

MENDON CITY, UTAH  
ORDINANCE 2020-07

City of Mendon, Utah Zoning Code

**WHEREAS**, according to Utah Code Section 10, each municipality shall prepare and adopt a comprehensive zoning code; and

**WHEREAS**, the City of Mendon desires to adopt the following with the applicable attachments provided herein;

**NOW THEREFORE**, be it ordained by Mayor Ed Buist and City Council Members Jon Hardman, Ron Campbell, Bob Jepsen, Ian Nemelka, and Greg Taylor of the City of Mendon, in the State of Utah, as follows:

**SECTION 1: ADOPTION** The Zoning Code attached hereto as Exhibit "A" along with and including all City Maps and other attached documents, is hereby adopted in its entirety as provided in Exhibit "A" and incorporated herein by this reference.

**SECTION 2: REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith prior to the date of this Ordinance, are hereby repealed, subsumed, and replaced with the exhibit adopted herein.

**SECTION 3: SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 4: EFFECTIVE DATE** This Ordinance shall be in full force and effect from the 10th day of October, 2020 and after the required approval and publication according to law.

PASSED AND ADOPTED on the 10th day of September, 2020.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Ed Buist	_____	_____	_____	_____
Jon Hardman	<u>  X  </u>	_____	_____	_____
Bob Jepsen	<u>  X  </u>	_____	_____	_____
Ron Campbell	<u>  X  </u>	_____	_____	_____
Ian Nemelka	<u>  X  </u>	_____	_____	_____
Greg Taylor	<u>  X  </u>	_____	_____	_____

Presiding Officer



Ed Buist, Mayor, Mendon City

Attest



Paul Cressall, City Recorder Mendon City

EXHIBIT "A"

**City of Mendon, Utah**  
**ZONING ORDINANCE**  
**2020 – 07**

This ordinance supersedes ordinance 2010-003

*Effective Date: 10 September 2020*

*Mayor: /s/ Ed Buist*

*City Recorder: /s/ Paul Cressall*

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# CHAPTER 1 - GENERAL PROVISIONS

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### 1.1 TITLE

This ordinance shall be known as the Zoning Ordinance of the City of Mendon, and may be so cited and pleaded.

### 1.2 PURPOSE

This 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 Mendon, Utah, including the following: lessening of congestion in the streets or roads; securing of safety from fire and other dangers; providing of adequate light and air; classifying of land uses; distributing of land development and utilization; protecting of the tax base; securing of the economy in governmental expenditures; fostering of the city's commercial and industrial growth; and protecting of both residential and nonresidential development.

### 1.3 INTERPRETATIONS

In interpreting and applying the provisions of this ordinance, the requirements contained herein are declared to be the minimum requirements for the purposes set forth.

### 1.4 CONFLICTS

This 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.

### 1.5 EFFECT UPON PREVIOUS ORDINANCE AND MAP

The existing zoning ordinance of Mendon City, including maps, is hereby superseded and amended to read as set forth herein; provided, however, this ordinance shall be deemed a continuation of the previous ordinance, and not a new enactment, insofar as the substance of revisions of the previous ordinance is included, whether in the same or in different language; and this ordinance shall be so interpreted upon all questions of construction, including, but not limited to, questions of construction relating to tenure of officers and boards established by previous ordinance and to questions of conforming or

nonconforming uses, buildings, or structures, and to questions as to dates upon which such uses, buildings, or structures became conforming or nonconforming.

## 1.6 BUILDING PERMIT REQUIRED

The construction, alteration, repair (more than \$3,000.00), removal, or changes to occupancy of any structure or any part thereof, as provided or as restricted in this ordinance, shall not be commenced, or proceeded with, except after the issuance of a written permit for the same by the city building inspector. Building permits are time sensitive and are valid for up to 2 years with substantial work towards completion required. Structures that are less than 200 square feet in gross area, without utilities, and height less than sixteen (16) feet do not require a building permit.

All applications for building permits for commercial and residential land uses shall be accompanied by a site plan, drawn to scale, showing the actual dimensions of the lot to be built upon, the size and location of the existing buildings, buildings to be erected, dimensions and distance from structures to property lines, easements, offsets, site grading and drainage, and the buildings existing on adjacent property. In addition, the application shall be accompanied by a septic tank permit (if applicable), proof of property ownership, a detailed copy of the building plans, a completed plan submittal with checklist and verification of availability of necessary utilities on site, and such other information as may be necessary to provide for the enforcement of this ordinance.

A careful record of such application and site plans shall be kept by the City in charge of building permits or other officer charged with administration and enforcement. A fee shall be charged for each building permit as determined by the cost of the building. No yard or other open space provided about any building for the purpose of complying with the provisions of these regulations shall be used as a yard or open space for another building.

## 1.7 EFFECTIVE DATE

In the opinion of the City Council, it is necessary to the health, peace, and safety of the inhabitants of Mendon City, Utah, that this ordinance shall take effect upon its first publication.

Adopted and passed by the City Council of Mendon, Utah, this 10<sup>th</sup> day of September, 2020..

## 1.8 DEFINITIONS

For the purposes of this ordinance, certain words and terms are defined as follows: (Words used in the present tense include the future; words in the singular number include the plural and the plural the singular.) For additional definitions and terms, refer to the applicable national code, i.e. IBC, IRC, national electrical, plumbing, and mechanical codes, ANSI, ADA codes.

A.

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

AGRICULTURE: The tilling of the soil, the raising of crops, the practice of horticulture, and the act of gardening, but not including the keeping or raising of domestic animals 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.

APARTMENT MOTEL: Any building or group of buildings which contain dwelling units and satisfies the definition of a motel as defined in this ordinance.

APARTMENT HOUSE: See Dwelling, Multi-family.

B.

BASEMENT: A story partially underground. A basement shall be counted as a story for purposes of height measurement if one-half (1/2) of its height is above the average level of the adjoining ground.

BOARDING HOUSE: A building where, for compensation, meals are provided for at least five (5) but not more than fifteen (15) persons who would not commonly be considered as part of the immediate household.

BUILDING: Any structure having a roof supported by columns or walls for permanent use.

BUILDING, HEIGHT OF: The vertical distance from the adjacent grade to the highest point of the coping to a flat roof or to the deck line of a mansard roof, or to the highest point of a gable, hip, or gambrel roof. The height of a stepped or terraced building is the maximum height of any segment of the building.

BUILDING, MAIN: The principal building or one of the principal buildings upon a lot, or the buildings or one of the principal buildings housing the principal use upon a lot.

C.

CARPORT: A private garage not completely enclosed by walls or doors. For the purposes of this ordinance, a carport shall be subject to all the regulations prescribed for a private garage.

CELLAR: A story having more than one-half (1/2) of its height below the average level of the adjoining ground.

CLUB OR LODGE: A private building used by an auxiliary, fraternal, or veteran's organization for the use and enjoyment of the membership and their guests.

COURT: An unoccupied space on a lot, other than a yard, designed to be partially surrounded by group dwellings.

D.

DAIRY: A commercial establishment for the manufacture of dairy products, not including the retail sale of said products.

DISTRICT: A portion of the incorporated area of Mendon City shown on a map attached to this Zoning Ordinance and given a district designation.

DWELLING : Any building or portion thereof, which is designed for use for residential purposes except hotels, apartment hotels, boarding houses, lodging houses, motels, apartment motels, fraternities, and sororities.

DWELLING, ACCESSORY: An accessory dwelling unit (ADU) is a small apartment which is part of an existing single-family owner-occupied home or garage, and which is clearly secondary to the single-family home. The ADU shall have a kitchen, bathroom, and bedroom arrangement. The accessory dwelling unit may be rented so that the owner-occupant may benefit from the additional income. The owner may also elect to occupy the accessory dwelling unit and rent the principal dwelling unit.

DWELLING, MULTI-FAMILY: A structure, or portion thereof, containing three (2) or more dwelling units or apartments, where all such units are located on the same property.

DWELLING, SINGLE FAMILY DETACHED: A detached structure which accommodates a single dwelling or a manufactured home constructed on or after June 15, 1976 and is attached to a permanent foundation in accordance with the Utah Code Section 10-9-106.5 and 58-56-3.

E.

ENFORCEMENT OFFICIAL: Mayor or city council appointee.

EQUESTRIAN PARK: A facility where horses are kept or boarded and open to the public for the purposes of providing riding lessons or equestrian competitions.

F.

FAMILY: One (1) individual, or two (2) or more persons related by blood, marriage, or adoption, living together in a single dwelling unit, and maintaining a common household. A family may include four, but not more than four (4), non-related persons living with the residing family. The term "family" shall not be construed to mean a group of non-related individuals, such as a fraternity, club, or institutional group.

FAMILY FOOD PRODUCTION: The keeping of not more than two (2) horses, two (2) cows, five (5) sheep, two (2) goats, twenty (20) rabbits, fifty (50) chickens or pheasants, ten (10) turkeys, ducks, or geese, two (2) pigs, and two (2) pigeons; provided not more than three (3) of the above kinds of animals and fowl are permitted at any one time on any lot as described in each zoning district. For animals not listed above, reference a listed animal of comparative size.

FRONTAGE: The portion of a lot which borders a city street.

G.

GARAGE, PRIVATE: An accessory building designed or used for the storage of no more than four (4) automobiles or trucks, no more than two and one-half (2 1/2) ton capacity owned, and used by the occupants of the building to which it is accessory; On a lot occupied by a multiple-family dwelling, the private garage may be designed and used for storage of one and one-half (1 1/2) times as many automobiles as there are dwelling units in the multiple dwelling. On a lot with a dwelling, a garage shall be considered a part of the dwelling if the two (2) structures have one (1) or more walls in common; where a garage is thus part of a dwelling, it shall require the same side yard and front yard as a dwelling in the same district. Where a garage is not thus part of a dwelling it must be provided with a front yard and a side yard equal to that required for a dwelling in that same district.

GARAGE, PUBLIC: A building, or a portion thereof, other than a private garage, designed and/or used for servicing, repairing, equipping, hiring, selling, or storing motor-driven vehicles.

GRADE: The elevation of the finished surface of the ground adjacent to the midpoint of any exterior wall of a building or structure.

H.

HOME OCCUPATION: An occupation, profession, activity, or use which is clearly an incidental and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the rural or residential character of the neighborhood.

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, and in which no provision is made for cooking in any individual room or suite.

HOUSEHOLD PETS: Animals ordinarily permitted in the house and kept for company or pleasure, including, but not limited to, dogs, cats, exotic birds, potbellied pigs, or pygmy goats, but not including a sufficient number of dogs to constitute a kennel, as defined in this ordinance.

J.

JUNK YARD: The use of any lot, portion of a lot, or tract of land for the storage, keeping, or abandonment of junk, including scrap metal, or other scrap material, or for the dismantling, demolition, or abandonment of automobiles, other vehicles, machinery, or machinery 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.

K.

KENNEL, COMMERCIAL: Any premises or portion thereof on which five (5) or more domestic dogs are maintained, harbored, possessed, trained, bred, boarded,

or cared for, in return for compensation, but not including an animal clinic, animal hospital, or veterinary office.

KENNEL, HOBBY: A facility located at the private dwelling of the dog owner, where five (5) to ten (10) of the owner's dogs are maintained for purposes of breeding, hunting, organizing field trials, obedience training, competing, securing premises, or for personal enjoyment.

L.

LIMITED FAMILY FOOD PRODUCTION: The keeping of a smaller number of animals than those defined for FAMILY FOOD PRODUCTION, intended for lot sizes smaller than one and one quarter (1 1/4) acres. The reduced limits are as follows: two (2) horses, two (2) cows, or one (1) of each; and any two groups of the following: twenty-five (25) chickens or pheasants, two (2) pigs, three (3) sheep, two (2) goats, ten (10) turkeys, ducks, or geese, ten (10) pigeons, or twenty-five (25) rabbits. For animals not listed above, reference a listed animal of comparative size.

LIVESTOCK FEEDYARD: A commercial operation on a parcel of land where livestock are kept in corrals or yards for extended periods of time at a density which permits little movement, and where all feed is provided for the purpose of fattening or maintaining the condition of livestock prior to their shipment to a stockyard for sale, etc.

LODGING HOUSE: A building where lodging is provided for compensation for five (5) to fifteen (15) persons.

LOT: A parcel of land occupied, or to be occupied, by a main building or group of buildings (main and accessory), together with yards, open spaces, lot width, and lot area as are required by this ordinance and having frontage upon a street. Except for group dwellings, where more than one (1) dwelling is placed on a lot, each dwelling structure shall be provided with the minimum lot frontage, lot area, front yard, rear yard, and side yards as are required for any one (1) such dwelling structure on a lot in the same district. In general, the longitudinal axis of any lot shall run East to West.

LOT, CORNER: A lot abutting on two (2) intersections or intersecting streets, where the interior angle or intersection or interception does not exceed one hundred thirty-five (135) degrees.

M.

MANUFACTURED HOME: A transportable, factory-built housing unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974, in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is four hundred (400) or more square feet, and which is built to be on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. The manufactured home must be attached to a permanent foundation in accordance with plans providing for vertical loads, uplift, lateral forces, and frost protection in compliance with the applicable building code to be considered a single-family

dwelling. The home shall be manufactured to current building codes and standards.

MOBILE HOME: A transportable, factory-built housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the Federal Manufactured Housing and Safety Standards Act.

MOTEL: A group of attached buildings containing individual sleeping rooms designed for, or used temporarily by, automobile tourists or transients, with a garage attached or a parking space conveniently located to each unit.

N.

NATURAL WATERWAYS: Includes rivers, streams, creeks, springs, gullies, or washes, varying in width, which are natural drainage channels or watercourses, being permanent and/or ephemeral in nature, as determined by the City Engineer or Public Works Director.

NONCONFORMING BUILDING OR STRUCTURE: A building, structure, or portion thereof, lawfully existing at the time this ordinance became effective, which does not conform to all the height, area, and yard regulations herein prescribed for the zone in which it is located.

NONCONFORMING USE: A use which lawfully occupied a building or land at the time this ordinance became effective and which does not conform with the use regulations of the zone in which it is located.

NURSING HOME/ASSISTED LIVING CENTER: An establishment which provides permanent provisions for living, sleeping, eating, cooking, and sanitizing and which provides health care needs to more than eight (8) individuals who, at a minimum, require: 1) inpatient care and services for twenty-four (24) or more consecutive hours for unstable chronic health problems, 2) daily professional nursing supervision and licensed nursing care on a twenty-four (24) hour basis, and 3) restorative, rehabilitative care, and assistance in meeting daily living needs. Medical supervision may be necessary on a regular, but not daily, basis. A nursing home shall include, but not be limited to, skilled nursing facility, nursing facility, convalescent home, intermediate care, and sub-acute care.

O.

OUTBUILDING: Any building not attached to the main building, the use of which supports, or is supplemental to, the main use of the lot.

OWNER OCCUPIED: Either the principal dwelling unit or the accessory dwelling unit is occupied by a person who has a legal or equitable ownership interest in the property and bears all or part of the economic risk of decline in value of the property and who receives all or part of the remuneration, if any, derived from the lease or rental of the dwelling unit.

P.

PARKING LOT: An open area, other than a street, used for the temporary parking of more than four (4) automobiles and available for public use, whether free, for compensation, or as an accommodation for clients, or customers.

PARKING SPACE: A space not less than nine (9) feet wide by eighteen (18) feet long within a building, lot or parking lot for the temporary parking or storage of one (1) automobile.

PRIVATE AIRPORT/RUNWAY: Any land designated or used for the landing of manned aircraft.

PRIVATE ROAD/WAY/COMMON DRIVEWAY: A privately owned and maintained right-of-way, road, street, or driveway serving more than one residential property under private ownership, which has been constructed for the purpose of providing access to adjoining property and has not been accepted as a public road by Mendon City. The private road/way or common driveway must meet the standards described below, regardless of whether the lots being served are part of a subdivision.

PROFESSIONAL PERSON: Doctor, lawyer, architect, landscape architect, engineer, artist, planner, teacher, or other person whose occupation normally requires a college degree to indicate proficiency sufficient to allow the practice.

PUBLIC STREET/ROAD: A street or road, accepted by, and under the jurisdiction of, Mendon City, the Cache County Road Commission, or the State of Utah Department of Transportation, for the purpose of providing access to adjoining property, and open to the public so that persons other than the occupants of adjoining property may travel thereon.

R.

RESTRICTED LOT: A parcel of land severed, or placed in separate ownership, after the effective date of this ordinance which does not meet all area, width, setback, yard, or other requirements of this ordinance for a lot, the creation of which has caused any adjacent lot from which it was severed to be insufficient in area, width, setback, yard, or other requirements, when such adjacent lot has a structure on it or a building permit issued for such structure.

RETAIL SALES: The purchase of finished goods and services by consumers and businesses. These goods and services have made it to the end of the supply chain, which chain starts with the goods producer or provider and ends with the retailer. Retail outlets include brick-and-mortar stores like Target and Macy's, online retailers such as Amazon, home sales such as Avon Products, and TV retailers like QVC. The retail industry also sells services, including restaurants, hotels, and hairdressers.

RIGHT-OF-WAY: The right of an owner of property, by reasons of such ownership, to use the property of another for purposes of ingress, egress, utilities, drainage, and similar uses. In the context of this ordinance, private right-of-way shall be designated for purposes of vehicle ingress and egress.

S.

SENSITIVE LANDS: Any area which exhibits environmental characteristics that are critical to protect the public health, safety, and welfare or that enhance the beauty of the community.

SHIPPING/STORAGE CONTAINER: a container with strength suitable to withstand shipment, storage, and handling. Shipping/storage containers must be designed to be moved from one mode of transport to another without unloading and reloading.

SIGN: Any device displayed out-of-doors and used for visual communication to the general public, including signs painted on exterior walls and interior illuminated signs to be viewed from out-of-doors, but not including any flag, badge, or ensign of any governmental agency.

SIGN, ADVERTISING: A sign which directs attention to a use, product, commodity, or service not related to the premises.

SIGN, BUSINESS: A sign which directs attention to a use conducted, a product or commodity sold, a service performed, or a home occupation conducted upon the premises.

SIGN, IDENTIFICATION: A sign displayed to indicate the name or nature of buildings, to show uses other than commercial, or to signal industrial uses located upon the premises.

SIGN, NAME PLATE: A sign indicating the name and/or occupation of a person residing on the premises or legally occupying the premises.

SIGN, PROPERTY: A sign related to the property on which it is located and offering such property for sale or lease. Also used for advertising contemplated improvements, warning against trespassing, or announcing the name of the builder, owner, designer, or developer of the project.

SIGN, PUBLIC INFORMATION: A sign erected by a public or nonprofit agency, service club, or other organization, which gives information to direct the public to both public and private facilities and major uses.

SIGN, TEMPORARY: Any sign, banner, pennant or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, intended to be displayed for a short period of time only.

SOCIAL HALL: An establishment, or portion thereof, used for social gatherings including, but not limited to, weddings, receptions, dinners, bazaars, banquets, and reunions.

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.

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

STORY: The portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above. The topmost story shall be the portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

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

STREET: A public thoroughfare which affords principal means of access to abutting property and is more than twenty-six (26) feet wide.

STRUCTURE: Anything constructed, or erected, which requires location on the ground or attached to something having a location on the ground.

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

T.

TOWER OR ANTENNA STRUCTURE: Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves external to, or attached to, the exterior of any structure.

TRAILER/MOBILE HOME/CAMPER: A vehicle with or without motive power, designed to be used for human habitation.

TRAILER CAMP/MOBILE HOME PARK: Any area or tract of land used or designed to accommodate two (2) or more trailers or camping parties.

V.

VETERINARY OR ANIMAL HOSPITAL: A building where both large and small animals are kept and/or treated by a licensed veterinarian.

Y.

YARD: An open space on a lot, other than a court, which is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

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 or street line, and extending across the full width of the lot.

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 line of the lot and extending from the side yard line to the other side yard line.

YARD, SIDE: An open, unoccupied space on the same lot with a building, between the sideline of the building (exclusive of steps) and the sideline of the lot and extending from the front yard line to the rear yard line.

Z.

ZONE: Same as DISTRICT

# CHAPTER 2 - SUPPLEMENTARY AND QUALIFYING REGULATIONS

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### 2.1 EFFECT OF CHAPTER

The regulations hereinafter set forth in this section qualify or supplement the zoning regulations appearing elsewhere in this ordinance.

### 2.2 LOTS IN SEPARATE OWNERSHIP PREVIOUS TO ORDINANCE

The requirements of this ordinance referring to minimum building site requirements shall not be construed to prevent the use for a single-family dwelling of any lot or parcel of land in the event such lot or parcel of land is held in separate, distinct, individual ownership at the time this ordinance becomes effective if the lot was eligible for such use under the previous zoning ordinance.

### 2.3 YARD SPACE FOR ONE BUILDING ONLY

No required yard or other open space around an existing building shall be considered as providing a yard or open space for any other building. This applies hereafter to any building for the purpose of complying with the provisions of this ordinance. Additionally, no yard or other required open space on an adjoining lot will be considered as providing a yard or open space on a lot whereon a building is to be erected or established.

### 2.4 EVERY DWELLING TO BE ON A "LOT"

Every dwelling shall be located and maintained on a "lot" as defined in this ordinance, and all parts of such building shall be connected in a substantial manner by common

walls or by a continuous roof. There shall be no more than one (1) such building on a lot, except for group houses, or as provided in the definition of "lot".

## 2.5 YARDS TO BE UNOBSTRUCTED

Every part of a required yard shall be open to the sky and unobstructed, except for accessory buildings in a rear yard. Another exception is made for the ordinary projections of skylights, sills, cornices, and other ornamental features. Open or lattice-enclosed fire escapes, fireproof outside stairways, the ordinary projections of chimneys and flues, and balconies opening upon fire towers projecting into a yard not more than five (5) feet are permitted.

## 2.6 WALL AND FENCE POLICY

No fence, wall, or other similar structure shall be erected in any required front, rear, or side yard to a height more than six (6) feet. For rear and side yards and three (3) feet on front yards except for accessory buildings and structures permitted herein. Where there is a difference in the grade of the properties on either side of a fence or a wall, the height of the fence or wall shall be measured from the average elevation of finished grades of the adjoining properties in question at the fence line, except that no fence need be less than thirty six (36) inches in height. Where a retaining wall protects a cut below the natural grade and is located on the line separating lots, such retaining wall may be topped by a fence or a wall of the same height which would otherwise be permitted at the location if no retaining wall existed. Where a retaining wall contains a fill, the height of the retaining wall built to retain the fill shall be considered as contributing to the permissible height of a fence or a wall, providing that, in any event, a protective fence or wall may not be more than seventy two (72) inches in height if erected at the top of the retaining wall.

## 2.7 EXCEPTIONS TO HEIGHT LIMITATIONS

Penthouse or roof structures which house elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building are exceptions to the height limitations. Additionally, parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos, or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for the purpose of providing additional floor space.

## 2.8 MINIMUM HEIGHT OF MAIN BUILDINGS

No dwelling shall be erected to a height less than one (1) story above grade.

## 2.9 CLEAR VIEW OF INTERSECTING STREETS

No obstruction to view in excess of two (2) feet in height, except a reasonable number of lawn trees, shall be maintained on the premises of a corner lot within a triangular area formed by the street property lines and a line connecting them at points forty (40) feet from the intersection of the street lines. Such trees shall be planted no less than fifteen (15) feet from the front and side street lines, and shall be pruned high enough to permit unobstructed vision to automobile drivers.

## 2.10 ANIMALS AND FOWL

No animals or fowl, exclusive of family pets, shall be kept or maintained closer than sixty (60) feet to any dwelling, other than the dwelling on the property upon which the animals are kept. Family pets can be kept under the provisions of this ordinance. Adequate enclosure must be provided to maintain proper isolation of animals and fowl must be kept on a lot.

## 2.11 WATER AND SEWAGE

Domestic water supply and sewage disposal shall be in accordance with the City Council requirements and be in compliance with the laws and rules of the Utah Department of Environmental Quality and/or Bear River Health Department. This shall be represented by a certificate of approval from the respective governing health agency in all applications for a building permit where either an approved supply of piped water under pressure or a sewer is not available.

A sewer stub-out shall be installed at the street facing side of all new structures or as required by the City official.

## 2.12 RESTRICTED LOTS

No building permits shall be issued on restricted lots unless recommended by the Planning and Zoning Commission and approved by the city council. Purpose must be beneficial for existing buildings and meet the intent of city ordinances and codes.

## 2.13 QUALITY AND APPEARANCE STANDARDS OF NEW BUILDINGS

Each new building or residence, either erected or moved into the city, shall meet or exceed the building quality and overall aesthetic appearance of the average new building placed in the city during the preceding five (5) years. The judgment of whether a new building meets this criterion shall lay with the Planning and Zoning Commission.

## 2.14 BUSINESS MOTOR VEHICLE ACCESS

### A. BUSINESSES REQUIRING ACCESS

Service stations, roadside stands, public parking lots, and all other businesses requiring motor vehicles access shall meet the requirements as hereinafter provided, or as prescribed in the Utah Administrative Code (UAC) Rule R930-6, "Access Management" (whichever requirements are greater).

### B. DRIVEWAYS AND CURBS

Access to businesses or parking lots shall be controlled as follows:

- i. Access shall be by no more than three (3) driveways for each one hundred (100) feet, or fraction thereof, of frontage on any street, and in no event shall such driveways exceed in width seventy (70) percent of the entire street frontage
- ii. No two (2) of said driveways shall be closer to each other than twelve (12) feet, and no driveway shall be closer to a side property line than one and one-half (1½) feet

- iii. Each driveway shall be not more than thirty-six (36) feet in width, measured at right angles to the centerline of the access, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way
- iv. No driveway shall be closer than ten (10) feet to the point of intersection of two (2) property lines at any corner as measured along the property line, and no driveway shall extend across such extended property line
- v. In all cases where there is an existing curb and gutter or sidewalk on the street, the applicant for a permit shall provide a safety island along the entire frontage of the property, except for the permitted access
- vi. Where there is no existing curb and gutter or sidewalk, the applicant may, at their option, install such safety island and curb or, in place thereof, shall construct along the entire length of the property line, except in front of the permitted access, a curb, fence, or pipe rail not exceeding two (2) feet or less than eight (8) inches in height

#### C. LOCATION OF GASOLINE PUMPS

Gasoline pumps shall be set back no less than eighteen (18) feet from any street line to which the pump island is vertical, no less than twelve (12) feet from any street line to which the pump island is parallel, and no less than ten (10) feet from any residential or zone boundary line. If the pump island is set at an angle on the property, it shall be so located that automobiles stopped for service will not extend over the property line.

#### 2.15 ACCESSORY DWELLINGS

An accessory dwelling unit (ADU) may be permitted as an accessory use to a single-family home under the following conditions:

- i. Only one (1) ADU is permitted per lot. The ADU shall be located in the same building as the principal dwelling unit or in a building accessory to the principal dwelling unit. Any structure containing an ADU must meet minimum yard and setback requirements for principal structures, must be on a foundation, and must meet all relevant sections of the current building code. All other relevant zoning requirements shall be met
- ii. Planning commission approval is required for an ADU conditional use permit. A building permit for the proposed construction of a new ADU, or the creation of a new ADU within an existing building, must be issued by the city Building Inspector
- iii. Owner occupancy must be proven by voter registration or other evidence acceptable to the City Council, such as, but not limited to, car registration, utility bills, and the like
- iv. A Level One home occupation or home business may be conducted, subject to existing regulations

- v. ADUs existing on the effective date of this document which lack specific zoning authorization shall not be considered lawful non-conforming uses unless the property owner applies for a building permit for the ADU and brings the unit up to the health and safety provisions of the minimum housing code standards. A grace period of one (1) year from the adoption of this article will be allowed for homeowners to modify such unlawful non-conforming units. Due to the fact many older homes were built before any codes were established, minor dimensional variances may be granted by the Board of Adjustments as allowed under the Zoning Ordinance within applicable health and safety requirements. On the effective date of this ordinance, all owners of unlawful non-conforming units who have not brought them up to the health and safety standards of the minimum housing code will be in violation of this section and subject to fines per Section 4.8 of the Zoning Ordinance
- vi. A conditional use permit must be issued by the City Council prior to occupancy of an ADU created or modified pursuant to this section
- vii. When any property containing an ADU is sold or transferred, the new owner must continue to meet the requirements of this section in order to continue the use of the ADU. Should the new owner not meet the requirements of this section, the use of the unit must be discontinued to the satisfaction of the City Council. Any lease in effect at the time of transfer may be continued for up to sixty (60) days of the transfer, after which a new conditional use permit is required. This new conditional use permit will not be subject to the provisions stated in number 9 of this section
- viii. ADU conditional use permits shall be limited to twenty (20) total city-wide at any given time, on a "first-come, first-served" basis, and all residential units are subject to the Residential Impact Fee Ordinance

The City Council maintains the right to inspect the ADUs for as long as the Conditional Use Permit is in effect.

## 2.16 TOWER OR ANTENNA STRUCTURE

### A. APPLICABILITY

The following regulations shall apply to tower structures and associated equipment for the purpose of commercial radio, television, telephone, paging, or satellite reception and/or transmission

A facility which meets one of the following standards shall be reviewed as an accessory use. Any other facility shall be reviewed as a conditional use

The proposed facility is located on an existing structure or on the ground and the proposed facility does not exceed ten (10) feet in height

The tower or antenna structure does not exceed ten (10) feet in height and is accessory to a permitted or approved use. The proposed facility shall meet all conditions of the previously approved use

B. GENERAL STANDARDS FOR COMMERCIAL TOWER STRUCTURES AND ASSOCIATED EQUIPMENT

The facility shall comply with Federal Communications Commission (FCC) standards regarding radio frequency (RF) emissions.

The facility shall have approval from the Federal Aviation Administration (FAA) prior to operation.

The applicant or owner shall be required to obtain all necessary permits, as may be required under federal, state, or local statutes, regulations, or ordinances including, but not limited to, building permits.

The facility shall be maintained in compliance with all federal, state, and local regulations and the construction standards set forth in this section.

The owners of the facility shall have a continuous obligation to ensure the maintenance and upkeep and to prevent the creation of a public nuisance.

The tower and associated facilities shall be removed within sixty (60) days of cessation of use.

Tower construction, setback, and fall zone standards are as follows:

- i. The tower shall be constructed to the Telecommunications Industry Association/Electronic Industries Association (TIA/EIA) 222 Revision F Standard entitled "Structural Standards for Steel Antenna Supporting Structures", or as hereinafter may be amended.
- ii. Towers over twenty (20) feet in height must be designed to allow for future arrangements of antennas upon the tower. Such towers must also be designed to accept antennas mounted at varying heights.
- iii. If the tower does not exceed the height limitations of the applicable base district, the tower shall meet the setback requirements of the district. If the tower exceeds the height limitation of the applicable base district, the tower shall meet the setback requirements of the district or it shall be set back one (1) foot for every ten (10) feet of total tower height from all property lines, whichever is greater.
- iv. In addition to the setback requirement noted in the preceding paragraph, a fall zone for each tower shall be delineated and permanently restricted from future development, as follows:
  - a. The fall zone shall consist of the land area centered beneath the tower and circumscribed by a circle with a radius equal to a length of one (1) foot for every ten (10) feet of tower height.
  - b. If the fall zone does not lie completely within the subject property, the applicant must obtain a non-revocable easement from all owners of property within the fall zone that prohibits the construction or placement of new structures within the fall zone, except as may be specifically permitted through the conditional use

process. If an easement is utilized, a copy of the fully executed easement agreement shall be submitted as part of the application.

- c. Towers shall be architecturally and visually compatible with the existing structures, vegetation, and/or uses in the area or likely to exist in the area under the terms of the applicable base district and/or comprehensive plan. The decision-making body shall consider, but shall not be limited to, the following factors: similar height, color, bulk, and/or shape, or camouflage techniques to disguise the facility. This shall not preclude towers requiring FAA painting and/or marking from meeting those standards.

#### C. APPLICATION REQUIREMENTS

The application materials shall include the following written documentation:

- i. Suitability analysis of the proposed site. The analysis shall include, but is not limited to, the following:
  - a. Description of the surrounding area within one (1) mile of the subject site, including topography.
  - b. Propagation charts showing existing and proposed transmission coverage at the subject site and an understanding of why the facility needs to be placed at the chosen location.
- ii. If applicable, relevant portions of a signed lease agreement which requires the applicant to remove the tower and/or associated facilities upon cessation of use.

#### D. ADDITIONAL APPLICATION REQUIREMENTS FOR FACILITIES WHICH REQUIRE A CONDITIONAL USE APPROVAL

Engineering data showing the tower is designed structurally, electrically, and in all other respects to accommodate both the applicant's equipment and comparable equipment for a minimum of one (1) additional user if the tower is over twenty (20) feet in height. If the tower is over one hundred ten (110) feet in height, it shall be designed structurally, electrically, and in all other respects to accommodate both the applicant's equipment and comparable equipment for a minimum of two (2) additional users.

A report from a qualified and licensed professional engineer describing the facility height and design (including a cross-section and elevation), the facility's capacity, and the height above grade for the recommended mounting position for co-located antennas and the minimum separation distances between antennas. The professional engineer can also describe any other information necessary to evaluate the request. The report must include the engineer's stamp and registration number.

A letter of intent committing the facility owner and successors to allow the shared use of the facility, as required by this title. If additional users agree in

writing to meet reasonable terms and conditions for shared use, also include the accompanying documentation.

A written analysis demonstrating the facility cannot be accommodated on an existing or approved tower within the following:

- i. A two (2) mile radius for towers with a height over one hundred ten (110) feet.
- ii. A one (1) mile radius for towers with a height over eighty (80) feet, but not more than one hundred ten (110) feet.
- iii. A one-half ( $\frac{1}{2}$ ) mile radius for towers with a height over fifty (50) feet, but not more than eighty (80) feet; or
- iv. A one-fourth ( $\frac{1}{4}$ ) mile radius for towers with a height of fifty (50) feet or less.

It shall be the burden of the applicant to demonstrate the proposed facility cannot be accommodated on an approved tower or structure within the required search radius due to one or more of the following reasons:

- i. The unwillingness of a property owner, or tower or facility owner, to entertain shared use.
- ii. The planned equipment would exceed the structural capacity of the existing tower or structure, as documented by a qualified and licensed professional engineer, and the existing tower or facility structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
- iii. The planned equipment would cause radio interference with material impacting the usability of other existing or planned equipment at the tower or structure, and the interference cannot be prevented at a reasonable cost as documented by a qualified and licensed professional engineer or other professional qualified to provide necessary documentation.
- iv. Existing or approved towers or other structures within the search radius cannot accommodate the planned equipment at a height necessary to be commercially functional as documented by a qualified and licensed professional engineer or other professional qualified to provide necessary documentation.
- v. The proposed co-location with an existing tower or structure would be in violation of a local, state, or federal law.

Any other unforeseen reasons which make it unfeasible to co-locate upon an existing or approved tower or structure as documented by a qualified and licensed professional engineer, or other professional qualified to provide necessary documentation.

## 2.17 SHIPPING/STORAGE CONTAINERS

Shipping containers placed on any site shall comply with the following provisions of this section.

Exception: Portable moving container/moving pods placed on private property for no more than thirty (30) days in any twelve (12) month period shall not be regulated by this chapter.

#### A. RESIDENTIAL ZONE

Shipping containers are allowed in residential zones. A temporary permit for a shipping container shall be obtained for containers used ancillary to a project with a valid residential building permit. A temporary permit allows placement of a container at a residential building site for up to one hundred eighty (180) days for temporary storage after the building permit is issued. The temporary permit cannot be extended.

A permanent shipping container will be treated as an accessory building and requires a building permit. It must have an engineered foundation, be anchored thereto, and meet all other codes for placement on the property. A shipping container must be painted, or otherwise camouflaged, so it does not look like a shipping container. The shipping container shall be painted a solid neutral color such that all insignia, writing, or numbers on the shipping container are masked.

#### B. LIGHT INDUSTRIAL ZONE

Shipping containers are allowed in the light industrial zone; provided the use is in conformance with current permitted zoning uses. Placement of a shipping container for permanent or semi-permanent use shall require a building permit and shall have an engineered foundation, be anchored thereto, and meet all other codes for placement on the property. The shipping container shall be painted a solid neutral color such that all insignia, writing, or numbers on the shipping container are masked.

Shipping containers are not allowed on industrial zone properties on which the primary use is a nonconforming residential use.

#### C. COMMERCIAL ZONE

Shipping containers are allowed in the commercial zone provided said containers are screened with sight-obscuring fencing or landscaping approved by the planning commission; and are being used as a shipping container and that all applicable Department of Transportation (DOT) licenses for the containers are active and valid. The city may require proof of active DOT licenses; and are not permanently installed.

Shipping containers are not allowed in the commercial zone when the primary use is a nonconforming residential use. A temporary permit for a shipping container may be obtained for containers used ancillary to a project with a valid building permit. A temporary permit may allow placement of a container at a building site for up to one hundred eighty (180) days for temporary storage after the building permit is issued. The temporary permit cannot be extended.

Look-alike shipping container buildings or metal buildings marketed as “container” or “portable storage units” are regulated as shipping containers to which this section shall apply.

Placing a shipping container on a city street or right-of-way is not allowed.

## 2.18 HOME OCCUPATIONS

### A. PURPOSE

The only home occupations which will be allowed are the ones which conform to the standards of this section. The standards for home occupations ensure compatibility with permitted residential uses and ensure the residential character of the neighborhood. The standards also help to maintain the subordinate and incidental status of the home occupation in relation to the primary residence.

### B. CLASSIFICATION OF HOME OCCUPATIONS

Home occupations are classified into two (2) levels designated as Level One and Level Two. Level One includes those occupations which have no negative impacts on surrounding properties and shall be permitted uses in the applicable zoning district. Level Two home occupations are more intense uses which may have undesirable impacts on surrounding properties if not closely regulated; these uses require a conditional use permit as outlined in Section D. All home occupation license holders shall comply with all applicable Federal, State, and County rules, regulations and laws.

### C. LEVEL ONE HOME OCCUPATIONS

A Level One home occupation must meet the standards and requirements identified in this section. The applicant for such a home occupation is required to obtain, and keep current, a business license from Mendon City. The business license is subject to revocation in the event of a failure to maintain compliance with the stated standards and requirements.

- i. Location: Any property in the residential zone
- ii. The home occupation shall be conducted entirely in the dwelling, and not more than twenty-five (25) percent of the floor area, excluding garages, storage attics, and unfinished basements of the said dwelling shall be used for a home occupation or for storing goods associated with the home occupation. Materials may be stored in an attached garage or storage area, provided it does not reduce the required off-street parking below the standard established for that district
- iii. A home occupation shall not involve the installation of machinery or additional equipment other than that customary to normal household operations
- iv. No activity connected to the home occupation or any storage of goods, materials, or products, connected with a home occupation shall be allowed in any detached accessory building

- v. The home occupation on lots smaller than one (1) acre shall not involve the use of more than one (1) commercial motorized vehicle and not more than one (1) trailer. The home occupation on lots of one (1) acre or more shall not involve the use of more than one (1) commercial motorized vehicle and not more than three (3) trailers
- vi. The home occupation shall not receive more than fourteen (14) commercial vehicle trips including, but not limited to, Parcel Post, United Parcel Service, or similar in town delivery service trucks per week
- vii. The home occupation shall be conducted by family members inhabiting the dwelling, and no more than one non-resident employee shall be permitted
- viii. The home occupation shall not serve as a headquarters or main office where employees come to the site and are dispatched to other locations
- ix. No retail sales shall be permitted from the dwelling except the sale of a) services or items produced or fabricated on the premises because of the home occupation or b) products related to the home occupation. Any retail sales from the dwelling shall not result in visits exceeding fourteen (14) per week
- x. Off-street parking space on private property shall be provided in addition to the required off-street parking for the dwelling. Parking spaces are required for all trailers or commercial vehicles used in a home occupation. City property may not be used for parking of vehicles

#### D. LEVEL TWO HOME OCCUPATIONS

A Level Two home occupation shall only be allowed as a conditional use. All conditional uses shall not commence until the applicant has obtained a conditional use permit and a business license from Mendon City. Level Two home occupations shall be allowed as conditional uses subject to the following:

- i. All requirements for a Level One home occupation shall apply unless otherwise noted in this section.
- ii. Applications for a conditional use permit shall be submitted to the Planning and Zoning Commission for review. After such review, the Commission shall recommend to the City Council the approval, including recommended conditions consistent with this Chapter, or denial of the conditional use permit.
- iii. The home occupation shall be conducted in a manner such that the impact on neighbors and the surrounding area is minimized. The home occupation shall not physically change the dwelling or accessory structure or attached or detached garage or yard space to the extent that it would alter the residential or aesthetic character of the dwelling, accessory structure, garage, yard or neighborhood.
- iv. Accessory Building: In addition to the incidental use of the dwelling, one (1) accessory building occupying no more than two-thousand (2000) square feet on a lot smaller than one (1) acre, or three-thousand (3000) square

feet on a lot of one (1) acre or more, may be used for a Level Two home occupation.

- v. Accessory Buildings shall comply with the Height Regulations, Area Requirements, Frontage Regulations, Side Yard Regulations, Front Yard Regulations, and Rear Yard Regulations of the zoning district in which they are located.
- vi. Outside Storage: No outside storage, display of goods or merchandise, signage, or external evidence of a Level Two home occupation shall occur except as specifically allowed by this subsection.
- vii. Operator: The operator of the home occupation shall reside in a dwelling on the subject property
- viii. Employees: There shall be no more than two (2) full or part-time employees in addition to those family members dwelling in the home.
- ix. Noise: A Level Two home occupation shall be compliant with the current Mendon City Noise Ordinance in a residential area.
- x. Equipment and Process Restrictions: A Level Two home occupation shall not create vibration, glare, fumes, or odors detectable to normal sensory perception off the subject property. A home occupation shall not create visual or audible electrical interference in any radio, television, or other electronic device off the subject property or cause fluctuations in line voltage off the subject property.
- xi. Traffic: A Level Two home occupation shall not generate more than thirty-five (35) trips per week. A vehicle trip is defined as a vehicular movement to and from the subject property by any vehicle used in the home occupation, any delivery vehicle associated with the home occupation, or any customer or client vehicle.
- xii. Parking: The Planning and Zoning Commission may recommend a condition regulating the parking of home occupation vehicles not meeting Level One requirements.
- xiii. Access: The subject property must have frontage on, and direct access from, a constructed public, county, or state road, or take access on an exclusive road or easement serving only the subject property. If property takes access via a private road or easement which also serves other properties, evidence must be provided by the applicant, in the form of a petition, that all other property owners whose property access is affected agree to allow access to the specific home occupation described in the application. Such evidence shall include any conditions stipulated in the agreement.

#### E. REVIEW OF CONDITIONAL USE PERMITS.

- i. Conditional use permits shall be reviewed once every two (2) years to ensure compliance with this Ordinance.

- ii. Notwithstanding item one above, the Planning and Zoning Commission upon receipt of a written complaint that a conditional use permit holder is in violation of permit conditions may conduct such investigation deemed necessary and upon a finding of violations recommend the revocation or suspension of the permit.
- iii. Applicants for a conditional use permit and permit holders shall permit reasonable inspections by a city-appointed inspector of the premises where a home occupation is to be or is being conducted to determine compliance with the conditional use permit.
- iv. To conduct a home occupation business permitted under a conditional use permit, it is necessary to have a conditional use permit and a business license issued by Mendon City. If either or both the permit and/or business license is revoked, suspended, or otherwise terminated operation of the home occupation shall be immediately discontinued.
- v. Appeals. Any appeals in connection with the denial, revocation, or suspension of a conditional use permit or refusal to renew a business license related to a conditional use are governed by Section 7.1 of the Mendon City Zoning Ordinance.

#### F. EXISTING HOME OCCUPATIONS.

Existing home occupation activities and uses which have been in legal existence for a period of one (1) year prior to the time this amendment is effective, but which are no longer legally allowed within the zone in which they are located by reason of the adoption of this amendment shall be deemed non-conforming uses.

#### 2.19 SHORT-TERM RENTALS:

Short-term rental refers to a residential unit, or any portion of a residential unit, which the owner of record, or the lessee of the residential unit, offers for occupancy for fewer than thirty (30) consecutive days.

A Mendon City Business license and a **Mendon City Rental Permit** is required to operate a short-term rental.

All the items listed below are REQUIRED for each property being used as a short-term rental and are listed in the order in which they should be obtained. You and/or your business entity MUST be registered with the State of Utah before an application for a Mendon City business license and a **Mendon City Rental Permit** may be submitted. Refer to the following list:

- i. Utah State sales tax ID (STC): <https://secure.utah.gov/account/log-in.html>
- ii. Utah State Transient room tax ID (TRT): contact Utah State Tax Commission
- iii. Mendon City business license and a Mendon City Rental Permit. Contact the Mendon City office.
- iv. It is expected that property owners are aware of all zoning regulations applicable to the property being operated as a short-term rental. Zoning

regulations can differ depending on the type of zone and as a result there may be additional regulations specific to the zone where the rental property is located.

- v. Regulation on short-term rentals does not differ significantly from regulations on long-term rentals except as per Utah State Code, i.e. transient taxes are required to be collected and submitted to the state. Renting a home long-term does not change the property from residential to commercial, nor does a short-term stay turn the property into commercial use. The type of tenant does not change the structure or nature of the residence, and therefore does not change the zoning. A property rented for a short-term may, at the discretion of the owner, be rented for a longer-term in the future. A Mendon City business license (or Mendon City Rental Permit) is required.
- vi. All Mendon City Ordinances must be followed with regards to parking, signage, noise, building, clutter, trash, auxiliary dwelling units, etc.

## 2.20 LONG-TERM RENTALS

Long-term rental refers to a residential unit, or any portion of a residential unit, that the owner of record, or the lessee of the residential unit, offers for occupancy for greater than thirty (30) consecutive days.

A Mendon City Business license and **Mendon City Rental Permit** (see appendix A) is required to operate a long-term rental. All the items listed below are REQUIRED for each property being used as a long-term rental. Refer to the following list:

- i. Mendon City business license and Mendon City Rental Permit can be obtained by contacting the Mendon City Clerk's office.
- ii. It is expected property owners are aware of all zoning regulations applicable to the property being operated as a long-term rental. Zoning regulations can differ depending on the type of zone. As a result, there may be additional regulations specific to the zone where your property is located.
- iii. Regulation on long-term rentals does not differ significantly from regulations on short-term rentals except as per Utah State Code, which says transient taxes are required to be collected and submitted to the state for short-term rentals. Renting a home long-term does not change the property from residential to commercial, nor does a short-term stay turn the property into commercial use. The type of tenant does not change the structure or nature of the residence, and therefore does not change the zoning. A property which is rented for a long-term may, at the discretion of the owner, be rented for a short-term, less than 30 days, in the future provided the tax requirements for a short-term rental are met. A Mendon City business license (or Mendon City Rental Permit) is required.
- iv. All Mendon City Ordinances must be followed with regards to parking, signage, noise, building, clutter, trash, auxiliary dwelling units, etc.

## 2.21 PRIVATE ROADS/COMMON DRIVEWAYS

A. PURPOSE

A person seeking a permit for the construction or improvement of a private road or common driveway ("private way") shall provide the Planning and Zoning Commission with a submission containing the items in Section 1.4. No building permit shall be issued to erect a structure on a lot lacking frontage on a public way unless a private way meeting the criteria stated in this section has been approved and constructed within a deeded right-of-way.

B. PRIVATE ROAD OR COMMON DRIVEWAY REQUIREMENTS

Lot number constraint/construction standards are as follows:

- i. A private way shall provide frontage and access to no more than two (2) lots and shall meet the review requirements for private ways in this ordinance.
- ii. Private ways in existence prior to the adoption of this ordinance shall be allowed to build per the current zoning standards for the district in which they are located, provided that the private way either meets or is upgraded to the construction standards for private ways in this ordinance.

Area of land/conformance standards are as follows:

- i. The land within the right-of-way of an approved private way shall not be used to meet the area requirements of any lot.
- ii. The creation of a private way shall not reduce the frontage, lot area, or other dimensional requirements of an existing conforming lot below that required by the zone in which it is located nor reduce the frontage, lot area, or other dimensional requirements of an existing nonconforming lot.

A new private way cannot make an abutting lot or structure nonconforming.

C. APPLICATION REQUIREMENTS

Private way application requirements are as follows:

- i. Summary letter of the proposal.
- ii. Document(s) showing the applicant's right, title, or interest in all properties under review.
- iii. Survey plan(s) signed and stamped by a State of Utah licensed surveyor/engineer, for the proposed lots, including tax ID numbers. This standard boundary survey shall include the lots created, and the right of way. The plan(s) shall also include the following:
  - a. The name of all owners of property abutting the portion of the private way proposed to be developed or improved.

- b. The name(s) of the developer of the private way and the surveyor/engineer preparing the plan(s), together with the professional registration numbers of those who prepared the plan(s). Plan(s) submitted shall also bear the signed stamp of the professional who prepared the plan(s).
    - c. Accurate dimensions of rights of way, length, and bearing of lot lines, and length or radii of horizontal curves.
  - iv. Engineering plan(s) prepared by a State of Utah licensed professional engineer. The plan(s) shall delineate the proposed way and each of the lots to be served by the private way and include the following:
    - a. The name(s) of the developer of the private way and the engineer preparing the plan(s) with the professional registration number of those who prepared the plan(s). Plan(s) submitted shall bear the signed stamp of the professional who prepared the plan(s).
    - b. The location of all proposed improvements, the width of paving and rights-of-way, profile, cross-section dimensions, and curve radii of all existing and proposed streets.
    - c. Topography with contours shown at intervals of: 5 feet for land slopes greater than 10%; 2 feet for land slopes between 10% and 5%; and, 1 foot for land slopes less than 5%.
    - d. New grading, erosion control, and landscaping plan; proposed finish grades, slopes, swales, culverts, and ground cover or other means of stabilization.
    - e. A stormwater mitigation plan as required per Mendon City Subdivision Ordinance 2020-06, Section 4.12
    - f. Location of features, natural and man-made, affecting the street, such as water bodies, streams, swamps, wetlands, vegetation, ditches, and areas of soils with severe or very severe limitations.
    - g. Location of existing and proposed utilities, including, but not limited to, water, streetlights, hydrants, electrical lines/poles, and telecommunications lines, and profiles of all underground facilities.
    - h. Location of all existing trees and vegetation within the proposed area of improvements.
    - i. A plan note stating the City of Mendon will not be responsible for the maintenance, repair, or plowing of the private way and that further lot divisions utilizing the private way are prohibited without prior approval of the City.
- v. Fees for the construction or improvement of a private way are required for review of plans, issuance of building permit(s), and inspection of work.

#### D. APPLICATION REVIEW

Review requirements are as follows:

- i. The entire length of the private way shall be constructed of a solid, hard surface (asphaltic cement pavement being not less than 2-inches thick, or concrete cement pavement being not less than 4-inches thick)
- ii. Any private way with a dead end shall provide a turnaround approved by the City Engineer and the Fire Department
- iii. The private way entrance shall be constructed at a grade of plus or minus three percent (+/-3.0%) for a minimum of twenty-five (25) feet from the edge of existing pavement of the road the new private way is intersecting. The private way drainage design shall direct the newly generated storm water flows into the drainage system and not sheet onto adjoining property or into the existing roadway, nor cause the existing drainage system to be blocked or overloaded. Refer to Section 6.11 of the Zoning Ordinance
- iv. Where the proposed construction or improvement involves the extension of a public service utility (e.g., water or sewer), the applicant shall demonstrate that the existing service is adequate to support the proposed extension of the service or shall upgrade the existing facilities as required to provide the service
- v. The proposed private way development will not cause unreasonable highway or public street congestion or cause unsafe conditions with respect to the use of the highways or public streets existing or proposed
- vi. For roads and driveways within waterway setbacks, additional design standards apply to these projects. Refer to Section 6.10 of the Zoning Ordinance
- vii. Private ways shall be inspected by the City's engineering staff during the construction process

The review process is as follows

- i. Within twenty-one (21) days of the date of submission of the application, the Planning and Zoning Commission shall mail notice to all residents and property owners within a one thousand (1,000) foot radius of the proposed private way construction/improvement or from the perimeter limits of the lot(s) as determined by the reviewing authority.
- ii. The notice shall include a brief description of the application and will notify the recipient of the right to provide comment within fourteen (14) days of the date of City mailing. In addition, the notice may include the date and time of any neighborhood meeting scheduled by the applicant.
- iii. The Planning and Zoning Commission shall keep a list of persons notified and shall indicate on the list the date that the notice was mailed.

- iv. Failure of a person to receive notice under this section will not invalidate any decision made by the Planning and Zoning Commission and will not require any rehearing of the application.
- v. Review and approval under this section are in addition to any other review and approval required under state law, federal law, or any other provision of the City of Mendon. Where there is any inconsistency between such review standards, the more stringent standard shall control.

# CHAPTER 3 - NONCONFORMING BUILDINGS, USES, AND PROPERTY

## SECTION CONTENTS

- 3.1 PURPOSE
  - 3.2 NON-CONFORMING BUILDINGS
  - 3.3 NON-CONFORMING USE
  - 3.4 NON-CONFORMING PROPERTY
- 

### 3.1 PURPOSE

The purpose of this chapter is to allow any nonconforming property, use, or structure which was lawfully existing prior to the effective date of this title to continue until they are removed, but not to encourage their continuation. Additionally, nonconforming uses or structures shall not expand or extend the non-conforming aspect of the use or structure.

### 3.2 NON-CONFORMING BUILDINGS

#### A. MAINTENANCE PERMITTED

A nonconforming building or structure may be maintained.

#### B. REPAIRS AND ALTERATIONS

Repairs and structural alterations may be made to a nonconforming building or to a building housing a nonconforming use.

#### C. ADDITIONS, ENLARGEMENTS, AND MOVING

A building or structure nonconforming with 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 zone in which it is located.

A building or structure nonconforming with height, area, or yard regulations shall not be added to or enlarged in any manner, unless such addition or enlargement conforms to all the regulations of the zone in which it is located.

#### D. ALTERATION WHERE PARKING INSUFFICIENT

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 alteration or enlargement.

#### E. RESTORATION OF DAMAGED BUILDINGS

A nonconforming building or structure or a building or structure occupied by a nonconforming use which is damaged or destroyed by fire, flood, wind, earthquake, other calamity, Act of God, or the public enemy, may be restored and the occupancy or use of such building, structure, or part thereof, existing at the

time of such damage or destruction, may be continued or resumed, provided that such restoration is started within a period of one (1) year and is diligently prosecuted to completion.

### 3.3 NON-CONFORMING USE

#### A. ONE YEAR VACANCY

A building or structure or portion thereof occupied by a nonconforming use which is, or hereafter becomes, vacant and remains unoccupied for a continuous period of one (1) year, except for dwellings, shall not thereafter be occupied except by a use which conforms to the use regulations of the zone in which it is located.

#### B. CONTINUATION OF USE

The occupancy of a building or structure by a nonconforming use, existing at the time this ordinance became effective, may be continued.

#### C. CHANGE OF USE

The nonconforming use of a building or structure may not be changed except to a conforming use; but where such change is made, the use shall not thereafter be changed back to a nonconforming use.

#### D. NON-CONFORMING USE OF LAND

The nonconforming use of land, existing at the time this ordinance became effective, may be continued, provided that no such nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property, and provided that if such nonconforming use of land, or any portion thereof, is abandoned or changed for a period of one (1) year or more, any future use of such land shall be in conformity with the provisions of this ordinance.

### 3.4 NON-CONFORMING PROPERTY

Any property nonconforming with respect to the minimum land area required by the zoning district within which it lies shall not be further diminished in size.

Any property reduced by governmental action that reduces an existing conforming parcel below the required property size shall be deemed as a conforming property for the purpose of development. To be deemed a conforming property, the owner or applicant shall submit documents proving the following:

- i. The property followed the minimum property size requirement of the applicable zoning district prior to the decrease in property size
- ii. The decrease in property size was caused by acquisition through prescription, purchase, or other means by a highway district, transportation department, or other local, state, or federal agency

# CHAPTER 4 – ADMINISTRATION

## SECTION CONTENTS

- 4.1 THE PLANNING AND ZONING COMMISSION
  - 4.2 BOARD OF ADJUSTMENT
  - 4.3 CITY COUNCIL
  - 4.4 PUBLIC HEARINGS
  - 4.5 PERMITS TO COMPLY WITH ORDINANCE
  - 4.6 POWERS OF THE ENFORCEMENT OFFICIAL
  - 4.7 LICENSING
  - 4.8 PENALTIES
  - 4.9 VALIDITY
- 

### 4.1 THE PLANNING AND ZONING COMMISSION

#### A. ORGANIZATION

There shall be appointed a Planning and Zoning Commission consisting of a minimum of five (5) members, who shall serve without pay. Each member is to be appointed by the City Council for a term of three (3) years; provided, the terms of the members of the first board as appointed shall be such that the term of not more than two (2) members shall expire each year.

Any member may be removed for any cause by the appointing authority upon written charges and after public hearing, if such a hearing is requested. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. At least one (1) member of the City Council shall be a non-voting advisor to the Planning and Zoning Commission. Terms of members of the planning commission shall begin on or before the Monday following approval of City Council.

The members of the planning commission shall select from their own members a chairman and such other officers as deemed necessary. The chairman shall adopt rules and regulations for their organization and for the transaction of business and the conduct of their proceedings.

#### B. POWERS AND DUTIES

The Planning and Zoning Commission shall do the following:

- i. Prepare and recommend a general plan, and amendments to the general plan, to the City Council
- ii. Recommend zoning ordinances and maps, and amendments to zoning ordinances and maps, to the City Council
- iii. Approve, approve with modifications and/or conditions, or deny conditional use applications
- iv. Recommend subdivision regulations, and amendments to those regulations, to the City Council

- v. Recommend approval or denial of subdivision applications in accordance with the duly adopted Mendon City Subdivision Ordinance and the provisions of this title
- vi. Advise the City Council on matters as the City Council directs
- vii. Exercise any other powers necessary to enable it to perform its function or delegated to it by the City Council

## C. MEETINGS

The planning commission shall meet monthly (e.g., second Wednesday of each month) and at such other times as the planning commission may determine. A simple majority of the planning commission shall constitute a quorum.

All meetings of the Planning and Zoning Commission shall be open to the public and shall comply with the requirements of this title pertaining to public hearings and Title 52, Chapter 4 of the Utah Code, as it may be amended from time to time.

Report of official acts and recommendations of the planning commission shall be public and made by the chairman in writing to the governing body, and shall indicate how each member of the commission voted with respect to such act or recommendation. Any member of the commission may also make a concurring or dissenting report or recommendation to the governing body.

## 4.2 BOARD OF ADJUSTMENT

### A. ORGANIZATION

To carry out the provisions of Utah law relating to planning and zoning, there is hereby created a Board of Adjustment. The Board of Adjustment shall consist of five (5) members.

Members of the Board of Adjustment shall be appointed by the City Council. Any member may be removed for cause by the appointing authority upon written charges and after public hearing, if such a hearing is requested. A new member shall promptly be appointed by the City Council to fill the unexpired portion of any term which becomes vacant by reason of death, resignation, removal, or disqualification of any member.

The term of service on the Board of Adjustment shall be five (5) years, except that the term of service for the first Board of Adjustment shall be such that the term of one (1) member shall expire each year. One (1) member shall be appointed on or before the first Monday in February of each year.

The Board of Adjustment shall organize and elect a chairman and a secretary. They shall adopt rules and procedures as necessary for the conduct of meetings and carrying out of duties as provided by this ordinance. An acting chairman shall be selected in the absence of a chairman.

### B. POWERS AND DUTIES

The Board of Adjustment shall do the following:

- i. Hear appeals from any person or from any officer, department, board, or bureau of the municipality affected by any decision of the administrative officer, wherein it is alleged there has been error in any order, requirement, decision, or determination made by such officer in the enforcement of this ordinance. Upon hearing the appeal, the Board of Adjustment shall affirm or reverse the decision, in whole or in part, in accordance with the provisions of contained within this title.
- ii. Approve, approve with conditions, or deny variance applications in accordance with the standards contained within this title.

### C. MEETINGS

Meetings of the Board of Adjustment shall be held at the call of the chairman and at such other times as the board may determine. The chairman of the board or, in his absence, the acting chairman may compel the attendance of witnesses and administer oaths.

All meetings of the Board of Adjustment shall be open to the public and shall comply with the requirements of this title pertaining to public hearings and Title 52, Chapter 4 of the Utah Code, as it may be amended from time to time.

The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and 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.

## 4.3 CITY COUNCIL

### A. POWERS AND DUTIES RELATIVE TO PLANNING AND ZONING

In accordance with the requirements of the Utah Code and the provisions of this title, the City Council shall do the following:

- i. Adopt a general plan and amendments to the general plan.
- ii. Adopt a zoning ordinance and map and approve or deny amendments to the zoning ordinance and map.
- iii. Approve, approve with conditions, or deny subdivision applications.
- iv. Enforce the provisions of this title. The City Council, by resolution or ordinance, may from time to time entrust the administration and enforcement of some part or the whole of this ordinance to any other officer of Mendon City, without amendment to this ordinance.

## 4.4 PUBLIC HEARINGS RELATIVE TO PLANNING AND ZONING

All public hearings held in the administration or enforcement of this title shall comply with the requirements of Title 52, Chapter 4 of the Utah Code, as it may be amended from time to time.

Each public body shall give not less than twenty-four (24) hours public notice of the agenda, date, time, and place of each of its meetings. Public notice shall be satisfied by posting written notice at the principal office of the public body or, if no such office exists, at the building where the meeting is to be held; and providing notice to at least one (1) newspaper of general circulation within the geographic jurisdiction of the public body, or to a local media correspondent. All meetings posted to the Utah Public Notice Website <https://utah.gov/pmn/index.html>

In addition to the posting of the agenda, public notice for applications requiring a public hearing shall consist of a legal notice in a newspaper of general circulation within the geographic jurisdiction of the public body, posting a notice on the premise of the application (except for zoning ordinance text amendments), and a radius notice to property owners within three hundred (300) feet (900 feet in a residential/commercial zone) of the property being considered. In each case, notice shall be provided at least fourteen (14) days prior to the public hearing.

#### 4.5 PERMITS TO COMPLY WITH ORDINANCE

From the effective date of this ordinance, no permit shall be granted for the construction or alteration of any building or structure, or the moving of a building or structure onto a lot, if such building or structure would be in violation of any of the provisions of the ordinance. No public officer shall grant any permit or license for the use of any building or land if such use would be in violation of this ordinance.

#### 4.6 POWERS OF THE ENFORCEMENT OFFICIAL

The Enforcement Official shall enforce all the provisions of this ordinance, entering actions in the court when necessary, and his failure to do so shall not legalize any violation of such provisions. No building permit shall be issued by the Enforcement Official unless the plans of, and for, the proposed erection, construction, reconstruction, alteration, and use fully conform to all zoning regulations then in effect.

#### 4.7 LICENSING

All departments, officials, and public employees of the city which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this ordinance and shall issue no permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this ordinance. Any such permit or license, if used in conflict with the provisions of this ordinance, shall be null and void.

#### 4.8 PENALTIES

Violation of any provision of this ordinance may be restrained by action of the City Council in the name of the city and such violation shall be punishable by a fine not to exceed two hundred ninety nine dollars (\$299.00), or by imprisonment for not more than six (6) months, or both. Each day a violation is permitted to exist shall constitute a separate offense.

#### 4.9 VALIDITY

Should any section, clause, or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be invalid. The Planning and Zoning Commission and Board of Adjustment or individual members thereof shall not be held liable.

# CHAPTER 5 – PARKING AND LOADING SPACE

## SECTION CONTENTS

- 5.1 PURPOSE
- 5.2 OFF-STREET PARKING REQUIRED
- 5.3 DESIGN STANDARDS
- 5.4 REQUIRED NUMBER OF OFF-STREET PARKING SPACES
- 5.5 OFF-STREET LOADING SPACE REQUIREMENTS

### 5.1 PURPOSE

The purpose of this article is to provide regulations and standards for off-street parking and loading facilities with the intent to provide off-street parking areas, minimize traffic hazards and congestion, and mitigate impacts on surrounding properties.

### 5.2 OFF-STREET PARKING REQUIRED

The following standards shall apply to any new construction, alteration, moving of a structure, or any new or more intense use of property. The number of off-street parking spaces, as hereinafter set forth, shall be provided for all allowed uses in any district. A greater number of spaces may be required in any application involving conditional use approval.

### 5.3 DESIGN STANDARDS

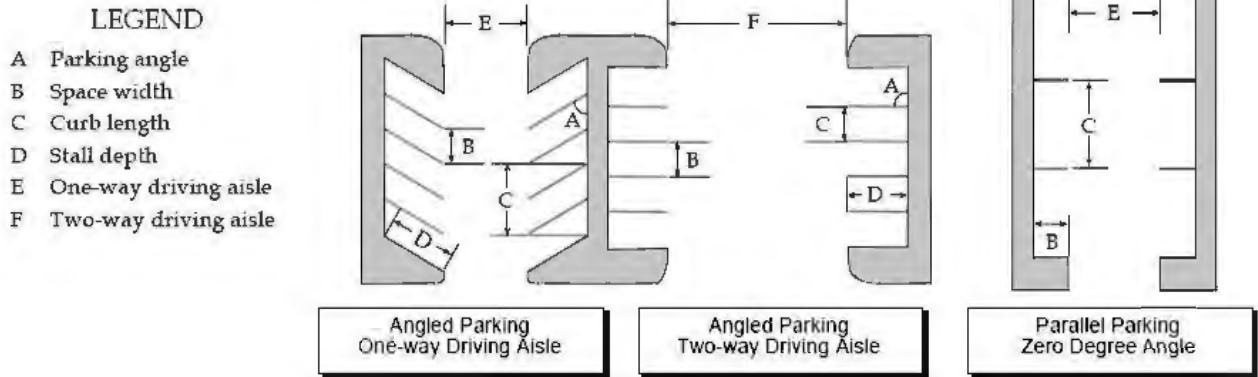
#### A. DESIGN OF PARKING AREAS

- i. All parking areas shall be designed and constructed to provide the type and number of off-street parking spaces required by this chapter
- ii. All parking spaces required by this article shall be located on the same property as the use for which parking is required
- iii. Handicap accessible parking spaces shall be provided in accordance with the Americans With Disabilities Act

**Table 1.** Required Automobile Width and Stall Length by Parking Angle

A	B	C	D	E	F
Parking Angle	Stall Width	Curb Length	Stall Depth	1-way Driving Aisle	2-way Driving Aisle
0°	9'-0"	23'-0"	9'-0"	12'-0"	25'-0"
30°	9'-0"	18'-0"	17'-8"	11'-0"	25'-0"
45°	9'-0"	12'-9"	20'-5"	13'-0"	25'-0"
60°	9'-0"	10'-5"	21'-10"	16'-0"	25'-0"

90°	9'-0"	9'-0"	20'-0"	22'-0"	25'-0"
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**Figure 1.** Legend for Required Automobile Stall Dimensions by Parking Angle

#### B. IMPROVEMENTS

- i. All permanent off-street parking areas shall be improved with a compacted gravel base, not less than four (4) inches thick, surfaced with asphaltic concrete or some other comparable solid, hard all-weather dustless material
- ii. All permanent off-street parking areas shall be provided with a substantial wheel restraint to prevent automobiles from encroaching upon abutting private and public property or overhanging beyond the designated parking stall dimensions
- iii. Parking spaces and access lanes shall be marked including handicapped symbols and signs

#### 5.4 REQUIRED NUMBER OF OFF-STREET PARKING SPACES

The minimum number of required off-street parking spaces shall be as set forth in the table below. Where the standards require a fractional space, the next larger whole number shall be the number of spaces required. When more than one (1) standard is provided, the standard that results in the greatest number of required parking spaces shall apply.

The number and design of accessible handicap automobile parking spaces shall be in accord with the Americans with Disabilities Act.

Upon any change of use, the number of automobile parking spaces to be provided shall be calculated according to the requirement of this chapter for the new use. For the purposes of this chapter, a change of use shall include, but not be limited to, an expansion, alteration, or change in occupancy resulting in a more intense use of a site, such as additional dwelling units, gross floor area, seating capacity, or other unit of measurement specified as a standard in the following table.

The minimum number of required automobile parking spaces shall be provided and continuously maintained.

No parking area or space provided, as required by this chapter, shall later be eliminated, reduced, or converted in any manner unless other equivalent facilities are provided.

- i. Gross floor area shall be the measure of total square footage of habitable space of a structure.
- ii. For fixed bench seating, one (1) seat shall mean twenty-four (24) inches of linear length of bench.
- iii. The number of employees shall be based on employees present during the largest shift.

**Table 2.** Required Parking Space by Use

Use	Required Number of Automobile Spaces
Agricultural use	1 per 2 employees
Aircraft landing field	1 per 2 employees
Amusement or recreation facility, indoor	1 per 200 square feet of gross floor area
Amusement or recreation facility, outdoor	1 per 8 seats
Animal clinic, animal hospital, or veterinary office	1 per 500 square feet of gross floor area
Asphalt or concrete ready-mix plant	1 per 2 employees
Auction establishment, outdoor	1 per 8 seats
Automobile or recreational vehicle service	1 per service bay
Automobile, major repair	1 per service bay
Bank	1 per 500 square feet of gross floor area
Bed and breakfast establishment	1 per 2 sleeping room + 1 for owner's dwelling
Boarding house/Short-term rentals	1 per 1 sleeping room
Bowling	2 per lane
Cemetery	1 per 2 employees
Church	1 per 8 seats in main sanctuary
Clinic, medical (excluding animal or veterinary)	1 per 500 square feet of gross floor area
Club, lodge, or social hall	1 per 200 square feet of gross floor area
Contractor's yard or shop	1 per 1,000 square feet of gross floor area
Day care facility	1 per 2 employees
Day care home, group	1 per 2 employees

Drug and/or alcohol treatment facility	1 per 2 beds + 1 per 2 employees
Dwelling, accessory attached or detached	1 1/2 per dwelling
Dwelling, multi-family	1 per dwelling unit
Dwelling, single family detached	2 per dwelling unit
Golf course	2 per hole
Golf course country club	1 per 200 square feet of gross floor area
Golf driving range	1 per 2 driving stations
Grain elevator	1 per 2 employees
Home occupation	2 per dwelling
Hospital	1 per 2 beds
Hotel or motel	1 per 1 sleeping rooms
Laundromat	1 per 500 square feet of gross floor area
Mortuary	1 per 200 square feet of gross floor area
Movie theater	1 per 8 seats
Nursery, retail	1 per 1,200 square feet of gross floor area
Nursery, wholesale	1 per 4,000 square feet of gross floor area
Office building	1 per 500 square feet of gross floor area
Outdoor storage	1 per 2 employees
Personal, business, or professional service	1 per 500 square feet of gross floor area
Power plant	1 per 1,000 square feet of gross floor area
Processing plant for agricultural or dairy products	1 per 1,000 square feet of gross floor area
Product fabrication, assembly, or packaging	1 per 1,000 square feet of gross floor area
Public or quasi-public use publicly owned buildings	1 per 600 square feet of gross floor area
Public recreation facility, open space	4 per acre
Public recreation facility, structure	1 per 8 fixed seats
Public utility and infrastructure facility	1 per 2 employees
Recreational vehicle park	1 per space
Recycling center	1 per 1,000 square feet of gross floor area
Recycling plant	1 per 1,000 square feet of gross floor area
Research and development facility	1 per 1,000 square feet of gross floor area
Residential care facility	1 per 6 beds
Restaurant or eating place	1 per 200 square feet of gross floor area

Retail store, durable goods	1 per 1,200 square feet of gross floor area
Retail store, other	1 per 500 square feet of gross floor area
Roadside produce stand	1 per 200 square feet of gross floor area
Sawmill or planing mill	1 per 1,000 square feet of gross floor area
School, elementary, middle, junior high, and senior high	1 per 2 employees + 1 per 8 students
School, public or private	1 per 2 employees + 1 per 12 students
School, vocational or trade	1 per 4 students
Shooting range, indoor or outdoor	1 per target and/or shooting station
Slaughterhouse	1 per 1,000 square feet of gross floor area
Stable, commercial	1 per 2 stable stalls
Storage facility, self-service	1 per entrance to site
Structure, open space	4 per acre
Vehicles impound yard	1 per 2 employees + 1 per 4 acres
Warehouse	1 per 4,000 square feet of gross floor area
Winery	1 per 1,000 square feet of gross floor area

## 5.5 OFF-STREET LOADING SPACE REQUIREMENTS

A. Any structure having a gross floor area of five thousand (5,000) square feet or more, which shall be occupied by a commercial or industrial use, shall be required to provide, and maintain, at least one (1) off-street loading space. One (1) additional off-street loading space shall be required for each subsequent twenty thousand (20,000) square feet of gross floor area (e.g. Twenty-five thousand (25,000) square feet, forty-five thousand (45,000) square feet, etc.).

B. Each loading space shall be no less than ten (10) feet in width and thirty (30) feet in length and shall have fourteen (14) feet of vertical clearance.

Parking and loading areas shall be designed so vehicles shall not back out into the street.

# CHAPTER 6 – ZONING DESIGNATIONS

## SECTION CONTENTS

- 6.1 ESTABLISHMENT OF ZONES
- 6.2 BOUNDARIES OF ZONES
- 6.3 FILING OF ORDINANCE AND MAP
- 6.4 RULES FOR LOCATING BOUNDARIES
- 6.5 SINGLE FAMILY RESIDENTIAL ZONE R-1
- 6.6 MULTIPLE FAMILY RESIDENTIAL ZONE R-2
- 6.7 AGRICULTURAL ZONES A-1, A-2, A-3
- 6.8 COMMERCIAL ZONE C-1
- 6.9 LIGHT INDUSTRIAL ZONE L-1
- 6.10 SENSITIVE LANDS OVERLAY
- 6.11 HILLSIDE OVERLAY
- 6.12 STREET DEVELOPMENT

## 6.1 ESTABLISHMENT OF ZONES

For the purposes of this ordinance, the following zones are created to be applied as necessary to regulate the development of land in the City of Mendon, Utah.

**Table 3.** Directory of Land Use Notations

<b><u>Residential Land Uses</u></b>	
R-1	Residential District
R-2	Residential
P-1	Public
S-1	Sensitive Areas
RA	Residential/Agricultural
RC	Residential/Commercial
OS	Open Spaces
<b><u>Agricultural Land Uses</u></b>	
A-1	Agricultural 2.5 acres to 5 acres
A-2	Agricultural from 5 Acres to 10 acres
A-3	Agricultural 10 Acres or more
<b><u>Commercial and Light Industrial Land Uses</u></b>	
C-1	Commercial/Light Industrial L-1
L-1	Light Manufacturing

Notes: (1) Open spaces shall be allowed and encouraged in all zones  
 (2) A-3 areas are generally located west of the canal or above an elevation of four thousand five hundred and ninety (4590) feet

## 6.2 BOUNDARIES OF ZONES

The boundaries of each of the said districts are hereby established as shown on the map entitled "Zoning Map of the City of Mendon, Utah," or as hereafter amended, which map is

attached as appendix B, and all boundaries, notations and other data shown thereon are made by this reference as much a part of this ordinance as if fully described and detailed herein.

### 6.3 FILING OF ORDINANCE AND MAP

The ordinance and map shall be filed in custody of the city council of Mendon City and may be examined by the public subject to any reasonable regulations established.

### 6.4 RULES FOR LOCATING BOUNDARIES

Where uncertainty exists as to the boundary of any district, the following rules shall apply:

- i. Wherever the district boundary is indicated as being approximately upon the centerline of a street, alley, or block, or along a property line, then, unless otherwise definitely indicated on the map, the centerline of the street, alley, or block, or property line, shall be construed to be the boundary of district
- ii. Wherever boundary line, of such district, is indicated as being approximately at the center line of any irrigation canal or other waterway or railroad right-of-way, or public land or section line, then the center line shall be deemed to be the boundary of such district
- iii. Where the application of the above rules does not clarify the zone boundary location, the Board of Adjustment shall interpret the map

### 6.5 SINGLE FAMILY RESIDENTIAL ZONE R-1

#### A. PURPOSE

To provide appropriate locations where low-density residential neighborhoods may be established, maintained and protected. The regulations also permit the establishment of, with proper controls, the public and semi-public uses such as churches, schools, libraries, parks, and playgrounds, which serve the requirements of families. The regulations are intended to prohibit those uses that would be harmful to a single-family neighborhood.

It is further intended to the extent possible that all future development under this zoning designation conform to the original block/grid system on which Mendon was originally surveyed, laid out and established with residential lots being a standard size of one and one-quarter (1.25) acres (165 feet by 330 feet) with the longitudinal axis running East to West and eight (8) lots on a ten (10) acre block.

Mendon City does allow a modification to the above-mentioned block system by allowing a minimum lot size of five-eighths ( $5/8 = .625$  acres) with a minimum lot width of one hundred and ten (110) feet with the longitudinal axis still running East to West and no more than fourteen (14) lots/dwellings per ten (10) acre block.

"Lot - Block Layout Plan" presents permissible lot configurations. See appendix C.

## B. PERMITTED USES

The permitted uses are as follows:

- i. Single-family dwelling, detached structures
- ii. Household pets; home occupations
- iii. Family Food Production in R-1 or Limited Family Food Production in all districts
- iv. Accessory uses and buildings
- v. Agriculture

## C. CONDITIONAL USES

The conditional uses are as follows:

- i. Churches, except temporary revival tents or buildings
- ii. Libraries, museums, and art galleries
- iii. Public schools
- iv. Public parks, public buildings
- v. Accessory uses and building customarily incidental to the above uses
- vi. Residential facilities for elderly persons
- vii. Accessory dwelling
- viii. Private park or camping area for temporary recreation

## D. HEIGHT REGULATIONS

No main building shall be erected to a height greater than thirty five (35) feet or two and one-half (2 ½) stories, whichever is greater, and no accessory building shall be erected to a height greater than twenty four (24) feet.

## E. AREA REQUIREMENTS AND FRONTAGE REGULATIONS

**Table 4.** District Requirements

District Minimum	Area Minimum	Lot Width
R-1	5/8 Acre (27,225 sq. ft.)	110 feet

The lot width shall be measured at thirty (30) feet back from the front lot line.

## F. SIDE YARD REGULATION

The minimum side yard for any building shall be ten (10) feet. However, accessory buildings may have a minimum side yard of five (5) feet. For corner lots, the side yard on the side facing the street shall be the same as the front yard.

#### G. FRONT YARD REGULATIONS

The minimum setback for main buildings shall be thirty (30) feet. The minimum setback for accessory buildings shall be at least five (5) feet behind the front of the main structure except for private garages. If a private garage is closer than ten (10) feet to the house, the garage shall have the same set-back requirements as the building.

#### H. REAR YARD REGULATIONS

The minimum rear yard for any main building or accessory dwelling shall be thirty (30) feet, and for accessory buildings five (5) feet.

#### I. DENSITY & LAYOUT

In order to maintain the residential density of Mendon proper, the Mendon City street grid, and to promote a mixture of lot sizes, no more than fourteen (14) dwellings are allowed per any given ten (10) contiguous acres in the R-1 zone, less roads, regardless of minimum lot size.

New development in the R-1 zone shall follow, as much as possible, the layout of Mendon proper. This includes, but is not limited to the following: square, ten (10) acre blocks consisting of a mix of five-eighths (5/8) minimum acre lots and larger, and straight North-South and East-West streets which align with existing Mendon City streets which are bordered by swales for stormwater control, where required. The longitudinal axis of any lot shall run East to West. (reference Appendix C Lot - Block Layout Plan.)

#### J. SPECIAL PROVISIONS

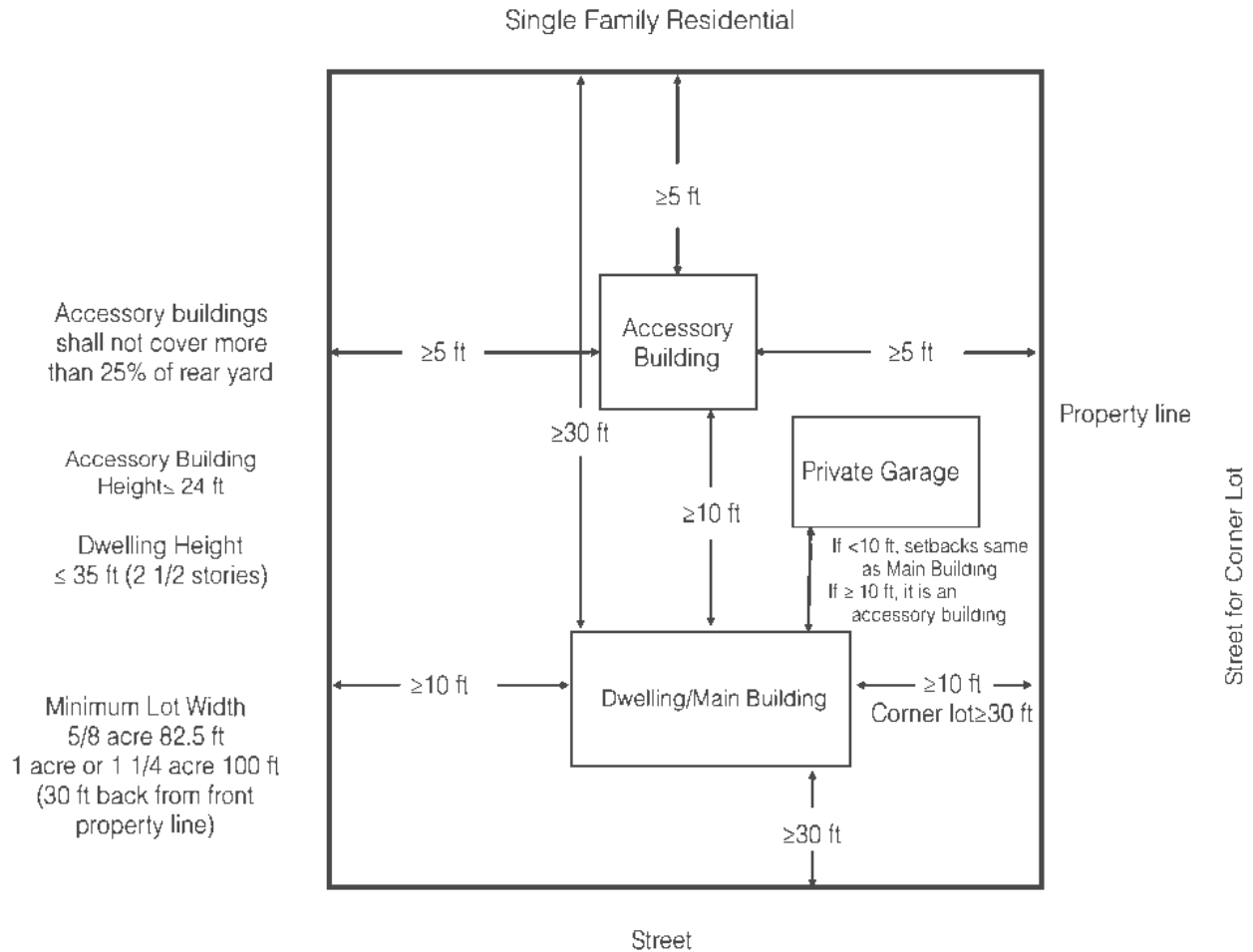
Quality and appearance of new buildings and landscapes shall be such as to meet or exceed the average quality and appearance of buildings and landscaping placed in the zone during the preceding five (5) years.

#### K. ACCESSORY STRUCTURE STANDARDS

The accessory structure standards are as follows:

- i. A dwelling shall be present on the subject property
- ii. The accessory structure shall not be used as an additional dwelling, except as provided for by the accessory dwelling provisions of Chapter 2
- iii. The structure shall not be used for commercial or industrial purposes except as provided for under "Level Two Home Occupations" (Section 2.18.D.4 of this ordinance)

- iv. Accessory structures shall be located at least five (5) feet behind front line of the main structure and not be located in any required yard or on any publicly dedicated easement
- v. An accessory structure located in the rear yard shall not exceed a height of twenty-four (24) feet



**Figure 2.** Accessory Requirements for Single Family Residential Lot

**Note:** modify drawing for accessory building 5 feet minimum behind front line of main building

## 6.6 MULTIPLE FAMILY RESIDENTIAL ZONE R-2

### A. PURPOSE

To provide appropriate locations for multiple family dwellings, the regulations permit a variety of necessary public services and activities. Certain retail and service activities which are in harmony with the intent of the regulations are allowed, subject to control.

Multiple family dwellings shall be limited to one (1) unit per 10-acre block at the corner lots only. A duplex will be allowed on five eights (5/8) acre, a three plex on 1 acre, and a maximum of (1) four plex on a one and one-quarter (1 1/4) acre lot. (reference appendix C Lot - Block Layout Plan..

## B. PERMITTED USES

The permitted uses are as follows:

- i. Single-family dwelling, attached or detached
- ii. Multi-family dwelling
- iii. Home occupations
- iv. Accessory dwellings.
- v. Accessory uses and buildings
- vi. Agriculture
- vii. Residential facilities for elderly persons

## C. CONDITIONAL USES

The conditional uses are as follows:

- i. Private educational institutions having a curriculum like is ordinarily given in public schools; colleges and universities; child day care or nursery
- ii. Accessory uses and buildings customarily incidental to the above
- iii. Museum
- iv. Church, except temporary revival tent or buildings
- v. Club, Lodges, Social Halls
- vi. Hospital (not including animal hospital)
- vii. Public Library
- viii. Public buildings
- ix. Public park or playground
- x. Public Utilities
- xi. School

## D. HEIGHT REGULATIONS

Dwellings/Main Buildings shall be erected to a height no greater than two and one-half (2 ½) stories or thirty-five (35) feet.

## E. AREA REGULATIONS

The minimum lot area shall be not less than five-eighth (5/8) acre (27,225 square feet) feet with an additional one thousand (1,000) square feet for each additional dwelling unit in excess of two dwelling units. For developments utilizing a shared septic system (upon approval of the Health Authority), the minimum land area per dwelling unit shall be four thousand (4,000) square feet for multiple-family dwelling developments.

#### F. FRONTAGE REGULATIONS

The minimum width of any lot for a main building shall be eighty 110 feet at a point thirty (30) feet back from the front lot line.

#### G. SIDE YARD REGULATIONS

The minimum side yard for any building shall be ten (10) feet. Accessory buildings shall have a side yard of at least five (5) feet. Side yards on a corner lot shall be the same as a front yard on the side facing the street.

#### H. FRONT YARD REGULATIONS

The minimum front yard shall be thirty (30) feet from the property line to the house or other main building.

#### I. REAR YARD REGULATIONS

A minimum of thirty (30) feet is required for any main building or accessory dwelling, and five (5) feet for accessory buildings. On corner lots which rear upon the side yard of another lot, accessory buildings shall be located no closer than five (5) feet to such side yard.

#### J. GROUP DWELLINGS

These buildings shall be considered as one building for the purpose of front, side, and rear yard requirements. The entire group, as a unit, requires one front, one rear and two side yards as specified for single dwelling structures. Group dwellings shall be not be more than two and one-half (2 ½) stories or thirty-five (35) feet in height. Each two and one-half (2 ½) story group dwelling development shall have a minimum court of thirty (30) feet in width and forty (40) feet in length, in addition to its required yards.

Each one-story group dwelling development shall have a minimum court of twenty (20) feet in width and thirty (30) feet in length in addition to its required yards. In a group dwelling development, no two separate dwelling structures shall be closer to each other than ten (10) feet along the sides or ends of a court.

### 6.7 AGRICULTURAL ZONE A-1, A-2, A-3

#### A. PURPOSE

The A-1 Agricultural Zone has been established as a district in which the primary use of the land is to produce agricultural and livestock products. This Zone has been created to preserve appropriate areas of Mendon, Utah for permanent

agricultural use. Uses normally and necessarily related to agriculture are permitted and uses inimical to the continuance of agricultural activity are not allowed.

This zone is characterized by dwellings situated on small, part-time subsistence farms. The zone is also characterized by family garden plots and the keeping of animals and fowls for family food production. Representative of the uses within this zone are barns, milking parlors, corrals, row crops, fruits, livestock, pasturing of animals, and dwellings occupied by persons obtaining all or part of their livelihood from the land on which the dwelling is located, but excluding production of fur-bearing animals.

## B. PERMITTED USES

The permitted uses are as follows:

- i. Single family dwellings and buildings accessory thereto, when located on a farmstead of at least two and one-half (2 1/2) acres. When lot size is at minimum, livestock numbers will be governed by regulations under Family Food Production
- ii. The production of agricultural produce
- iii. Fruit and vegetable packing plants and produce depots
- iv. Fruit and vegetable stands, provided such stands are temporary and will be moved in the off season and are made exclusively of wood frame or light metal material
- v. Farm produce sheds, buildings, and cellars.
- vi. Nurseries plants
- vii. Machinery sheds for the storage of farm machinery
- viii. The raising of livestock and poultry
- ix. Barns, corrals, pens, and coops, for the keeping and breeding of animals and fowls
- x. Chicken hatcheries; milking parlors, and outbuildings accessory thereto
- xi. Poultry killing and dressing

## C. CONDITIONAL USES

The permitted uses are as follows:

- i. Public utility buildings and other public buildings
- ii. Schools and churches
- iii. Sewage treatment plants, when approved by the State Department of

- iv. Health and by the Board of Adjustment
- v. Water reservoirs and water drainage facilities
- vi. Country Clubs
- vii. Golf courses
- viii. Cemeteries
- ix. Residential facilities for elderly persons
- x. Tower or Antenna Structure
- xi. Equestrian Park
- xii. Gravel Pit
- xiii. Private park or camping area for temporary recreation
- xiv. Other similar uses ruled by the Planning Commission to be in harmony with the objectives and characteristics of the zone

**D. HEIGHT REGULATIONS**

Not over thirty-five (35) feet.

**E. AREA REQUIREMENTS**

An area of not less than two (2.5) acres shall be provided and maintained for all permitted uses. However, schools and churches shall have a building site of at least (5) acres. Buildings housing animals and fowls shall be kept a minimum of one hundred and thirty (130) feet from the street. Area requirements for conditional uses shall be as required by the Planning Commission, provided a minimum of two (2.5) acres shall be required.

**F. WIDTH REQUIREMENTS**

The minimum width of any building site for dwellings or other main buildings shall be at least three hundred thirty (330) feet.

**Table 5. Agricultural Area and Lot Requirements**

District	Area Minimum	Lot Width
A-1	2.5 Acres (108,900 sq. ft)	330 feet
A-2	5 Acres (217,000 sq. ft)	330 feet
A-3	10 Acres (434,000 sq.-ft.)	330 feet

**G. FRONT YARD REGULATIONS**

All buildings and structures shall be set back at least sixty (60) feet from the center of any public road, or forty (40) feet from the right-of-way, whichever is the greater distance. All buildings and structures situated adjacent to state or federally designated highways shall be set back at least fifty (50) feet from the right-of-way line.

#### H. SIDE YARD REGULATIONS

All buildings shall be set back at least ten (10) feet from a side property line, except that a one (1) foot side setback shall be required for accessory buildings and for barns, coops, and sheds which are located adjacent to waterway boundaries or on road rights-of-way. On corner lots, the required setback from the side property line which abuts upon a street shall be the same as the front setback.

#### I. REAR YARD REGULATIONS

All buildings shall be set back from the rear property line at least eight (8) feet, except that no setback shall be required for accessory buildings, barns, coops, and sheds which are located adjacent to a waterway or road right-of-way.

#### J. SIZE OF DWELLINGS

The ground floor area of any single-family dwelling shall be at least eight hundred (800) square feet exclusive of open porches and carports. For other buildings there shall be no size requirements.

#### K. SPECIAL PROVISIONS

- i. Space around buildings and structures shall be kept free from refuse and debris
- ii. Domestic water supply and sewage disposal shall comply with State Department of Health requirements, as represented by a letter or other approval there from

### 6.8 COMMERCIAL ZONE C-1

#### A. PURPOSE

The C-1 Commercial Zone has been established as a district in which the primary use of the land is for retail and service uses. This zone is characterized by a mixture of dwellings, businesses, agriculture developments, and livestock raising. The area contained within this zone is comparatively small and is usually traversed by a major street or highway or is in the central part of a community which it is designed to serve.

Inasmuch as the C-1 Zone includes dwellings and is usually located adjacent to a major road, it is intended that traffic congestion and traffic hazards be reduced to a minimum and that residential amenities in the surrounding area be preserved and protected insofar as possible. To this end, certain requirements about the maintenance of premises and location of buildings, structures, and off-street parking facilities have been adopted. It is the full intention of the City

Council and the Planning and Zoning Commission that location and uses granted in the Zone C - 1 be free from objection by a majority resident of the community. Any commercial zone or mixed commercial zone will not include sexually oriented business, bars, saloons, private clubs, controlled substance dispensaries or other non-compatible establishments.

All commercial or residential/commercial building permits shall be approved by the city planning and zoning commission prior to review by city building inspector.

The objectives in establishing this zone are as follows:

- i. To set aside appropriate areas within the city for the development of retail service establishments where the establishments will best serve the needs of the surrounding community
- ii. To prohibit industrial and commercial uses from scattering indiscriminately into the surrounding zones
- iii. To prohibit the use of outdoor advertising signs and billboards separate from the commercial establishment to which they refer, except as noted in other sections of this ordinance
- iv. To reduce the cost of providing fire and police protection and other governmental services
- v. To provide community-friendly businesses, all C-1 business must have adjacent property owner notification and planning input within six hundred and sixty (660) feet

## B. PERMITTED USES

The permitted uses are as follows:

- i. Art shop; artists' supplies shop; athletic goods store; art needlework shop
- ii. Bakery, in which manufacture is limited to goods retailed on the premises only; bank; baby formula service; barber shop; beauty parlor; bicycle shop; bird store; bookstore
- iii. Candy store, catering establishment; camera and photo supplies; clothes cleaning or dry-cleaning agency or pressing establishment, altering and repair of wearing apparel; confectionery; cafe or refreshment stand; cafeteria; Christmas tree sales; china and silver shop; convenience stores including dispensing of fuels
- iv. Dairy products store; drug store; delicatessen; diaper service; dramatics school
- v. Single family dwelling when located on the second floor of an allowed retail use
- vi. Florist; fruit juice store, frozen food lockers, fruit stand and vegetable stand; fish stores, sidewalk cafe

- vii. Gift shop; grocery; greenhouse; glass and china store; garden supplies store
- viii. Hardware store, not including sale of powered vehicles using motors greater than five (5) horsepower; health food store; hobby supply store
- ix. Ice cream shop; ice store or vending station
- x. Jewelry store, including repair of jewelry, watches, and clocks
- xi. Laundry, customer self-service only; library, lunch service, commercial locksmith
- xii. Medical and dental clinics and laboratories; milk distributing stations and sale of dairy products, but not including processing or bottling; meat store; museum; music store
- xiii. Newsstand notions; nurses' or babysitters agency
- xiv. Office, business or professional; optometrist or optician
- xv. Paint and wallpaper store; photographer or sale of photographic supplies; photo studio; post office; plant materials; private schools; popcorn or nut shop; Public Utilities
- xvi. Radio and television sales and repairs
- xvii. Stationery and greeting card sales; shoeshine shop; shoe repair shop; studios for professional work or teaching any form of fine arts; soft water sales and service, excluding welding or tank repair; schools
- xviii. Taxi stand; tailor shop; toy store; tobacco shop; tower or Antenna Structure
- xix. Variety store, limited to selling only items which may be sold by any other use by right in this chapter
- xx. Accessory uses and buildings, customarily incidental to, subordinate to the above uses and devoted exclusively to the main permitted use of the premises
- xxi. Automobile service station, including the repairing, painting, or upholstering of motor vehicles
- xxii. Manufacture of goods to be sold at retail on the premises, provided such manufacture is conducted within a completely enclosed building and is clearly incidental to the operation in connection with a use permitted in this chapter
- xxiii. Multi-family dwelling units no more than 35 feet in height and no more than 4 units per structure on 1.25 acres.
- xxiv. Similar Businesses as determined by the Planning and Zoning Commission

## C. CONDITIONAL USES

Any use not specifically mentioned under permitted uses that conforms to the general concepts and ideas laid out in Mendon City's General Plan.

## D. SPECIAL PROVISIONS

The C-I Zone allows any use permitted in the R-2 Zone, provided those R-2 uses meet the zoning requirements set forth in that chapter.

The required yards shall be kept free from refuse, debris, and waste material. All such refuse, debris, garbage, and waste material shall be kept in approved containers.

All uses shall be free from objections because of odor, toxic fumes, dust, smoke, noise, vibration, or other causes.

Height and yard restrictions are determined and granted by the planning and zoning commission and are defined on each conditional use permit issued.

## 6.9 LIGHT INDUSTRIAL ZONE L-I

### A. PURPOSE

To provide areas where industries necessary and beneficial to the local economy may locate and operate. The regulations of the zone are designed to protect and preserve the environment of the zone, the adjacent areas, and the entire community. It is the full intention of the City Council and the Planning and Zoning Commission for locations and uses granted in the Light Industrial Zone L-1 to be free from objection by the majority of residents of the community.

### B. PERMITTED USES

The permitted uses are as follows:

- i. Automobile, major repair
- ii. Cabinetry Shop
- iii. Contractor's yard or shop
- iv. Farm, garden, or building supply store
- v. Food processing and/or packaging plant
- vi. Fuel sales facility (convenience store/service station)
- vii. Laundry or linen supply
- viii. Manufacturing, light and medium (e.g. machine shops, electronics)
- ix. Nursery

- x. Office building
- xi. Processing plant for agricultural products
- xii. Research and development facility
- xiii. School (vocational or trade)
- xiv. Warehouse

#### C. CONDITIONAL USES

Any use not specifically mentioned under permitted uses which conforms to the general concepts and ideas laid out in Mendon City's General Plan.

#### D. SPECIAL PROVISIONS

Approval of any construction and plat layout must be obtained from the Planning and Zoning Commission and the City Council before construction is commenced

The required yards shall be kept free from refuse, debris, garbage, and waste material. All such refuse, debris, garbage, and waste material shall be kept in approved containers.

All uses shall be free from objections because of odor, toxic fumes, dust, smoke, noise, vibration, or other causes.

City streets, walks, and utility (electricity, culinary water, secondary water for landscape, and sewer) infrastructure is required to be in place as a part of site approval for building. All access roadways shall be design and certified to bear the intended traffic weight loads and at the frequency for which the facility is designed to move materials in and out.

#### E. HEIGHT REQUIREMENTS

Height requirements in the L-1 zone will be thirty-five (35) feet of the boundary of any adjoining zone, no building shall exceed the height limit established for main buildings in such adjoining zone.

#### F. AREA, WIDTH, AND YARD REGULATIONS

Any parcel in the L-1 zone having a lot line in common with a lot in an adjoining zone, or lying across the street or alley from such adjoining zone, the front, side and rear yards, as prescribed for such adjoining zones, shall be maintained in the L-1 zone.

### 6.10 SENSITIVE LANDS

#### A. PURPOSE

The sensitive land categorization will provide the maximum in public safety and welfare in the development and design of building sites, roadways, and other

service amenities. It will also preserve and enhance the landscape by encouraging the maximum retention of natural features, such as drainage swales, streams, slopes, ridgelines, crests of hills, rock outcroppings, vistas, and natural formations, and will protect existing public service sites and amenities from degradation.

## B. APPLICABILITY

These regulations shall apply to the following within the Mendon Well Catchment Area and Mendon Springs Delineation Protection Management Area as identified on the Mendon City General Plan Land Use Map:

- i. New subdivisions
- ii. New roads
- iii. New construction, alteration, moving, or change of use of existing structures adjacent to a natural waterway (as herein defined)

## C. STANDARDS

The minimum setback for new structures or roads adjacent to any natural waterway shall be fifty (50) feet from the edge of the waterway, or if bounded, then fifty (50) feet from the boundary thereof.

Prior to the initiation of any new development the applicant shall submit documentation showing that the new development will not adversely impact the natural waterway or water quality within the Mendon Well Catchment Area or Mendon Springs Delineation Protection Management Area. At a minimum, said documentation shall be prepared and stamped by a professional engineer registered in the State of Utah and shall contain a description of the hydrology of the site, conclusions on the proposed development, and recommendations regarding measures to protect water quality. The report shall include results of field investigations of the site.

## 6.11 HILLSIDE OVERLAY

### A. PURPOSE

To provide the maximum in public safety and welfare in the development and design of building sites, roadways, and other service amenities where steepness of slope and length may cause unintended damage to areas below and to preserve and enhance the hillside landscape by encouraging the maximum retention of natural features, such as drainage swales, streams, slopes, ridgelines, crests of hills, rock outcroppings, vistas, and natural formations.

### B. APPLICABILITY

These provisions shall apply to any proposed construction, grading, filling, clearing or excavation on any hillside that meets or exceeds a slope of fifteen (15) percent. Trail development which does not exceed five (5) feet in width and does not exceed three (3) feet of cut or three (3) feet of fill shall be exempt from these provisions.

## C. REQUIREMENTS

Prior to the initiation of any construction, grading, filling, clearing, or excavation within the Hillside Overlay, the applicant shall provide the following, prepared and stamped by a professional engineer registered in the State of Utah, to the City Engineer for review and approval:

- i. Preliminary Grading Plan - Said plan shall be designed to ensure the properties within the development are able to conform to the excavation and engineered grading requirements of the Utah Chapter of the American Public Works Association and International Building Code
- ii. Slope stabilization and re-vegetation plan and report - The report shall include a complete description of the existing soils, existing vegetation, the vegetation to be removed, the method of vegetation disposal, the vegetation to be planted, and slope stabilization measures to be implemented. A geotechnical study shall be required to address slope stabilization.
- iii. Preliminary Hydrology Report - Said report shall at a minimum (1) contain a description of the hydrology of the site including tributary drainage to the proposed development, (2) determine baseline conditions and perform hydrologic calculations of the site prior to development, (3) determine proposed development conditions and perform hydrologic calculations of the site post-development, (4) provide water management measures and practices with conclusions on the proposed development, and (5) present recommendations covering the adequacy of the sites to be developed. The report shall include results of field studies of the site and geotechnical investigations.

## D. FINDINGS

Prior to issuance of a permit for construction within the Hillside Overlay District, and based upon the above noted reports, the City Engineer shall determine the following:

- i. The site is physically suitable for the design and siting of the proposed development. The development shall result in minimum disturbance of hillside areas
- ii. The grading and excavation proposed in connection with the development shall not result in soil erosion, silting of lower slopes, slide damage, flooding, severe scarring, any other geological instability, or fire hazard which would adversely affect the public, health, safety, and welfare
- iii. Disruption of existing native vegetation and wildlife habitat is minimized

## 6.12 STREET DEVELOPMENT

### A. PURPOSE

To outline general requirements and responsibilities for development of city streets. More specific requirements are contained in the city's standards and specification.

## B. GENERAL INTENT

It is the general intent of Mendon City that all new street rights-of-way shall be a minimum width of ninety-nine (99) feet with a twenty-four (24) feet wide asphalt drive strip to allow for future utilities and infrastructure including stormwater, sewer, irrigation improvements.

In addition, it is the intent of the city that new utilities or improvements be “bored-in” under existing asphalt street surfaces rather than accessed from the surface by cutting or excavating through the surface.

Finally, any damage to existing streets during construction of new streets, buildings or other improvements shall be the responsibility of the developer to repair.

## C. IMPROVEMENTS COMPLETED PRIOR

All subdivisions and/or development shall have site improvements completed and in place prior to placement of any asphalt, concrete and fill for street(s).

## D. RESPONSIBILITY FOR CONSTRUCTION

It is the responsibility of the person developing any parcel of land that does not have direct access to a paved city street to extend a new street the full length and width to the new development for a minor or major subdivision and two thirds the width for a single lot or double lot development. This policy is in place for residential, commercial, or light industrial development within Mendon City. The new street will include all other requirements as specified for street construction outlined in the city's standards and specifications.

In an approved subdivision, all designated streets must be completed prior to issuing any building permits for lots identified within the subdivision and must extend to all property boundaries.

All dead-end streets shall have a hammer head turn-around and be reviewed and approved by the City Engineer, the City Public Works Director and the City Fire Chief.

## E. APPLICABILITY

The city's standards and specifications shall apply to any proposed construction, grading, filling, clearing, or excavation on any street. Additional requirements may be imposed on streets exceeding a slope of six (6) percent after additional review and study by the City Engineer and Public Works Director.

# CHAPTER 7 - APPLICATIONS

## SECTION CONTENTS

- 7.1 CONDITIONAL USE
  - 7.2 VARIANCES
  - 7.3 APPEALS
  - 7.4 ANNEXATIONS
  - 7.5 ZONING AND ORDINANCE AMENDMENTS
- 

### 7.1 CONDITIONAL USE

#### A. PURPOSE

To provide for the regulation of land uses to insure their compatible integration in the land use pattern of Mendon, Utah.

#### B. APPLICABILITY

The regulations of this chapter shall apply to any use which requires conditional use approval as noted in the applicable base district or overlay district.

Any modification or expansion of a previously approved conditional use shall require a new conditional use approval.

An approved conditional use may be sold or assigned to subsequent property owners or operators without considering and acting upon a new application. Any use that requires a business license to operate or that cannot or will not comply with the original conditions of approval shall reapply for conditional use upon change in ownership. Conditional use approval is not transferable from one property to another.

#### C. APPLICATION PROCESS

A conditional use shall be subject to a public hearing, review, and approval subject to the regulations of this Chapter. The approval process shall be as follows:

- i. An application and fees, as adopted by the City Council, shall be submitted to the Planning and Zoning Commission
- ii. A site plan of the proposed conditional use, drawn to scale, and showing all existing and proposed buildings, fences, landscaping, automobile parking, loading areas, and other pertinent information shall be submitted
- iii. The Planning and Zoning Commission shall apply the general conditional use standards and the findings listed in this Chapter to review and approve or deny the conditional use
- iv. Prior to issuance of a building permit, the applicant shall provide written documentation indicating the facility has been approved by all applicable public agencies

- v. The approval shall be limited to a one (1) year period in which the applicant or owner must obtain all necessary permits and obtain a building permit
- vi. An affected party may appeal any decision of the Planning and Zoning Commission regarding a conditional use to the Board of Adjustment within fifteen (15) days from the date from which the decision was final. Any such appeal shall comply with the provisions of this chapter regarding appeals.

#### D. CONDITIONAL USE STANDARDS

The conditional use standards are as follows:

- i. The applicant shall guarantee to comply with the approved plans and specifications
- ii. The applicant shall have a continuous obligation to maintain adequate housekeeping practices so as not to create a nuisance
- iii. The applicant or owner shall obtain the written approval of the appropriate Fire Authority regarding the location specifications of any proposed structure, facility, or use
- iv. The owner and/or operator shall maintain sanitary practices so as not to create a public nuisance and to reduce noise and odor
- v. The owner and/or operator shall furnish evidence that any dangerous characteristics of the proposed use have been or shall be eliminated or minimized so as not to create a nuisance or be detrimental to the public health, safety, or welfare
- vi. If abutting, or within, a residential district, the facility hours may be limited by the Planning and Zoning Commission
- vii. If abutting, or within, an agricultural district, the proposed use shall not cause detrimental impacts to agriculture

The Planning and Zoning Commission may require additional conditions to mitigate impacts. The conditions may include, but not be limited to, any or all the following:

- i. Standards related to unsightly views or the emission of noise, vibration, odors, and other potentially objectionable aspects of a land use
- ii. Limits on time of day for the conduct of the specified use
- iii. The period within which the permit shall be exercised or otherwise lapse
- iv. Other standards necessary to protect the public health, safety, and welfare and mitigate adverse effects on surrounding property

#### E. REQUIRED FINDINGS

The Planning and Zoning Commission may approve, approve with modifications, or deny any conditional use application subject to the following required findings:

- i. The proposed use is not detrimental to the public health, safety, or welfare
- ii. The proposed use shall not create undue adverse impacts on surrounding properties
- iii. The proposed use is consistent with the General Plan
- iv. The proposed use complies with the purpose statement of the applicable base district
- v. The proposed use complies with all applicable City ordinances
- vi. The proposed use complies with all applicable State and Federal regulations
- vii. The proposed use and facilities shall not impede the normal development of surrounding property
- viii. Adequate public and private facilities such as utilities, landscaping, parking spaces, and traffic circulation measures are, or shall be, provided for the proposed use

## F. REVOCATION

A conditional use permit may be revoked by the Planning and Zoning Commission upon failure to comply with the conditions imposed with the original approval of the permit. Any such revocation shall require a public hearing. Failure to comply with a duly authorized revocation order shall result in penalties consistent with Section 4.8 of this Title.

## 7.2 VARIANCES

### A. PROCESS

The applicant for a variance shall apply in writing to the Board of Adjustment. Such application shall describe the variance requested and present all applicable information regarding measurements and uses and shall state how each of the requirements for a variance are met.

A site plan and any other pertinent drawings, photographs, or exhibits supporting the variance request shall be submitted with the application.

The Board of Adjustment shall fix a reasonable time for hearing of the application, give public notice thereof, as well as due notice to the parties of interest, hold the hearing, and render a decision within a reasonable time. At the hearing, any party may appear in person or by agent or by attorney.

## B. REQUIRED FINDINGS

After due consideration of applicable facts and circumstances, the Board of Adjustment may grant a variance from the terms of this ordinance provided all the following conditions and limitations are met:

- i. The variance will not be contrary to the public interest
- ii. Owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardships and difficulties
- iii. The spirit of the ordinance shall be observed
- iv. Substantial justice shall be done
- v. The variance will not substantially affect the comprehensive plan of zoning in the city
- vi. Special circumstances are attached to the property covered by the application which does not generally apply to the other property in the same district
- vii. Because of special circumstances, property covered by the application is deprived of privileges possessed by other properties in the same district, and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district. Variances shall not be used to circumvent the provisions of the ordinance, or to grant benefits and advantages generally denied by the ordinance

## 7.3 APPEALS

### A. PROCESS

Any final decision, determination, or order of the administrative officer or the Planning and Zoning Commission may be appealed to the Board of Adjustment as provided for in this Section.

Any such appeal shall be filed within fourteen (14) days from the date upon which the final decision, determination, or order became effective. Appeals shall be filed in writing with the Board of Adjustment and shall specify the grounds for the appeal.

The Board of Adjustment shall transmit all the papers constituting the record upon which the appeal is based to the City Council, 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 the hearing any party may appear in person or by agent or by attorney.

Any final decision, determination, or order of the City Council may be appealed to the District Court. A petition for review of the decision shall be filed with the District Court within thirty (30) days as provided for by Section 10-9-1001 of the Utah Code.

An appeal stays all proceedings in furtherance of the action appealed unless the Administrative Officer or Planning and Zoning Commission certifies to the Board of Adjustment that a stay would cause imminent peril to life or property.

## B. REQUIRED FINDINGS

The Board must find clear and convincing evidence that the final decision, determination, or order being appealed was made in error or in violation of this ordinance.

Upon hearing the appeal, and after due consideration of evidence, the Board of Adjustment shall affirm, reverse, or modify the decision, determination, or order in whole or in part to correct any error and bring the order or decision into conformity with the provisions of this ordinance. To this end, the board shall have all the powers of the administrative officer or commission from whom the appeal is taken. The concurring vote of five (5) members of the board shall be necessary for a decision.

## 7.4 ANNEXATIONS

Mendon City's Annexation Policy Plan is outlined in Ordinance 2019-06. It was approved and passed 11-14-2020. The annexation policy plan is the source for all information pertaining to annexation rules and requirements.

### A. PROCESS

Annexation to the City of Mendon shall be a result of an application filed by the property owners seeking annexation. Any such application shall fully comply with the requirements of Title Ten (10), Chapter Two (2), of the Utah Code. Applications shall also specify the desired zoning designation subsequent to the annexation plan policy and shall be filed with the City Clerk for review and recommendation of the Planning and Zoning Commission.

The application shall be processed in accordance with the provisions of the Utah Code and this title pertaining to annexation and zoning ordinance amendments. Any such application shall be considered by the Planning and Zoning Commission at public hearing and shall be forwarded to the City Council with a recommendation of approval or denial. Upon the recommendation of the Planning and Zoning Commission, the City Council shall hold a public hearing and shall approve or deny the application based upon the standards of the Utah Code

### B. STANDARDS

Newly annexed land shall be contiguous with the existing Mendon City Limits and will not leave or create an unincorporated island or peninsula, except as provided for in Subsection 10-2-418(1)(b) of the Utah Code.

Newly annexed land shall be given a zoning designation consistent with the policies and land use map of the Mendon City Annexation Plan Policy.

### C. REQUIRED FINDINGS

An application for approval of annexation shall only be approved by the Mendon City Council after finding that it meets all the criterion set forth in the city's annexation plan policy.

## 7.5 ZONING ORDINANCE AMENDMENTS

### A. PROCESS

A zoning ordinance amendment (map or text) may be initiated by the City Council, the Planning and Zoning Commission, a property owner, or a citizen of Mendon City.

All proposed amendments shall be submitted to the Planning Commission for recommendation and shall be forwarded to the Mendon City Council for consideration within thirty (30) days. Failure of the Planning Commission to submit its recommendation within the prescribed time shall be deemed a recommendation of approval of the proposed change or amendment.

The Mendon City Council shall conduct a public hearing on the application within forty-five (45) days of the Commission's decision.

### B. REQUIRED FINDINGS

Upon recommendation from the Commission, the Council shall make a full investigation and shall, at the public hearing, review the application. To grant a map or text amendment to the zoning ordinance, the Council shall make the following findings:

- i. The zoning ordinance amendment complies with the Mendon City General Plan
- ii. The zoning ordinance amendment complies with the regulations outlined for the proposed base zone, specifically the purpose statement
- iii. The zoning ordinance amendment shall not be materially detrimental to the public health, safety, and welfare

The zoning ordinance amendment shall not result in an adverse impact upon the delivery of any municipal services

## CHAPTER 8 - SIGNS

### SECTION CONTENTS

- 8.1 SIGNS ALLOWED
- 8.2 ANIMATED, FLASHING, INTERMITTENT SIGNS
- 8.3 CONSTRUCTION
- 8.4 ILLUMINATION
- 8.5 LOCATION OF SIGNS
- 8.6 MONUMENT SIGNS
- 8.7 TEMPORARY AND SPECIAL SIGNS
- 8.8 ON PREMISE SIGNS
- 8.9 OFF PREMISE SIGNS
- 8.10 WALL SIGNS
- 8.11 TRAFFIC SIGNS

### 8.1 SIGNS ALLOWED

The following described signs shall be allowed. All permanent signs shall be On-Premises Signs and shall be reviewed by the Planning and Zoning Commission prior to construction.

**Table 6.** Sign regulations by type

TYPE OF SIGN	MAX SIZE OF SURFACE AREA & TYPE	MAX HEIGHT (vertical dimension of sign)	ZONE DISTRICT	ILLUMINATION
Billboard	Not Allowed	-	-	-
Business	32 S. sq. ft (Monument Sign)	5 ft	Commercial and Industrial	Indirect, Flood, Neon
Wall	15% of a building face		Commercial and Industrial	Indirect
Property Identification, Sale, Lease, No Trespassing, No Parking, Private	6 sq. ft	7 ft	All Zones	None
Public Information	50 sq. ft (Monument Sign)	8 ft	All Zones	Indirect
Temporary and Special	50 sq. ft	8 ft	All Zones	None
Home Occupation	4 sq. ft Wall	3 ft	All Zones	None

Note: The vertical distance measures from the grade to the highest point of a sign or any vertical projection, including its supporting columns.

### 8.2 ANIMATED, FLASHING, INTERMITTENT SIGNS

Animated, flashing, or intermittent signs are not allowed in any of the zones in this ordinance.

### 8.3 CONSTRUCTION

All signs in commercial zones shall have a surface of noncombustible material, provided, however, combustible structural trim may be used thereon.

### 8.4 ILLUMINATION

All signs, except business signs, shall be illuminated by indirect lighting, the source of which shall not be visible from the street. In no case shall direct rays of light be permitted to penetrate a property in a residential zone or be used for residential purposes.

### 8.5 LOCATION OF SIGNS

All signs shall maintain a clear view of intersecting streets as provided in this ordinance. In any zone requiring a front yard, all ground signs in that zone shall adhere to the front yard requirements.

### 8.6 MONUMENT SIGNS

A freestanding sign with a solid base should incorporate architectural features that complement the sign construction and make it pleasing to the eye.

### 8.7 TEMPORARY AND SPECIAL SIGNS

A non-permanent sign intended for use for a short period of time includes any banner, pennant, or advertising display constructed with or without frame. Examples include construction signs, grand opening displays, residential land subdivision signs, and subdivision directional signs.

### 8.8 ON PREMISE SIGNS

All signs must be on premise, meaning they are located on the same parcel of land.

### 8.9 OFF PREMISE SIGNS

Off premise signs are not allowed, off premise signs are located on a separate parcel of land, or on a separate site from the place where the product, service, or business is located. *Ordinance*

### 8.10 WALL SIGNS

A wall sign is a sign attached to, or erected against, the wall of a building or structure with the exposed face of the sign parallel to the plane of said wall. It does not extend over twelve (12) inches from the wall of the building or structure.

### 8.11 TRAFFIC SIGNS

Traffic signs are allowed in the UDOT and City right-of-ways where warranted. All traffic signs must meet requirements of the MUTCD and/or Mendon City Standards.

## Appendices

Appendix A – Example of a Mendon City Rental Permit

Appendix B – Zoning Map of Mendon City

Appendix C – Lot Block Layout plan