

**ORDINANCE NO. 0-2014-5**  
**ADOPTING NEW PLAN UNIT DEVELOPMENT ZONING**

**WHEREAS**, Hooper City would like to adopt a new land use zone called the Plan Unit Development zone (PUD); and

**WHEREAS**, this zone will only be allowed in areas included in the master plan for high density development; and

**WHEREAS**, appropriate hearings have been held in the Planning Commission and the City Counsel and public comment has been received relating to the zone; and

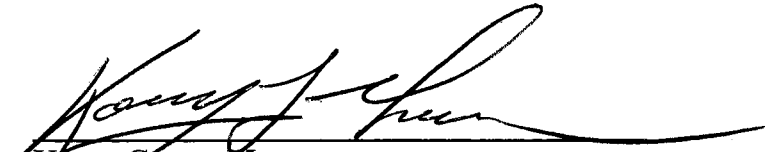
**WHEREAS**, it appears the public would be well served by the adoption of the PUD zone.

**NOW, THEREFORE**, be it ordained by the Hooper City Council as follows:

1. Title 10, Chapter 2F, Planned Unit Development Zone is hereby adopted as outlined in the attached document.

**BE IT FURTHER ORDAINED** that this Ordinance shall become effective upon publication 15 days after its passage.

**PASSED** this 18<sup>th</sup> day of December, 2014.

  
Kerry Green, Mayor

ATTEST:

Judy Lee Murray  
City Recorder

Council Member	Lori Brinkerhoff	yes <u>x</u> no __
Council Member	Scott Scofield	yes __ no <u>absent</u>
Council Member	Brad Ossler	yes <u>x</u> no __
Council Member	Shawn Beus	yes __ no <u>absent</u>
Council Member	Kyle Cook	yes <u>x</u> no __

## CHAPTER 2

### BASE ZONE REGULATIONS

#### ARTICLE F. PLANNED UNIT DEVELOPMENT (PUD) ZONE

##### SECTIONS:

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- 10-2F-1: PURPOSE
- 10-2F-2: APPLICABILITY
- 10-2F-3: PERMITTED USES
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- 10-2F-6: DEVELOPMENT PLAN AND AGREEMENT REQUIREMENTS
- 10-2F-7: DESIGN STANDARDS
- 10-2F-8: STREET DESIGN
- 10-2F-9: OFF-STREET PARKING AND LOADING

**10-2F-1: PURPOSE:** The purpose of this Planned Unit Development (PUD) Zone is to allow diversification in the relationship of residential uses to their sites. Further, its intent is to encourage a more efficient use of the land and the reservation of a greater proportion of common space for recreational and visual use than other residential zones may provide and to encourage a variety of dwelling-units that allows imaginative concepts of neighborhood and housing options and provides variety in the physical development pattern of the City. This will allow the developer to more closely tailor a development project to a specific user group, such as retired persons.

The intent of this Zone is to encourage good neighborhood design while insuring compliance with the intent of the Subdivision and Zoning Ordinances. All dwelling units are to be held in private individual ownership. However, the development shall contain common or open space and amenities for the enjoyment of the planned community that are developed and maintained through an active Homeowner's Association or similar organization with appointed management.

##### **10-2F-2: APPLICABILITY:**

- A. This chapter shall apply only to areas that have been master planned for High Density Residential (PUD) and have been determined to be for the benefit and common good of the community. No additional property may be re-zoned in the City using this zone unless the General Plan is amended and additional areas of the community are designated to this land use and it has been determined by the City Council that this zone change is for the benefit and good of the community. Rezoning will only be considered if the infrastructure (water, sewer, streets, etc.) for the requested rezoning location, is deemed able, or can be improved at the expense of the developer, to accommodate the higher density.
- B. One of the following conditions must also exist in order for the use of this zone to be considered in the City: 1) the development area shall be a transitional residential buffer to commercial, industrial, and/or retail zones, as established in the General Plan or 2) the development design shall include a direct connection to a major arterial, minor arterial, or major collector roadway.
- C. City may approve use of this chapter as long as the proposed development complies with the purposes of this zone.
- D. A Planned Unit Development must have a minimum of five (5) acres with a minimum of forty (40) percent of the total acreage in open space excluding roadways, buildings, and other

infrastructure. Amenities which are available for common use such as a community center may be included in the open space calculation, excluding parking lots.

- E. Density: The overall density of the development shall not exceed six (6) dwelling units per acre.

**10-2F-3: PERMITTED USES.** The following are permitted uses by right provided the parcels and buildings meet all other provisions of this Title and any other applicable ordinances of Hooper City.

- A. Single-family residential development with no more than four (4) dwelling units attached.
- B. Accessory uses and buildings (under two-hundred [200] square feet).
- C. Neighborhood and/or civic open spaces such as village greens, plazas, commons, fountains, sculptural art pieces, picnic areas, community gardens, trails, and similar low-impact or passive recreational uses. Specifically excluded are motorized off-road vehicles, shooting ranges, and other uses similar in character and potential impact as determined by the City.
- D. Active non-commercial recreation areas, such as playing fields, playgrounds, courts, and bikeways. Parking facilities for these facilities may also be allowed, and they shall generally be all-weather-surfaced and unlighted; be properly drained; and provide safe egress and ingress.
- E. Conservation of open land in its ecological state (for example, wetland).
- F. Water supply, sewage facilities and storm water detention areas designed, landscaped, and available for use as an integral part of the open space.
- G. Governmental or public utility buildings and related uses. Specifically not included are business facilities, storage of heavy equipment, storage of materials other than water, trucking and repair facilities, housing of repair crews, and sanitary landfills.
- H. Easements for drainage, sewer or water lines, or other public purposes including limited access to uses on green space land.

**10-2F-4: CONDITIONAL USES.** Conditional uses are listed in Table 10-2B-2 and may be permitted conditional uses after approval as specified in Section 10-5A-4 and 10-5B-4 of this Title.

**10-2F-5: MINIMUM LOT STANDARDS.** All lots shall be developed and all structures and uses shall be placed on lots in accordance with the following standards:

- A. Lot Width: Determined by development plan
- B. Front Yard: See Table 10-2B-3.
- C. Side Yards: A minimum of sixteen (16) feet between attached units
- D. Rear Yard: A minimum of fifteen (15) feet
- E. Building Height: As allowed by current adopted building code, with a maximum height of thirty (30) feet to the top of the roof structure.
- F. Road Right-of-Way: Sixty (60) feet which shall include curb, gutter and sidewalk improvements.

**10-2F-6: DEVELOPMENT PLAN AND AGREEMENT REQUIREMENTS.**

- A. Subdivision Ordinance requirements per Chapter 6 of this Title shall generally apply to Planned Unit Development communities, including, but not limited to, plats, construction drawings, approval letters from utility companies and other entities, etc., as well as Planning Commission and City Council public hearings. The developer shall submit a Residential Development Plan of all project phases for City consideration and approval and shall integrate the proposed development plan into a development agreement between the developer and City. The development agreement shall undergo an administrative review process to ensure compliance with adopted City ordinances and standards with approval by the City Council. The subdivider shall develop the property in accordance with the development agreement and current City ordinances in effect on the approval date of the agreement, except when Federal, State, County, and/or City laws and regulations, promulgated to protect the public's health, safety, and welfare, require future modifications under circumstances constituting a rational public interest. The Land Use Authority shall use the submitted development plan and agreement with the design amenities and unique development features and merits of the development as part of the determination for overall development dwelling-unit density up to a maximum of six (6) dwelling units per acre.
- B. The development plan submitted for review shall include a Utility Master Plan drawing for culinary water, secondary water, sanitary sewer, land drainage and storm draining showing how the entire development will be served. Submit written evidence of preliminary review and approval from utility companies regarding proposed master-planned utilities.
- C. The development plan submitted for review shall show the location and building elevations with exterior building materials, size, and general footprint of all dwelling units and other main buildings and amenities.
- D. Entrance designs to the development are required as part of the development plan. The minimum entrance design to the development shall consist of an attractive and durable monument sign naming the development surrounded by a variety of ground cover, shrubs, and/or trees, which shall be approved by the Planning Commission.
- E. The development plan submitted for review shall include landscaping, fencing, and other improvement plans for common or open spaces, with the landscaping designed in accordance with an approved theme to provide unity and aesthetics to the project. The plan shall include all special features, such as ponds, fountains, signs, walking paths, inviting entryways, etc., together with a landscape planting plan. Open space and recreational areas should be the focal point for the overall design of the development, with various community facilities grouped in places well related to these open spaces and easily accessible to pedestrians.
- F. The proposed development shall show it will not be detrimental to the health, safety, or general welfare of persons residing adjacent to the proposed development.
- G. A Planned Unit Development community shall be of sufficient composition and arrangement to enable its feasible development as a complete unit, managed by a legally-established Homeowners Association and governed by enforceable, duly recorded Covenants, Conditions and Restrictions (CC&R's).
- H. On phased developments, common use amenities such as clubhouse, swimming pool, village greens, etc., must be completed as part of the first phase of the development.

**10-2F-7: DESIGN STANDARDS.** The Land Use Authority shall approve the required common-building theme. The design shall show detail in the unification of exterior architectural style, building materials, and color and size of each unit; however, the intent is not to have the design so dominant that all units are identical. Residential dwellings shall comply with the following regulations:

A. Regulations for All Residential Structures.

1. Each residential structure shall have a permanent connection to all available utilities and separate utility billing.
2. Any and all appendages or accessory uses, such as steps, carports, garages, storage buildings, decks, and awnings or additions and alterations, shall comply with the adopted edition of the International Residential Code.
3. Every residential dwelling shall have a minimum fully enclosed two- (2) car garage (attached or detached) having a minimum outside width of twenty (20) feet (as measured from outsides of foundation) and having at least four hundred (400) square feet in total floor area. The Hooper City Building Department shall not issue a building permit for construction of residential structure(s) unless plans for such structure(s) include the garage described in this article.
4. Reasonable Accommodation. None of the requirements of this Chapter shall limit any reasonable accommodation necessary to allow the establishment or occupancy of a residence for anyone with a disability as protected under the Fair Housing Amendments Act of 1988.
5. The developer shall landscape all open or common space around or adjacent to building lots and maintain the same through a lawfully-organized Homeowner's Association, residential management company, or similar organization. Landscaping shall comply with City standards and specifications.
6. Street trees shall be placed along all interior roads in accordance with the City's street tree standards.
7. The development shall have a unified landscaping design of trees, shrubs, and theme lighting and any required street and parking lighting. Natural features, streams, fountains, waterfalls, sculptures and other design elements which create interest and visual unity and displays creativity in providing usable open space for the residents of the development are encouraged.
8. The following are guidelines for landscape design. Individual projects may vary but all will be reviewed and approved by the Planning Commission:
  - a. The shrubs and ground covers proposed should be low water user plants.
  - b. Shrub areas shall be mulched to reduce watering demands.
  - c. The use of 1½-inch or larger caliper deciduous trees is required. The placement and types of deciduous trees shall take into consideration use of the trees for summer cooling and winter solar access. Evergreen trees, consisting of at least 25% of the total trees, should be used as windbreaks, screening and accent plants.
  - d. The irrigation system must use secondary water where available and shall be designed to water plants of similar water needs. The irrigation system shall be designed to achieve 70% efficiency as determined by a standard water audit.
  - e. The landscape design should incorporate, where appropriate, low water usage landscape features and low maintenance landscape features, such as rocks and other nonliving ground cover. The City Council, based upon recommendations from the Planning

Commission, will make the final determination as to the extent of the low water usage landscaping that will be permitted in the development.

B. Regulations for New Residential Construction must meet one (1) of these two (2) options:

1. Option 1. All single-family dwellings, duplexes, and detached and attached town homes shall have the front exterior walls constructed with a minimum seventy-five (75) percent of brick, rock, or stone and the remainder covered with stucco. On corner lots, the street side of the structure shall have fifty (50) percent, or up to a maximum height of four (4) vertical-feet of wainscot, composed of brick, rock, or stone. These coverage requirements shall be calculated by first determining square footage of the total wall areas, based on measurements of the front and side elevations of the structure from foundation to top-plate line of the uppermost level, excluding openings for windows and doors, and multiplying that square footage by the applicable percentage. Homebuilders may only include brick, rock, or stone in these percentage requirements if clearly shown on the City-approved, stamped set of front and side elevations. Hidden areas, such as front porches, shall not qualify towards the percentage requirements; however, City staff may credit gables with brick, rock, or stone towards the percentage requirements. The installation of aluminum or vinyl siding shall be allowed on the rear of homes.
2. Option 2. All single-family dwellings, duplexes, and detached and attached town homes shall have the front exterior walls constructed with a minimum thirty (30) percent brick, rock, or stone and the remainder covered in a painted fiber cement siding (hardie board, hardie plank or equal) with a minimum 15-year warranty on the painted surfaces. On corner lots, the street side of the structure shall have fifty (50) percent, or up to a maximum height of four (4) vertical-feet of wainscot, composed of brick, rock, or stone. These coverage requirements shall be calculated by first determining square footage of the total wall areas, based on measurements of the front and side elevations of the structure from foundation to top-plate line of the uppermost level, excluding openings for windows and doors, and multiplying that square footage by the applicable percentage. Homebuilders may only include brick, rock, or stone in these percentage requirements if clearly shown on the City-approved, stamped set of front and side elevations. Hidden areas, such as front porches, shall not qualify towards the percentage requirements; however, City staff may credit gables with brick, rock, or stone towards the percentage requirements. The installation of aluminum or vinyl siding shall only be allowed on the rear of homes.

**10-2F-8: STREET DESIGN.** The Land Use Authority may approve an alternative street design so long as it maintains the City's minimum rights-of-way. The developer shall dedicate all street rights-of-way to the City.

**10-2F-9: OFF-STREET PARKING AND LOADING.** Off-street parking and loading shall be as specified in Chapter 4 of this Title. The City may limit or eliminate street parking or other use of City rights-of-way as a result of the employment of limited or alternative street designs within the development.

## CHAPTER 2

### ZONE REGULATIONS

#### ARTICLE B. RESIDENTIAL ZONES

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**10-2B-1: PURPOSE:** The purpose of this Article is to implement the Hooper City General Plan. These zones are intended to provide appropriate density for residential development based on the availability of essential public services, the surrounding land uses, and the applicable General Plan designation. The purpose statements of the individual residential base zones are as follows:

**A. LOW DENSITY RESIDENTIAL (R1) ZONE:**

1. Provide opportunities for low density development of detached single family dwellings where the minimum lot size is 40,000 square feet.

**B. MEDIUM DENSITY RESIDENTIAL (R2) ZONE:**

1. Provide opportunities for medium density residential development where the predominant character of land use is detached single family dwellings and the minimum lot size is 20,000 square feet.

**C. HIGH DENSITY RESIDENTIAL (R3) ZONE:**

1. Provided opportunities for higher density residential development where the predominant character of land use is detached single family dwellings and the minimum lot size is 13,000 square feet.

**D. HIGH DENSITY RESIDENTIAL (R4) ZONE:**

1. Provided opportunities for higher density residential development where the predominant character of land use is detached single family dwellings and the minimum lot size is 10,000 square feet. (No additional property may be re-zoned in the City using this zone after April 17, 2003 unless the re-zone application was received by the City prior to that date.)



E. RESIDENTIAL OPEN SPACE (ROS) ZONE:

1. Provide opportunities for clustered residential development, while preserving open space, where the predominant character of land use is detached single family dwellings. The base density is 1 dwelling unit per acre. The density may be increased to a maximum density of 1.5 dwelling units per acre, as set forth in Section 10-2B-3 of this Title.

F. HIGH DENSITY RESIDENTIAL (PATIO) ZONE:

1. Provide opportunities for higher density residential development where the predominant character of the land use is patio homes and limited numbers of attached single family, duplex and fourplexes. The High Density Residential (Patio) Zone has a base density of Six (6) dwelling units per acre.

G. HIGH DENSITY RESIDENTIAL (PUD) ZONE:

1. Provide opportunities for a variety of dwelling units that allows imaginative concepts of neighborhoods and housing options and provides variety in the physical development pattern of the City. The High Density Residential (PUD) Zone has a base density of six (6) dwelling units per acre.

10-2B-2: GENERAL REQUIREMENTS:

- A. All development shall be in accord with the regulations in Chapter 4 of this Title.
- B. Access shall comply with the regulations of Section 10-4A-3 of this Title.

10-2B-3: RESIDENTIAL OPEN SPACE (ROS) ZONE REQUIREMENTS:

- A. **AREA.** The ROS Zone shall be treated as an “overlay” zone and shall only be applied to residential zoned parcels or groups of parcels that are no smaller than fifteen (15) acres in area, and which are located in specified sensitive areas identified on the Official Zoning Map, attached to this ordinance. Sensitive areas are defined as parcels abutting the Hooper or Howard Sloughs or impacted by the 200-foot “no structure” setback along the sloughs defined later in this ordinance, or parcels abutting the proposed Legacy Highway Corridor.
- B. **DENSITY:** The ROS Zone has a base density of 1 dwelling unit per acre, which may be developed either as 1) 40,000 square-foot minimum lots, or 2) smaller, clustered lots with the remaining land preserved as open space. However, the allowable density in the ROS Overlay Zone may be increased, if all structures in the development are clustered, based upon the following:
  - 1. A density bonus of 1/10 dwelling unit per acre shall be allowed for every 3% of the gross area contained within the development that is dedicated toward the preservation of open space, up to a maximum of 1.5 dwelling units per acre.

2. The City Council shall have the right to determine and approve an appropriate maximum density to be applied on all developments in the ROS Overlay Zone, according to the guidelines set forth in Table 10-2B-1 below. Considerations in determining the appropriate density include but shall not be limited to the following factors and conditions:

- a. water sources and availability,
- b. infrastructure needs and the City's ability to maintain new infrastructure,
- c. the City's ability to maintain the open space areas within an ROS development should the Home Owner's Association fail to meet the open space maintenance requirements, as shown in subsection E, below.

*Table 10-2B-1: ROS Zone Densities*

	Percentage of Open Space Provided					
	<u>0%</u>	<u>3%</u>	<u>6%</u>	<u>9%</u>	<u>12%</u>	<u>15%</u>
Maximum Units Per Acre	1.0	1.1	1.2	1.3	1.4	1.5
Minimum # Acres of Open Space	0.0	2.0	2.0	2.0	2.0	2.25
Minimum Development Acres	1.0*	66.7	33.3	22.2	16.7	15.0
Max. # Lots on Minimum Acres	1.0	73.3	40.0	28.9	23.3	22.5
Minimum Lot Square Footage	13,000	13,000	13,000	13,000	13,000	13,000

\* 40,000 square feet

C. **MINIMUM LOT SIZE AND WIDTH:** All lots within an ROS Zone shall have a minimum size of 13,000 square feet and a minimum width of 100 feet.

D. **DESIGN STANDARDS:** All structures in the ROS Zone shall be regulated by the following design standards:

1. **Building Materials.** At least sixty percent (60%) of the exterior finish materials of all elevations of all buildings shall consist of either brick, stone, fluted block, colored textured block, glass, stucco and wood. The remaining percentage of the exterior finish materials shall consist of either brick, stone, cultured stone, stucco, E.I.F.S. or wood or vinyl siding. Other finishing materials may be used if approved by the City Council. However, sheet metal, corrugated metal, and PVC shall be prohibited except for trim, soffits, facia, mansards and similar architectural features.

2. **Roof Pitch.** The minimum roof pitch shall be six feet (6') of rise to twelve feet (12') of run.

E. **OPEN SPACE:**

1. By allowing higher density in developments where a percentage of property is preserved as open space as described in subsection (A) above, the City intends to

provide an incentive to developers to design residential projects with large open areas that are aesthetically pleasing and are suitable for recreational uses. In order to satisfy the intent of the open space requirements of subsection (A), the open space must be a contiguous area of open space at least two (2) acres in size and may be located on one or more parcels. The open space shall be integrated into the residential development and must consist of large areas suitable for recreational uses. Open areas having any dimension of less than 40 feet or other open areas that are not practically useable for recreational purposes because of their location, size, dimensions or other characteristics shall generally not be considered as meeting the intent of the open space requirement.

2. Prior to the approval of any final plat for a development, the owner/developer of a project shall establish a non-profit homeowners' association, a trust or other similar mechanism acceptable to the City (hereinafter collectively referred to as an "HOA"), which shall be formed for the purpose of assuming responsibility for the ongoing maintenance of the open space areas. The owner/developer shall submit all documents necessary for the establishment and function of the HOA to the City for review and approval prior to receiving approval of any final plat. Such documents shall include provisions for the allocation of the costs of open space maintenance between the lot owners, an effective means of enforcement and collection of maintenance costs from the lot owners, and a provision that all property owners within the development automatically become a member and/or participant in the HOA upon obtaining an ownership interest in any lot in the development.

3. The owner/developer of a project shall be responsible for the initial development and installation of all improvements required for the open space areas. The improvements to the open space areas (including sprinkler systems and landscaping where applicable) shall be substantially completed no later than six (6) months after the sale of thirty percent (30%) of the lots in the development. The owner/developer shall also be responsible for the ongoing maintenance and upkeep of the open space areas until such time as at least eighty percent (80%) of the lots in the development have been sold and developed, and the owner/developer has transferred the responsibility for maintenance of the open space to the City. After the sale and development of eighty percent (80%) of the lots in the development, the City shall be responsible for the maintenance of all open space areas in conformance with the requirements of this Section 10-2B-3.

4. Both the preliminary and the final plat shall designate all open space areas as "public common area." As used throughout this section, the terms "open space" and "public common area" are considered to be synonymous.

5. Every lot owner in the subdivision shall have an undivided and equal interest in the common areas. The undivided interest in a common area may not be separated or sold separately from the ownership of each individual lot. Each lot owner is responsible for an equal part of the taxes assessed on the common areas.

6. All open space must be developed and subsequently maintained by the City as recreational uses such as parks, playgrounds, athletic fields, pathways for pedestrians/ bicyclists/equestrians, landscaped open spaces, and other similar uses

for the common use and benefit of all of the owners of the lots in the development and/or the public. Primary buildings may not be constructed in open space areas, but accessory buildings that are subordinate to and customarily incidental to the primary recreational use (such as maintenance and equipment storage buildings) shall be allowed. The open space areas must be controlled in such a way as to prevent the open spaces from becoming a nuisance. The City may, through its employees, enter onto the open space at any reasonable time for legitimate City purposes. Said access shall be provided from public streets, where reasonably possible. The public will be granted access across and through open spaces along the sloughs as approved by the City Council.

7. All property owners within the development are required to be, and upon obtaining an ownership interest in any lot in the development, automatically become a member and/or participant in the HOA established by the developer for the maintenance of the open space. If, for any reason the HOA ceases to exist or fails to maintain the open space areas as required, the lot owners shall be equally responsible for their respective share of such maintenance. If the HOA and/or the owners fail to maintain the open space areas, the City shall have the right to:

a. Enter upon the open space areas through its employees or contractors to complete the maintenance work.

b. After completion of the maintenance work, the City shall cause to be prepared an itemized statement of all expenses incurred in completing the maintenance work, including all necessary administrative costs.

c. The City shall elect at the time the work is completed to bring suit or charges in court or elect to refer the matter to the county treasurer for inclusion in the tax notice of the property owner.

d. In the event the City elects to refer the matter to the county treasurer, the City shall make, in triplicate, an itemized statement of all expenses incurred in the maintenance work and shall deliver the three copies of said statement to the county treasurer within ten days after the completion of the work. [See Utah Code 10-11-3.] The City shall request in writing that the county treasurer take such action as provided by law, requesting that the amount payable to Hooper City be included in the tax notices to the property owner and that upon collection of said money it be paid by the county treasurer to Hooper City. The City shall also cause the same to become a lien upon the lands involved by filing the appropriate papers with the county assessor.

e. If the City elects to collect the amount set forth in the itemized statement, the City shall mail a copy thereof to the owner and/or occupant demanding payment within 20 days of the date of mailing. Said notice shall be deemed delivered when mailed by registered mail addressed to the property owner's last known address. In the event the owner or occupant fails to make payment of the amount set forth in said statement to the city treasurer within 20 days, the City may bring suit or charges in an appropriate court of law. In the event collection of said costs are pursued through the courts, the City may sue for and receive judgment upon all of said costs of

maintenance together with reasonable attorney's fees, interest and court costs. The City may execute on such judgment in the manner provided by law.

8. The City Council will work with the Hooper Irrigation Company to determine the required quantity of water for the open space areas of the subdivision once the City has been informed of the planned open space improvements.

9. No subdivision may occur in the open space areas and no development, except for recreational facilities as described above, shall be allowed in any area designated as open space.

10. Both the preliminary and final plat shall include the provisions of subsections 10-2B-3(D)(6) through (9) as covenants, conditions and restrictions that shall be deemed to run with the land.

11. The owner/developer of a project shall be required to record with the office of the Weber County Recorder a separate declaration of covenants, conditions and restrictions which includes all of the provisions listed in subsections 10-2B(D)(6) through (9) as covenants, conditions and restrictions. The declaration of covenants, conditions and restrictions shall be made applicable to all property included within the development.

12. The Planning Commission may deny a preliminary plat and the City Engineer may deny a final plat if the open space shown on the plat does not comply with the provisions or intent of the open space requirements described in this section.

10-2B-4: **ALLOWED USES:** Unless otherwise specified in the specific use standards of Chapter 5, Table 10-2B-2 lists principal permitted (P), accessory (A), conditional (C), or prohibited (—) uses within each residential zone.

A. Conditional uses shall be approved in accord with the procedures in Chapter 5 of this Title.

*Table 10-2B-2: Allowed Use in Residential Zones*

*P=principal permitted; A=accessory; C=conditional; (-)=prohibited*

Allowed Use	R1	R2	R3	R4	ROS	HDR	PUD
Accessory structure, >1200 square feet	C	C	C	C	C	—	—
Accessory structure, ≤1200 square feet	A	A	A	A	A	—	—
Accessory structure, ≤200 square feet	A	A	A	A	A	—	A
Agricultural structure	A	A	A	A	A	—	—
Agricultural use	P	P	P	P	P	—	—



Allowed Use	R1	R2	R3	R4	ROS	HDR	PUD
Amusement or recreation facility, indoor (only)	—	—	—	—	—	—	C
Animal clinic, animal hospital, or veterinary office	—	—	—	—	—	—	—
Automotive, hobby	A	A	A	A	A	—	—
Bed and breakfast establishment	C	C	C	C	C	—	—
Boarding house	—	—	—	—	—	—	—
Cemetery	C	C	C	C	C	—	—
Children's treatment facility	C	C	C	C	C	—	—
Church	C	C	C	C	C	C	C
Club or lodge or social hall	C	C	C	C	C	C	P
Dangerous or protected animals	C	C	C	C	C	—	—
Day care facility	C	C	C	C	C	—	—
Day care home, group	C	C	C	C	C	C	C
Drug and alcohol treatment facility	C	C	C	C	C	—	—
Dwelling, mobile home	—	—	—	—	—	—	—
Dwelling, secondary attached	C	C	C	C	C	C	—
Dwelling, secondary detached	-	-	-	-	-	—	—
Dwelling, single family detached	P	P	P	P	P	P	P
Dwelling, multi-family	—	C	C	C	C	P	P
Fence, barbed wire or electric wire	A	C	—	—	C	—	—
Fence, other	A	A	A	A	A	A	A
Foster home, group	C	C	C	C	C	—	—
Golf course and country club	C	C	C	C	C	C	C
Home occupation	A	A	A	A	A	C	C
Kennel, commercial	C	—	—	—	—	—	—
Kennel, hobby	C	C	C	C	C	—	—
Keeping of Livestock (See 10-4A-16.1)	A	A	C	C	C	—	—
Livestock confinement facility, more than one AU per 10,000 sq. ft. of property (See 10-4A-16.1)	—	—	—	—	—	—	—
Manufactured home	C	C	C	—	C	—	C
Manufactured home park	C	—	—	—	—	—	—
Mortuary	—	—	—	—	—	—	—
Nursery, retail (only)	C	—	—	—	—	—	—
Nursing facility, skilled	—	C	C	C	C	—	—
Office, relating to an approved use	A	A	A	A	A	—	—
Office, temporary construction	A	A	A	A	A	—	—
Outdoor storage	A	A	A	A	A	—	—
Portable classroom	A	A	A	A	A	—	—
Public or quasi-public use	C	C	C	C	C	C	C
Residential care facility	C	C	C	C	C	C	C
Roadside produce stand	A	—	—	—	—	—	—

- (1) A land use review or sketch review shall be obtained prior to the construction of any accessory building or structure for which a building permit is not required. An application form, lot plan showing streets, existing buildings, dimensions, easements and setbacks for the proposed accessory building and other information as needed shall be submitted for review.
- (2) Agricultural use accessory structures require an Application for Building Permit Exemption and must meet the minimum requirements as defined by State law. An application form, lot plan showing streets, existing buildings, dimensions, easements and setbacks for the proposed accessory building and other information as needed shall be submitted for review.
- (3) Accessory buildings must be constructed in such a manner that snow, rain, debris, etc. from the roof does not infringe onto adjoining property.
- (4) Accessory buildings and structures must be constructed to have a fire resistant rating to meet the adopted building code for Hooper City.
- (5) Minimum yard requirements for all accessory buildings in residential zones are as follows:
  - a) Location: Accessory buildings may not be located between a street and the front building line of a main building.
  - b) Side Yard Accessory Building, Interior Lot: An accessory building or structure may be located in the side yard of an interior lot but not within the required minimum main building side yard and not within ten feet (10') of the dwelling or main building measured from the drip edge of the building or structure. The distance between an accessory building and a dwelling on an adjacent property may not be less than is allowed between dwellings or main buildings.
  - c) Side Yard Accessory Building, Corner Lot: An accessory building or structure may be located in the side yard between a street and the side of the dwelling or main building on a corner lot but not within the required minimum main building side yard and no closer than ten feet (10') from the dwelling or main building measured from the drip edge of the building or structure.
  - d) Rear Yard Accessory Building: An accessory building may be located in a rear yard no closer than ten feet (10') from a dwelling or main building, and no closer than three feet (3') from the side or rear property line or boundary and cannot be built on a public easement
- (6) Height Consideration: No detached accessory structure, located in an R-1 or R-2 zone, shall have a height of more than twenty-five feet (25') measured from the lowest adjacent grade to highest point of the structure. No detached accessory structure in any zone, other than R-1 or R-2, shall have a height of more than eighteen feet (18') measured from the lowest adjacent grade to the highest point of the structure.

Accessory structures over these requirements require a conditional use permit and a building permit. Exception- Maximum height for an Agricultural Building is 35 feet.

Table 10-2B-4 Accessory Structure Requirements in a Residential Zone

<u>Dimensional Standard (in feet)</u>	<u>R1</u>	<u>R2</u>	<u>R3</u>	<u>R4</u>	<u>ROS</u>	<u>HDR</u>	<u>PUD<sup>1</sup></u>
<u>Accessory Structure:</u>	-	-	-	-	-	-	
<u>Setback (feet) from:</u>	-	-	-	-	-	-	
<u>1. Side property line on</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>25</u>	<u>30</u>	<u>25</u>	<u>25</u>
<u>arterial or collector street</u>	-	-	-	-	-	-	
<u>2. Side property line on local</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>
<u>Street</u>	-	-	-	-	-	-	
<u>3. Interior side property line</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>5</u>	<u>10</u>	<u>10</u>	<u>10</u>
<u>with</u>							
<u>a side public utility</u>	-	-	-	-	-	-	
<u>easement:</u>							
<u>4. Interior side property line</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>
<u>without a side public utility</u>	-	-	-	-	-	-	
<u>easement:</u>	-	-	-	-	-	-	
<u>5. Rear property line with a</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>
<u>rear</u>							
<u>public utility easement:</u>	-	-	-	-	-	-	
<u>6. Rear property line without a</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>
<u>rear public utility easement:</u>	-	-	-	-	-	-	
<u>Maximum accessory building</u>	<u>25</u>	<u>25</u>	<u>18</u>	<u>18</u>	<u>18</u>	<u>18</u>	<u>18</u>
<u>height in feet:</u>							
<u>Maximum impervious surface</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>N/A</u>	<u>N/A</u>
<u>coverage of property (in</u>							
<u>percent)</u>							
<u>Minimum Distance Between</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>
<u>Buildings</u>							

<sup>1</sup> Accessory structures in the High Density Residential (PUD) Zone shall not exceed two hundred (200) square feet in size per 10-2F-3.

- (7) Buildings used for the housing or shelter of animals shall be located a minimum distance of fifty feet (50') from any existing dwelling owned by another person or neighborhood street right of way line and, if approved with a conditional use permit, a minimum of twenty feet (20') from any collector street right of way line.



Allowed Use	R1	R2	R3	R4	ROS	HDR	PUD
School, public or private	C	C	C	C	C	—	—
Stable or riding arena, commercial	C	—	—	—	—	—	—
Swimming pool, private	A	A	A	A	A	A	A
Taxidermy	C	—	—	—	—	—	—
Tower or antenna structure, commercial	C	C	C	C	C	C	C
Tower or antenna structure, private	A	A	A	A	A	—	C
Water system, community	C	C	C	C	C	C	C

10-2B-5: **DIMENSIONAL STANDARDS:** Table 10-2B-3 shall be used for development in the respective residential zones.

*Table 10-2B-3: Dimensional Standards in Residential Zones*

Dimensional Standard	R1	R2	R3	R4	ROS	HDR	PUD
Minimum property size: <sup>1</sup> 1. Single family detached dwelling	40,000	20,000	13,000	10,000	13,000	N/A	N/A
Roadway frontage (in feet)	150	100	100	85	100	N/A	N/A
Principle Structure: Setback (feet) from: 1. Any property line on an arterial or collector street	30	30	30	25	30	25	25
2. Front property line on a local street or private road	25	25	25	20	25	25	20
3. Front property line where alley provides access to garage or where the garage is side loaded or located behind the front plane of the house	20	20	15	15	20	15	15
4. Interior side property line	10	5/story	5/story	5/story	5/story	5/story	5/story
5. Side property line on local street	20	20	20	20	20	20	16
6. Rear property line	20	15	15	15	15	15	15
Maximum coverage Impervious Surface(in percent)	20	25	25	35	25	N/A	N/A

<sup>1</sup> In square feet unless otherwise noted.

10-2B-6: **Accessory Structure Requirements in a Residential Zone:** To facilitate the placement of accessory buildings and structures on a residential lot that already has a principle residential structure established, the following requirements are identified: