Sorority | 2 spaces per 4 persons the building is
designed to accommodate |
| | | |
| 16. | Tavern | At least 15 spaces |
| | Terminal, Transport. | At least 30 spaces |
| | Theater | 1 space per 5 fixed seats |
| | Travel Agency | 1 space per employee plus 4 spaces for
client use |
| | | |
| 17. | Upholstery Shop | 1 space per employee plus 3 spaces for
client use |
| | Used Car Lot | 1 space per employee plus 4 spaces for
client use. |
| | | |
| 18. | Warehouse | 2 spaces per 3 employees |
| | Wedding Chapel | At least 30 spaces |
| | Wholesale Business | 2 spaces per 3 employees plus 3 spaces
for client use |
| | | |
| 19. | For other uses not listed above, 3 spaces per 4 persons on the
highest employment shift. | |

4-5. **Computation of Parking Requirements.** When measurements determining number of required parking spaces result in a fractional space, any fraction up to one-half shall require one parking space.

4-6. **Parking Lot Design and Maintenance.**

1. **Parking Lot Location.** Parking space as required in Sections 4-2 and 4-3 shall be on the same lot with the main building or, in the case of buildings other than dwellings, may be located no farther than five hundred feet therefrom.
2. **Public Parking Lot Standards.** Every parcel of land hereafter used as a public parking area shall be paved with an asphalt or concrete surface and shall have appropriate bumper guards or curbs where needed, as determined by the Building Inspector to protect adjacent property owners or persons using a sidewalk. Catch basins and drains shall be provided to collect surface drainage of all paved areas at a minimum rate of one inch an hour rainfall. Surface drainage is not allowable across pedestrian walkways.
3. **Maximum Yard Area to be Used for Parking and Vehicle Access Lanes.** For all uses permitted in a residential zone, none of the front and side yard area required by the respective zones shall be used for parking. Access across and over the required front yard is allowed to the side yard or rear yards. In the case of multiple family dwellings, not more than fifty percent of the required side and rear yards shall be used for parking or vehicular access lanes. In such cases where it is deemed necessary to utilize more than fifty percent of the required side and rear yards, any said yard area used in excess of said limits shall be provided in an equivalent amount of land area elsewhere on the same lot as the building as an open green space, patios, play areas, or courts.

4. **Additional Provisions.** The design and maintenance of off-street parking facilities shall be subject to the following provisions:
- a. Each parking space shall encompass not less than one hundred eighty square feet of net area. Each parking space shall be not less than nine feet wide, the width being measured at a right angle to the side lines of the parking space.
 - b. Adequate automobile access to and from parking areas for interior block developments shall be provided. Minimum size of the access strip shall be as follows based on the number of units to be served:
 - i. up to and including four (4) dwelling units, twelve (12) feet.
 - ii. from five (5) to eleven (11) dwelling units, one (1) twenty-four (24) foot two-way access strip or two (2) twelve (12) foot one-way strips.
 - iii. twelve (12) or more dwelling units, one (1) thirty-six (36) foot two way access strip, or two (2) eighteen (18) foot one-way access strips.
 - iv. a greater size of access strip may be required as deemed necessary by the Planning Commission.
 - c. All off-street parking spaces and associated access lanes shall be effectively screened on any side adjoining any property in a residential zone by a masonry wall or fences not less than four feet nor more than seven feet high, except that some type of hedge-row shrubs may be used in place of a wall or fence provided the hedge is continuous along adjoining property and at maturity is not less than five feet nor more than seven feet high. Hedge-row shrubs shall be maintained and replaced where necessary in order that the hedge may become an effective screen from bordering property within a maximum five year period. Front yard and corner lot fences or plantings shall maintain height requirements of their respective zones.
 - d. Lighting and signs shall conform to the requirements set forth in this Zoning Ordinance.
 - e. Parking requirements for dwellings will be located on the same lot with the dwelling.
 - f. All parking facilities and driveways must be improved with a hard surface such as concrete or asphalt to the street right-of-way and must be sloped and graded to prevent drainage of storm water onto adjacent properties.

4-7. **Off-Street Truck Loading Space.** On the same premises with every building or use involved in the receipt of distribution by vehicles of materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading, and unloading services in order to avoid undue interference with public use of streets or alleys. Such space, unless otherwise adequately provided, shall include a ten foot by twenty-five foot loading space with fourteen feet height clearance, for every twenty thousand square feet or fraction thereof in excess of three thousand feet of land-use for above mentioned purposes.

4-8. **Business Requiring Automobile Access.** Service stations, roadside stands, public parking lots, and all other business requiring motor vehicle access shall meet the following requirements:

1. Access to the station or other structure or parking lot shall be by not more than two roadways for each one hundred feet or fraction thereof of frontage on any street, no two of said roadways shall be

closer to each other than twelve feet; each of said roadways shall be not more than thirty-four feet in width and shall not be closer than twenty (20) feet to the point of intersection of two property lines or at any street corner; and a curb, hedge, or fence of not more than two feet in height shall be provided by the owner to limit access to the permitted roadway.

2. Gasoline pumps shall be set back at least twenty feet from any property line bordering a street, provided that a pump island parallel to and adjoining street may be located not less than fifteen feet from the property line bordering said street.

4-9. **Vehicular Traffic to Commercial or Manufacturing Zones.**

Privately owned land within an area zoned for residential purposes shall not be used as a regular means of vehicular passage to and from property in commercial or manufacturing zones.

- 5-1. Purpose and Intent.
- 5-2. Conditional Use Permit.
- 5-3. Review Procedure.
- 5-4. Determination.
- 5-5. Basis for Issuance Of Conditional Use Permit.
- 5-6. Appeal.
- 5-7. Building Permit.
- 5-8. Expiration.

5-1. **Purpose and Intent.** The purpose and intent of conditional uses is to allow in certain areas, compatible integration of uses which are related to the permitted uses of the zone, but which may be suitable and desirable only in that location and/or upon certain conditions which make the uses suitable and/or only if such uses are designed, laid out, and constructed on the proposed site in a particular manner.

5-2. **Conditional Use Permit.** A conditional Use Permit shall be required for all uses listed as Conditional Uses in the zone regulations. A Conditional Use Permit may be revoked by the City Council after a review and recommendation by the Planning Commission, upon failure to comply with the conditions imposed with the original approval of the permit.

- 5-3. **Review Procedure.**
1. Application for a Conditional Use Permit shall be made to the Planning Commission
 2. Detailed location, site, and building plan shall accompany the complete application forms provided by the City. For structures in existence, only a location plan need be provided.
 3. The application together with all pertinent information shall be considered by the Planning Commission at its next regularly scheduled meeting.
 4. The Planning Commission shall call a specific public hearing on any application after adequate notice. The planning Commission shall take action on the application by the second meeting of the Planning Commission after the application filing date. A record of the hearing together with a recommendation for the denial or issuance of the Conditional Use Permit with conditions of approval or reasons for denial shall be forwarded to the City Council.

5-4. **Determination.** The Planning Commission may deny or permit a Conditional Use to be located within any zone in which the particular Conditional Use is permitted. In authorizing any Conditional Use, the Planning Commission shall impose such requirements and conditions necessary for the protection of adjacent properties and the public welfare.

5-5. **Basis for Issuance of Conditional Use Permit.** The Planning Commission shall not authorize a Conditional Use Permit unless evidence is presented to establish:

1. That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community, and
2. That such use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety, and general welfare of persons nor injurious to property or improvements in the community, but will be compatible with and

complimentary to the existing surrounding uses, buildings, and structures when considering traffic generation, parking, building design and location, landscaping and signs, and

3. That the proposed use will comply with the regulations and conditions specified in this Ordinance for such use, and
4. That the proposed use conforms to the goals, policies and governing principles and land use of the Master Plan for Harrisville City.
5. That the proposed use will not lead to the deterioration of the environment, or ecology of the general area, nor will produce conditions or emit pollutants of such a type or of such a quantity so as to detrimentally effect, to any appreciable degree, public or private property including the operation of existing uses thereon, in the immediate vicinity or the community or area as a whole.

5-6. **Appeal.** The decision of the Planning Commission may be appealed to the City Council, designated as the the Appeal Board appointed by motion of the City Council, by filing such appeal within 15 days after the date of the notice of decision sent to the applicant. The Appeal Board may uphold or reverse the decision of the Planning Commission and impose any additional conditions that it may deem necessary in granting an appeal. The decision of the Appeal Board shall be final.

5-7. **Building Permit.** Upon receipt of a Conditional Use Permit, the developer shall take such permit to the Building Inspector who will review the permit and conditions attached. Based on this review and compliance with any other items that might develop in the pursuance of his duties, the Building Inspector may approve an application for a building permit and shall insure that development is undertaken and completed in compliance with said permit conditions pertaining thereto.

5-8. **Expiration.** Unless there is substantial action under a Conditional Use Permit within a period of one year of its issuance, as determined by the Planning Commission, the Conditional Use Permit shall expire. The Planning Commission may grant a maximum extension of six months under exceptional circumstances.

- 6-1. Purpose and Intent.
- 6-2. Use Regulations.
- 6-3. Area Regulations.
- 6-4. General Regulations.
- 6-5. Submission of Application.
- 6-6. Planning Commission Consideration.
- 6-7. Planning Commission Action.
- 6-8. City Council Action.
- 6-9. Building Permit Issuance.
- 6-10. Time Limit.

6-1. **Purpose and Intent.** A Planned Residential Unit Development (PRUD) is intended to allow for diversification in the relationship of various uses and structures, to permit more flexibility, and to encourage new and imaginative concepts in the design of neighborhood and housing projects in urban areas. To this end, the development should be planned as one complex land use rather than an aggregation of individual unrelated buildings located in separate unrelated lots. Substantial compliance with zone regulations and other provisions of this Zoning Ordinance in requiring adequate standards related to the public health, safety, and general welfare shall be observed, without unduly inhibiting the advantages of large scale site planning for residential and related purposes.

6-2. **Use Regulations.** A PRUD shall be permitted in all agricultural and residential zones and notwithstanding any other provisions as hereinafter set forth shall be applicable if any conflict exists.

An overall development plan for a PRUD showing building types, locations, sizes, height, number of residential units, access roads, open spaces, parking and landscaping may be approved by the Planning Commission and City Council, and building permits issued in accordance with such plan, even though the residential uses, housing types, and the location of the buildings proposed differ from the residential uses, housing types, and regulations governing such uses in effect in the zone in which the development is proposed, provided that provisions of this Chapter are complied with.

Accessory non-residential uses may be included in the development to provide a necessary service to the residents of the development as determined by the Planning Commission.

6-3. **Area Regulations**

1. The minimum area for a PRUD shall be as follows:
 - 24 units in an A-1 Zone,
 - 24 units in a RE-15 Zone,
 - 10 acres in a R-1-10 Zone,
 - 8 acres in a R-2 Zone,
 - 10 acres in a R-3 Zone
2. a. The basic number of dwelling units in a PRUD shall be the same as the number permitted by the lot area requirements of the zone in which the PRUD is located. Land used for schools, churches, other non-residential service type buildings and uses, for streets and exclusively for access to the useable area of a PRUD shall not be included in the area for determining the number of allowable dwelling units.
 - b. The basic number of dwelling units in a PRUD may be increased by up to ten percent if the Planning Commission in its

judgement determines that the concept, site layout and design, the residential groupings, the esthetic and landscaping proposals will provide a superior residential development and environment to that which would result through the normal land subdivision process.

- c. The basic number of dwelling units in a PRUD may be increased by up to ten percent of the Planning Commission in its judgement, determines that the concept, site layout and design, the residential groupings, the esthetic and landscaping proposals will provide a superior residential development and environment to that which would result through the normal land subdivision process.
3. All proposed residential developments, with the exception of normal land subdivision, within the City equal to or in excess of the minimum area requirements for a PRUD as set forth in this Section, shall comply with the provisions of this Chapter and be developed as a PRUD. Land to be developed as a normal subdivision will be subject to the provisions of the Subdivision Ordinance of Harrisville City.

6-4. **General Requirements.**

1. The development shall be in a single or corporate ownership or the application filed jointly by the owners of the property.
2. The property adjacent to the PRUD shall not be adversely affected and to this end, the Planning Commission may require in the absence of appropriate physical boundaries, that uses of least intensity or greatest compatibility be arranged around the boundaries of the project. Yard and height requirements of the adjacent zone shall apply in the periphery of the project.
3. Site development standards and sign regulations shall be determined by approval of the site development plan.
4. The City Council, upon recommendation of the Planning Commission, shall require the preservation, maintenance, and ownership of open space utilizing, at the City's option, one of the following methods:
 - a. Dedication of the land as a public park or parkway system, or,
 - b. Granting to the City a permanent open space easement on and over the said private open spaces to guarantee that the open space remain perpetually in recreation use, with ownership and maintenance being the responsibility of a Home Owners Association established with Articles of Association and By-Laws which are satisfactory to the City, or
 - c. Complying with the provisions of Condominium Ownership Act of 1963, Title 57, Chapter 8, Utah Code Annotated, 1953, as amended, which provides for the payment of common expenses for the upkeep of common areas and facilities. Recreation uses and facilities may be developed within the common open space areas in compliance with a recreation and landscaping plan approved as part of the approved final development plan of the PRUD.
 - d. If the second or third method, as set forth above, is utilized to maintain the open spaces, but the organization established fails to maintain the open spaces in reasonable order and condition the City may, at its option, do or contract to have done the required maintenance and shall

assess ratably the open space and individually owned properties within the PRUD. Such assessment shall be a lien against property and shall be filed with the Weber County Recorder, or the City may bring suit to collect the maintenance fees together with a reasonable attorney's fees and costs.

5. The developer shall be required to provide a surety or cash bond, escrow, or bank letter of credit in an amount determined by the Planning Commission of the City guaranteeing the completion of the development of the open space, or a phase thereof. When completed in accordance with the approved plan, the bond shall be released. If uncompleted at the end of two years, the City will review the progress and may proceed to use the bond funds to make the improvements to the open space by the City Council and shall be filed with the City Recorder.
6. Where access roads create corner lots of adjoining parcels of land, the location of the paved area of the access road shall be located so as to maintain the minimum corner lot side yard requirements of the Zone in which the corner lot is located, plus an additional ten foot planting and walking area.
7. If the PRUD is to be subsequently divided either as a "subdivision" into a phase development parcel of separately owned and operated units, such division boundaries shall be indicated in the development plan and preliminary subdivision approval concurrently obtained in the case of a "subdivision."
8. The Subdivision Ordinance of the City, as it now exists or hereafter may exist applies to all developments.
9. The area shall be adaptable to a unit type development and shall not contain within or through it any ownership or physical barrier which would tend to impair the unit cohesiveness.
10. One the overall development plan showing details of buildings, structures, and uses has been approved by the City Council after recommendations of the Planning Commission, no changes or alterations to such development plans or uses shall be made without first obtaining approval of the Planning Commission. Major revisions require City Council approval.

6-5. **Submission of Application.** An application for a PRUD shall be submitted to the Planning Commission and shall be accompanied by an overall development plan showing uses, dimensions, and locations of proposed structures, areas reserved for public uses such as schools, playground, landscaping, recreational facilities, and open spaces, areas reserved and proposals for accommodating the design and character of the proposed development. Such other information shall be included as may be necessary to determine that the contemplated arrangement of uses make it desirable to apply this Zoning Ordinance. Revisions to the plan shall be reviewed and approved by the Planning Commission, with City Council approval on major revisions required.

6-6. **Planning Commission Consideration.** In considering the proposed PRUD, the Planning Commission shall consider:

1. The design of buildings and their relationship on the site and their relationship to development beyond the boundaries of the development.
2. Which streets shall be public and which shall be private, the entrances and exits to the development and the provisions for internal and external traffic circulation and off-street parking.

3. The landscaping and screening as related to the several uses within the development and as a means of its integration into its surroundings.
4. The size, location, design, and nature of signs, if any, and the intensity and direction of area or flood lighting.
5. The residential density of the proposed development and its distribution as compared with the residential density of the surrounding lands, either existing or as indicated in the Zoning Map or Master Plan proposals of the City as being a desirable future residential density.
6. The demonstrated ability of the proponents of the PRUD to financially carry out the proposed project under total or phase development proposals within the time limit established.

6-7. **Planning Commission Action.** The City Council, after holding a public hearing thereon, may approve or disapprove the application for a PRUD. In approving an application, the City Council may attach such conditions including a limitation of time during which the permit remains valid, as it may deem necessary to secure the purposes of this Chapter. Approval of the City Council, together with any conditions imposed, constitutes approval of the proposed development as a "permitted use" in the zone in which it is proposed.

6-8. **Building Permit Issuance.** The Building Inspector shall not issue any permit for the proposed building or use within the project unless such building or use is in accordance with the approved development plan and any conditions imposed. Approved development plans shall be filed with the Planning Commission, Building Inspector, and City Recorder.

6-9. **Time Limitation.**

1. A building permit shall be secured and construction begun in accordance with the approved final development plan within eighteen months from the effective date of the ordinance establishing such zone or other period of time as determined by the City Council. Application may be made for not more than six months extension of the time limit for commencement of construction. Use and building permits shall be issued only for those uses and buildings indicated on the final development plan.
2. In the event that construction is not started within the specified time limits, the Planning Commission shall review the classification of the zone and the progress which has taken place and, if deemed necessary revoke the plan approval and initiate proceedings to rezone said property to its prior classification or to a zone consistent with the Comprehensive Master Plan.
3. All construction authorized in the approved final development plan shall be completed within three years of the date construction has commenced. A plan for stage development which will require more time than the limits contained herein may be approved by the City Council, after recommendation by the Planning Commission.

CHAPTER 7

CLUSTER SUBDIVISION SPECIAL REGULATIONS

- 7-1. Purpose and Intent
- 7-2. General Regulations.
- 7-3. Site Development Standards.
- 7-4. Open Space Provision.
- 7-5. Open Space Preservation and Maintenance.
- 7-6. Procedure.

7-1. **Purpose and Intent.** Cluster Subdivisions are intended to allow flexibility in neighborhood and subdivision lot design by permitting the development of single family and two family dwellings on lots smaller than normally required for the zone in which the subdivision is located and by dedicating or reserving the land so saved to needed open space. It is not intended that this type of subdivision be universally applied but only where circumstances or natural features and land use make it appropriated and of special benefit to the residents of the subdivision and surrounding area. The consolidated lot resulting from the reduction of lot sizes shall be useable land not swamp land or steep slope.

7-2. **General Regulations.**

1. A Cluster Subdivision shall be a permitted use in all agricultural and residential zones and notwithstanding any other provisions of this Zoning Ordinance, the provisions as hereinafter set forth shall be applicable if any conflict exists; provided, however, that no such Cluster Subdivision shall contain less than twenty-five dwelling units.
2. Where land is proposed for subdivisions into lots and a subdivider dedicates or permanently reserves land within the subdivision for recreational use or open space, a reduction in the minimum lot area required for the zone in which the Cluster Subdivision is located, may be approved by the Planning Commission, provided that the Cluster Subdivision receives subdivision approval.

7-3. **Site Development Standards.**

1. Minimum Lot Area - The minimum lot area for dwellings may be reduced below the area normally required in the zone in which the Cluster Subdivision is located, but no lot shall have an area less than two-thirds of the minimum lot area required for such dwelling in the respective zone.
2. Minimum Lot Width and Yard Setback - The minimum lot width and side yard may be reduced below the width and side yard normally required in the zone in which the Cluster Subdivision is located, but no lot shall have a width or side yard of less than three-quarters of the minimum lot width or side yard required in the respective zone.
3. Yard Use and Height Regulations - Yard use and height regulations shall be the same as for the zone in which the Cluster Subdivision is located.

7-4. **Open Space Provision.** There shall be permanently reserved within the subdivision for recreation and/or open space, parcels of land whose total area is not less than the amount by which the areas of the residential lots are reduced below the minimum area normally required in the zone in which the Cluster Subdivision is located.

7-5. **Open Space Preservation and Maintenance.** Recreation and/or open space areas to be permanently reserved shall be improved, landscaped, and maintained in accordance with a plan approved by the Planning Commission and the Cluster Subdivision provisions of the Subdivision Ordinance.

7-6. **Procedure.** A preliminary plan of the Cluster Subdivision showing the areas within the subdivision to be permanently reserved for recreation and/or open space, and plans showing the proposed use, improvements and method of maintenance of such areas shall be approved by the Planning Commission before the Cluster Subdivision proposal becomes a permitted use in the zone in which it is proposed.

- 8-1. Yard Regulations.
- 8-2. Group Dwelling PRUD.
- 8-3. Conditional Use.

8-1. **Yard Regulations.** Group dwellings shall be considered as one building for the purpose of front, side and rear yard requirements, the entire group as a unit requiring one front, one rear and two side yards as specified for dwelling structures. The minimum distance between structures shall be ten feet for single story buildings, fifteen feet for two story buildings, and twenty feet for three or more story buildings.

8-2. **Group Dwelling PRUD.** A group dwelling complex must be developed as a PRUD if the area of the complex is equal to or exceeds the minimum area requirements for a PRUD as listed in Chapter 6-3.

8-3. **Conditional Use.** All group dwellings with (8) or more dwelling units in an R-3 Zone are considered as a Conditional Use and as such must comply with the provisions of Chapter 5 of this Zoning Ordinance.

- 9-1. Nonconforming Buildings: Maintenance, Repairs and Upkeep.
- 9-2. Nonconforming Buildings: Additions, Enlargements and Moving.
- 9-3. Nonconforming Use of Buildings.
- 9-4. Nonconforming Use of Buildings and Use: Abandonment by Non-Use.
- 9-5. Nonconforming Use of Land: Abandonment by Non-User.
- 9-6. Nonconforming Use Compliance.
- 9-7. Signs Permitted With Nonconforming Uses.

9-1. **Nonconforming Buildings: Maintenance, Repairs and Upkeep.**

1. A nonconforming building or structure may be maintained.
2. Repairs and structural alterations may be made to a nonconforming building.
3. A nonconforming building or structure which is damaged or partially destroyed by fire, flood, wind, earthquake, or other calamity or Act of God or the public enemy, may be restored and the occupancy or use of such building, structure or part thereof, which existed at the time of such partial destruction may be discontinued or resumed, provided that such restoration is started within a period of one (1) year and is diligently prosecuted to completion.

9-2. **Nonconforming Buildings: Additions, Enlargements and Moving**

1. A building or structure nonconforming as to use regulations shall not be added to or enlarged in any manner, unless such building or structure, including such additions and enlargements, is made to conform to all the regulations of the district in which it is located.
2. A building or structure nonconforming as to height, area or yard regulations shall not be added to or enlarged in any manner unless such addition and enlargement conforms to all the regulations of the district in which it is located.
3. A building or structure lacking sufficient automobile parking space in connection therewith as required by this ordinance may be altered or enlarged, provided, additional automobile parking space is supplied to meet the requirements of this ordinance for such alterations or enlargements.
4. No nonconforming building or structure shall be moved in whole or in part to any other location of the lot, unless every portion of such building or structure is made to conform to all the regulations of the district in which it is located.
5. All modifications to buildings or structures, excluding complete removal without intent to rebuild, are subject to recommendations from the Planning Commission and approval by the City Council.

9-3. **Nonconforming Use of Buildings.**

1. The nonconforming use of a building or structure existing at the time the applicable zoning regulations became or becomes effective may be continued.
2. A vacant nonconforming building or structure may be occupied by a use for which the building or structure was designed or intended of so occupied within a period of one year after the building or structure became nonconforming.
3. A nonconforming use may be extended to include the entire floor area of the existing building in which it was conducted at the time use became nonconforming.
4. Except by permit of the Board of Adjustment as provided in Chapter 10, the nonconforming use of a building or structure may not be

changed except to a conforming use; but where such change is made to a conforming use, the use shall not thereafter be changed back to a nonconforming use.

9-4. **Nonconforming Use of Buildings and Uses: Abandonment by Non-Use.** The nonconforming use of a building or structure or portion thereof shall be deemed abandoned by non-use during a continuous period of one year. If a nonconforming use of any such building or structure or portion thereof has been or shall be abandoned, the same shall not thereafter be occupied or used except for a use which conforms to the use regulations of the zone in which it is located.

9-5. **Nonconforming Use of Land: Abandonment by Non-User.** A nonconforming use of a tract of land or portion thereof may be continued. No such nonconforming use of land shall in any way be expanded or extended either on the same or any adjoining tract of land. A nonconforming use of land shall be deemed vacant by non-use immediately upon permanent discontinuation of the nonconforming use. If a nonconforming use of land has been or shall be zoned vacant, such land shall not thereafter be used or occupied except for a use which conforms to the use regulations of the zone in which the use is located.

9-6. **Nonconforming Use Compliance.** Any building structure, or use for which a valid building permit has been issued and actual construction was lawfully begun prior to the effective date of this ordinance, or amendments to this ordinance, may be completed and used in accordance with the plans, specifications and permit on which such building permit was granted. Actual construction is hereby defined to be: The actual placing of construction materials in their permanent position, fastened in a permanent manner, actual work in excavating a basement or the demolition or removal of an existing structure begun preparatory to rebuilding; provided that in all cases actual construction work shall be diligently carried on until the completion of the building or structure involved.

9-7. **Signs Permitted With Nonconforming Uses.** The permitted sign regulations for a nonconforming use as set forth in Chapter 23 of this Ordinance.

- 10-1. Appointment, Term and Removal
- 10-2. Organization and Meeting
- 10-3. Appeals.
- 10-4. Stay of Proceedings Pending Appeal.
- 10-5. Notice of Hearing of Appeal - Right of Appearance.
- 10-6. Powers of Board of Appeal.
- 10-7. Decision of Appeal.
- 10-8. Vote necessary for Reversal.
- 10-9. Judicial Review of board's Decision.
- 10-10. Time Limitation of Variance.
- 10-11. Filing Fee.
- 10-12. Compensation of Members and Secretary

10-1. **Appointment, Term and Removal.** The Board of Adjustment shall consist of five members, each to be appointed by the City Council for a term of five years provided, that the terms of the members of the first Board so appointed shall be such that the term of one member shall expire each year. Any member may be removed for cause by the appointing authority upon written charges and after public hearing, if such public hearing is requested. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One member, but not more than one, of the Planning Commission shall be a member of the Board of Adjustment. The City Council may appoint associate members of such Board, and in the event that any regular member be temporarily unable to act owing to absence from the county, illness, interest in a case before the Board or any other cause, his place may be taken during such temporary disability by an associate member designated for the purpose.

10-2. **Organization and Meetings.** The Board of Adjustment shall organize and elect a chairman and adopt rules in accordance with the provision of any ordinance adopted pursuant to this ordinance. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his/her absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep records of its examinations and other official actions; all of which shall be immediately filed in the office of the Board and shall be a public record.

10-3. **Appeals.** Appeals to the Board of Adjustment may be taken by any person aggrieved by his inability to obtain a building permit, or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of the Zoning Ordinance. Appeals to the Board of Adjustment may be taken by any officer, department, board or bureau of the City affected by the grant or refusal of a building permit or by other decision of an administrative officer of agency based on or made in the course of the administration or enforcement of the provisions of the Zoning Ordinance. The time within which such appeal must be made, and the form or other procedure relating thereto, shall be as specified in the general rules to govern the procedure of such Board of Adjustment or in the supplemental rules of procedure adopted by such Board provided further, that said rules and regulations shall be available to the public at the office of the City Recorder at all times.

10-4. **Stay of Proceedings Pending Appeal.** An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after notice of appeal shall have been filed with him that by reason of facts stated in the certificate of stay would in his opinion cause imminent peril to life or property

in such case proceedings shall not be stayed otherwise than by restraining order which may be granted by the Board of Adjustment or by the district court on application and notice and on due cause shown.

10-5. **Notice of Hearing of Appeal - Right of Appearance.** The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof as well as due notice to the parties in interest, and shall decide the same within a reasonable time. Upon hearing any party may appear in person or by agent or by attorney.

10-6. **Powers of Board of Appeal.** The Board of Adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by administrative official or agency based on or made in the enforcement of the Zoning Ordinance.
2. To hear and decide, in accordance with the provisions of any such Ordinance, requests for special exceptions or for interpretation of the map or for decisions on other special questions on which such Board is authorized by any such Ordinance to pass.
3. Whereby reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinarily and exceptional situation or condition of such piece of property, the strict application of any regulation enacted would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of such property, to authorize, on an appeal relating to said property, a variance from such strict application so as to relieve such difficulties of hardships, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Master Plan and Zoning Ordinance of the City. Before any variance may be authorized, however, it shall be shown that:
 - a. The variance will not substantially affect the Comprehensive Plan of Zoning in the City and that adherence to the strict letter of the Ordinance will cause difficulties and hardships, the imposition of which upon the petitioner is unnecessary in order to carry out the general purpose of the plan.
 - b. Special circumstances attached to the property covered by the application which do not generally apply to the other property in the same zone.
 - c. Because of said special circumstances, property covered by application is deprived of privilege possessed by other properties in the same zone; and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.
4. To permit the enlargement of, addition to, or relocation of a building or structure, nonconforming as to use regulations, as follows:
 - a. For a nonconforming use located in a residential zone, the enlargement, addition or relocation shall either (i) comply with all the height, yard and area requirements for a single-family dwelling in the Zone in which the nonconforming building is located, or (ii) the proposed enlargement, addition or relocation will either (a) improve the area by

- increasing the off-street parking, or (b) improve the general appearance, convenience or safety of the area.
- b. For a nonconforming use located in any zone other than a residential zone, the enlargement, addition or relocation shall comply with all height, yard and area requirements for a main building, other than dwellings, in the Zone in which it is located.
 - c. Before granting a permit for any enlargement, addition, or relocation as provided above, the Board of Adjustment shall find in its public hearing that the proposed changes will not hinder or obstruct the attainment of the objectives listed in Section 1-2 of this Zoning Ordinance hereof more than does the existing nonconforming use.
5. The Board of Adjustment may allow those enlargements of, additions to, or relocation of buildings and structures, nonconforming as to yard, height or are regulations in those cases where an undue hardship will result to the owner of the land involved unless granted and the attainment of the objectives listed in Section 1-2 of this Zoning Ordinance will not be hindered or obstructed, and provided the proposed enlargement, addition to or relocation will either: (i) improve the area by increasing the off-street parking or (ii) improve the general appearance, convenience or safety of the area.
 6. Where a zone boundary line divides a lot in single ownership at the time of the establishment of said boundary, the Board may permit a use authorized on either portion of such lot to extend to the entire lot, provided such permission shall not authorize the use to extend more than thirty five (35) feet beyond the district boundary line or extend to an area greater than five thousand (5,000) square feet beyond the said boundary line.
 7. Permit a nonconforming use to be changed to another use allowed in the same or a more restrictive zone than the one in which the nonconforming use would be allowed; provided that the Board of Adjustment finds in its public hearing that such change will not hinder or obstruct the attainment of the objectives listed in Section 1-2 hereof more than does the existing nonconforming use.
 8. Permit the construction and use of a dwelling upon a lot which does not have frontage on a street, but does have frontage on a dedicated right-of-way.
 9. Permit the splitting of a lot wherein such lot split creates a lot which does not have the required width of the zone in which the lot is located; provided the created nonconforming lot meets all required site standards of the zone; and furthermore, that before building permits are issued for the nonconforming split lot, the lot split shall be reviewed and approved by the Engineering Advisory Committee.

10-7. **Decision on Appeal.** In exercising the above mentioned powers such Board may in conformity with the provisions of this ordinance reverse, or affirm wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

10-8. **Vote Necessary for Reversal.** The concurring vote of three members of the board shall be necessary to reverse any order, requirement or determination of any such administrative official, or to decide in favor of the appellant on any

matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance.

10-9. **Judicial Review of Board's Decision - Time Limitation.** The City or any person aggrieved may have and maintain a plenary action for relief therefrom in any court of competent jurisdiction; provided, petition for such relief is presented to the court within thirty days after the filing of such decision in the office of the Board.

10-10. **Time Limitation on Variance.** In the event the Board of Adjustment does grant a variance in accordance with the provisions of this Chapter, alterations in accordance with the variance must be activated within six months after the date variance is granted or variance becomes null and void. The time limit of the variance may be extended an additional six months by the Board of Adjustment, and then only if the petitioner shows adequate cause to the Board that circumstances necessitate a time extension.

10-11. **Filing Fee.** Upon filing of any appeal or application to the Board of Adjustment, the appellant or applicant shall pay to the City a fee prescribed by the City Council. The said fee shall be collected by the officer in whose office said appeal is filed and shall be deposited with the City Recorder and credited to the General Fund.

10-12. **Compensation of Members and Secretary** Compensation of members and secretary of the Board of Adjustment shall be determined by the City Council.

- 11-1. Establishment of Zones.
- 11-2. Height Limiting Zone.
- 11-3. Boundaries of Zones.
- 11-4. Rules Applicable Where Boundaries Uncertain.

11-1. **Establishment of Zones.** For the purpose of this Zoning Ordinance, the City is divided into the following Zones in which land uses shall be limited as specified in this Zoning Ordinance. Classification will be determined on the bases of location, topographic features and other reasonable considerations to guide the orderly physical growth, neighborhood compatibility and overall stability of the City.

- 1. Open-Space Zone 0-1
- 2. Agricultural Zone A-1
- 3. Residential Estate Zone RE-15.
- 4. Single Family Residential Zone R-1-10
- 5. Two Family Residential Zone R-2
- 6. Multiple Family Zone R-3
- 7. Moderate Density Zone R-1-5/6
- 8. Planned Community Commercial Zone CP-2
- 9. Planned Manufacturing Zone MP.

11-2. **Boundaries of Zones.** The boundaries of each of the said zones are hereby established as described herein or as shown on the map entitled "Zoning Map of Harrisville" or as hereafter amended, a copy of which is attached hereto, and all boundaries, notations, and other data shown on said maps are made by this reference as much a part of this Title as if fully described and detailed herein. Said maps shall be filed in the custody of the City Recorder and may be examined by the public subject to any reasonable regulations established by the City Recorder.

11-3 **Rules Applicable Where Boundaries Uncertain.** Where uncertainty exists as to the boundary of any zone, the following rules shall apply.

- 1. Wherever the zone boundary is indicated as being approximately upon the center line of a street, alley or block, or along a property line, then unless otherwise definitely indicated on the map, the centerline of such street, alley or block, or such property line, shall be construed to be the boundary of such zone.
- 2. Wherever such boundary line of such zone is indicated as being approximately at the line of any river, irrigation canal, or other waterway or railroad right-of-way, or public park or other public land, or any section line, then in such case of the center of such stream, canal, or waterway or of such railroad right-of-way, or the boundary line of such public land or such section line shall be deemed to be the boundary of such zone.
- 3. Where such zone boundary lines cannot be determined by the above rules, their location may be found by the use of the scale appearing on the map.
- 4. Where the application of the above rules does not clarify the zone boundary location, the Board of Adjustment shall interpret the map.

CHAPTER 12

OPEN SPACE ZONE

- 12.1 Purpose and Intent.
- 12-2. Permitted Uses.
- 12-3. Conditional Uses.
- 12-4. Sign Regulations.

12-1. **Purpose and Intent.** The Open Space Zone is specifically intended to encourage the preservation of a natural environment in an otherwise urban setting; to hold for future generations open space in which plants and animals can be protected and studied; to inhibit erection of unnecessary buildings on a flood plain, on areas of severe slope, and areas of fault line and rock slides; to provide suitable areas for recreation and relaxation, and to alleviate stream pollution.

12-2. **Permitted Uses.**

1. Agriculture.
2. Botanical or zoological garden.
3. Conservation areas: botanical or zoological.
4. Fishing ponds: private or public
5. Golf course.
6. Horse raising, provided conducted in a pasture of at least one (1) acre size and with a maximum density of two (2) horses per acre.
7. Private park, playground or recreation area.
8. Public park, public recreation grounds and associated buildings, but not including privately owned commercial amusement business.
9. Wildlife sanctuaries.

12-3. **Conditional Uses.** The following uses shall be permitted only when authorized by a Conditional Use Permit as provided in Chapter 5 of this Zoning Ordinance.

1. Accessory buildings incidental to any permitted use.
2. Public service building.

12-4. **Sign Regulations.** The type, height, size and location of signs shall be in accordance with the regulations as set forth in Chapter 23 of this Zoning Ordinance.

CHAPTER 13

AGRICULTURAL ZONE

- 13-1. Purpose and Intent
- 13-2. Permitted Uses.
- 13-3. Permitted Use Requiring Two (2) Acres Minimum Lot Area
- 13-4. Conditional Uses.
- 13-5. Site Development Standards.
- 13-6. Sign Regulations

13-1. **Purpose and Intent.** The purpose of the A-1 Zone is to designate farm areas which are likely to undergo a more intensive urban development, to set up guidelines to continue agricultural pursuits, including the keeping of farm animals, and to direct orderly low-density residential development in a continuing rural environment.

13-2. **Permitted Uses.**

1. Accessory building or use customarily incidental to any permitted use.
2. Agriculture, or agricultural experiment station.
3. Animals or fowl kept for family food production.
4. Cemetery.
5. Church, synagogue, or similar permanent building used for regular religious worship.
6. Cluster subdivision in accordance with Chapter 7 of this Zoning Ordinance.
7. Corral, stable or building for keeping animals or fowl, provided such use shall be located not less than one hundred (100) feet from a public street.
8. Educational institution.
9. Fruit or vegetable storage packing plant or stand for fruit or vegetables produced only on the premise.
10. Golf course, except miniature golf course.
11. Greenhouse and nursery limited to sale of materials produced on premise and with no retail shop operation.
12. Home Occupation.
13. Horses for private use only, and provided that not more than two (2) horses may be kept for each one (1) acre within any lot.
14. Household pets.
15. Parking lot accessory to uses permitted in this zone.
16. Private park, playground, or recreation area but not including privately owned commercial amusement business.
17. Public building; public park, recreation grounds and associated building.
18. Single family dwellings.
19. Temporary buildings or use incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work.

13-3. **Permitted Uses Requiring Two (2) Acres Minimum Lot Area.**

1. Animal hospital or clinic, dog breeding, dog kennels, dog training school, provided such use shall be located not less than one hundred (100) feet from a public street and any building or enclosure for animals is located not less than fifty (50) feet from any side or rear property line.
2. Dairy farm, milk processing and sale of milk products.
3. Farms devoted to the hatching, raising, and fattening of chickens, turkeys or other fowl, rabbits, fish or frogs.

4. Hog keeping and raising of not more than eight (8) pigs, more than sixteen (16) weeks old, provided that no person shall feed any such hog any market refuse, house refuse, garbage or offal other than that produced on the premise.
5. Raising and grazing of horses, cattle, sheep or goats not exceeding a density of fifteen (15) head per acre of used land, and including the supplementary or full feeding of such animals as part of a farming operation, provided that such raising and grazing when conducted by a farmer in conjunction with any livestock feed yard, livestock sales yard, or slaughter house shall not be closer than three hundred (300) feet to any dwelling, or public or semi-public building, shall not include the erection of any permanent fences, corrals, chutes, or other structures normally associated with commercial lots, and shall be carried on during the period September 15 through April 15 only.
6. Two family dwelling.

13-4. **Conditional Uses.** The following uses shall be permitted only when authorized by a Conditional Use Permit obtained as provided in Chapter 5 of this Zoning Ordinance.

1. Circus or transient amusement.
2. Planned Residential Unit Development in accordance with Chapter 6 of this Zoning Ordinance.
3. Private park, playground or recreation area not open to the general public and to which no admission charge is made, but not including privately owned commercial amusement business.
4. Public utility substation or water storage reservoir developed by a public agency.
5. Radio or television station or tower.
6. Waste water treatment or disposal facilities meeting the requirements of the Utah State Division of Health Code Waste Regulations.

13-5. **Site Development Standards.**

	Permitted and Conditional Uses	Permitted Uses Requiring 2 Acres Minimum
1. Minimum lot area	40,000 sq. ft.	2 acres
2. Minimum lot width	100 feet	150 feet
3. Minimum yard setbacks		
a. Front	30 feet	30 feet
b. Side		
i. Dwelling	10 feet with a total width of two side yards not less than 24 feet.	
ii. Other main building	20 feet each side	
iii. Accessory building	10 feet except 1 ft. if located at least 6 feet in rear of main building	
c. Side: facing street on corner lot	20 feet	20 feet

- d. Rear
 - i. Main building 30 feet 30 feet
 - ii. Accessory building 1 foot except 10 feet where accessory building rears on side yard of adjacent corner lot.
- 4. Building height
 - a. Minimum 1 story 1 story
 - b. Maximum 2 1/2 stories or 35 feet

13-6. **Sign Regulations.** The type, height, size and location of signs shall be in accordance with the regulations as set forth in Chapter 23 of this Zoning Ordinance.

CHAPTER 14

Residential Estate Zone

- 14-1. Purpose and Intent
- 14-2. Permitted Uses
- 14-3. Permitted Uses Requiring 40,000 Square Feet Minimum Lot Area.
- 14-4. Conditional Uses
- 14-5. Site Development Standards
- 14-6. Sign Regulations

14-1. **Purpose and Intent.** The major purpose of the RE-15 Zone is to provide and protect residential development at a low density in a semi-agricultural or rural environment. It is also to provide for certain rural amenities, on larger lots, in conjunction with the primary residential nature of the zone.

14-2. **Permitted Uses.**

1. Accessory building or use customarily incidental to a permitted use.
2. Agriculture.
3. Church, synagogue or similar building used for regular religious worship.
4. Cluster subdivision, in accordance with Chapter 7 of this Zoning Ordinance.
5. Educational Institution.
6. Golf Course, except miniature golf.
7. Greenhouse and nursery limited to sale of material produced on premises and with no retail shop operation.
8. Home Occupation.
9. Household pets.
10. Parking lot accessory to use permitted in this zone.
11. Public building, public park, recreational grounds and associated buildings.
12. Single family dwelling.
13. Temporary building or use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.

14-3. **Permitted Uses Requiring 40,000 Square Feet Minimum Lot Area.**

1. Animals and fowl kept for family food production
2. Corral, stable or building for keeping of animals or fowl, provided such building shall be located not less than one-hundred (100) feet from a public street, and not less than twenty-five (25) feet from any side lot line.
3. Private stables; horses for private use only, and provided that not more than two (2) horses may be kept for each one (1) acre within any lot.

14-4. **Conditional Uses.** The following uses shall be permitted only when authorized by a Conditional Use Permit as provided in Chapter 5 of this Zoning Ordinance.

1. Private park, playground or recreation area not open to the general public and to which no admission is made, and not including privately owned commercial amusement business.
2. Public utility substation or water storage reservoir developed by a public agency.
3. Planned Residential Unit Development in accordance with Chapter 6 of this Zoning Ordinance.

4. Exotic or unusual animals
5. Elderly housing.

14-5.

Site Development Standards.

- | | | |
|----|--------------------------------------|--|
| 1. | Minimum lot area | 15,000 square feet except for uses listed in 14-3 which require 40,000 square feet. |
| 2. | Minimum lot width | 100 feet |
| 3. | Minimum yard setbacks | |
| | a. front | 30 feet |
| | b. side | |
| | i. dwelling | 10 feet with total width of two side yards not less than 24 feet |
| | ii. other main | 20 feet each side |
| | iii. accessory building | 10 feet except 1 foot if located at least six (6) feet in rear of main building |
| | c. side; facing street on corner lot | 20 feet |
| | d. rear | |
| | i. main building | 30 feet |
| | ii. accessory building | 1 foot except 10 feet where accessory building rears on side yard of adjacent corner |
| 4. | Building height | |
| | a. minimum | 1 story |
| | b. maximum | 2 1/2 stories or 35 feet |

14-6.

Sign Regulations. The type, height, size and location of signs shall be in accordance with the regulations as set forth in Chapter 23 of this Zoning Ordinance.

CHAPTER 15

SINGLE FAMILY RESIDENTIAL ZONES

- 15-1. Purpose and Intent.
- 15-2. Permitted Uses.
- 15-3. Conditional Uses.
- 15.4. Site Development Standards.
- 15-5. Sign Regulations.

15-1. **Purpose and Intent.** The purpose of the R-1-10 Zone classification is to provide regulated area for single family residential development at a low density level.

15-2. **Permitted Uses.**

- 1. Accessory building and use customarily incidental to any permitted use.
- 2. Agriculture.
- 3. Church, synagogue or similar permanent building used for regular religious worship.
- 4. Cluster subdivision, in accordance with Chapter 7 of this Zoning Ordinance.
- 5. Educational institution.
- 6. Golf Course, except miniature golf course.
- 7. Greenhouse, non-commercial only.
- 8. Home occupation.
- 9. Household pets.
- 10. Parking lot accessory to uses permitted in this zone.
- 11. Planned Residential Unit Development, in accordance with Chapter 6 of this Zoning Ordinance.
- 12. Public building, public park, recreation grounds and associated buildings.
- 13. Single-family dwelling.
- 14. Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.

15-3. **Conditional Uses.** The following uses shall be permitted only when authorized by a Conditional Use Permit as provided in Chapter 5 of this Zoning Ordinance.

- 1. Private park, playground or recreation area, but not including privately owned commercial amusement business.
- 2. Public utility substation or water storage reservoir developed by a public agency.

15-4. **Site Development Standards.**

- 1. Minimum lot area 10,000 square feet for single family dwelling or other main building.
- 2. Minimum lot width 90 feet
- 3. Minimum yard setbacks
 - a. front 30 feet, except average of existing buildings where 50% frontage is developed, but not less than 20 feet.
 - b. side
 - i. dwelling 10 feet one side 14 feet opposing side with total width of two side yards not less than 24 feet or 10 feet each side with a double garage.

- (Zero side yard meeting the provisions of Chapter 3, Section 3-4-9).
20 feet each side.
- ii. other main building
 - iii. accessory building
- 10 feet, except 1 foot if located at least 6 feet from rear of main building, or 60 feet back from front lot line, but not closer than 10 feet to dwelling on adjacent lot.
- c. side facing street on corner lot
- 20 feet except average of existing buildings where 50 % frontage is developed but not less than 15 feet.
- d. rear
 - i. main building
 - ii accessory building
- 30 feet.
1 foot except 10 feet where accessory building rears on side yard of adjacent corner lot.
- 4. building height
 - a. minimum
 - b. maximum
- 1 story.
2 1/2 stories or 35 feet.

15-5. **Sign Regulations.** The type, height, size and location of signs shall be in accordance with the regulations as set forth in Chapter 23 of this Zoning Ordinance.

CHAPTER 16

MODERATE DENSITY RESIDENTIAL ZONE

- 16-1. Purpose and Intent.
- 16-2. Permitted Uses.
- 16-3. Site Development Standards.
- 16-4. Sign Regulations.

16-1 **Purpose and Intent.** The purpose and intent of the R-1-5/6 Zone classification is to accommodate a need for a moderate density residential district for the specific purpose of making the completion of an existing financially distressed subdivision economically feasible.

- 16-2. **Permitted Uses.**
- 1. Accessory building and use customarily incidental to any permitted use
 - 2. Agriculture
 - 3. Greenhouse, non-commercial only
 - 4. Home occupation
 - 5. Household pets
 - 6. Single-family dwellings
 - 7. Temporary building and use incidental to construction work. Such building shall be removed upon completion or abandonment of construction.

- 16-3. **Site Development Standards.**
- 1. Minimum lot area
 - 90 percent of lots 6,000 square feet
 - 10 percent of lots 5,000 square feet
 - 2. Minimum lot width
 - 50 feet
 - 3. Minimum yard setbacks
 - a. Front
 - 25 feet
 - b. side
 - 5 feet one side, 8 feet opposite side
 - 5 feet each side with double garage or double carport
 - c. Side facing street on corner lot
 - 20 feet
 - d. Rear
 - i. Main building
 - 30 feet except 20 feet if double carport or garage
 - ii. Accessory building
 - 1 foot except 8 feet where accessory building rears on side yard of adjacent corner lot
 - 4. Building height
 - a. Minimum
 - 1 story
 - b. Maximum
 - 2 1/2 stories or 35 feet

16-4. **Sign Regulations** The type, height, size and location of signs shall be in accordance with the regulations as set forth in Chapter 23 of this Zoning Ordinance.

- 17-1. Purpose and Intent.
- 17-2. Permitted Uses.
- 17-3. Conditional Uses.
- 17-4. Site Development Standards.
- 17-5. Sign Regulations.

17-1. **Purpose and Intent.** The purpose of the R-2 Zone classification is to accommodate a need for moderate density residential districts incorporating both single-family and two-family dwelling units.

- 17-2. **Permitted Uses.**
1. Accessory building and use customarily incidental to any permitted use.
 2. Agriculture.
 3. Church, synagogue or similar permanent building used for regular religious worship.
 4. Cluster subdivision, in accordance with Chapter 7 of this Zoning Ordinance.
 5. Educational Institution.
 6. Golf Course, except miniature golf course.
 7. Greenhouse, non-commercial only.
 8. Home occupation.
 9. Household pets.
 10. Parking lot accessory to uses permitted in this zone.
 11. Planned Residential Unit Development, in accordance with Chapter 6 of this Zoning Ordinance.
 12. Public building, public park, recreation grounds and associated buildings.
 13. Single-family dwellings.
 14. Temporary building and use incidental to construction work.
 15. Two-family dwelling.

- 17-3. **Conditional Uses.** The following uses shall be permitted only when authorized by a Conditional Use permit as provided in Chapter 5 of this Zoning Ordinance.
1. Cemetery with customary incidental uses including but not limited to mortuary, mausoleum, crematory, staff housing, service shops and chapel.
 2. Private park, playground or recreation area, but not including privately owned commercial amusement business.
 3. Public utility substation or water storage reservoir developed by a public agency.

- 17-4. **Site Development Standards.**
1. Minimum lot area.
 - a. Single-family dwelling 6,000 square feet
 - b. Two-family dwelling or other main building 7,500 square feet
 2. Minimum lot width 60 feet
 3. Minimum yard setbacks
 - a. Front 25 feet, except average of existing buildings where 50% frontage is developed, but not less than 20 feet.

- b. Side
 - i. Main building 8 feet, with total width of two side yards of not less than 18 feet for a single family dwelling or two family dwelling on adjacent lot.
 - ii. Accessory building 8 feet, except 1 foot if located at least 6 feet in rear of main building; but not closer than 8 feet to dwelling on adjacent lot.
- c. Side facing street on corner lot 20 feet, except average of existing buildings where 50% frontage is developed, but not less than 15 feet.
- d. Rear
 - i. Main building 30 feet.
 - ii. Accessory building 1 foot, except 8 feet where accessory building rears on side yard of adjacent corner lot.
- 4. Building Height
 - a. Minimum 1 story.
 - b. Maximum 2 1/2 stories or 35 feet.

17-5. **Sign Regulations.** The type, height, size and location of signs shall be in accordance with the regulations as set forth in Chapter 23 of this Zoning Ordinance.

- 18-1. Purpose and Intent.
- 18-2. Permitted Uses.
- 18-3. Conditional Uses.
- 18-4. Site Development Standards.
- 18-5. Sign Regulations.

18-1. **Purpose and Intent.** The purpose of the R-3 Zone classification is to provide residential areas that will accommodate the development of dwelling types from single-family through multiple-family units with their associated necessary public services and activities. It is also to provide an orderly transition from less intensive, lower density uses to more intensive, higher density uses.

18-2. **Permitted Uses.**

1. Accessory building and use customarily incidental to any permitted use.
2. Agriculture.
3. Church, synagogue or similar permanent building used for regular religious worship.
4. Educational institution.
5. Golf course, except miniature golf course.
6. Greenhouse, non-commercial only.
7. Group dwelling with 8 or less dwelling units in accordance with Chapter 8 of this Zoning Ordinance.
8. Home occupation.
9. Household pets.
10. Library or museum, public or non-profit.
11. Multiple family dwelling with 8 or less dwelling units.
12. Parking lot accessory to uses permitted in this zone.
13. Planned Residential Unit Development, in accordance with Chapter 6 if this Zoning Ordinance.
14. Public building, public park, recreation grounds and associated buildings.
15. Single-family dwelling.
16. Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.
17. Two-family dwelling.

18-3. **Conditional Uses.** The following uses shall be permitted only when authorized by a Conditional Use Permit as provided in Chapter 5 of this Zoning Ordinance.

1. Cemetery with customary incidental uses including but not limited to mortuary, mausoleum, crematory, staff housing, service shop and chapel.
2. Group dwellings with 8 or more dwelling units in accordance with Chapter 8 of this Zoning Ordinance.
3. Multiple-family dwelling with 8 or more dwelling units.
4. Nursing home.
5. Private park, playground, or recreation area, but not including privately owned commercial amusement business.
6. Public utility substation or water reservoir developed by a public agency.

Site Development.

1. Minimum lot area
 - a. One building dwelling
 - i. Single family 6,000 sq. ft.
 - ii. Two family 7,500 sq. ft.
 - iii. Multiple Family 7,500 sq. ft. plus 4,000 sq. ft. for each dwelling in excess of two.
 - b. Group Dwelling 7,500 sq. ft. for each building plus 4,000 sq. ft. for each dwelling unit in excess of two in each building.
 - c. Other Main Building 7,500 sq. ft. for nursing home and additional 750 sq. ft. for each guest or patient accommodations in excess of four.
2. Minimum lot width. 60 feet
3. Minimum yard setbacks.
 - a. Front 25 feet, except average of existing dwellings where 50% frontage is developed, but not less than 20 feet.
 - b. Side
 - i. Main Building
 - (1) One building dwelling and group dwelling 8 feet with total width of the two required yards of not less than 18 feet
 - (2) Other main building 20 feet each side
 - ii. Accessory Building 8 feet, except 1 foot if located at least 6 feet from rear of main building, but not closer than 8 feet to dwelling on adjacent lot.
 - c. Side facing street on corner lot 20 feet, except average where 50% frontage is developed, but not less than 15 feet.
 - d. Rear
 - i. Main Building 30 feet
 - ii. Accessory Building 1 foot except 8 feet where accessory building rears on side yard of adjacent corner lot.
4. Building Height
 - a. Minimum 1 story
 - b. Maximum 2 1/2 stories or 35 feet
5. Lot Coverage No building or group of buildings with their accessory buildings shall cover more than 40% of the lot area.
6. Open Green Space At least 40%

7. Special Regulations

In no case shall the ratio of total floor area in the building to the total lot area exceed one to one (1:1).

18-5. **Sign Regulations.** The type, height, size and location of signs shall be in accordance with the regulations as set forth in Chapter 23 of this Zoning Ordinance.

- 20-1. Purpose and Intent.
- 20-2. Use Regulations.
- 20-3. Site Development Standards.
- 20-4. Protection of Adjoining Residential Properties.
- 20-5. Special Parking Requirements.
- 20-6. General Regulations.
- 20-7. Submission of Application.
- 20-8. Planning Commission Approval.
- 20-9. City Council Action.
- 20-10. Building Permit Issuance.
- 20-11. Time Limitation.
- 20-12. Application to Existing Commercial Districts.

20-1. **Purpose and Intent.**

1. The intent of the Planned Commercial Zone is to permit the establishment of a well designed complex of retail commercial facilities for a neighborhood or community which will provide goods and services for the people to be served, minimize traffic congestion on public streets in the vicinity and which shall best fit the general environment and land use pattern of the area to be served. The protective standards contained in this Chapter are intended to minimize any adverse effect of the Planned Commercial Zone on nearby property values by achieving maximum compatible integration of land uses, by preserving the aesthetic qualities of the area, and to provide for safe and efficient use of the Planned Commercial Zone itself.
2. The one type of planned Commercial Zone provided for in this Chapter is as follows:
 - a. CP-2, Community: provided in addition to the convenience goods, a wider range of facilities for the sale of retail goods and personal services for the neighborhood and major segments of the community.

20-2. **Use Regulations.** Any Conditional Use shall be allowed in the CP-2 Zone, provided a Conditional Use Permit is obtained as provided in Chapter 5 of this Zoning Ordinance. Such uses shall be indicated on the final development plan.

20-3. **Site Development Standards.**

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. Minimum lot area 2. Minimum lot width 3. Minimum yard setbacks <ol style="list-style-type: none"> a. front b. side c. side facing street on corner lot d. rear 4. Building height <ol style="list-style-type: none"> a. minimum b. maximum 5. Maximum lot coverage | <p>None</p> <p>None</p> <p>20 feet for all buildings and walls or fences over 3 feet high.
None, except 10 feet adjacent to residential zone boundary.</p> <p>20 feet</p> <p>None except 10 feet where building rears on a residential zone.</p> <p>one story</p> <p>50 feet</p> <p>Not over 60% of lot area by buildings or accessory buildings.</p> |
|---|---|

20-4. **Protection of Adjoining Residential Properties.** Where a Planned Commercial development adjoins any lot in any Residential Zone, there shall be provided and maintained along such property line a non-see-through type fence of not less than six feet in height, provided however, that such fence shall be four feet in height along the property line which bounds the front yard of adjoining residential lots.

20-5. **Special Parking and Sign Limitations.** Notwithstanding the provisions of Chapter 4 of this Ordinance, there shall be provided off-street parking facilities in the ratio of not less than three square feet for each one square foot of sales floor area within the development.

20-6. **General Regulations.**

1. A CP Zone may be established only upon land held in single ownership or under unified control or where the Planning Commission determines that commercial development on separate adjoining properties should be co-ordinated to form a physically unified commercial facility which will be compatible with the surrounding land uses. At the time a CP Zone is established and before building permits are issued, deed restrictions on the property or properties covered under the zone change shall be filed by the applicant or owners of subject property with the County Recorder and shall provide that development take place on such property or properties in accordance with a final site development plan on file with the City Recorder.
2. A CP Zone shall not be established upon a tract of land which would contain a non-conforming use after the passage of such amendment to the Zoning Ordinance unless the development planned for the tract includes the elimination of the non-conforming use or its integration into the planned development.
3. The location of the CP Zone shall have an acceptable relationship to and further the purposes of the Master Plan for the City as determined by the Planning Commission.

20-7. **Submission of Application.** A rezoning petition for a Planned Commercial Zone shall be submitted to the Planning Commission and shall be accompanied by a preliminary development plan for the commercial center showing a unified and organized arrangement of building and structures and their proposed uses, off-street parking, internal and external traffic circulation, and service facilities, and schematic architectural drawings, landscaping plans and sketches demonstrating the design and character of the proposed development. The developer shall submit all evidence deemed necessary by the City Council and/or Planning Commission of his ability to undertake the proposed project.

20-8. **Planning Commission Approval.** The Planning Commission shall recommend approval or denial of the zoning petition and preliminary development plan to the City Council. The recommendation of the planning Commission may contain conditions, limitations or amendments to the preliminary development plan to insure that the Planned Commercial Development is integrated into its surroundings and serve the public interest to the greatest extent possible. The Planning Commission shall also recommend a reasonable amount to be provided by the developer by cash deposit or bond, to insure the completion of the landscaping for the entire plan or phase thereof.

20-9. **City Council Action.** The City Council, after holding a public hearing thereon, may approve or disapprove a petition for a Planned Commercial Zone. In approving a zoning petition, the City Council shall concurrently approve

a preliminary development plan, the amount required to insure completion of the landscaping together with whatever amendments, conditions, or requirements as it may deem necessary to secure the purpose of this Chapter.

20-10. **Building Permit Issuance.** After the rezoning of the site to a CP Zone, a final development plan for the entire district or for the initial phase, if a stage plan development plan has been approved, shall be submitted to and approved by the Planning Commission as complying with the regulations and requirements attached thereto prior to the issuance of any building or land use permits. The final development plan shall show in detail the proposed areas and locations of building, off-street parking, internal and external traffic circulation, improvements, landscaping, signs and service facilities. No changes shall be made in the final development plan during the course of construction pursuant thereto without first obtaining prior approval of the Planning Commission. Copies of the approved final development plan shall be kept on file in the office of the Planning Commission, Building Inspector, and City Recorder, and only changes which may be subsequently approved shall be added thereto.

20-11. **Time Limitation.**

1. A building permit shall be secured and construction begun in accordance with the approved final development plan within eighteen months from the effective date of the ordinance establishing such zone or other period of time as determined by the City Council. Application may be made for not more than six months extension of the time limit for commencement of construction. Use and building permits shall be issued only for those uses and buildings indicated on the approved final development plan.
2. In the event that construction is not started within the specified time limits, the Planning Commission shall review the classification of the zone and the progress which has taken place and, if deemed necessary, revoke the plan approval and initiate proceedings to rezone said property to its prior classification or to a zone consistent with the Comprehensive Master Plan.
3. All construction authorized in the approved final development plan shall be completed within three years of the date construction has commenced. A plan for stage development which will require more time than the limits contained herein may be approved by the City Council, after recommendation by the Planning Commission.
4. In the event that construction is not completed within the time limits specified, the Planning Commission shall review the development which has taken place and, if necessary, initiate proceedings to re-classify the property or part thereof in a manner consistent with the Comprehensive Master Plan.

20-12. **Application to Existing Commercial District.** In the case of existing Commercial Districts, the Planning Commission and City Council may proceed to rezone such districts to an equivalent Planned Commercial Zone without the requirements of a preliminary development plan and other necessary information; but, after being so zoned to a Planned Commercial Zone, a preliminary and final development plan of each development shall be submitted in accordance with the provisions of this Chapter prior to the issuance of building permits, provided however, that improvements already in existence at the time of rezoning shall not be affected.

20-13. **Uses In A Planned Commercial Zone.** In the following list of uses, those designated as "P" will be a permitted use. Uses designated with a "C" will be allowed only when authorized by a Conditional Use Permit obtained in accordance

with Chapter 3 of this Zoning Ordinance. Uses not listed will be considered not allowed.

- C Ambulance
- C Accessory buildings and uses customarily incidental to a conditional use
- P Accounting office
- P Air conditioning, sales and service
- P Altering, pressing, and repairing of wearing apparel
- C Amusement enterprises
- C Animal hospital, small animals only and provided conducted within completely enclosed building
- P Antique, import or souvenir shop
- P Archery shop
- C Archery Range
- P Art and artist supply store
- P Athletic and sporting goods store, excluding sale or repair of motor vehicles, motor boats or motors
- C Athletic Club
- C Auction establishment
- C Automobile parts sales
- C Automobile repair including paint, body and fender, brake, muffler, upholstery, or transmission work, provided conducted within completely enclosed building
- C Automobile, new or used, sales and service
- C Awning sales and service
- P Bakery manufacture limited to goods retailed on premises
- C Bakery goods manufacturing
- P Bank or financial institution
- P Barber shop
- C Beauty culture school
- P Beauty parlor for cats and dogs
- P Beauty shop
- P Bicycle sales and service
- C Billiard parlor
- P Blueprinting or photostating
- C Boarding house
- C Boat sales and service
- P Bookbinding
- P Bookstore, retail
- C Bottling and distribution plant
- C Bowling alley
- C Building materials sales or yard
- C Bus terminal
- P Cafe or cafeteria
- P Camera store
- C Candy manufacture
- P Candy store, confectionery
- P Carbonated water sales
- C Carpenter and cabinet shop
- P Carpet and rug cleaning
- P Carpet, rug and linoleum service
- C Car wash, laundry type
- P Car wash, manual spray
- C Convenience store
- P Cash register sales and service
- C Catering establishment
- P China, crystal and silver shop

C Christmas tree sales
 P Church
 C Church, temporary revival
 C Circus, carnival or other transient amusement
 P Clinics, medical or dental
 P Clothing and accessory store
 C Coal and fuel sales office
 C College or university
 P Communication equipment building
 P Costume rental
 P Dairy products store
 C Dance hall
 P Data processing service and supplies
 P Day care center
 P Delicatessens
 P Department store
 P Detective agency
 P Diaper service, including cleaning
 P Drapery and curtain shop
 C Drive-it-yourself agency or business
 P Drug store
 P Dry cleaning establishment
 P Dry cleaning pick-up stations
 C Educational institution
 P Egg and poultry store, providing no live bird slaughtering or eviscerating permitted
 C Electrical and heating appliances and fixture sales and service
 P Electronic equipment sales and service
 P Employment agency
 P Fabric and textile store
 C Farm implement sales
 P Five and ten cent store
 C Fix-it shop
 C Frozen food lockers, incidental to a grocery store or food business
 C Fruit store or stand
 P Furniture sales and repair
 P Fur apparel sales, storage or repair
 C Garden supplies and plant material sales
 P Gift store
 P Glass sales and service
 P Government buildings or uses, non-industrial
 C Greenhouse and nursery, soil and lawn service
 C Grocery store
 P Gunsmith
 C Gymnasium
 P Hardware store
 C Health club
 P Health food store
 C Heliport
 P Hobby and craft store
 C Hospital
 P Hospital supplies
 C Hotel
 P House cleaning and repair
 C House equipment display
 C Household appliance sales and incidental service
 C Ice cream manufacture

P Ice cream parlor
C Ice manufacture and storage
P Ice store or vending station
C Insulation sales
P Insurance sales
P Insurance agency
P Interior decorating and designing establishment
P Janitor service and supply
P Jewelry store sales and service
C Knitting mills
C Laboratory, dental or medical
C Laundry
C Laundry and dry cleaners, laundromat
C Laundry and dry cleaning collection station
C Laundry and dry cleaning establishment
C Launderette or laundromat
C Lawn mower sales and service
P Leather goods, sales and service
P Legal office
P Library
P Linen store
C Linen supply service
C Liquor store
P Locksmith
C Lodge or social hall
C Lodging house
P Luggage store
C Machine shop operations incidental to any conditional use in a CP-2 Zone
C Manufacture of goods retailed on premises
P Meat, fish and seafood store
P Medical office
P Millinery store
C Miniature golf
C Monument works and sales
P Mortuary
C Motel
C Motorboat sales and service
C Motorcycle and motor scooter sales and service
P Museum
P Music store
P Needlework, embroidery or knitting store
C News stand
P Notions store
P Novelty store
P Nursery school
C Office in which goods or merchandise are not commercially created, exchanged
or sold and not listed in this section as a separate item
P Office supply
P Office machines sales and service
P Optometrist, optician or oculist
C Ornamental iron sales or repair
P Paint or wallpaper store
P Paperhanger shop
C Park and playground
C Parking lot or garage for passenger automobiles
C Pet control and extermination
C Pet and pet supply store

P Pharmacy
 P Photographic supplies
 C Photo studio
 P Physician or surgeon
 C Plumbing shop
 C Pony ring, without stables
 P Popcorn or nut shop
 C Post office
 C Printing, lithographing, publishing or reproduction, sales and service
 C Public utilities substation
 P Radio and television sales and service
 C Radio, television, or FM broadcasting station
 P Real estate agency
 C Reception center or wedding chapel
 C Recreation center
 C Recreational vehicle storage
 C Rental agency for home and garden equipment
 P Restaurant
 P Restaurant, drive-in
 C Roller skating rink
 C Roofing sales or shop
 C Second hand store
 C Seed and feed store, retail
 C Service station
 C Service station, automobile with rotating brush car wash as an accessory use
 P Sewing machine sales and service
 C Sheet metal shop and retinning
 P Shoe repair shop or shoe shine shop
 P Shoe store
 P Signs, as permitted in Chapter 23
 C Supermarket
 C Swimming pool, public or commercial
 P Tailor shop
 C Taxi-cab stand
 C Taxidermist
 C Telegraph office
 P Temporary building for uses incidental to construction work. Such buildings shall be removed upon the completion of the construction work
 C Theater, indoor
 C Tobacco shop
 C Tool design (precision) repair and manufacture
 P Toy store, retail
 C Trade or industrial school
 P Travel agency
 C Truck terminal
 P Upholstery shop
 C Used car lot
 P Variety store
 C Vegetable store or stand
 C Ventilating equipment sales and service
 P Video Shop
 C Water conditioning supply sales
 C Warehouse storage
 P Weather stripping shop
 C Welding shop
 C Wholesale business
 P Window washing establishment

- 22-1. Purpose and Intent
- 22-2. Use Regulations
- 22-3. Site Development Standards.
- 22-4. Protection of Adjoining Residential Properties.
- 22-5. Special Parking Requirements.
- 22-6. General Regulations.
- 22-7. Submission of Application.
- 22-8. Planning Commission Approval.
- 22-9. City Council Action.
- 22-10. Building Permit Issuance.
- 22-11. Time Limitation.
- 22-12. Application to Existing Commercial Districts.

22-1. **Purpose and Intent.**

- 1. The intent of the planned Manufacturing Zones is to permit the establishment of a well designed complex of manufacturing facilities for the community or region which will minimize traffic congestion on public streets in the vicinity, and which shall best fit the general environment and land use pattern of the area to be served. The protective standards contained in this Chapter are intended to minimize any adverse effect of the Planned Manufacturing Zone on nearby property values by achieving maximum compatible integration of land uses, by preserving the aesthetic qualities of the area, and to provide for safe and efficient use of the Planned Manufacturing Zone by itself.
- 2. The type of Planned Manufacturing Zone provided for in this Chapter is as follows:
 - a. MP-1, Light Industrial Use Zone.

22-2. **Use Regulations.** Any Conditional Use shall be allowed in the MP-1 Zone, provided a Conditional Use Permit is obtained as provided in Chapter 5 of this Zoning Ordinance. Such uses shall be indicated on the final development plan.

22-3. **Site Development Standards.**

	<u>M-1</u>
1. Minimum	20,000 square feet except for single family dwellings which require five (5) acres
2. Minimum lot width	100 feet
3. Minimum yard setbacks	
a. front	30 feet on streets of less than 80 feet in width, 50 feet on all streets and highways of 80 feet or more in width
b. side	None except 20 feet adjacent to a residential boundary and for single family dwellings
c. rear	None except 20 feet were building rears on a residential zone and 30 feet for single family dwellings

4. Building height
 - a. minimum 1 story
 - b. maximum None
5. Lot coverage Not over 80 percent of lot area of building.

or as determined by the Planning Commission and/or City Council.

22-4. **Protection of adjoining Residential Properties.** Where a Planned Manufacturing development adjoins any lot in any Residential Zone, there shall be provided and maintained along such property line, a wooden or ornamental fence of not less than six feet in height, provided however, that such fence shall be three and one-half feet in height along the property line which bounds the front yard of adjoining residential zone.

22-5. **Special Parking and Sign Limitations.** Notwithstanding the provisions of Chapter 4 of this Ordinance, there shall be provided off-street parking facilities of not less than one space for each employee on the highest work shift or as determined by the Planning Commission and/or City Council. Notwithstanding the provisions of Chapter 23 of this Zoning Ordinance, off premise signs shall not be permitted in any MP Zone.

22-6. **General Regulations.**

1. An MP Zone may be established only upon land held in single ownership or under unified control or where the Planning Commission determines the manufacturing development on a separate adjoining properties should be coordinated to form a physically unified manufacturing facility which will be compatible with the surrounding land uses.
2. An MP Zone shall not be established upon a tract of land which would contain a non-conforming use after the passage of such amendment to the Zoning Ordinance unless the development planned for the tract included the elimination of the non-conforming use or its integration into planned development.
3. The location of the MP Zone shall have an acceptable relationship to further the purposes of the Master Plan for the City as determined by the Planning Commission.

22-7. **Submission of Application.** A rezoning petition for a Planned Manufacturing Zone shall be submitted to the Planning Commission and shall be accompanied by a preliminary development plan showing a unified and organized arrangement of buildings and structures and their proposed uses, off-street parking, internal and external traffic circulation, and service facilities, and schematic architectural drawings, landscaping plans and sketches demonstrating the design and character of the proposed development. The developer shall submit all evidence deemed necessary to the City Council and/or Planning Commission of his ability to undertake the proposed project.

22-8. **Planning Commission Approval.** The Planning Commission shall recommend approval or denial of the zoning petition and preliminary development plan to the City Council. The recommendation of the Planning Commission may contain conditions, limitations, or amendments to the preliminary development plan to insure that the Planned Manufacturing Development is integrated into its surroundings and serves the public interest to the greatest extent possible.

22-9. **City Council Action.** The City Council, after holding a public hearing thereon may approve or disapprove a petition for a Planned Manufacturing

Zone. In approving the zoning petition, the City Council shall concurrently approve a preliminary development plan, together with whatever amendments, conditions, or requirements as it may deem necessary to secure the purpose of this Chapter.

22-10. **Building Permit Issuance.** After the rezoning of the site to an MP Zone, a final development plan for the entire district or for the initial phase, if a stage development plan has been approved, shall be submitted to and approved by the Planning Commission as complying with the regulations and requirements attached thereto prior to issuance of any building or land use permits. The final development plan shall show in detail the proposed areas and locations of building, off-street parking, internal and external traffic circulation, improvements, landscaping, signs and service facilities. No changes shall be made to the final development plan during the course of construction pursuant thereto without first obtaining prior approval of the Planning Commission. Copies of the approved final development plan shall be kept on file in the office of the Planning Commission, Building Inspector, and City Recorder, and only changes which may be subsequently approved shall be added thereto.

22-11. **Time Limitation.**

1. A building permit shall be secured and construction begun in accordance with the approved final development plan within eighteen months from the effective date of the ordinance establishing such zone or other period of time as determined by the City Council. Application may be made for not more than six months extension of the time limit for commencement of construction. Use and building permits shall be issued only for those uses and buildings indicated on the approved final development.
2. In the event that construction is not started within the specified time limits, the Planning Commission shall review the classification of the zone and the progress which has taken and, if deemed necessary, revoke the plan approval and initiate proceedings to rezone said property to its prior classification or to a zone consistent with the Comprehensive Master Plan.
3. All construction authorized in the approved final development plan shall be completed within three years of the date construction has commenced. A plan for stage development which will require more time than the limits contained herein may be approved by the City Council, after recommendation by the Planning Commission.
4. In the event that construction is not completed within the time limits specified, the Planning Commission shall review the development which has taken place and if necessary initiate proceedings to reclassify the property or part thereof in a manner consistent with the Comprehensive Master Plan.

22-12. **Application to Existing Manufacturing District.** In the case of existing manufacturing districts, the Planning Commission and City Council may proceed to rezone such districts to an equivalent Planned Manufacturing Zone without the requirements of a preliminary development plan and other necessary information; but, after being so zoned to a Planned Manufacturing Zone a preliminary and final development plan of each development shall be submitted to and approved by the Planning Commission and City Council in accordance with the provisions of this Chapter prior to the issuance of building permits, provided however, that improvements already in existence at the time of rezoning shall not be affected.

22-13. Uses in The Planned Manufacturing Zone. In the following list of uses, those designated as "P" will be a permitted use. Uses designated as "C" will be allowed only when authorized by a Conditional Use Permit, obtained in accordance with Chapter 5 of this Zoning Ordinance. Uses not listed will be considered not allowed.

- P Accessory uses and buildings customarily incidental to a conditional use
- P Agriculture
- C Airport
- P Animal Hospital
- P Animals and fowl for family food production
- C Battery manufacture
- C Blacksmith shop
- P Boat building
- P Book binding
- P Body and fender work, if conducted within a closed building
- P Bottling works, soft drinks
- C Building material sale yard including the sale of rock, sand, gravel, and the like as an incidental part of the main business, but excluding concrete mixing except as such concrete mixing is necessary in the preparation and manufacture of any of the products specified in this section
- C Carnival or other amusement enterprises, transient in nature
- P Carpenter shop, cabinet shop
- C Carpet and rug cleaning and dyeing
- C Coal, fuel and wood yards, enclosed within a building or by a solid fence of not less than six (6) feet in height
- P Construction of buildings to be sold and moved off the premise
- C Contractors equipment storage yard or rental of equipment used by contractors
- P Dairy
- C Day care center
- C Draying, freighting or trucking yard or terminal
- P Dry cleaning plant
- P Dwelling unit for watchman and family
- P Egg handling, process and sales
- P Electric appliances and/or electronic instruments assembling
- C Express office
- C Fertilizing and soil conditioner manufacture, processing and/or sales, providing only non-animal products
- C Foundry, casting light-weight, nonferrous metal without causing noxious odors or fumes
- P Garage, public
- C Glass manufacturing
- P Honey extraction
- C Ice manufacturing and storage
- C Kennel
- P Knitting mill
- P Laboratory
- P Laundry
- P Lithographing, including engraving and photo engraving
- P Machine shop
- P Manufacturing, compounding, processing, packing and treatment of the following products:
 - a. Bakery goods
 - b. Candy
 - c. Dairy Products
 - d. Pharmaceuticals

- C Manufacturing, compounding, assembling and treatment of articles of merchandise from the following previously prepared materials:
 - a. Cellophane
 - b. Canvas
 - c. Cloth
 - d. Cork
 - e. Felt
 - f. Shell
 - g. Straw
 - h. Textile
 - i. Wood
 - j. Yarn
- C Manufacturing and maintenance of the following:
 - a. Business machines
 - b. Cameras and photographic equipment
 - c. Electric and neon sign, billboards and/or commercial advertising structures
 - d. Light sheetmetal products, including heating and ventilating ducts and equipment
 - e. Musical instruments
 - f. Novelties
 - g. Rubber and metal stamps
 - h. Toys
- C Manufacture of brick and all clay, ceramic, cinder concretes, synthetic, cast stone, plastic and pumice stone products, including the manufacture or fabrication of building blocks, tile or pipe form material for use in building construction or for sewer or drainage purposes, and including rock or gravel crushing or raw materials which is incidental to the manufacture or fabrication of the above described products and provided that such crushing facilities shall be located not closer than two hundred (200) feet to any property line.
- C Manufacturing, compounding, processing, packing and treatment of the following products:
 - a. Cosmetics
 - b. Food products, excluding the following: Fish, sauerkraut, pickles, vinegar, yeast, the rendering of fat
 - c. Toiletries
- C. Manufacturing, compounding, and treatment of articles of merchandise from the following previously prepared materials:
 - a. Bone
 - b. Feathers
 - c. Fiber
 - d. Fish
 - e. Glass
 - f. Hair
 - g. Horn
 - h. Leather
 - i. Paint
 - j. Paper
 - k. Plastic
 - l. Rubber
 - m. Tobacco
- C Meat products smoking, curing, and packing, provided that no objectionable fumes are emitted
- C Monument works
- C Motion picture studio

C Motor vehicles, trailers, bicycles, and machinery repairing, rentals, sales
 and reconditioning
 P Parking lot
 C Planing mill
 P Printing, including engraving and photo engraving, blueprinting, photostating
 and duplication
 C Public and quasi-public uses
 C Public transit yards
 C Radio and television transmitting towers
 P Retail sale of products produced by or developed in conjunction with or
 normally required and used in the performance of a commercial or
 manufacturing operation permitted in the Zone; and provided the retail
 sale is clearly an accessory use to the same building or if the main
 use is not a building, then the same property, provided however, no
 retail sale of products may be made in conjunction with a warehousing
 or wholesale business
 C Rubber welding
 C Sand blasting
 C Service station
 C Sign painting shop
 C Single family dwelling
 P Temporary building for uses incidental to construction
 C Tire retreading and/or vulcanizing
 C Transfer company
 C Truck service station
 C Trucking terminal
 P Upholstering, including mattress manufacturing, rebuilding, and renovating
 C Used car lot
 P Veterinary, hotel and beauty parlor for cats and dogs
 P Warehouse
 P Weaving
 C Welding shop
 P Wholesale business

- 23-1. Major Sign Types.
- 23-2. General Provisions.
- 23-3. Special Provisions.
- 23-4. Exempted Signs.
- 23-5. Design Standards.
- 23-6. Specialty Signs Prohibited.
- 23-7. Amortization Periods.
- 23-8. Sign/Zone Regulations.

23-1. **Major Sign Types.** Business Signs, Identification and Information Signs, and Specialty Signs are considered as Major Sign Types for the purpose of this Ordinance. All signs will be classified as belonging to one of the Major Sign Types for regulatory measures.

23-2. **General Provisions.**

1. **Conformity and Safety.** If a sign does not conform with the requirements of this Chapter or if the construction, design, manner of use, or method of anchoring or supporting any sign makes such sign unsafe, the Chief Building Official shall proceed in any manner he deems necessary, to cause the removal of the sign or the rebuilding of the sign to conform with the requirements of this Chapter or to remedy the defects herein. All signs must meet the requirements of the Uniform Building Code and Safety Regulations of the City.
2. **Clearance.** There shall be a minimum clearance of ten (10) feet between the ground or sidewalk and any part of a projecting sign, with the exception of public necessity signs and nameplates.
3. **Copy Area.** Copy area of building facade signs or multiple copy signs shall not exceed forty percent (40%) of the background facing to which it is applied.
4. **Height of Signs.** No sign shall exceed the height limitations established for each zone as set forth in Section 8 of this Chapter.
5. **Lighting of Signs.** Signs may be illuminated by indirect lighting, floodlights or luminous tubes only. No lighting shall be installed in any way which will permit direct rays of such light to penetrate onto any adjoining property used for residential purposes, or in any manner constituting a nuisance. Animated signs are prohibited except as expressly provided herein.
6. **Location of Signs.** No part of any sign shall be permitted to extend across any property line nor located in any required front or side yard except as follows:
 - a. Business and identification signs attached to a building may project into a required front or side yard not more than two (2) feet and not less than ten (10) feet above the ground or sidewalk.
 - b. Ground business signs, including all portable type signs for conforming uses only, and pole signs shall not be located closer than ten (10) feet to a front or side property line for that portion of the sign lower than ten (10) feet and not closer than three (3) feet for that portion of the sign greater than ten (10) feet in height.
 - c. Property identification and service signs shall not be located closer than three (3) feet to any property line.
 - d. Name plates may be located anywhere on the property.

7. **Maintenance of Signs.** Signs regulated by this Chapter shall be maintained in good visual appearance and structural condition at all times. The City, its Chief Building Official, and its other agents shall in no way be liable for negligence or failure of the owner, or the person responsible for maintaining any sign, to keep such sign in good condition, or be responsible for any damage caused by defective conditions.
8. **Misleading, Fraudulent, Obscene, Immoral, Indecent, or Signs of Unsightly Character Prohibited.** No signs shall be erected or maintained, or be permitted to remain publicly displayed which are of a misleading, fraudulent, obscene, immoral, indecent, or unsightly character.
9. **Noise Prohibited.** It shall be unlawful to use in connection with any sign or to use for advertising purposes, any radio, phonograph, whistle, bell, or any other sound or noisemaking or transmitting device or instrument for the purpose of commercial advertising.
10. **Painting, Pasting, Glueing Prohibited.** No sign shall be painted, pasted, or glued directly on any wall or roof or affixed directly on any wall or roof by means of any similar adhesive substance. No paper or cloth sign shall be tacked directly on any wall or roof.
11. **Permit Required.** It shall be unlawful to erect or maintain or remodel any sign upon or over public or private property, within the City until a sign permit with respect to such sign has been obtained from the Public Works Department. The Chief Building Official may at his discretion request the Planning Commission to review a sign application.
12. **Refusal of Owner to Remove Dangerous Signs - Removal by Chief Building Official.** Where immediate action is deemed necessary to protect limb, life, or property, and where the owner of a sign or the owner of the property on which the sign is erected fails to remove such sign pursuant to notice from the Chief Building Official within a specified time fixed in such notice, the Chief Building Official may proceed in any manner deemed necessary to cause the immediate removal of such sign. The Chief building Official shall certify a statement of the expenses incurred in such removal to the City Treasurer who in turn shall assess and charge the same against the real estate upon which the sign was erected, and unless said assessment is paid within ninety (90) days after and from the date of the notice thereof, the same shall when recorded in the offices of the County Clerk and Recorder of the City, become a lien upon the real estate whereon the sign is erected and collectible in the same manner as general taxes.
13. **Removal of Conforming Signs.** Any person occupying a building or portion of a building, who owns or maintains a sign in connection therewith shall, upon vacating the premises, or discontinuing the business advertised, cause the sign to be removed. Any person who owns and maintains a sign which is maintained for the benefit of another person who occupies a building or part of a building whereon the sign is located, shall cause the sign to be removed if the person for whom the sign is maintained vacates the premises. Failure of the owner of the sign or of the person responsible for maintaining same to remove the sign within thirty (30) days after notice from the Chief Building Official shall be considered as a violation of this Chapter and

shall subject the owner of the sign and the owner of the property to the penalties herein.

14. Removal of Non-conforming Signs.

- a. Any sign not in conformance with the provisions of this Chapter and which was erected or installed without a permit, shall be removed within thirty (30) days upon notification from the Chief Building Official.
 - b. Provisions of this Chapter shall be permitted to remain and be maintained in accordance with Section 21.2.7. Under no circumstances shall such nonconforming signs be remodeled or replaced. The provisions of Section 21-2.12 shall apply to such nonconforming signs which are dangerous.
 - c. Any existing sign, conforming to the provisions of this Chapter relative to size and location, but nonconforming to structure requirements shall be removed or replaced within one (1) year upon written notice from the City. However, if they are deemed to be a hazard or more than fifty percent (50%) damaged, they shall be removed or repaired in accordance with the structural requirements of this Chapter, within ten (10) days after receiving notice from the City.
 - d. Any sign on a building determined to be abandoned shall be removed within thirty (30) days of notification by the Chief Building Official to the property owner and/or owner of the business advertisement and/or owner of the sign.
15. **Sign Inspection.** The Public Works Department shall inspect each sign for which a permit has been issued and shall require the proper maintenance of all signs subject to the provisions of this Chapter. No sign or other advertising structure less than ten (10) feet in height, as regulated by the Code shall be located on a corner lot at the intersection of any streets within a triangular area formed by the street property lines and a line connecting them at points thirty (30) feet from the intersection of the street right-of-way line.
16. **Sign Not to Cover Windows, Doors, or Similar Openings.** No sign shall cover a window, doorway, or other opening providing light ventilation or exit facilities which are required by the Building Code or which are deemed by the Fire Department to be necessary to give the Fire Department access to the building, or to afford the fire protection in the event of a fire; provided however, that flat signs, wall signs, cloth signs, and projecting signs shall be permitted to cover transom.
17. **Sign on Private Property.** It shall be unlawful for any person to fasten or attach, paint or place, any sign as defined in this Chapter upon any private wall, window, door, gate, fence, or sign or upon any other personal property without the consent of the owner, or lessee, or someone authorized to act on behalf of such owner or lessee.
18. **Sign on Public Property.** It shall be unlawful for any person to fasten or attach, paint or place, any sign, handbill, poster, advertisement or notice of any kind or sort, whether political or otherwise, or to cause the same to be done in or upon the curbstone, lamp post, telephone pole, electric light, or power pole, hydrant, bridge or tree, or in or upon any portion of any sidewalk or street. It shall be unlawful to paste, place, paint or attach any sign defined in this Chapter on any building, street, or

property of the City. No sign shall be erected on or project over public property.

19. **Sign Over Streets Prohibited.** It shall be unlawful to erect and/or maintain any sign over any street or alley, except as herein expressly provided.
21. **Signs, Zones Permitted and Controls.** It is unlawful for any person to erect or otherwise install a sign having a size or height greater than allowed in this Chapter. It is unlawful for any person to erect or otherwise install a sign located on a site or in a zone in violation of the regulations specified in Section 23-8.
22. **Violations a Misdemeanor.** Any person who shall fail to comply with, or shall violate any of the provisions of this Chapter, or any rules or regulations promulgated hereunder shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$299 or by imprisonment for not more than sixty (60) days, or by both such fine and imprisonment. The penalty provided herein shall be in addition to any suspension or revocation of any license or permit issued hereunder.

23-3.

Special Provisions.

1. **Animated Signs.** No animated signs shall be erected or maintained in, nor closer than seventy-five (75) feet from any residential zone. Revolving animated signs are limited to six revolutions per minute and may not have flashing lights attached thereto.
2. **Blanketing.** To prevent blanketing, no projecting or marquee sign shall be erected to project more than 24 inches. Projection shall be measured from the facing of the building and/or structure to which the sign is attached.
3. **Cloth Signs.** Permits may be issued by the Chief Building Official upon approval by the City Council for hanging of display banners or other cloth decorations for special occasions, such as religious, national, charitable, civic or festive occurrences, or for Christmas decorations, or in celebration of some event of religious national, state, or civic significance or in honor of a visit from a person or persons of note. It is specifically prohibited to incorporate in any such decorations any political advertising or advertising of a commercial nature. The Chief Building Official may permit such signs to be hung over public streets or walks after proper approval. Permits issued pursuant to this paragraph may be issued without charge of any fee, but shall specify a period of time, not to exceed fifteen (15) days during which such signs shall be permitted to be used.
4. **Electric Signs.** All signs which utilize or are illuminated by electricity shall comply with the adopted Electrical Code, and Fire Prevention Code, of the City.
5. **Marquee Signs.** Marquee signs may be placed on, attached to, or constructed in a marquee. For the purpose of determining height, projection and clearance, the standards as specified in the Uniform Building Code for Marquee shall govern.
6. **Political or Campaign Signs.** Political or campaign signs are permitted in accordance with the following provisions provided that any such sign shall be erected not earlier than sixty (60) days prior to the election at which time the candidates or measure will be voted upon and shall be removed within fifteen (15) days after such election, campaign or event:

- a. In any residential zone, there is permitted not more than eight (8) square feet of stationary, unlighted temporary signage on any lot or contiguous parcels of land under one ownership on behalf of candidates for public office or questions on the ballot, provided that any sign shall not exceed six (6) feet in height. If attached, such sign shall not exceed the height of the eaves line of the building.
- b. In commercial, agricultural, and industrial zones, there is permitted one or more temporary signs on a lot on behalf of a candidate for public office, or of a question on the ballot or announcing a campaign, drive, or event of a civic, philanthropic, educational, or religious organization, provided that:
 1. The total of such sign or signs on any lot shall not exceed sixty-five (65) square feet, except that larger signs may be placed upon any legally existing sign structure. If detached, signs shall not exceed fifteen (15) feet in height, and in attached not more than twenty-five (25) feet in height.
 2. No such sign shall be a roof sign, except upon a legally existing sign structure, and no signs shall be erected in any required yard setback area unless attached to a building.
7. **Shopping Center Signs.** In shopping center, frontage for each separate store shall be based on the width of the front of each business, and signs for such businesses shall be attached to the front of each store. One detached or attached sign for each street frontage may be used to designate the name of the shopping center. In no instance may shopping center name signs be a multiple copy to advertise any business in the center.
8. **Time Limitation for Construction Project of Land Development Signs.** No construction project or land development sign shall be erected more than thirty (30) days prior to construction and shall be removed not more than thirty (30) days after completion.

23-4. **Exempt Signs.** The following signs shall be exempt from zoning regulations:

1. Memorial tablets or tablets containing the names of buildings and date of the erection and use of the building when built into the walls of the building and constructed of bronze, brass, marble, stone or other noncombustible material.
2. Nameplates not to exceed two (2) square feet. Any nameplates exceeding two (2) square feet are prohibited in all zones.
3. Non-illuminated and non-floodlighted flat signs, wall signs, and free standing signs having an area not in excess of thirty-six (36) square feet, announcing the destruction or construction or remodeling of a building or announcing the enterprise to be located in a building under construction or announcing the name and address of the architect or contractor of the building, or the owner thereof, provided that no more than one such sign shall be erected more than thirty (30) days prior to construction and are removed not more than thirty (30) days after completion.
4. Non-illuminated religious, charitable, and education ground signs having an area not in excess of twelve (12) square feet.
5. Non-illuminated and non-floodlighted signs having an area not in excess of four (4) square feet, that advertise the place of

business of a doctor, dentist, or other profession, or home occupation.

6. Traffic and other municipal signs, house numbers, legal notice, railroad crossing signs, and danger signs and warning signs.
7. Painting, repainting or cleaning of an advertising structure, or the changing of the advertising copy of the message thereon shall not be considered an erection or alteration which requires a sign permit unless a structural change is made thereto.

23-5. **Design Standards.** All design standards shall be in accordance with the latest adopted revision of the Uniform Building Code.

23-6. **Specialty Signs Prohibited.** The following specialty signs are prohibited in Harrisville City: Wind sign, banner sign, portable sign, A-frame sign, and any other specialty.

23-7. **Amortization Periods.**

1. The effective adoption of this revised Ordinance hereby prohibits erection of any off-premise sign in Harrisville City. Off-premise signs for which permits were previously issued and which are made non-conforming by the provisions of this Ordinance, shall be removed upon written notice from the Harrisville City Chief Building Official within five (5) years of the date of that written notice.
2. Projecting business signs made non-conforming by the adoption of this revised Ordinance shall be removed upon written notice from the Harrisville City Chief Building Official within ten (10) years of the date of that written notice.

23-8. **Sign/Zone Regulations.**

1. Residential Districts RE-15, R-1-10, R-1-5/6, R-2, R-3, the following signs are permitted.
 - a. **Name Plates.** One (1) name plate for each dwelling unit, not exceeding two (2) square feet in area, indicating the name of the occupant, and/or a permitted home occupation.
 - b. **Identification and Information Signs.** One (1) or more signs not exceeding eight (8) square feet in area for conforming buildings or conforming uses other than dwellings, boarding houses or lodging houses.
 - c. **Development Signs.** One (1) or more signs not exceeding eight (8) square feet in combined total area for each street frontage of the lot. In addition, one (1) or more signs of temporary nature for each approved subdivision under development and located on said subdivision property, providing that not more than one (1) such sign be located at each major approach to the subdivision but not closer than ten (10) feet to the street property lines. Signs on corner lots shall comply with Section 21-2.15 and Chapter 3, paragraph 3-13, of this Ordinance. Said signs shall not exceed in combined total area two hundred (200) square feet for any one subdivision and no one sign shall exceed one hundred (100) square feet in area. The period for display of such temporary signs shall be limited to one (1) year, provided that at the expiration of this time the Chief Building Official may grant an appropriate extension of time for periods not to exceed one (1) year, provided not more than seventy-five (75) percent of

the project has been developed. Application for said extension shall be made at least thirty (30) days before expiration of the original permit. In addition, one (1) or more signs of a temporary nature for main buildings or uses under development other than dwellings, provided such signs shall not exceed in combined total area, one hundred (100) square feet.

- d. **Public Necessity Signs.** One (1) or more public necessity signs, provided that no sign shall exceed twenty-four (24) square feet in area.
 - e. **Business Signs.** One (1) or more signs not exceeding in total area two (2) square feet for each one (1) linear foot of frontage occupied by a non-conforming commercial or industrial use, but in no case shall the total area of all signs exceed one hundred (100) square feet. Uses not occupying frontage may each have one or more signs not exceeding forty (40) combined square feet.
 - f. **Bulletin Board.** One (1) bulletin board not exceeding eighteen (18) square feet in area for a church or other institution for the purpose of displaying the name and character of services or activities conducted therein. All such bulletin boards and identification signs shall be attached to and parallel with the front wall of the building. If any name plate, bulletin board or sign is illuminated, indirect lighting shall be used, the source of light shall not be visible from the street, and no flashing in intermittent illumination shall be employed.
 - g. **No Projecting Signs Permitted.**
 - h. **Height Regulations.** No sign shall be erected to a height greater than ten (10) feet or project above the height of the building to which it is attached
2. In Commercial District CP-2 and Manufacturing District M-1, the following signs are permitted:
- a. **Development Signs.** One (1) or more of a temporary nature for main buildings or uses under development provided such signs shall not exceed in combined total area one hundred (100) square feet.
 - b. **Public Necessity Signs.** One (1) or more public necessity signs, provided that no such sign shall exceed twenty-four (24) square feet in area.
 - c. **Business Signs.** One (1) or more business signs not exceeding three (3) square feet in combined total area for each linear foot of occupied frontage except that the maximum size of a business sign shall be three hundred (300) square feet in area and the total area of all commercial or industrial use shall be six hundred (600) square feet. However, a business sign, on or attached to a building, flush or as a roof sign, nor more than eight (8) feet above building, may have a total area of six hundred (600) square feet. Each commercial or industrial use backing on to a freeway shall be permitted not more than one (1) business sign.
 - d. **Floodlighted Signs.**
 - e. **Illuminated Signs.**
 - f. **Animated Signs.**

- g. **Roof Signs.**
 - h. **Height Regulations:**
 - No sign shall be erected to a height exceeding fifty (50) feet above ground.
3. Temporary Signs.
- a. Temporary signs, other than cloth signs, when ten feet or more above the ground may project not more than six (6) inches over public property or beyond the building line.
 - b. Temporary signs may remain in place for a period not exceeding ninety (90) days.
 - c. Temporary signs may extend over public property. Such signs when extending over a public street shall maintain a clearance of twenty (20) feet. Cloth signs may extend across a public street only by permission of the governing body and shall be subject to all related laws and ordinances.
 - d. All temporary signs will require approval of the Chief Building Official.

- 24-1. Purpose and Intent.
- 24-2. Annual Fee.
- 24-3. Conditions for Home Occupation.
- 24-4. Family Day Care Permitted.
- 24-5. Conformity With State and City Codes, Ordinances and Laws.
- 24-6. Nothing to Prohibit Licensing, Taxing, or Regulating.
- 24-7. Nothing to Prohibit Minors From Rendering Services.
- 24-8. Procedure for Abating Violations of Ordinance.
- 24-9. Attorney to Institute Action.
- 24-10. Existence of Public Nuisance.
- 24-11. Violation a Misdemeanor.

24-1. **Purpose and Intent.** Home occupations are to help people to help themselves, to do something constructive with their spare time, and to provide for the needs of the community. A Home Occupation is any use conducted entirely within a dwelling, or enclosed accessory building, and is clearly incidental and secondary to the use of the dwelling for dwelling purposes.

24-2. **Annual Fee.** There shall be an annual fee assessed for any license issued by Harrisville City, which permits home occupations.

24-3. **Conditions for Home Occupation.** Home Occupations shall comply with the following conditions:

- A. Home occupations shall not be permitted in any multiple family dwelling structures.
- B. The occupation or profession shall be carried on wholly within the principal building or within an entirely enclosed building.
- C. No one outside of the family shall be employed in the Home Occupation, and those so employed must be living in the dwelling.
- D. One name plate permitted as described in Chapter 23, Paragraph 23-8.1.a, no exterior display, no exterior storage of materials, and no other exterior indication of the home occupation.
- E. No offensive noise, vibration, smoke, dust, odor, heat, or glare shall be produced, and activities shall not include any activities which amount to a nuisance, or hazard.
- F. Such occupation shall not require internal or external alterations of building or construction features not customarily found in residential areas.
- G. The activity shall be limited to the hours between 7:00 a.m. and 10:00 p.m. and shall not generate traffic beyond that normal in its district.

24-4. **Family day Care Permitted.** Home Occupation may include a family day care home with five (5) or less children who do not live in the home.

24-5. **Conformity With State and City Codes, Ordinances, and Laws.** There shall be complete conformity with fire, building, plumbing, electrical, and health codes; and to all State and City Ordinances and other laws, covenants, restrictions, or regulations pertaining to the premises upon which the home occupation is conducted, including complete adherence to all protective covenants governing the conduct and activities of homeowners within the subdivision or development in which the home occupation is being conducted.

24-6. **Nothing to Prohibit Licensing, Taxing, or Regulating.** Nothing in this ordinance shall prohibit Harrisville City from licensing, taxing, or regulating a Home Occupation.

24-7. **Nothing to Prohibit Minors From Rendering Service.** Nothing in this ordinance shall be construed as prohibiting minor children of Harrisville residents from rendering service for hire to other Harrisville residents, without license including, but not limited to the following: babysitting, yard care, newspaper delivery.

24-8. **Procedure for Abating Violations of Ordinance.** Any income-producing activity conducted in a residential zone not meeting the conditions of this chapter shall be unlawful. Upon discovering any violation of the requirements, conditions, or limitations of this Ordinance, the Building Inspector shall notify the owner or occupant of said premises in writing of the violations and demand abatement of said violation. If after seven (7) days of receipt of written notice thereof, the violation persists, said violation shall be considered a public nuisance and shall be abated in the manner and form hereafter prescribed.

24-9. **Attorney Empowered to Institute Action.** The Harrisville City Attorney is empowered to institute an action in the name of the City to abate a public nuisance. The action shall be brought in the Justice of the Peace Court in and for Harrisville City, and shall be in the form prescribed by the rules of court procedure of the State of Utah for injunctions.

24-10. **Existence of Public Nuisance.** If the existence of a public nuisance is admitted or established, either in a civil or criminal proceeding, judgement shall be entered forthwith which shall permanently enjoin each defendant and any other person from further maintaining the nuisance at the place stated. Such injunction shall not be the only or exclusive remedy here-under. Abatement of a public nuisance as provided herein shall have no effect upon a criminal prosecution arising out of a violation of this Ordinance.

24-11. **Violation a Misdemeanor.** A violation of this Ordinance shall be deemed a misdemeanor and is punishable by a fine not to exceed \$299 and by imprisonment not to exceed six (6) months.

25-1. **Residential Facility for Handicapped Persons.** A single-family or multi-family dwelling unit, consistent with existing zoning of the desired location, that is occupied on a 24-hour per day basis by eight or fewer handicapped persons in a family-type arrangement under the supervision of a maximum of two house parents or manager, and that conforms to all applicable standards and requirements of the Department of Social Services, and is operated by or under contract with that Department.

25-2. **Stipulations Regarding Residential Facility for Handicapped Persons.**

- a. No person being treated for alcoholism or drug abuse shall be placed in a residential facility for handicapped persons.
- b. No person with a history of violent behavior shall be placed in a residential facility for handicapped persons.
- c. Placement in a residential facility for handicapped persons shall be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.
- d. The facility shall meet all municipal building, safety, and health ordinances applicable to similar dwellings.
- e. The facility must be capable of use as a residential facility for handicapped persons without structural or landscaping alterations that would change the structure's residential character.
- f. The operator of the facility shall provide assurances that the residents of the facility will be properly supervised on a 24-hour basis.
- g. Within 30 days of the issuance of an occupancy permit, the operator of the facility shall have established a community advisory committee through which all complaints and concerns of interested parties shall be addressed. This committee shall include residents in the immediate neighborhood of the facility, and may also include parents or family of facility residents, professional people involved with services to the handicapped, and any others deemed necessary by the operator. This committee shall meet at least twice annually, and as often as may be required to deal with complaints and concerns. At the time of the application for a City Business License, the applicant shall submit a statement proposing the general make-up and operating procedures of the committee for the City's review.
- h. A minimum of two off-street parking spaces shall be required per facility.
- i. No residential facility for handicapped persons shall be established or maintained within 3/4 mile radius of another residential facility for handicapped persons.

- j. The use granted and permitted by this subsection is non-transferrable and terminates if the structure is devoted to a use other than as a residential facility for handicapped persons or if the structure fails to comply with the ordinances adopted under this subsection.
- k. These facilities must be licensed by the City Business License Department with the original license and any renewals thereof subject to the prior approval and inspection of the Weber County Health Department.