

ORDINANCE # O-2017-_01__

**AN ORDINANCE OF HOOPER CITY, UTAH AMENDING THE CITY'S ZONING ORDINANCE; AND
ESTABLISHING AN EFFECTIVE DATE**

Section 1. Recitals

WHEREAS, The City Council finds, that the City of HOOPER CITY (herein "City") is a municipal corporation duly organized and existing under the laws of the State of Utah; and

WHEREAS, the City Council finds that in conformance with the provisions of UCA § 10-3-717, the governing body of the city may exercise all administrative powers; and

WHEREAS, the City Council finds that in conformance with the provisions of UCA § 10-3-702, the governing body of the City may pass any ordinance to regulate, require, prohibit, govern, control, or supervise any activity, business, conduct or condition authorized by State law or any other provision of law; and

WHEREAS, the City Council finds that these amendments have been reviewed by the Planning Commission and certain recommendations have been made by them; and

WHEREAS, the City Council finds that the public health, welfare and safety are at issue in this matter;

NOW THEREFORE, BE IT ORDAINED by the City of HOOPER CITY as follows:

Section 2. City's Zoning Ordinance Amended.

The following definitions are to be added or amended to Hooper City Code Section 10-1A-1:

APARTMENT	<i>A room or suite of rooms within a multi-family zoned area for rent or lease, to be used as a single-family dwelling.</i>
BASEMENT	<i>Any portion of a building's interior that is constructed partially or fully below existing property grade. A basement is not considered a story.</i>
DUPLEX	<i>See Dwelling, Single Family Attached (Duplex)</i>

DWELLING, MULTI-FAMILY

A structure containing three (3) or four (4) single family dwelling units attached by common walls within a single structure with yard space on each side, where all such units are located on the same lot.

DWELLING, SECONDARY ATTACHED

A dwelling unit for one (1) family that shares a common wall or walls with the principal dwelling, has a separate outside entrance from the principal dwelling, and is subordinate to the principal dwelling. The secondary unit must not be separately metered (utilities) but may have individual and separate heating, plumbing, and electrical systems.

DWELLING, SINGLE FAMILY ATTACHED (DUPLEX)

A structure containing two (2) single-family dwelling units attached by a common wall or walls, where each unit has its own direct access to the outside, no unit is located over another, and both units are located on the same property with yard space on all four (4) sides of the structure. Each unit has individual and separate utilities including heating, plumbing, air-conditioning, and electricity.

DWELLING, SINGLE FAMILY ATTACHED (TWIN HOMES)

A structure containing two (2) single-family dwelling units attached by a common wall or walls, where each unit has its own direct access to the outside, no unit is located over another, and each unit is located on a separately recorded lot with yard space on at least three (3) sides of the individual units. Each unit has individual and separate utilities including heating, plumbing, air-conditioning, and electricity.

DWELLING, SINGLE FAMILY DETACHED

A detached building designed for and used exclusively as a residence for one (1) family.

DWELLING, TOWNHOUSE

A structure containing three (3) or four (4) single-family dwelling units attached by common walls where each unit extends from the foundation to the roof and with yard space on four (4) sides of the structure. Each unit is located on a separately recorded lot, with all common areas and/or yard space owned and maintained by the development's Home Owners Association.

**MANUFACTURED
HOME**

A factory built housing unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code), in one or more sections, which in traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected at the site, is 400 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

**SINGLE FAMILY
ATTACHED DWELLING**

See dwelling, single family attached (duplex) or single-family attached (twin homes).

The following amendments are to be made to 10-2B of the Hooper City Code:

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 of detached single family dwellings and the minimum lot size is 20,000 square feet.

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

1. Provide 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. A limited number of duplexes and/or twin homes are permitted in this zone as set forth in Section 10-2B-4(B).

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

1. Provide 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.

2. R4 Zones created by this subsection will be allowed only if the property, owned by one owner as of August 15, 2013, directly abuts/adjoins property zoned R4 as of August 15, 2013.

3. In order for an R4 Zone to be approved, the property must be in an area outlined in the Hooper City sewer master plan allowing access to the City's sewer system. No lots with septic tanks will be approved in an R4 Zone created after August 15, 2013.

4. A limited number of duplexes and/or twin homes are permitted in this zone as set forth in Section 10-2B-4(B).

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 one (1) dwelling unit per acre. The density may be increased to a maximum density of one and one-half (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 PLANNED UNIT DEVELOPMENT (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 one (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 three percent (3%) of the gross area contained within the development that is dedicated toward the preservation of open space, up to a maximum of one and one-half (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, and

b. infrastructure needs and the City's ability to maintain new infrastructure, and

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	1.1	1.2	1.3	1.4	1.5
Minimum # Acres of Open Space	0	2	2	2	2	2.25
Minimum Development Acres	1*	66.7	33.3	22.2	16.7	15
Max. # Lots on Minimum Acres	1	73.3	40	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,

exterior insulated finish system (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 metal shingles, trim, soffits, fascia, 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 forty (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 development 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 twenty (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 twenty (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 development 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.
- B. Permitted uses for duplexes and twin homes for Zones R3 and R4 shall conform to the following regulations and standards:

1. **Development Ratio:** The number of duplexes and twin homes constructed in new developments shall not exceed ten percent (10%) of the total lots in the development .
2. **Lot Sizes:** Minimum lots sizes for duplexes and twin homes shall be:
 - a. R3 Zone: 15,000 square feet
 - b. R4 Zone: 12,000 square feet
3. **Lot Frontage:** Minimum frontage on a public street for duplexes and twin homes shall be 120 feet. Frontage for twin homes must be divided equally between the twin homes.
4. **Other Dimensions:** All other setbacks and dimensional requirements for R3 and R4 zones defined herein shall apply to duplexes and twin homes.
5. **Plat:** Lots in platted subdivisions intended for duplexes or twin homes shall be clearly noted on the Preliminary and Final Plat.
6. **Design Standards:**
 - a. **Unification:** Appearance of the building should blend in with the surrounding homes. Design, construction, wall and roof coverings are to be of like materials that have been and will be used in the area.
 - b. **Visual Relief:** Attached dwelling units shall have visual relief in facade and roofline which adds variety and rhythm to the design and avoids monotonous straight lines.
 - c. **Building Materials:** At least fifty percent (50%) of the exterior finish materials of all sides of the building shall consist of either brick, stone, fluted block, colored textured block, glass, stucco or fiber cement siding (hardie board). The remaining percentage of the exterior finish materials shall consist of either brick, stone, cultured stone, stucco, exterior insulated finish system (EIFS), hardie board, wood, or vinyl siding. Other exterior finishes may be approved by the City Council upon recommendation from the Planning Commission. However, sheet metal, corrugated metal, and PVC shall be prohibited except for metal shingles, soffits, fascia, mansards and similar architectural features.
 - d. **Roof Pitch:** The minimum roof pitch shall be six feet (6') rise to twelve feet (12') run.
 - e. **Parking:** A minimum of a two-car garage is required for each dwelling unit. Units shall be designed so the predominate feature of the unit is

not the garage. Living space shall be provided between the two garages.

- f. **Design Review:** Building floor plans and elevations showing exterior building material, colors, and size of all duplexes or twin homes shall be provided with all other required documentation at the Planning Commission Preliminary Plat review phase.

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	A	A	C	C	C	—	—
Accessory structure, ≤ 1200 square feet	A	A	A	A	A	—	—
Accessory structure, ≤ 1600 square feet	A	A	C	C	C	--	--
Accessory structure, ≤ 2000 square feet	A	C	C	C	C	-	-
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	—	—
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	—	-	-	-	-	P	P
Dwelling, single family attached (duplex) (See 10-2B-4(B))	—	—	P	P	—	P	P
Dwelling, single family attached (twin home) (See 10-2B-4(B))	—	—	P	P	—	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	—	—

Allowed Use	R1	R2	R3	R4	ROS	HDR	PUD
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	-	—	—	—	—	—	—
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	—	—	—	—	—	—
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: ¹ 1. Single family detached dwelling 2. Single family attached dwellings (duplexes or twin homes): See 10-2B-4(B)	40,000	20,000	13,000 15,000	10,000 12,000	13,000	N/A	N/A
Roadway frontage (in feet)	150	100	100	85	100	N/A	N/A
Single family attached dwellings			120	120			

Dimensional Standard	R1	R2	R3	R4	ROS	HDR	PUD
(duplexes or twin homes): See 10-2B-4(B)							
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)	40	40	40	40	40	N/A	N/A

¹ 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:

- (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 thirty-five feet (35) .

[illegible]

<u>without a side public utility</u>	-	-	-	-	-	-	
<u>easement:</u>	-	-	-	-	-	-	
<u>5. Rear property line with a rear</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>
<u>public utility easement:</u>	-	-	-	-	-	-	
<u>6. Rear property line without a rear public utility easement:</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>
<u>Maximum accessory building height in feet:</u>	<u>25</u>	<u>25</u>	<u>18</u>	<u>18</u>	<u>18</u>	<u>18</u>	<u>18</u>
<u>Maximum impervious surface coverage of property (in percent)</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>Minimum Distance Between Buildings</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>

¹ **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.

Section 3. Prior Ordinances And Resolutions The body and substance of any and all prior Ordinances and Resolutions, together with their specific provisions, where not otherwise in conflict with this Ordinance, are hereby reaffirmed and readopted.

Section 4. Repealer Of Conflicting Enactments All orders, ordinances and resolutions with respect to the changes herein enacted and adopted which have heretofore been adopted by the City, or parts thereof, which are in conflict with any of the provisions of this Ordinance Amendment, are, to the extent of such conflict, hereby repealed, except that this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 5. Savings Clause If any provision of this Ordinance shall be held or deemed to be or shall, in fact, be invalid, inoperative or unenforceable for any reason, such reason shall not have the effect of rendering any other provision or provisions hereof invalid, inoperative or unenforceable to any extent whatever, this Ordinance and the provisions of this Ordinance being deemed to be the separate independent and severable act of the City Council of Hooper City.

Section 6. Date Of Effect This Ordinance shall be effective on the ___ day of _____ 2018, and after publication or posting as required by law.

DATED this 1 day of October, 2018



HOOPER CITY, a municipal corporation

MAYOR – Korry Green

ATTESTED AND RECORDED:

Shauna Vanderschaaf
Shauna Vanderschaaf
CITY RECORDER