

# ORDINANCE ECO 15-02

## AN ORDINANCE OF EPHRAIM CITY, UTAH, ENTITLED “LAND USE REGULATIONS,” REPEALING AND REPLACING SECTION 10 OF THE CITY CODE.

**WHEREAS:** Ephraim City has determined a need to revise and replace the Land Use Regulations Ordinance of Ephraim City to comply with new State Laws,

**AND WHEREAS:** They would like to provide better definitions, and further identify the Land Use provisions and regulations:

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF EPHRAIM CITY AS FOLLOWS:** That the City Code of Ephraim City, Utah is amended to state as follows:

### PART ONE: TITLE 10: LAND USE REGULATIONS

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### CHAPTER 1

#### PURPOSE, APPLICABILITY AND ADMINISTRATION

##### SECTION:

- 10-1-1. Short Title
- 10-1-2. Purpose
- 10-1-3. Declarations and Conflicts
- 10-1-4. Permits
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- 10-1-6. Amendments
- 10-1-7. Annexations
- 10-1-8. Vacation/Abandonment of Public Road or Right of Way
- 10-1-9. Planning Director
- 10-1-10. Appeal Authority

**10-1-1. Short Title:** This Title is known as the “Land Use Regulations Ordinance of Ephraim City, Utah,” and is referred to herein as “this ordinance.”

### **10-1-2. Authority and Purpose:**

A. Authority and Purpose: This ordinance is adopted pursuant to the authority contained in Utah Code Annotated §10-9a-401 (1953 as amended) to promote the public health, safety, and general welfare of the community. The purpose of this ordinance is to:

1. Establish land use classifications dividing the City into various zoning districts;
2. Govern the use of land for residential, commercial, office, industrial, and all other uses;
3. Regulate and limit the height and bulk of buildings and other structures;
4. Limit the occupancy and size of yards and open spaces;
5. Establish boards and commissions and define powers and duties for each;
6. Provide procedures for changing zoning districts and the standards which govern these districts, conditional use permits, variances and all other permits required by this ordinance;
7. Establish penalties for violations of this ordinance.

### **10-1-3. Declarations:**

A. Declaration: In interpreting and applying the provisions of this ordinance:

1. the requirements herein are declared to be the minimum requirements for the purposes set forth;
2. the plain English meaning of the text shall supersede; and
3. applicants, property owners and other concerned parties should be given the most favorable or permissive possible reading of these regulations.

B. Conflict: This ordinance shall not nullify the more restrictive provisions of covenants, easements, agreements, deed restrictions, or other ordinances or laws, but shall prevail notwithstanding when such provisions are less restrictive. Nothing in this ordinance shall supersede applicable safety codes such as fire or building codes.

C. Severability:

1. This ordinance revises and reenacts all land use laws. Whenever any provision of this ordinance refers to or cites a section of the Utah Code and that section is later amended or superseded, this ordinance shall be deemed amended to refer to the amended section or section that most nearly corresponds to that superseded section.
2. The sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remainder of the ordinance other than the part determined to be unconstitutional or invalid.

- D. Effect on Previous Ordinance: The existing ordinances covering land use and zoning are hereby superseded and amended to read as set forth herein, this ordinance is deemed to be a continuation of previous ordinances and not a new enactment.
- E. Adoption of Moratorium: The City Council may adopt a moratorium or “temporary land use regulation” without a prior recommendation from the Planning Commission (Utah Code Annot. 10-9a-504(1) and (3)).

**10-1-4. Permits:** No city officer shall grant a permit or license for the use of any building or land or for the construction or alteration of any building or structure that does not comply with the provisions of this land use ordinance. Approvals given in violation of this ordinance are void.

- A. Land Use Permit Required: A signed Land Use Permit signifying that the proposed use complies with the land use ordinance and setting forth the relevant city fees shall be received before a building permit can be issued.
1. The permit must be signed by the Planning Director or his designee and such other city officials as required by the purpose for which the permit is being sought.
  2. Some uses under this code require issuance of Conditional Use Permits by the City Council before a Zoning Permit can be signed.
  3. Zoning Permits expire six months from the date issued if substantive work under the permit has not begun.
  4. The zoning permit review period shall be thirty days or less.
  5. As part of the zoning permit, the applicant may be required to obtain approval from other affected entities, such as UDOT, the Ephraim Irrigation Company, utility companies, etc. having infrastructure on the proposed lot or which will be directly affected by the proposed development. before a zoning permit will be issued by the City.(2008)
  6. Buildable area: structures shall not be built on slopes 20% or greater unless the final design is reviewed and approved by a professional geotechnical engineer or similarly qualified professional and a conditional use permit has been issued for the development. The City Engineer may require professional review for projects on slopes less than 20% if in his opinion the field conditions of the site warrant additional review due to unusual conditions or terrain. (See definition for “Buildable Area” and “Conditional Use Permit”)
  7. If the design or engineering of any application or proposed land use is beyond the expertise of the City Staff, the City may require third party review by an engineer approved by the City prior to the issuance of a land use permit.
    - i. The applicant shall pay an additional fee to cover the cost of the third party review.
  8. Water Source Protection: all applications shall be reviewed for compliance with the Water Source Protection Plan requirements, as defined and

adopted by Ephraim City Ordinance. Applications found to not comply with said Source Protection Plan may be denied by the City.

- B. *Building Permit Required:* Erection, alteration, repair, removal or relocation of any building shall not commence or proceed without a written building permit and/or demolition permit issued by the Building Official according to the requirements of the adopted building code. Pools with electrical covers or submersed lighting, also require a permit. Flat concrete work such as driveways, sports courts, etc. do not require a building permit unless a the flat work is done as part of a larger project involving buildings and/or structures which would normally require a building permit.
- C. *Occupancy Permit Required:* No land shall be used or occupied and no building hereafter structurally altered or erected shall be used or changed in use until a certificate of occupancy shall have been issued by the Building Inspector stating that the building or the proposed use thereof, or the use of the land complies with the provisions of this ordinance and any other applicable local, state or federal regulation. Certificates of Occupancy are required within ten days of completion of work.
- D. *Application Approvals:* Complete applications for land use approvals are to be considered under the law that was in place when a complete application was submitted and all fees have been paid, unless the application jeopardizes a compelling, countervailing public interest; or a pending amendment to the ordinances was initiated as provided in city ordinance prior to the application. Pending amendments are of no consequence if not adopted within 180 days of being proposed (Utah Code Annot. 10-9a-509)
- E. *Exactions:* The city (or town) may impose an exaction or exactions on proposed land use development if:
1. an essential nexus exists between a legitimate governmental interest and each exaction; and
  2. each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.
- F. *Application Made to Conform to Zoning Map:* An applicant is entitled to approval of a land use application if the application conforms to the requirements of the City's zoning map and applicable land use ordinance in effect when a complete application is submitted and all fees have been paid, unless:
1. The City Council, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application; or
  2. In the manner provided by City ordinance and before the application is submitted, the municipality has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the application as submitted.

- G. Processing of Application: The City shall process an application without regard to proceedings initiated to amend the municipality's ordinances if:
1. 180 days have passed since the proceedings were initiated; and
  2. The proceedings have not resulted in an enactment that prohibits the approval of the application as submitted.
- H. Application Considered Complete: An application for a land use approval is considered submitted and complete when the application is provided in a form that complies with the requirements of applicable ordinances and all applicable fees have been paid.
- I. Reasonable Diligence: The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.
- J. No Unexpressed Requirements: The City shall not impose on a holder of an issued land use permit a requirement that is not expressed:
1. In the land use permit or in documents on which the land use permit is based; or
  2. In the City's ordinances.
- K. Certificate of Occupancy: The City will not withhold issuance of a certificate of occupancy because of an applicant's failure to comply with a requirement that is not expressed:
1. In the building permit or in documents on which the building permit is based; or
  2. In the City's ordinances.
- L. Compliance: The City is bound by the terms and standards of applicable land use ordinances and shall comply with mandatory provisions of those ordinances. (2008)
- M. Appeals: Appeals shall be done in accordance with the Noticing Requirements as provided in Table E: Notice Matrix and Appeals Process, and UCA 10-9A Part 7.

#### **10-1-5. Enforcement and Penalties:**

- A. Planning Director Responsibilities: The Planning Director shall administer and enforce this ordinance. The Planning Director, by assignment, may, from time to time, entrust such administration, in whole or in part, to any other office of the government without amendment to this ordinance.
- B. Permit Required: It shall be the duty of all architects, engineers, contractors, subcontractors, builders and other persons having to do with the establishment

of any use of land or the erection, alteration, changing or remodeling of any building or structure to see that a proper permit has been granted before such work is begun. Any person doing or performing any such work without a permit having been issued is in conflict with the requirements of this ordinance in the same manner and to the same extent that the owner of the premises or the persons for whom the use is established, and shall be subject to the penalties herein prescribed for violation.

C. Penalties:

1. Any firm, corporation, person or persons, or any action in behalf of such person, persons, firms or corporation, violating any of the provisions of this ordinance shall be guilty of a Class C misdemeanor or lesser offense at the discretion of the City Attorney. Each day that the violation of this ordinance shall continue shall constitute a separate offense.
2. In addition to, or independent of the criminal penalties provided above, the City may bring a civil proceeding in a court of competent jurisdiction to enforce compliance with the terms of this ordinance, or to prevent, restrain, or abate any violation of the terms of this ordinance.
3. Any violation of this ordinance is declared to be a public nuisance, and instead of, or in addition to, any criminal or civil enforcement measure authorized by this ordinance, may be enjoined or restrained by the City as other nuisances are abated under city ordinances or state law.

**10-1-6. Amendments:** Amendments to this Land Use Ordinance which change property from one zoning district to another, which modify ordinance text, or which amend or modify stipulations or conditions of approval shall be adopted in accordance with this section. Any amendments or modifications to the maps or text of the City's General Plan must also be done in accordance with the provisions of this section, in addition to the requirements found in Section 1.4 of the General Plan. (2008)

A. Amendments Submitted to Planning Commission: The city may not make any amendment authorized by this subsection unless the amendment was proposed by the Planning Commission or is first submitted to the Planning Commission for its recommendations. (2006)

B. Procedure:

1. The Planning Commission shall hold a public hearing and provide the proper notice in accordance with Table E: Notice Matrix.
2. If changing property from one zone to another, when considering any amendments to the Land Use Ordinance, the Planning Commission shall ensure compliance with the Land Use Classification Map found in the General Plan.
3. The Planning Commission shall make recommendations to the City Council concerning all proposed amendments.

4. After the Planning Commission's recommendation, the City Council may:
    - i. adopt the land use ordinance as proposed;
    - ii. amend the land use ordinance and adopt or reject the land use ordinance as amended; or
    - iii. reject the ordinance.
- C. Spot Zoning: The area within a zone need not be of a minimum size or include a minimum number of landowners. (Spot Zoning. Utah Code Annot. 10-9a-505).
- D. Reconsideration of Denied Amendments:
1. *One Year Limitation*: If a petition for a land use change or an ordinance amendment is denied by the City Council, or is withdrawn after the Planning Commission hearing, the Planning Commission shall not consider the petition or any other petition for the same land use change or amendment of this Ordinance as it applies to the same property described in the original petition, or any part thereof, within a period of one year from the date of such a denial, unless the conditions upon which the date of the original denial was based have substantially changed.
  2. *Substantial Change*: For purposes of this Section, a substantial change in a request shall mean a substantial reduction in density and/or land area involved, a change in the proposed use, such as residential rather than commercial, or other factors which in the opinion of the City Council clearly constitute a significant change in a land use change request.
- E. Subdivision Plat Amendments:
1. Lot line adjustments- metes and bounds: A petition to adjust common lot lines between one two or more properties by metes and bounds may be reviewed and approved by the Planning Director if the following conditions have been met:
    - i. No new lot is being created
    - ii. All resulting lots will comply with the required setbacks, minimum lot size, and minimum frontage for the zone in which they reside
    - iii. All affected property owners agree to the adjustment
    - iv. Noticing requirements followed as outlined in Table E: Notice Matrix.
  2. All other plat amendments: all other plat amendments will be done in accordance with the provisions of this ordinance, and in accordance with the Noticing Requirements as specified in Table E: Notice Matrix.

**10-1-7. Annexations:**

- A. Zone Classification: All land annexed to the city shall immediately receive the same zoning designation as the already zoned land with compatible surrounding uses within the City.

- B. Land Use Designations Outside City: Notwithstanding A above, the Planning Commission shall have the authority to recommend and the City Council to adopt, land use designations for properties lying outside of the city limits to determine, in advance of annexation, the zone or zones into which property will be zoned upon annexation.
- C. Compliance: All annexations to the city shall comply with all laws and requirements of the city as laid out in the adopted Annexation Policy Declaration, and all laws and requirements of the state relative to annexation of land.

**10-1-8. Vacation/Abandonment of a Public Road or Right-of-Way:** Hearing and notice for proposal to vacate, alter, or amend a public street or right of way. For any proposal to vacate, alter, or amend a public street or right-of-way, the legislative body shall hold a public hearing and shall give notice of the date, place, and time of the hearing in accordance with the Noticing Requirements as provided in Table E: Notice Matrix for Land Use Applications. The City Council may approve, approve with conditions, or reject the road vacation. (See State Code 10-9-A-208, and 10-9-1-609.5.)

**10-1-9. Planning Director:**

- A. Land Use Authority: The Planning Director shall act together with the Planning Commission as the Land Use Authority unless otherwise specified herein. The Planning Director shall be responsible for:
1. Administration and interpretation of this ordinance, including clarification of the intent, and review of land uses described and included in a land use district.
  2. Enforcement of this ordinance.
  3. Preparing application guidelines, forms, and administrative procedures.
- B. Additional Responsibilities: Additional details of certain responsibilities may be provided in other sections of this ordinance. All decisions and interpretations of the Planning Director or Land Use Authority may be appealed to the appeal authority in accordance with Utah Code Annotated 10-9a-701.

**10-1-10. Appeal Authority:** (see definition) In order to provide for just and fair treatment in the administration of local land use ordinances, and to ensure that substantial justice is done, there is hereby created an Appeal Authority to exercise the powers and duties provided by this section.

- A. Organization: The Appeal Authority shall be appointed by the mayor with the consent of the City Council.
- B. Powers and Duties: The Appeal Authority shall hear and decide:

1. Appeals from decisions applying the land use ordinance made by the Planning Director or Land Use Authority as designated by the City Council;
2. Variances from the terms of the land use ordinance.

C. Variances: Any person or entity desiring a waiver or modification of the requirements of this ordinance as applied to a parcel of property that he owns, leases, or in which he holds some authority for a variance from the terms of the ordinance:

1. The Appeal Authority may grant a variance only if all of the following five conditions are satisfied:
  - i. literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;
  - ii. there are special circumstances attached to the property that do not generally apply to other properties in the same zone;
  - iii. granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
  - iv. the variance will not substantially affect the general plan and will not be contrary to the public interest;
  - v. the spirit of the land use ordinance is observed and substantial justice done
2. In determining whether or not enforcement of this ordinance would cause unreasonable hardship under Subsection 1(i) The Appeal Authority may not find an unreasonable hardship unless the alleged hardship:
  - i. is located on or associated with the property for which the variance is sought; and
  - ii. comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
3. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection 1(i), the Appeal Authority may not find an unreasonable hardship if the hardship is self-imposed or economic
4. In determining whether or not there are special circumstances attached to the property under Subsection 2(ii), the appeal authority may find that special circumstances exist only if the special circumstances:
  - i. relate to the hardship complained of; and
  - ii. deprive the property of privileges granted to other properties in the same zone.
5. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
6. Variances run with the land.
7. The Appeal Authority may not grant a use variance; ie, change allowance uses for that particular zone, such as changing the use from residential to commercial, etc.

8. In granting a variance, the Appeal Authority may impose additional requirements on the applicant that will:
  - i. mitigate any harmful affects of the variance; or
  - ii. serve the purpose of the standard or requirement that is waived or modified. (10-9a-702 Utah Code Annot.)

D. Appeals: Appeals from decisions made by the Planning Director or Land Use Authority in administering or interpreting this ordinance shall be processed and reviewed in accordance with this section.

1. The applicant, a board or officer of the municipality, or any person adversely affected by the land use authority's decision administering or interpreting a land use ordinance may, within 10 days, appeal that decision by alleging that there is error in any order, requirement, decision, or determination made by the land use authority in the administration or interpretation of this ordinance.
2. The appellant has the burden of proving that the land use authority erred.
3. The Appeal Authority shall respect the due process rights of each of the participants.
4. Only those decisions in which the Planning Director or Land Use Authority has applied the land use ordinance to a particular application, person, or parcel may be appealed to the Appeal Authority. (10-9a-703; 705; 706 (2); 707 (4) Utah Code Annot.)

E. Review and Public Hearing Procedures: Completed applications for both variances and appeals will be reviewed by the Planning Director or Land Use Authority and shall forward a recommendation to the Appeal Authority for approval, approval with conditions, or denial based upon consideration and evaluation of the "Findings." The Appeal Authority shall hold at least one (1) public meeting on the application. Prior to the meeting, notice shall be given in accordance with State Law. as specified in the Table E: Notice Matrix. Where a variance will affect the location of a building or structure; i.e. setbacks, etc., any affected utilities must also be notified in writing at least 7 days before the meeting, including Natural Gas, Power, or other utility which requires minimum spacing from buildings, structures, etc. Notwithstanding the notice requirements set forth above, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the action for which the notice was given.

1. The Appeal Authority shall consider the recommendation of the Planning Director, or Land Use Authority together with information provided by the applicant, and any statements made at the public meeting both for and against the application. The Appeal Authority may approve, approve with conditions, or deny the application.

F. Final Decision: A decision of an appeal authority is final and takes effect on the date when the appeal authority issues a written decision, or within 30 days of the decision by appeal authority; whichever is sooner. (10-9a-708 Utah

Code Annot.)

## CHAPTER 2

### DEFINITIONS

#### SECTION:

#### 10-2-1. Definitions.

**10-2-1. Definitions:** Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this Ordinance. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; "building" shall include the word "structure"; the words "used" or "occupied" shall include arranged, designed, constructed, placed, located, altered, converted, rented, leased, or intended to be used or occupied; the word "shall" is mandatory and not directory, and the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the word "lot" includes the words plot, or parcel. Words used in this Ordinance but not defined herein shall have the meaning as defined in any other Ordinance adopted by the City Council or as defined in the latest edition of Webster's New Collegiate Dictionary.

**"A" Frame Sign** - Temporary and/or movable sign constructed with two sides attached at the top so as to allow the sign to stand in an upright position.

**Abandoned Sign** - A sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found.

**Accessory Use or Building** - A use or building on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or building. For the purposes of this ordinance, accessory buildings include both permanent and temporary structures such as garages, carports, sheds, shipping containers, etc. regardless of whether said structures are unenclosed or enclosed.

**Accessory Apartment** - A dwelling unit that has been added onto, or created within, a single family house, incidental and secondary to the primary residence (not a duplex). See also "Dwelling Unit, Accessory"

**Affected Entity** - A county, municipality, independent special district under Utah Title 17A, Chapter 2, Independent Special Districts, local district under Utah Title 17B, Chapter 2, Local Districts, school district, interlocal cooperation entity established under Utah title 11, Chapter 13, Interlocal Cooperation Act, specified public utility, or the Utah Department of Transportation, if:

1. the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
2. the entity has filed with the municipality a copy of the entity's general or long-range plan; or
3. the entity's boundaries or facilities are within one mile of land which is the subject of a general plan amendment or land use ordinance change.

**Agent or Owner** - Any person who can show written proof that he is acting for the property owner and with the property owner's knowledge and permission.

**Agriculture** - The cultivating of the soil, raising of crops, horticulture and gardening; breeding, grazing and keeping or raising of domestic animals and fowl, except household pets; and not including any agricultural industry or business.

**Agricultural Industry or Business** - An industry or business involving agricultural products in manufacturing, packaging, treatment, sales, intensive feeding, or storage, including but not limited to commercial greenhouses, feed yards, fruit stands, fur farms, food packaging or processing plants; commercial poultry or egg production, and similar uses as determined by the Planning Commission; provided, that any such use is of a substantial commercial or industrial character as determined by standards developed by the Planning Commission and approved by the City Council.

**Airport** - Any area of land or water designed and set aside for the landing and the taking off of aircraft.

**Airport Area** - The area covered by airport approach zones, horizontal zones, conical zones, and transition zones, as defined herein.

**Alley** - A public access-way or thoroughfare less than sixteen feet but not less than ten feet in width, which is dedicated or deeded to the public for public use and is designed to give secondary access to lots or abutting properties; an alley shall not be considered a street, for the purpose of this Ordinance.

**Alterations, Sign** - A change or rearrangement in the structural parts or design whether by extending on a side; increasing in area or height; or by relocation or changing the position of a sign.

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

**Amusement Park** - Any place of organized amusement activity not conducted wholly within a completely enclosed building.

**Animated Sign** - (see also and note the difference from changeable sign) A sign or display manifesting either kinetic or illusionary motion occasioned by natural,

manual, mechanical, electrical, or other means. Animated signs include the following types:

1. *Naturally Energized Signs* - Signs whose motion is activated by wind or other atmospheric impingement. Wind-driven signs include flags, banners, pennants, streamers, metallic disks, or other similar devices designed to move in the wind.
2. *Mechanically Energized Signs* - Signs manifesting a repetitious pre-programmed physical movement or rotation in either one or a series of planes activated by means of mechanical based drives. Electrically Energized - Illuminated signs whose motion or visual impression of motion is activated primarily by electrical means. Electrically energized animated signs are of two types:
3. *Flashing Signs* - Illuminated signs exhibiting a preprogrammed repetitious cyclical interruption of illumination from one or more sources in which the duration of the period of illumination (on phase) is either the same as or less than the duration of the period of darkness (off phase), and in which the intensity of illumination varies from zero (off) to 100 percent (on) during the programmed cycle.
4. *Illusionary Movement Signs* - Illuminated signs exhibiting the illusion of movement by means of a pre-programmed repetitious sequential switching action in which illuminated elements of the sign are turned on or off to visually simulate the impression of motion characteristic of chasing, running, blinking, oscillating, twinkling, or expanding and contracting light patterns.

**Antenna** -A transmitting or receiving device used in telecommunications that radiates or captures electromagnetic waves used for communication.

**Appeal Authority** - A person, board, commission, agency, or other body appointed by the mayor and approved by the City Council to decide an appeal of a decision of a land use application or a variance.

**Architectural Projection** - Any building or structural projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building or structure, but not including signs.

**Area of Special Flood Hazard** - The land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

**Area, Sign** - (see "Sign, Area of")

**Attic** – That part of the building that is immediately below and wholly or partly within the roof framing.

**Automatic Car Wash** - A facility for automatic or self-service washing and

cleaning of automobiles and small trucks not exceeding one and one-half tons capacity.

**Automobile Paint and Body Shop** - A facility for the painting and body repair of automobiles, trucks, trailers, boats, or other travel or recreation vehicles or units.

**Automobile Sales Area** - An open area used for display, sale, or rental of new or used motor vehicles in operable condition.

**Automobile Repair Facility or Service Station** - A place where gasoline, or any other motor fuel, lubricating oil or grease for operating motor vehicles is offered for sale to the public and repair services performed may include tube and tire repair, battery charging, storage of merchandise, lubricating of automobiles, replacement of spark plugs, lights, fans and other small parts, including major auto repair.

**Average Percent of Slope** - An expression of rise or fall in elevation along a line perpendicular to the contours of the land to the lowest point of land within an area or within a lot. A vertical rise of one hundred feet between two points one hundred feet apart, measured on a horizontal plane is a one hundred percent slope.

**Awning** - A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework. (Compare "Marquee")

**Awning Sign** - A sign painted on, printed on, or attached flat against the surface of an awning.

**Back Lit Awning** - (see "Electric Awning Sign")

**Banner Sign** - A sign made of fabric or any no rigid material with no enclosing framework.

**Base Flood** - The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

**Basement** - A story partly underground. A basement shall be counted as a story for the purposes of height measurement if its height is one-half or more above the grade.

**Basement House** - A residential structure without a full story structure above grade.

**Bed and Breakfast** - shall mean overnight accommodations and a morning meal

in a dwelling unit provided to individuals on a temporary basis for compensation

**Bedroom** – A private room planned and intended for sleeping, separated from other rooms by a door, and accessible to a bathroom within the same dwelling unit.

**Beginning of Construction** - The pouring of concrete footing for a building or structure.

**Billboard** - (see "Off-premise Sign")

**Blade Sign** - (see "Ground Sign")

**Block** - The land surrounded by streets or other rights-of-way, other than an alley, or land which is designed as a block on any recorded subdivision plat.

**Boarding House** - shall mean a dwelling or part thereof with shared facilities in which, for compensation, lodging is provided which may or may not include meals. For purposes of this ordinance, a boarding house shall not be considered as a temporary lodging facility.

**Body and Fender Shop** - A facility for major automobile, truck, mobile home, recreational vehicle repairs to the body, or fenders, and including major rebuilding.

**Buildable Area** - The portion of a lot remaining after required yards have been provided, except that land with an average grade exceeding twenty (20) percent shall not be considered buildable area unless it is approved by conditional use permit for construction, after study by a geologist, soils engineer, or other qualified professional as required by the Planning Commission. See also Sections\_10-1-4-A and 10-3-2-C.

**Building** - Any structure used or intended to be used for the sheltering of any use or occupancy, or enclosure of persons, animals, or property.

**Building, accessory** - A building which is subordinate to, and the use of which is incidental to, that of the main building or use of the same lot. See also "Accessory Use or Building".

**Building, height of** - The vertical distance from the average finished grade surface to the highest point of the building roof or coping.

**Building Inspector** - The official designated as the building inspector for Ephraim City.

**Building Line** - The line of the building that defines the space for that building's

occupancy.

**Campground** - A public area designated by a public agency for camping, or a private area licensed by the county for camping.

**Camping** - A temporary establishment of living facilities such as tents or recreational vehicles for a period not to exceed fourteen days as regulated by this Ordinance.

**Canopy (Building)** - A rigid multi-sided structure that may or may not be illuminated by means of internal or external sources, covered with fabric, metal or other material and supported by a building at one or more points or extremities and by columns or posts embedded in the ground at other points or extremities. (compare "Marquee")

**Canopy (Freestanding)** - A rigid multi-sided structure that may or may not be illuminated by means of internal or external sources, covered with fabric, metal or other material and supported by columns or posts embedded in the ground.

**Canopy Sign** - A sign affixed or applied to the exterior facing surface or surfaces of a building or freestanding canopy.

**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. (see also accessory buildings)

**Cellar** - A room or rooms wholly under the surface of the ground, or having more than fifty percent of its floor to ceiling height under the average level of the adjoining ground. A cellar access shall be outside and not enter directly into another building or dwelling.

**Changeable Sign** - A sign whose informational content can be changed or altered by manual or electric, electro-mechanical, or electronic means. Changeable signs include the following types:

1. *Manually Activated Signs* - Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered by manual means.
2. *Electrically Activated Signs* - Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments. Includes the following two types:
  - a. *Fixed Message Electronic Signs* - Signs whose basic informational content has been pre-programmed to include only certain types of information projection, such as time, temperature, predictable traffic conditions, or other events subject to prior programming.
  - b. *Computer Controlled Variable Message Electronic Signs* - Signs

whose informational content can be changed or altered by means of computer-driven electronic impulses.

3. *Mobile, Changeable Copy Sign* - A sign mounted on a trailer; frame or legs, lighted or unlighted, box or "A" frame and shall have changeable lettering.

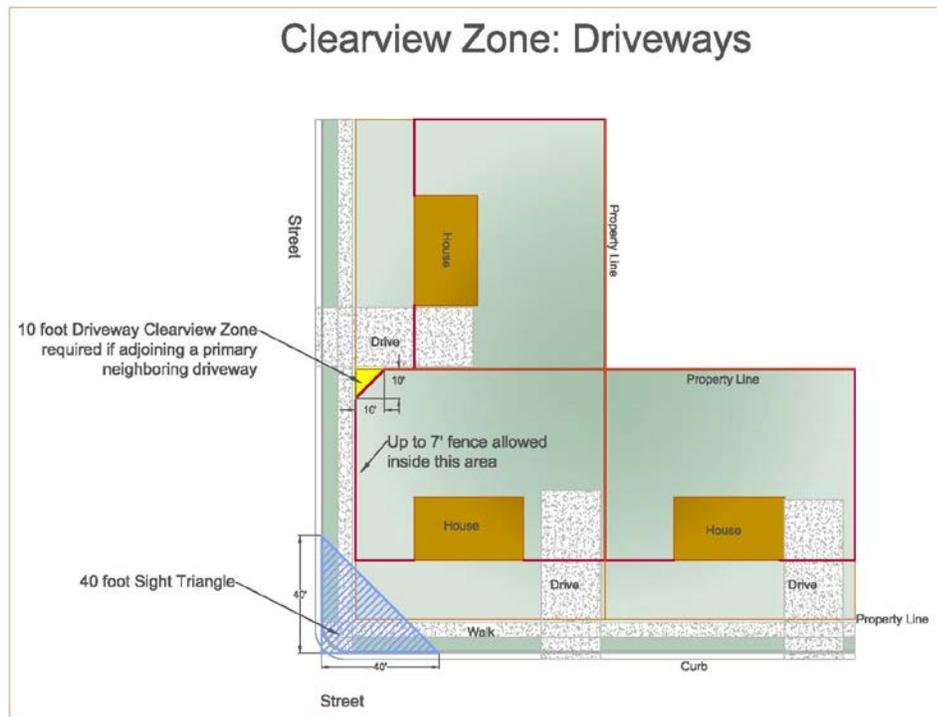
**Child Nursery** - An establishment for the care and/or the instruction of five or more children, for compensation, other than for members of the family residing on the premises, but not including a public school. A child nursery may be operated as a secondary use in a residential dwelling or in a building designed for a commercial operation as is permitted in the zoning district.

**Church** - A building, together with its accessory buildings and uses, maintained and controlled by a duly-recognized religious organization where persons regularly assemble for worship.

**City** - The City of Ephraim, Utah.

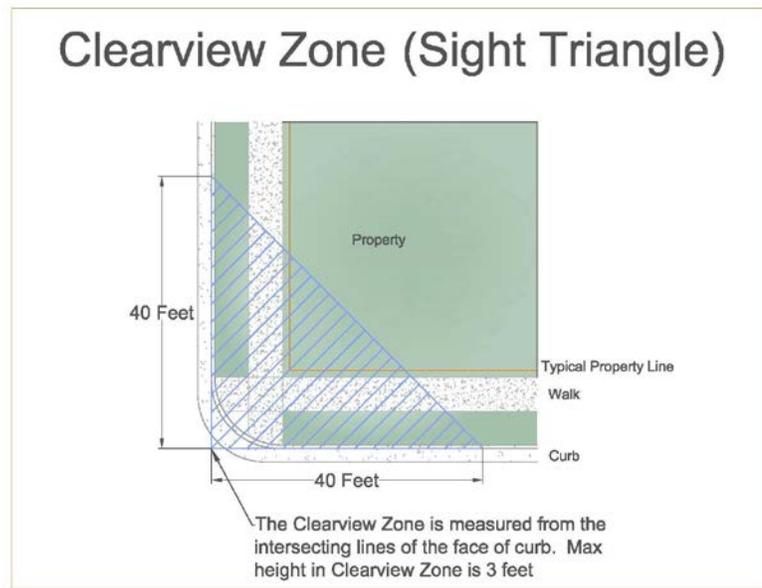
**City-owned Property** - Real property that is owned, leased or controlled by the City.

**Clearview Zone; Driveways (Corner Lots)** – refers to that portion of the corner lot lying within a triangular area formed by measuring back ten feet from the point where the interior property line shared with the adjacent lot meets the property line along the public right of way. See figure 1 below:



## Figure 1: Clearview Zone: Driveways

**Clearview Zone; Intersections-** The area of a corner lot closest to the intersection which is kept free of impairment to allow full view of both pedestrian and vehicular traffic. Such area is established by marking a point at which the two curb lines intersect, measuring back forty feet along each street, and drawing a line between the two back points to form a triangular area, also referred to as “sight triangle”. See figure 2 below:



## Figure 2: Clearview Zone (Sight Triangle)

**Clinic, Dental or Medical** - A building in which a group of dentists, physicians, and allied professional assistants are associated for the conduct of their professions. The clinic may include a dental and/or a medical laboratory and an apothecary, but it shall not include in-patient care or operating rooms for major surgery.

**Club, Social** - Any organization, group, or association supported by its members where the sole purpose is to render a service to its members and their guests. Includes private non-profit locker clubs.

**Co-location** - The location of an antenna on an existing structure, tower or building that is already being used for personal wireless services facilities.

**Common Area** - Any area or space designed for joint use of residents of a mobile home park, condominium, apartment complex, etc.

**Community Management** - The person or persons who own or has charge, care or control of a mobile home park, condominium, apartment complex, etc.

**Comprehensive Plan** - See General Plan

**Conditional Use** - A land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

**Condominium** - A project of two or more units where an individual owns the air space in a single unit together with undivided interest in common in the buildings, common areas and facilities of the property.

**Congregate Residence** - Any building or portion thereof which contains facilities for living, sleeping and sanitation and may include facilities for eating and cooking, for occupancy by other than a family, but with a maximum occupancy of the lesser of ten persons or 2 persons per bedroom. A congregate residence may be a shelter, convent, monastery, dormitory, fraternity or sorority house, but does not include jails, hospitals, nursing homes, hotels or lodging houses. A congregate residence is permitted according to Land Use Table B of this ordinance. In the R2 and R3 residential zones, the maximum density may be further limited at the discretion of the land use authority, upon recommendation from the Planning Director, in order to mitigate any potential negative impacts to the adjoining residential properties. A congregate residence is not permitted in any R1, R1A, or RA zones of the City.

**Conservation Standards** - Guidelines and specifications for soil and water conservation practices and management, enumerated in the Technical Guide prepared by the USDA Soil Conservation Service, adopted by the Soil and Water Conservation District supervisors, and containing suitable alternatives for the uses and treatment of land based upon its capabilities, from which the land-owner selects that alternative which best meets his needs in developing his soil and water conservation plan.

**Construction Sign** - A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

**Convenience Store** - A one story commercial retail operation containing less than 2,500 square feet of gross floor area, designed and stocked to sell primarily food, beverages, limited variety of goods for personal consumption, and other household supplies to retail customers who purchase only a relatively few items as well as gasoline and car care items.

**Copy, Sign** - The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

**Corral** - A space, other than a building, less than one (1) acre in area, or less than one hundred (100) feet in width, used for the confinement of animals or fowl.

**Court, Building** - An open, unoccupied space, other than a required yard, on the same lot with a building or group of buildings, and which is bounded on two or more sides by such building or buildings.

**Coverage, Building** - The percent of the total site area covered by buildings.

**Crosswalk or Walkway** - A right-of-way to facilitate pedestrian access through a subdivision block; designed for use by pedestrians and not for use by motor vehicles; may be located within or without a street right-of-way, or separated from vehicular traffic.

**Dairy** - A commercial establishment for the manufacture, processing or packaging of dairy products, and their sale; for purpose of this definition, the production of milk on a farm for wholesale marketing off the premises shall not be classified as a dairy.

**Density** - The number of persons, units, apartments, dwellings, mobile homes or mobile home stands per acre of gross area.

**Design, Subdivision** - The design includes; alignment, grade and width for easements and rights-of-way for utilities; the grading and general layout of lots and streets within the area; location of land to be dedicated for park and/or recreational purposes; and, such specific requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to insure conformity to or implementation of applicable general or specific plans.

**Development** - Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

**Diagonal Tie** - Any tie-down designed to resist horizontal or shear forces and which deviates not less than 30 degrees from a vertical direction.

**Direction/Information Sign** - An on-premise sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment, but no advertising copy, e.g., parking or exit and entrance signs. May contain logo provided that the logo may not comprise more than 20% of the total sign area. May include information about sales of agricultural products produced upon the premises.

**District, Land use** - A portion of the unincorporated territory of Ephraim City, established as a zoning district by this Ordinance, within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance; also includes "zone" and "zoning district".

**Double-Faced Sign** - A sign with two faces diverged from a common angle of not more than 45 degrees or back-to-back.

**Driveway** - A private right-of-way, providing access to only one parcel or facility the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel on which the driveway is located.

**Dwelling** - shall mean any building or portion thereof designed exclusively for residential occupancy, but not including hotels, motels, bed and breakfasts, or other temporary use lodging facilities. A dwelling can consist of one or more "dwelling units".

**Dwelling, Farm or Ranch Housing** - Dwelling units constructed to provide housing for migratory or temporary farm workers, or for persons or families permanently working on a farm or a ranch.

**Dwelling, Mobile Homes** - (See "Mobile Homes")

**Dwelling, Single-family** - A building arranged or designed to be occupied by one family, the structure having only one dwelling unit.

**Dwelling, Two-family** - A building arranged or designed to be occupied by two families, the structure having only two dwelling units.

**Dwelling, Three-family** - A building arranged or designed to be occupied by three families, the structure having only three dwelling units.

**Dwelling, Four-family** - A building arranged or designed to be occupied by four families, and having more than four dwelling units.

**Dwelling, Multiple-family** - A building arranged or designed to be occupied by more than four families, and having more than four dwelling units.

**Dwelling Group** - A group of two or more detached buildings used as dwellings, located on a lot or parcel of land.

**Dwelling Unit** - One or more rooms with private bath and kitchen facilities comprising of an independent, self-contained space for occupancy by one family, individual, and/or individuals for living and sleeping purposes. A unit may be attached or detached.

**Dwelling Unit, Accessory** – shall mean a dwelling unit within a dwelling that is incidental and secondary to the primary residence (not a Duplex). See also “Accessory Apartment”

Dwelling Unit, Apartment – a dwelling which contains three or more dwelling units

Dwelling, Duplex – a building containing two single family dwelling units totally separated from each other by an unpierced wall extending from ground to roof.

**Easement** - That portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner of said property. The easement may be for use under, on or above said lot or lots. A vested or acquired right to use land, other than as a tenant, for a specific purpose; such right being held by someone other than the owner who holds title to the land.

**Electric, Mobile Home Park** - All of the electrical wiring, fixtures, equipment and appurtenances related to electrical installations within a mobile home park feeder assembly.

**Electric Awning Sign (also "Back Lit Awning")** - An internally illuminated fixed space-frame structure with translucent, flexible reinforced covering designed in awning form and with graphics or copy applied to the visible surface of the awning.

**Electrical Sign** - A sign or sign-structure in which electrical wiring, connection, or fixtures are used.

**Electronic Message Center** - (see "Changeable Signs, Electrically Activated")

**Essential Facilities** - Utilities or sanitary and public safety facilities provided by a public utility or other governmental agency for overhead or surface or underground services. Any privately owned electrical sub-station or transmission line of fifty KV or greater capacity, including related facilities such as buildings, etc. requires a conditional use permit. (2010)

**FAA** - Federal Aviation Administration.

**FCC** - Federal Communications Commission.

**Facade** - The entire building front including the parapet.

**Face of a Sign** - The area of a sign on which the copy is placed.

**Family** - An individual, or two (2) or more persons related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit; or a group of not more than two (2) persons living together as a single housekeeping unit in a dwelling unit; or a group of not more than four (4).

**Farm or Ranch** - A farm is a parcel of land in an Agricultural land use district which is used primarily for horticultural or farming purposes, such as the growing of crops or other vegetative, or fruit agricultural uses. A ranch is a parcel of land in an Agricultural zoning district which is used primarily for ranching purposes, such as grazing of livestock or other non-vegetative or fruit agricultural use.

**Feed Yard** - A building or open enclosure where horses, cattle, sheep, goats, hogs, turkeys, ducks, geese, or guinea hens are kept in a relatively restricted area for intensive feeding in preparation for being sold or slaughtered as contrasted to open pasturage, provided that any such use is of a substantial commercial or industrial character as determined by standards developed by the Planning Commission and adopted by the City Council.

**Feeder Assembly** - The overhead or under-chassis feeder conductors, including the grounding conductor, together with the necessary fittings and equipment, or a power supply cord listed for mobile home use, designed for the purpose of delivering energy from the source of electrical supply to the distribution panel board within the mobile home.

**Fence** - An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

**Festoons (Sign)** - A string of ribbons, tinsel, small flags, or pinwheels.

**Final Plat** - A subdivision map prepared in accordance with the provisions of this Ordinance, which is designed to be placed on record in the office of the County Recorder.

**Fire Protection** - Such water supply, water lines, fire hydrants and other protective devices as may be required in accordance with the provisions of this Ordinance.

**Flashing Sign** - (see "Animated Sign, Electrically Energized")

**Flood or Flooding** - A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or
2. the unusual and rapid accumulation or runoff of surface waters from any

source.

**Flood Hazard** - A hazard to land or improvements due to inundation or overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of water courses.

**Flood Insurance Rate Map (FIRM)** - An official map of a community on which the Federal Emergency Management Agency has delineated areas of special flood hazard designated as Zone A.

**Floodlighted Sign** - (see "Illuminated Sign")

**Floodplain** - Any land area susceptible to be inundated by water from the base flood. As used in this ordinance, the term refers to that area designated as subject to flooding from the base flood (100 year flood).

**Floodway** - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**Floor Area** - Area included within surrounding walls of a building or portion thereof, exclusive of vents, shafts, and courts.

**Forest Industry** - An industry which uses forest products, such as sawmill, pulp or paper plant, wood products plant, and similar uses.

**Freestanding Sign** - A sign supported permanently upon the ground by poles or braces and not attached to any building.

**Front Yard Setback** - That part of a lot, extending the full width of the lot, which is between the front property line and the front building line. The depth of the front yard is measured from the front lot line to the building line of the building. If the property line falls within the easement of a prescriptive use right-of-way, a substitute front lot line shall be established by finding the centerline of the road, measuring thirty feet from that centerline and then measuring the front setback from there. Unenclosed stoops (porches) of thirty-six square feet or less are not considered the front line of a building. (See also: Setback, Front and Lot, Corner)

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

**Frontage, Building** - The length of an outside building wall on a public right-of-way or an approved private road.

**Frontage, Lot** - The lineal measurement of the front lot line.

**Garage, Private** - A detached accessory building, or a portion of a main building, used or intended to be used for the storage of motor vehicles, recreational vehicles, boats, snow mobiles, or other recreational vehicles.

**Garage, Repair** - A structure or portion thereof, other than a private garage, used for the repair of self-propelled vehicles, trailers, or boats, including general repair, rebuilding or reconditioning of engines, motor vehicles, recreational vehicles, and minor collision service, but not including major body, frame or fender repairs or overall automobile or truck painting, except as permitted in the land use matrix. A repair garage may also include incidental storage, care, washing, or sale of automobiles.

**General Plan (or Master Plan)** - A long range generalized plan adopted by the City Council for Ephraim City, Utah.

**Geological Hazard** - A hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property, or improvements, due to the movement, failure, or shifting of the earth. Such hazards also include rock fall or avalanche.

**Grade** - The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building.

**Governing Body** - The City Council of Ephraim City, Utah.

**Government Sign** - Any temporary or permanent sign erected and maintained by the city, county, state or federal government.

**Ground Anchor** - Any device used for the purpose of securing a mobile home or any other structure to the ground.

**Ground Sign (also "Blade Sign")** - A sign which is anchored to the ground similar to a pylon or freestanding sign, but which has a monolithic or columnar line and which maintains essentially the same contour from grade to top. Height and setbacks are to be the same as for freestanding signs.

**Guyed Tower** - A tower that supports an antenna or antennas and requires guy wires or other stabilizers for support.

**Height (of a Sign)** - The vertical distance measured from the highest point of the sign, excluding decorative embellishment (see “Sign: area”), to the grade of the adjacent street or the surface grade beneath the sign, whichever is less. (compare "Sign: Clearance")

**Home Occupation** - Any use conducted entirely within a dwelling and carried on by persons residing in the dwelling unit and no more than one employee hired outside of the home who will work within the home, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and in connection with which there is no advertising, except as otherwise permitted herein, no public display outside of the dwelling unit except as provided in table C, and no noise created which is audible at the boundaries of the premises. The intent of this definition is that the conditional use permit approving any home occupation shall assure that the character of the premises and of the neighborhood will remain in harmony with the general intent of the zoning district and that, where uncertainty exists, neighborhood residential values shall be considered paramount. (See section 10-3-2.G governing issuance of home occupation permits).

**Hospital** - Institution for the diagnosis, treatment and care of human illness or infirmity, but not including sanitariums, clinics and instant care facilities.

**Hotel/Motel** - shall mean a building with or without kitchen facilities offering temporary use accommodations to general public

**Household Pets** - Animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, and canaries, etc.. Household pets shall not include the keeping of inherently or potentially dangerous animals, such as lions or tigers, etc.

**Identification Sign** - A sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified.

**Illegal Sign** - A sign which does not meet the requirements of this code and which has not received non-conforming status.

**Illuminated Sign** - A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

**Improvement** - May include, but is not limited to, street construction, water systems, sewer systems, sidewalks, curbs and gutters, drainage facilities, on site,

street trees, street signs, street lights, traffic control or safety devices, fire hydrants, and such other facilities, utilities, or construction as is required by the Subdivision Chapter, Regulations or the Planning Commission and/or City Council.

**Incidental Sign** - A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or a sign indicating hours of business.

**Inoperative Vehicle or Trailer** - Any vehicle or trailer that due to mechanical, electrical, structural problems, or lack of maintenance, cannot operate as it was originally constructed and designed to do or should not be operated due to conditions rendering it as unsafe. This includes any vehicle or trailer that is not currently licensed or which its operation is in violation of local, state and federal laws.

**Interior Sign** - A sign located within a building so as to be visible only from within the building in which the sign is located.

**Inundation** - Pondered water or water in motion of sufficient depth or velocity to damage property, due to the presence of the water or to the deposit of silt.

**Junk** - Any salvaged or scrap copper, brass, iron steel, metal, rope, rags, batteries, paper, wood, trash, plastic, rubber, tires, waste, or other articles or materials commonly designated as junk. Junk shall also mean any dismantled, wrecked or inoperable motor vehicles or parts thereof which remain in such condition for a period of time in excess of sixty days. An automobile, truck or bus shall be considered as inoperable if it is parked or stored on property outside of an enclosed garage and is not currently registered and licensed in this state or another state.

**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 metals or other scrap material, or for the dismantling, demolition or abandonment of automobiles, or other vehicles, or machinery or parts thereof; provided that this definition shall be deemed not to include such uses which are clearly accessory and incidental to any agricultural use permitted in the district.

**Kennel** - Any premises where three or more dogs older than four months are kept, except that more than three of such dogs may be kept in the agricultural, and multiple-use districts as an accessory to permitted and conditional uses allowed in that zoning district, examples are: sheep dogs on a ranch, seeing eye dogs in a handicapped residential facilities, etc.

**Land Use Application** - An application required by any Ephraim City Land Use Ordinance.

**Land Use Authority** - A person, board commission agency or other body designated by the City Council to act upon a land use application. Unless otherwise specified, the Planning Commission and/or Planning Director shall act as Land Use Authority for all land use decisions as governed by the provisions of this ordinance.

**Land Use Ordinance** - The uniform land use ordinance of Ephraim City, Utah, which are also known as Zoning, Subdivision, and Development Ordinances. (2006)

**Landscaping** - The installation of some combination of planted trees, shrubs, vines, ground cover, flowers, or lawns. In addition, the combination of design may include rocks, and such structural features as fountains, pools, artworks, screens, walls fences, walks, or benches, but such objects alone shall not meet the requirements of this title.

**Lateral Sewer** - A sewer which discharges into another sewer and has only sewer inlets from buildings and structures tributary into it.

**Lattice Tower** - A self-supporting three or four-sided, open steel frame structure used to support telecommunications equipment.

**Light Vehicle or Equipment Maintenance** - The performance of routine maintenance tasks such as; Changing the oil, checking tire pressure, replacing water hoses, etc., which do not involve the removal, repair or replacement of major mechanical, electrical, hydraulic, pneudralic, or components of the vehicle.

**Local Attorney** - The City Attorney or any other attorney officially representing Ephraim City.

**Local Building Inspector** - The building inspector employed by or officially representing Ephraim City.

**Local Engineer** - The engineer employed by or officially representing Ephraim City.

**Local Governing Body** - (See Governing Body)

**Local Health Officer** - The health officer or department with jurisdiction in Ephraim City.

**Local Jurisdiction** - Ephraim City, Utah

**Local Planner** - The Planning Director or any other planner employed by or officially representing Ephraim City, Utah.

**Local Surveyor** - The County surveyor or any other surveyor officially representing Ephraim City, Utah.

**Lot** - A parcel or unit of land described by metes and bounds and held or intended to be held in separate lease or ownership, either as an undeveloped or developed site, or a parcel or unit of land shown as a lot, plat, or parcel on a recorded subdivision map, or shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger tract into two or more smaller units.

**Lot Area** - The total area reserved for exclusive use of the occupants of a dwelling unit.

**Lot, Corner** - A lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five degrees. For placement of structures on a corner lot please see definition for Setbacks, Corner.

**Lot Depth** - The horizontal distance between the front and the rear lot lines measured in the main direction of the side lot lines.

**Lot Frontage** - The lot frontage required is the length of the front lot line which, is coterminous with the front street lines.

**Lot, Interior** - A lot other than a corner lot.

**Lot Line** - The property lines bounding the lot. A line bounding the lot as shown on the accepted plot plan.

**Lot Line, Front** - To an interior lot, the lot line adjoining the street; for a corner lot or through lot, the lot line adjoining either street, as elected by the lot owner. (2006)

**Lot Line, Rear** - Ordinarily, that line of a lot which is opposite and most distant from the front line of the lot. In the case of a triangular or gore-shaped lot, a line ten (10) feet in length within the parcel parallel to and at the maximum distance from the front line. In cases where these definitions are not applicable, the land use officer or building inspector shall designate the rear lot line.

**Lot Line, Side** - Any lot boundary line not a front or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line; a side lot line

separating a lot from a street is a street side lot line.

**Lot Right-of-Way** - A strip of land of not less than sixteen feet in width connecting a lot to a street for use as private access to that lot.

**Lot Width** - The minimum lot width for each zoning district shall either remain consistent or expand larger from the front to the rear setback.

**Low Profile Sign (also "Monument Sign")** - A sign mounted directly to the ground with maximum height not to exceed six feet.

**Maintenance, Sign** - For the purposes of this Ordinance, the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

**Maintenance, Vehicle or Equipment** - The maintenance or repair of a vehicle or piece of equipment that is other than routine maintenance, which the result of is to make it operable or safe to operate. May involve; the removal and/or replacement of major mechanical, electrical, hydraulic, pneumatic or other components, modification in design, operation or structure.

**Mansard** - A sloped roof or roof-like facade architecturally comparable to a building wall.

**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 (HUD Code), in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. All manufactured homes constructed on or after June 15, 1976, shall be identifiable by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards. (Refer to State Code 10-9-1-514.)

**Marquee** - A permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building. (Compare "Awning")

**Marquee Sign** - Any sign attached to or supported by a marquee structure.

**Mine** - A site from which ore, gravel, rock, minerals, precious metals or natural substances, that are other than plant or animal organisms, can be extracted. It

includes the site of the mine with its surface buildings, structures, elevator shafts, and equipment.

**Mining** - The process or business of extracting ore, gravel, rock, minerals, precious metals or natural substances from the surface and/or below the surface of the earth.

**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 (HUD Code). Designed to be a long term residential dwelling unit, with or without a permanent foundation, and originally constructed as a complete package which includes major appliances, plumbing, and electrical facilities prepared for appropriate connections. No permanent connections for water or sewer shall be granted, nor shall occupancy be permitted for any structure which is less than 40 feet long or 8 feet wide. Temporary offices on work sites are permitted in accordance with the other provisions of this ordinance. See also "Trailers". (2010)

**Modular Home** - A permanent dwelling structure built in prefabricated units, which are assembled and erected on the site, or at another location and brought as a unit to the site; said modular home is classed as a mobile home until it is placed on a permanent foundation and complies with all applicable building codes.

**Monopole** - A single, self-supporting, cylindrical pole, constructed without guy wires or ground anchors which acts as the support structure for antennas.

**Monument Sign** - (see "Low Profile Sign")

**Motel/hotel** - shall mean a building with or without kitchen facilities offering temporary use accommodations to general public

**Multiple-face Sign** - A sign containing three or more faces, not necessarily in back-to-back configuration.

**Nameplate (Sign)** - A non-electric on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

**National Cooperative Soil Survey** - The soil survey conducted by the U. S. Department of Agriculture in cooperation with the State Agricultural Experiment Station and other Federal and/or Utah State agencies.

**Natural Waterways** - Those areas, varying in width, along streams, creeks, springs, gullies or washes which are natural drainage channels as determined by the Building Inspector in which areas no buildings shall be constructed.

**Noncomplying Structure** - A structure that;

1. legally existed before its current land use designation; and
2. because of one or more subsequent land use ordinance changes, does not conform to setback, height restrictions, or other regulations, excluding those regulations that govern the use of land. (2006)

**Nonconforming Sign** –

1. A sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.
2. A sign which does not conform to the sign code requirements, but for which a valid sign permit has been issued.

**Nonconforming Use** -A use of land that;

1. legally existed before its current land use designation;
2. has been maintained continuously since the time the land use ordinance regulation governing the land changed; and
3. because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land. (2006)

**Nursing Home** - An institution, other than a hospital, for the care of human illness or infirmity in which care, rather than diagnosis or treatment, constitutes the principal function. The term "nursing home" shall also include "rest home" and "convalescent home".

**Occupancy** - The portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.

**Occupied Area** - The total of all of the lot area covered by a building and its accessory buildings on a lot.

**Official Map** - A map of the city used to show existing and/or future roads, zoning, rights of way and/or other land use applications. (2006)

**Off-Premise Sign (also "Billboard")** - A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, e.g., "billboards" or "outdoor advertising".

**Off-Site Directional Sign** - A sign which provides directional assistance to access an establishment conveniently and safely. Such signs shall be limited by the Land Use Authority in size, height, and placement as justified.

**Off-Street Parking Space** - The space required to park one passenger vehicle, which space shall meet the requirements of this Ordinance.

**Off-Site Improvements** - Improvements not on individual lots but generally within the boundaries of the subdivision which they serve, and as further outlined in this Ordinance.

**On-Site Improvements** - Construction or placement of the dwelling and its appurtenant improvements on a lot.

**On-Premise Sign** - A sign which pertains to the use; product or commodity sold; service performed on the premises and/or property on which it is located.

**Open Space** - The area reserved in parks, courts, playgrounds, golf courses, and other similar open areas to meet the density requirements of planned unit developments.

**Open Space, Usable** - Usable open space shall be any portion of a lot or building which meets all the following conditions:

1. The space shall be open to the sky or shall be open to view in at least two sides.
2. The space shall be readily accessible by foot traffic from the building to which it is accessory.
3. The space shall not be provided from any required front or side yard, parking area, or driveway space.

**Owner** - The holder of the fee title to land or buildings or to property, whether a person, partnership, corporation, or other entity recognized by law, and his or its lessees, permittees, assignees, or successors in interest.

**Overhanging Sign** - (see "Mansard, Roof Sign")

**Package Agency** - A retail liquor location operated under a contractual agreement with the Alcoholic Beverage Control Department, by a person other than the state, who is authorized by the Alcoholic Beverage Control Commission to sell package liquor for consumption off the premises of the agency.

**Painted Wall Sign** - Any sign which is applied with paint or similar substance on the surface of a wall.

**Parapet** - The extension of a false front or wall above a roofline.

**Parcel of Land** - (See "Lot")

**Parking Lot** - An open area, other than a street, used for the parking of automobiles and available for public use, whether free, for compensation, or

accommodation for clients or customers.

**Pedestal Sign** - A temporary and/or movable sign supported by a column(s) and a base so as to allow the sign to stand in an upright position.

**Pedestrian-way** - (See "Cross-walk")

**Permanent Monument** - Any structure of concrete, masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference, which meets the requirements of Sanpete County and/or the State of Utah for permanent monuments.

**Person** - Any individual, corporation, association, firm, partnership, or similarly defined interest.

**Personal Wireless Services** - "Personal wireless services" has the same meaning as provided in Section 704 of the Telecommunications Act of 1996 (47 U.S.C. § 332(c)(7)(c)), which includes what is commonly known as cellular and Personal Communication System (PCS) services.

**Personal Wireless Services Facilities** - Facilities for the provision of personal wireless services, hereafter referred to as "wireless facilities". Wireless facilities include transmitters, antennas, structures supporting antennas, and electronic equipment that is typically installed in close proximity to a transmitter.

**Planned Unit Development Zone (PUD Zone)** - A zoning district, the boundaries of which are to be shown on the land use map, but the regulations for which shall be determined by a general development plan to be adopted by the City Council, after public hearing, as required for other zoning districts.

**Planned Unit Development (PUD)** - An integrated design for development of residential, commercial or industrial uses, or limited combinations of such uses, in which the density and location regulations of the district in which the development is situated may be varied or waived to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed requirements.

**Plat** - Any map, plan or chart of a city, town, section or subdivision, indicating the location and boundaries of individual properties.

**Plot** - A parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or metes and bounds.

**Plot Plan** - A plat of a lot, drawn to scale, showing its actual measurements, the

size and location of any existing buildings and/or structures or buildings and/or structures to be erected, the location of the lot in relation to abutting streets, and such other information as may be required by the Planning Commission.

**Point of Purchase Display** - Advertising of a retail item accompanying its display, e.g., an advertisement on a product dispenser, tire display, etc.

**Pole Cover (Sign)** - Cover enclosing or decorating poles or other structural supports of a sign.

**Political Sign** - A temporary sign used in connection with a local, state, or national election or referendum.

**Portable Sign** - Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

**Prefabricated Housing** - (See Modular Home)

**Premises** - A parcel of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate for that zoning district.

**Preliminary Plat** - A drawing, to scale, representing a proposal to subdivide a tract, lot or parcel of land, and meeting the preliminary plat requirements of this ordinance.

**Pre-sectioned Home** - (See Modular Home)

**Private Non-profit Locker Club** - A social, recreational, or athletic club, or kindred association, incorporated under the provisions of the Utah Non-profit Corporation and Cooperation Act, which maintains or intends to maintain premises upon which liquor is or will be stored, consumed, or sold.

**Private Non-profit Recreational Grounds and Facilities** - Non-profit recreational grounds and facilities operated by a non-profit corporation, association, or group.

**Private Property** - Any real property not owned by the City or another public or governmental entity.

**Private Street** - A private owned way or lane which affords principal means of access to abutting individual dwellings, mobile homes, condominiums, community service buildings or apartments.

**Process or Processing** - The act, business or procedure of taking raw, extracted or pre-processed material and adding to or taking away from it, to produce a product that is purer, used, marketed, or uniquely different than the original raw material or product before the procedure was enacted.

**Projecting Sign** - A sign, other than a flat wall sign which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

**Property Sign** - A sign related to the property upon which it is located and offering such information as the address, the property, warning against trespassing, any hazard, or other danger on the property. (see "Identification Sign")

**Protection Strip** - A strip of land between the boundary of a subdivision and a street within the subdivision, for the purpose of controlling the access to the street by property owners abutting the subdivision.

**Public Street** - A public way which affords principal means of access to abutting properties.

**Public System (Water or Sewage)** - A system which is owned and operated by a local governmental authority or by an established public utility company which is adequately controlled by a governmental authority. Such systems are usually existing systems serving a municipality, a township, an urban county, or a water or sewer district established and directly controlled under the laws of the state of Utah.

**Public Hearing** - A hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

**Public Meeting** - A meeting that is required to be open to the public under Utah Title 52, Chapter 4, Open and Public Meetings.

**Real Estate Sign** - A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

**Rear Yard Setback** - That part of a lot between the rear building line and the rear lot line, and extending the full width of the lot. The depth of the rear yard is measured from the rear lot line to the building line of the building. Unenclosed stoops of thirty- six square feet or less are not considered the rear line of a building. (See also Setback, Rear.)

**Recreational Vehicle** - A vehicle, such as a travel trailer, tent camper, camp car or other vehicle with or without motive power, designed and/or constructed to travel

on the public thoroughfare in accordance with the provisions of the Utah Vehicle Code, and designed for use as a human habitation for a temporary and recreational nature.

**Recreational Vehicle Park** - Any area or tract of land or a separate designated section within a mobile home park where lots are rented or held out for rent to one or more owners or users of recreational vehicles for a temporary time not to exceed thirty days. Such park may also be designated as "Overnight Park."

**Recreational Vehicle Space** - A plot of ground within a recreational vehicle park designated and intended for the accommodation of one recreational vehicle.

**Residences With a Disability** – Refer to State Code 10-9-A-520.

**Right-of-Way** - The area, either public or private, over which the right-of-passage exists.

**Roofline** - The top edge of a roof or building parapet, whichever is higher, excluding any mansards, cupolas, pylons, chimneys or minor projections.

**Roof Line** - On buildings without a pitched roof, the roof line shall mean the top of the exterior wall elevation. On buildings with a pitched roof, roof line shall mean the ridgeline of the roof.

**Roof Mounted Antenna** - An antenna or series of individual antennas mounted on a roof, mechanical room or penthouse of a building or structure.

**Roof Sign** - Any sign erected partly or wholly over or on the roof of a building. A structure having main supports embedded in the ground shall not be considered to be a roof sign even if the sign's supports pass through a roof, canopy, or parapet of a building. (compare "Mansard, "Wall Sign")

**Rotating Sign** - (see "Animated Sign, Mechanically Energized")

**Runway (Airport)** - A defined area on an airport prepared for landing and takeoff of aircraft.

**Salt** - Any component, solid or liquid, of the Sodium elements, such as Sodium Chloride, Potash, Sodium Hydroxide, Brine, etc.

**School, Private** - A school which is operated by a quasi-public or private group, individual, or organization, and which has curriculum similar to that provided in any public school in the state of Utah. Private schools may be non-profit, or profit-making establishments.

**School, Public** - A school operated by a school district or other public agency in the State of Utah.

**Setback, Corner Lot** – those setbacks required for structures on a corner lot. (see definition Lot, Corner). When considering the placement of a structure on the lot, corner lots are considered to have a front setback adjoining each street, along with a rear setback and an interior side setback. The property owner may choose which is the rear setback, and which is the interior side setback. The street location determines the front setback, not the orientation of the house, The Planning director may allow two front setbacks and two side setbacks if normal rear setbacks cannot be met with any other configuration of the house on the lot.

**Setback, Front** – That part of a lot, extending the full width of the lot, which is between the front property line and the front building line. The depth of the front yard is measured from the front lot line to the front line of the building. If the property line falls within the easement of a prescriptive use right-of-way, a substitute front lot line shall be established by finding the centerline of the road, measuring thirty three feet from that centerline and then measuring the front setback from there. Unenclosed stoops (porches) of thirty-six square feet or less are not considered the front line of a building. (See also: Lot, Corner)

**Setback, Rear** – That part of a lot between the rear building line and the rear lot line, and extending the full width of the lot. The depth of the rear yard is measured from the rear lot line to the building line of the building. Unenclosed stoops of thirty- six square feet or less are not considered the rear line of a building.

**Setback, Side** - That part of a lot between the side building line and the side lot line, and extending from the Front Yard setback to the Rear Yard setback. The width of the side yard is measured from the side lot line to the building line of the building. Unenclosed stoops of thirty-six square feet or less are not considered the side line of a building.

**Sewer Connection** - A connection consisting of all pipes, fittings, and appurtenances from the drain outlet of the building to the inlet of the corresponding sewer riser pipe of the sewage system serving the development.

**Sewer Riser Pipe** - That portion of the sewer which extends vertically to at least ground elevation and terminates at each mobile home stand.

**Side Yard Setback** - That part of a lot between the side building line and the side lot line, and extending from the Front Yard setback to the Rear Yard setback. The width of the side yard is measured from the side lot line to the building line of the building. Unenclosed stoops of thirty-six square feet or less are not considered the

side line of a building. (See also Setback, Side)

**Sign** - Any device, structure, fixture, or placard using graphics, symbols, and/or written copy for the primary purpose of identifying, providing directions, or advertising any establishment, person, entity, interest, product, goods, or services. It includes any structural supports, lighting systems, attachments, ornaments or other features.

**Sign, Area of -**

1. *Projecting and Freestanding Sign*- The area of a freestanding or projecting sign shall have only one side of any double or multiple-faced sign counted in calculating its area. The area of the sign shall be measured as follows if the sign is composed of one (1) or more individual cabinets:
  - i. A rectilinear line of not more than eight (8) sides shall be drawn around and enclosing the perimeter of each cabinet or module. The area shall then be summed and totaled to determine total area. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, support structures, etc., provided that there is no written advertising copy on such embellishments.
2. *Wall Sign* - The area shall be within a single, continuous perimeter composed of any rectilinear line, geometric figure which encloses the extreme limits of the advertising message. If the sign is composed of individual letters or symbols using the wall as the background with no added decoration, the total sign area shall be calculated by measuring the area within the perimeter of each symbol or letter. The combined areas of the individual figures shall be considered the total sign area.

**Sign Clearance** - The smallest vertical distance between the grade of the adjacent street, highway, or street curb and the lowest point of any sign, including framework and embellishment, if extended over that grade.

**Sign, Electronic Message** - (see "Animated Sign, Electrically Energized")

**Sign, Free-standing** - (see "Freestanding Sign")

**Sign Identification and Information** - (see "Identification Sign")

**Sign, Illuminated** - (see "Illuminated Sign")

**Sign, Marquee** - (see "Marquee Sign")

**Sign Setback** - The minimum distance that any portion of a sign or sign structure shall be from any street right-of-way line and yard line coterminous with a street or

road.

**Sight Triangle** – see “clearview zone”

**Site Plan** - A plan required by, and providing the information required by this ordinance.

**Sketch Plan** - A generalized layout of a proposed subdivision or development, with accompanying general proposals and intentions of the subdivider or developer, and relating the proposed subdivision or development to its area, public utilities, facilities, services, and to special problems which may exist in the area.

**Snipe Sign** - A temporary sign or poster affixed to a tree, fence, etc.

**Special District** - An entity established under the authority of Utah Title 17A, Special Districts, and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or unit of the State. (2006)

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

**Stable, Public** - Any stable where horses are boarded and/or kept for hire.

**State Store** - A facility for the sale of package liquor located on premises owned or leased by the state of Utah and operated by state employees. State store does not apply to any licensee, permittee, or to package agencies.

**Stealth Facilities** - Wireless facilities, including transmission antennas, support equipment, equipment buildings and structures, that have been designed to be compatible with the natural setting and surrounding structures, that camouflage or conceal the presence of antennas, towers or equipment, and that have been certified as “Stealth Facilities” by the Planning Commission.

**Story** – That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including those basements used for the principal use.

**Story, Half** - A partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls do not extend more than four feet above the floor of such story, and the floor area does not exceed two-thirds of the floor area immediately below it.

**Street** - shall mean public or private land used as a public thoroughfare primarily

for vehicular traffic which provides access to property including all land which has been dedicated, condemned, or abandoned to the public for such use whether improved or unimproved.

**Structure** - A walled and roofed building or manufactured home that is principally above ground.

**Structure Height (cell tower)** - The vertical distance of a transmission facility measured from its base at grade to the top of the facility, including any attached antenna. If the facility is on a slope, the height shall be measured from the average elevation point to the top of the structure.

**Structure Approved For Co-Location (cell tower)** - A structure approved by the Planning Commission with space for co-location as per Section 10-3-8.E.

**Subdivider** - Any person, firm, corporation, partnership or association who causes land to be divided into a subdivision for himself or others.

**Subdivision** - Any land that is divided, re-subdivided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions. It includes the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument. It does not include a bona fide division or partition of agricultural land for agricultural purposes or of commercial, manufacturing, or industrial land for commercial, manufacturing or industrial purposes.

**Subdivision, Cluster** - A subdivision of land in which the lots have areas less than the minimum lot area of the district in which the subdivision is located, but which complies with the cluster subdivision provisions of this Ordinance and in which a significant part of the land is privately reserved or dedicated as permanent common open space to provide low-density character for the residential lots in the subdivision.

**Subdivision Identification Sign** - A freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development.

**Subdivision Vacation** - The process of removing from record a section of land that was subdivided into plats for development or sale, lease or to offer for sale. The subdivision area vacated ceases to exist, and the land is one parcel, and must be re-subdivided to sell in smaller sections.

**Temporary Sign** - A sign not constructed or intended for long-term use, with a maximum time period of ninety days.

**Tiedown** - Any device designed for the purpose of anchoring a mobile or manufactured home or other structure to ground anchors.

**Trailer** – A structure standing on wheels, towed or hauled by another vehicle, and used for short-term human occupancy, carrying of materials, goods, or objects, or as a temporary office. See also: definition of “Mobile Home”, and Section 10-3-2 of this ordinance for provisions for temporary buildings.

**Tower** - A free-standing structure, such as a monopole tower, lattice tower, or guyed tower, that is used as a support structure for antenna(s).

**Under-Canopy Sign** - A sign suspended beneath a canopy, ceiling, roof, or marquee.

**Unlicensed Motor Vehicle** - Any vehicle which initially was designed or constructed to be self-propelled and which is not currently registered or licensed by the State of Utah, but does not include vehicles exempt from registration under state law. "Unlicensed Motor Vehicle" does not include any motor vehicle kept or stored at an approved impound lot or commercial storage yard.

**Use** - The purpose for which a building, lot, sign or structure is intended, designated, occupied, or maintained.

**Vacation Plat** - A plat submitted for the purpose of removing a subdivision from the records of the County Recorder and the County Assessor. The plat shows the area that is to return to its original state. No plats exist in the area, the land is one parcel after approval.

**Vicinity Plan** - A map or drawing, to scale, showing the physical relationships of the proposed development to existing or proposed streets, buildings and utilities; other relevant information such as special terrain or surface drainage, and existing land use classifications

of all land within three hundred feet of the property proposed for development.

**View-obscuring fence, wall or hedge** - A fence, wall, or hedge of vegetation growth which prevents full view of property on one side by a viewer standing on the other side.

**Wall Mounted Antenna** - An antenna or series of individual antennas mounted on the vertical wall of a building or structure.

**Wall Sign** - A sign attached essentially parallel to and extending not more than eighteen inches from the wall of a building with no copy on the sides or edges. This definition includes painted, individual letters, and cabinet signs, and signs on a mansard.

**Water Connection** - A connection consisting of all pipes, fittings, and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the dwelling.

**Water Riser Connection** - That portion of the water supply system which extends vertically to at least ground elevation and terminates at the water inlet pipe for each mobile home lot or dwelling.

**Window Sign** - A sign installed inside a window and intended to be viewed from outside the building.

**Wireless Facility(ies)** - See Personal Wireless Services Facilities.

**Yard** - A required open space on a lot, other than a court, unoccupied and unobstructed from the ground upward, except as permitted elsewhere in this Ordinance.

**Yard, Front** - (See: Front Yard Setback)

**Yard, Rear** - (See: Rear Yard Setback)

**Yard, Side** - (See: Side Yard Setback)

**Zone** - (see "district, land use")

**Zoning Administrator** - The local official designated by the City Council to enforce the regulations of the Ordinance.

## CHAPTER 3

### GENERAL AND SUPPLEMENTARY REGULATIONS

#### SECTION:

- 10-3-1. Effect.**
- 10-3-2. Supplementary regulations to all zones.**
- 10-3-3. Nuisance and Abatement**
- 10-3-4. Fences.**
- 10-3-5. Signs.**
- 10-3-6. Parking.**
- 10-3-7. Conditional Uses**
- 10-3-8. Cell Phone Towers**
- 10-3-9. Floodwater and Stormwater**
- 10-3-10. Center of Block Development Standards**
- 10-3-11. Condominium Conversion Projects**
- 10-3-12. Sexually Oriented Businesses**
- 10-3-13. Nonconforming Uses.**

**10-3-1. Effect:** The regulations hereafter set forth in this Chapter qualify or supplement, as the case may be, the zone regulations appearing elsewhere in this Ordinance.

#### **10-3-2. Supplementary Regulations to all Zones:**

- A. Zoning Map: There shall be a map created and maintained for the purposes of graphic illustration and physical location of the various zoning in the City; hereafter known as the official zoning map of Ephraim City. This map shall be located in the department of Planning and Zoning and maintained by the Planning Director or his designee, according to the direction of the City Council. For the purposes of this ordinance, the terms “zoning” and “land use” may be used interchangeably. (2006)
- B. Lots in Separate Ownership: The minimum lot area, lot widths, or minimum setback requirements of this ordinance shall not be construed to prevent the use for a single-family dwelling any lot or parcel of land if that lot or parcel of land was held in separate ownership as of January 1, 1994.
- C. Lot Standards:
  - 1. 10-3-2 (C) Lot Standards:
    - a. Except for planned unit developments, large lots as defined herein, or as otherwise provided by City ordinance, every lot shall have such area, width and depth as required for the zoning district in which it is located and shall have frontage upon a dedicated or publicly-approved street which meets the adopted road standards of the City before any building permit may be issued, except residential lots may front upon private

roads approved by the City Council after consideration by the Planning Commission. Any lot fronting a private street shall only be allowed if emergency access requirements are met as determined by the Ephraim Fire Chief. Flag Lots and center of block developments shall be developed in accordance with Section 10-3-10 of this Chapter. For lots which are one and a-half acres or bigger frontage improvements will be required as per section 11-4-2 (B); Subdivisions.

- D. *Buildable lot requirements on slopes:* Structures shall not be built on slopes 20% or greater unless the final design is reviewed and approved by a professional geotechnical engineer or similarly qualified professional and a conditional use permit has been issued for the development. The City Engineer may require professional review for projects on slopes less than 20% if in his opinion the field conditions of the site warrant additional review due to unusual conditions or terrain. (See also definition for “Buildable Area”)
- E. *Lot Improvements:* A building permit for a primary building on a lot will only be issued on the condition that the lot be improved with curb/gutter, sidewalk, and asphalt along the street frontage of the lot in accordance with the Development Sequence and Guarantee of Improvements as outlined in Sections 10-3-14 through 10-3-20 of this Ordinance, and minimum utilities (including water, sewer, power, and gas) are available and adequate to service the property. Except as provided herein for large lots and otherwise specifically exempted by the city council due to exceptional circumstances, all development, whether single family, multi family, commercial, or subdivision development shall provide frontage improvements as per these ordinances. Any required improvements not installed before approval (road, sidewalk, drainage, and public utilities) must be bonded, deposited to escrow, or otherwise financially guaranteed in manner acceptable to the City, prior to issuance of permit. See also Section 10-3-2-N.
- F. *Sale Or Lease Of Required Space:* No space needed to meet the width, yard, area, coverage, parking or other requirements of this ordinance for a lot or building may be sold or leased away from such lot or building.
- G. *Sale Of Lots Below Minimum Space Requirements:* No parcel of land which has less than the minimum frontage, width and area requirements for the zone in which it is located may be severed from a larger parcel of land for any purpose whatsoever.
- H. *Home Occupations:* Home based businesses, which meet all of the requirements below are permitted in all commercial and residential zones and may be approved by the Planning Director or his designee. Contested applications require approval of the Planning Commission. Home based businesses require a Home Occupation permit and a business license from the City. Businesses not meeting all of the conditions below may apply for a conditional use permit in accordance with section 10-3-7 if the use is listed in the Land Use Matrix, Table B of this ordinance.

1. The business is conducted entirely within the dwelling.
2. The use is clearly incidental and secondary to the use of the home for residential purposes and does not change the character thereof
3. There shall be no advertising signs outside of the dwelling unit except as permitted in Table C.
4. No noise is created which is audible at the boundaries of the premises
5. There is no outdoor storage, outdoor display of merchandise, nor parking/storage of any vehicle in excess of twelve thousand pounds (12,000 lbs) gross vehicle weight.
6. The use is limited to the on-site employment of immediate family members who occupy the dwelling, plus one additional employee. (This criterion is not intended to limit the number of employees who are engaged in business for the home occupation but work off-premises.);
7. The use shall not alter the residential character or appearance of the dwelling or neighborhood;
8. The use shall not occupy more than twenty-five percent (25%) of the dwelling;
9. The use shall not generate business-related vehicular traffic in excess of three (3) vehicles per hour;
10. The use shall not cause a demand for municipal services in excess of that associated with normal residential use;
11. The use is not a mortuary, animal hospital, kennel, clinic, hospital, RV service, junkyard, and auto repair service, public stable or adult oriented business.
12. All adjoining land owners which are surrounding and across from the property must be notified and have opportunity to comment on the application as instructed in the Home Occupation permit application.
13. Any application which is contested by the neighbors or which warrants additional review in the opinion of the Planning Director, shall be forwarded to the Planning Commission for review and consideration. If the Planning Commission deems it necessary, the application may be forwarded to the City Council for a final decision. In such a situation, the application must secure a conditional use permit from the Council after recommendation by the Planning Commission.
14. Exception: The following types of businesses are not required to obtain home occupation permit so long as a Business License is obtained and conditions 1 through 11 above are met:
  - i. Those businesses such as licensed contractors, painters, electricians, private consultants, etc. which typically perform their business at offsite locations, or;
  - ii. Those businesses which perform their business, whether by internet or otherwise, such that clientele will typically not be entering the premise and there will be no noticeable impact to the neighborhood in the form of increased traffic, excessive noise, outdoor storage of equipment or materials, delivery trucks for other than standard mail delivery services, etc.
15. Those businesses meeting the above conditions may be approved as a Home Occupation in all zones regardless of whether the business is listed as permitted or not in a given zone. (2012)

I. Yards Unobstructed – Exceptions:

1. Every part of a required yard shall be unobstructed and open to the sky, except for:
  - i. accessory buildings in a rear yard;
  - ii. the ordinary projections of eaves, skylights, sills, belt courses, cornices, chimneys, flues, and like features which project into a yard not more than two and one-half feet; and
  - iii. Projections allowed by the building or fire codes for fire safety purposes shall be allowed to extend into a yard not more than five feet.
2. In no case shall a stoop, cantilever, eave, or other projection extend into any designated easement for public utilities, drainage, access, etc.

J. Exceptions to Height Limitations: All buildings and structures must conform to the height limit of the zoning district in which they are located. No space above the height limit shall be allowed for purposes of providing additional floor space. The following are the only exceptions which shall be allowed to the height limits in any zoning district:

1. penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building;
2. fire or parapet walls, skylights, steeples, flagpoles, chimneys, smokestacks, and theater lofts;
3. public and quasi-public utility buildings; and
4. provided the City Council issues a conditional use permit authorizing the same: towers, water tanks, wireless and television masts, and silos.

K. Minimum Height of Main Building: No dwelling shall be erected to a height of less than one story above grade without the approval of the Planning Commission.

L. Accessory Buildings: (see definition) All detached buildings or structures, including carports or shipping storage containers, must meet the following requirements:

1. Must be located behind the front wall plane of the principal structure for non-corner lots.
2. For corner lots, the accessory building may not extend closer to either road than the principle structure on the lot, and/or closer than the required front or front side setbacks unless located behind a sight obscuring fence which meets the provisions for fences in this ordinance, as approved by the Planning Director.
3. Accessory buildings shall not cover more than 30% of the rear yard
4. Accessory buildings, including carports, may be attached or detached to the existing house or any other structure, in accordance with applicable fire and building codes, including provisions for fire walls.
5. Accessory buildings shall not contain more than one story unless the City Council issues a conditional use permit authorizing more than one story.
6. Accessory buildings or structures must meet the following requirements:

- i. Must be set back at least 5 feet from property lines unless firewalls are provided for walls which lay closest and parallel to property lines, as approved by the building inspector or designee
- ii. The roof must be no taller than 12 feet tall at the property lines and may slope higher at the maximum rate of 1 vertical foot per horizontal foot away from the property line. Buildings taller than 12 feet must be set back from property lines at least 1 foot for every foot above 12 foot in height.
  - a. Exceptions to this setback requirement for height may be granted by the Planning Director or designee if all adjoining property owners agree to the proposed height in writing.

7. Accessory buildings or structures over 200 square feet in area must have a building permit and comply with all requirements of this ordinance and the building and fire codes.

8. No building which is accessory to any residential dwelling shall be erected to a height greater than twenty-five feet.

9. Private garages and accessory buildings located less than 5 foot from the property line must also meet the following:

- i. the roof shall not project across the property line;
- ii. storm water runoff from the building shall not flow onto adjacent property.

10. Accessory buildings shall not provide living quarters nor act as a dwelling unit or an accessory apartment to the primary dwelling residence unless granted through a conditional use permit. Such accessory buildings used for residential occupancy shall only be permitted as specified in this ordinance.

M. **Detached Dwelling Units:** On properties where a primary residence exists, there shall not be allowed additional detached dwelling units on the property without first obtaining a conditional use permit. Such detached dwelling units shall be limited in the number of allowed dwelling units by the zone in which they reside, and shall meet all requirements typical of any multi-family development, including but not limited to: off street parking, setbacks, landscaping, access and ingress/egress, minimum frontage, required frontage improvements, sight-obscuring fencing, and any other provisions as required by this ordinance for multifamily use. All detached dwelling units must be spaced at least 16 feet away from the primary dwelling on the lot unless appropriate fire and safety codes can be satisfied otherwise.

N. ***Curb, Gutter and Sidewalk, and Asphalt:*** Except as provided elsewhere in this ordinance for large lots, at the time of issuance of a building permit for the primary structure on a lot, the installation of curb, gutter and sidewalk and asphalt of a type approved by the city is required along the frontage of the lot on any existing street where such improvements are not already in existence or where existing improvements

are not in good repair in accordance with the policies of Ephraim City. (see also Section 10-3-2-E). Those property owners who permanently remove existing sidewalk may be required by the City to replace the removed sidewalk at their expense. Failure by the property owner to replace the sidewalk within a reasonable timeframe after written notice from the City may result in action taken by the City in accordance with section 10-1-5 of this ordinance to compel the owner to replace the sidewalk. (2008)

O. Improvements Encroaching Into the Public Right of Way: Those properties with strips of land between their property line and the public right of way along the road may utilize the public right of way with soft landscaping such as grass, small shrubs, low profile flowers, or other landscaping to help maintain and beautify the street-scaping, so long as said improvements do not include permanent structures of any kind, including fencing or walls of any kinds except as provided herein, buildings, etc. and do not affect the ability to maintain pedestrian and other traffic along said right of way nor cause public safety hazard in any form.

1. Exception: Walkways and driveways may be paved with concrete in these areas, in accordance with Ephraim City Standards. Trees may be planted in these areas so long as they do not constitute a site or safety hazard for pedestrian or vehicular traffic, or negatively impact existing utilities in the right of way.
2. The City Council may approve fences, in accordance with applicable fence requirements, to be placed within the city right of way so long as provisions are made to preserve walkway and utility easement corridors as defined in city development standards, and an agreement is recorded with the property which acknowledges the presence of the city right of way and states the true location of the property line, along with appropriate conditions of approval.
3. Ephraim City maintains all rights of easement associated with the public right of way and shall not be liable for any damage to improvements within the public right of way due to utility or other typical municipal work done in the public right of way.

P. Utility Requirements: In all areas of the City, connection shall be made to public water, electrical and sewer facilities unless waived by the City due to exceptional circumstances of terrain or otherwise. All utilities shall be located underground unless specifically approved otherwise by the City, and all construction shall comply with City and State building codes and standards.

Q. Clear View of Intersecting Streets:

1. In all districts requiring a front yard, no obstruction to view in excess of three feet high or twelve inches wide shall be placed on any corner lot within the clear view area. Pole signs and a reasonable number of trees pruned to at least ten feet clearance to grade to permit unobstructed vision to automobile drivers and pedestrians are permitted.
2. Signs or other advertising structures shall not be erected at the intersection of any street or driveway in such a manner as to obstruct free and clear vision. They shall not be erected at any location where by reason of the position, shape or color, they may interfere with, obstruct the view of or be confused with any authorized traffic

sign, signal device, or make use of the words, “Stop,” “Drive-in,” “Danger,” or any other words, phrases, symbols or characters in such a manner as to interfere with, mislead or confuse vehicle operators.

R. *Permanent Residential Placement of Mobile and Manufactured Homes:* This section is enacted to ensure that manufactured homes are included in the spectrum of available housing options, to ensure that they are treated as much like any other type of residential construction as is practicable (in accordance with state law) and to protect the residential character of the neighborhoods in which these units are placed.

1. Location and use:
  - i. Mobile homes (see definition) are hereby banned from placement in the city.
  - ii. No manufactured home shall be located, placed, used or occupied in any zoning district other than where allowed by this ordinance.
  - iii. Manufactured homes may be stored, displayed and sold in commercial and industrial zones when such use is permitted or conditionally permitted. They shall not be occupied in those zones except where a residential structure permit is issued for temporary placement as allowed in this ordinance.
2. Manufactured homes may be placed in any zone where single-family residential units are permitted, provided:
  - i. each unit is placed, with the wheels and running gear removed, on a permanent foundation in accordance with plans providing for vertical loads, uplift, lateral forces and frost protection in compliance with the applicable building code;
  - ii. a building permit has been issued for the unit;
  - iii. the unit is being placed on a buildable lot in accordance with city ordinances and regulations;
  - iv. and the unit complies with all local land use, subdivision requirements and pertinent building codes applicable to single-family residential uses within that zone.

S. *Temporary Buildings:* A building nonconforming as to type or location may be approved by the Planning Director for use as a temporary residence, sales office, commercial building or industrial building during the construction of permanent facilities. Approval shall not be made for a period extending more than one year. Extensions may be granted for cause by the Planning Director for additional six month terms up to a maximum of eighteen months or three such extensions.

1. Trailers shall not be granted *permanent* residential occupancy within the limits of the City and shall not be permitted to obtain permanent connections for water or sewer. For uses not related to construction of a building, temporary residential occupancy of trailers may be granted for no more than 90 days unless an extension is specifically granted by the City Council for cause. Permanent residential occupancy shall not be granted for any mobile structure less than 40 feet long or 8 feet wide.

T. Dumping or disposal:

1. Prohibited: The use of land for the dumping, storage, or disposal of scrap iron, junk, garbage, rubbish or other refuse, or of ashes, slag, or other industrial wastes or by-products, is prohibited in every zone except as otherwise provided in this ordinance.
2. Excavated Material: The dumping of dirt, sand, rock or other material excavated from the earth shall be permitted in any zone provided:
  - i. that the ground surface is in a condition suitable for other use permitted in the zone; and
  - ii. such fill does not increase the susceptibility of the property or surrounding properties to erosion, landslide, flooding or other dangerous condition.
3. Concrete may be dumped as fill in excavations where it will be buried and not remain on land surface.
4. Topsoil: No person shall strip, excavate or otherwise remove topsoil for sale or for use other than on the premises from which the same was taken, except in connection with the construction or alteration of a building on those premises or where an excavation permit has been issued by the city.
5. Any of the materials mentioned in the preceding paragraphs shall not be permitted to be dumped on any street, sidewalk, or public right of way. Violators may be given 24 hours notice to remove all materials from the public right of way after which a citation may be given in accordance with the provisions of this ordinance. (2008)

U. Storage Prohibited: No yard or other open space in any zone shall be used for the storage of junk, debris, abandoned or inoperable motor vehicles or equipment.

V. Approved Containers Required: No trash, rubbish, weeds or other combustible material shall be allowed to remain on any lot outside of approved containers in any residential or commercial zone. No junk, debris, inoperable or dismantled motor vehicle or similar material shall be stored or allowed to remain on any lot in any residential zone for longer than seven days.

W. Alteration of Grades: No land, parcel, or parts of a parcel shall be altered in depth or height more than four feet combined depth and height until the project has been reviewed by the city and issued a permit to do so by the Planning Director.

X. Historic Properties: Registered historic properties shall follow the guidelines as defined by the Historic Preservation Commission in conjunction with the Utah State Historic Registry.

Y. Weight limit on Roads:

1. Prohibited Travel: No heavy vehicle shall be allowed to travel upon City streets posted by Ephraim City indicating that such travel and use is prohibited except for vehicles making deliveries or servicing the posted streets. These vehicles may include, but not be limited to public works, public safety, utility, or other

vehicles making deliveries or providing services to or from destinations on said posted streets.

- a. For purposes of this ordinance heavy vehicles shall be defined as any vehicle having a Gross Vehicle Weight Rating (GVWR) of 20,000 pounds or greater. The GVWR shall be measured by the manufactures placard located on the vehicle.

Z. Dogs and Cats: Up to 4 dogs, or 4 cats, or any combination of cats and dogs not exceeding 4 total animals are allowed on any premise in any zone in the city, in accordance with all applicable ordinances and laws regarding licensing, vaccinating, keeping and care of such animals.

### **10-3-3. Nuisance and Abatement:**

A. Public Nuisances: It is hereby declared unlawful and a public nuisance for:

1. Any building or structure to be erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of city ordinances, applicable building codes or state or federal law, and
2. any land, building premises to be used, established, conducted or maintained contrary to the provisions of city ordinances, applicable building codes or state or federal law

B. Abatement: The City Attorney shall, upon the request of the City Council, immediately commence action or proceedings for the abatement, removal and enjoinder thereof in the manner provided by law, and shall take other steps and apply to such courts as may have jurisdiction to grant such relief as well as abate property use or remove such building or structure that violates this provision.

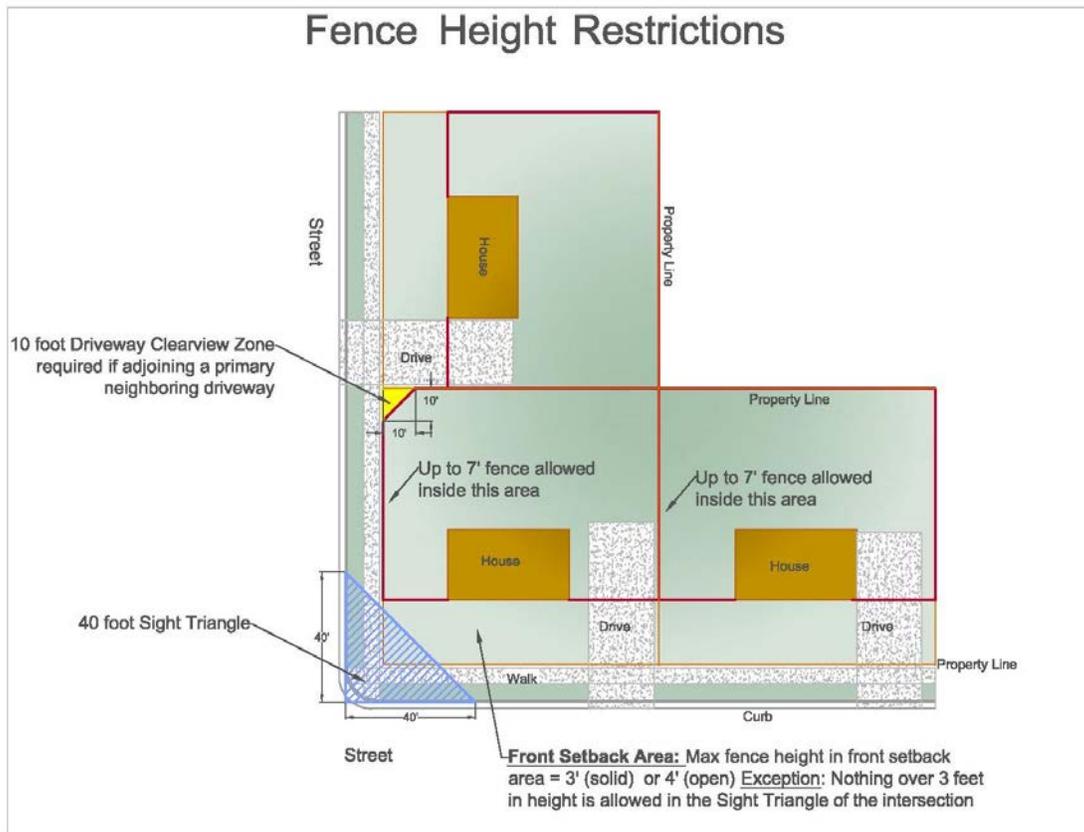
C. Remedies Cumulative: The remedies provided herein may be cumulative and not exclusive.

### **10-3-4. Fences, Walls and Hedges:**

A. Height Restrictions: Fences, walls, and hedges may not exceed seven feet in height. The City Council may waive this height requirement at its sole discretion.

B. Sight-Obscuring Limitations: Notwithstanding any other provisions herein, no sight-obscuring fence, wall or hedge exceeding three feet in height shall be erected or allowed closer to any street line than the required building setback line or within the clearview zone for the intersection if on a corner lot (see Section 10-3-4-C below). In these restricted areas, substantially open fences such as chain link or wrought iron may be four feet high unless approved otherwise by the Planning Commission.

- C. Corner Lots: Houses on corner lots may have open or solid fencing along the rear, interior side, and exterior side property lines of the house up to seven feet tall, which do not encroach closer to the street than the primary front setback line or within the driveway and intersection clearview zones as described herein. Those properties which adjoin a driveway of the adjacent property must preserve a ten foot sight triangle to allow visibility to pedestrians on the sidewalk for those backing out of the adjoining driveway. (see figure 10-3-4-C-1 below).



*Figure 10-3-4-C-1: Fence Height Restrictions & Sight Triangles*

- D. Single Shrub Planting: For purpose of this section, single shrub planting shall not constitute a hedge if the closest distance between the foliage of any two plants is and remains at least five feet.
- E. Property Line Separation Height Requirement: Where a fence, wall, or hedge is located along a property line separating two lots and there is a difference in the grade of the properties on the two sides of the property line, the fence, wall, or hedge may be erected or allowed to the maximum height permitted on either side of the property line.
- F. Building Permit Required: Fences over 7 feet tall must be approved by the City Council and require a building permit.

- G. Fence Lines Adjacent to Sidewalk(s): Where sidewalk improvements have been made, fence lines may be adjacent to the sidewalk(s) in accordance with the provisions of this Ordinance.
- H. Multi Family Dwelling Unit Requirements: All new multi-family dwelling units must install a sight obscuring fence at least 6 feet tall around the interior side and rear sides of the property at the time of obtaining a building permit or expansion. (2006,2008)  
Note: This section does not supersede height requirements in the front setback listed in Section 10-3-4.C above.
- I. Exception: the following fences are exempt from these requirements so long as they do not constitute a safety hazard for vehicular and/or pedestrian traffic:
1. Fences needed for safety purposes, such as utility areas, water ways, swimming pools, etc.
  2. Rear facing lots in subdivisions.
  3. Fences used for Government purposes
  4. Fences used for basketball, tennis or other sports related play areas (2006,2008)

#### **10-3-5. Signs: General Regulations.**

- A. Purpose: It is the purpose of this section to regulate and authorize signs that are compatible with their surroundings and legible under the circumstances in which they are seen; promote traffic safety and the convenience and enjoyment of public travel by minimizing visual distraction; protect pedestrians, attract tourists, preserve and enhance property values; establish first-class business and commercial districts; and promote civic beauty and order by establishing standards and regulations for sign design, location, size, type, compatibility, and aesthetics.
- B. Scope: This section regulates the design and placement of signs and related structures. It is not intended to regulate the protected content of public speech, and the regulations herein are intended to be content-neutral unless explicitly stated otherwise. These regulations apply to both on-premise and off-premise signs, but not to the official flags of any country, state, or other organization, provided the flag does not contain an advertisement or other commercial message; nor to hand-held placards and similar devices traditionally used for public protest and the exercise of free speech.
- C. Interpretation: The regulations of this section are declared to be the maximum allowable. If Planning Director feels it necessary, the application may be forwarded to the Planning and Zoning Commission for review and decision. (2012)
- D. Compliance Required: Any sign not expressly allowed by this ordinance is prohibited. When required, permits shall be secured from the city by making application to the Planning Director who shall review applications for compliance with this ordinance and all other applicable regulations. When the Planning Director determines that it is necessary, the applicant must also apply for and receive a building permit.

E. Prohibited Signs: The following sign devices are prohibited in any zone:

1. hot or cold air balloons or inflatables, except as specifically allowed by this section for temporary signs;
2. any sign which flashes, blinks, uses chaser lights, or moves in any way, animate or inanimate, except commercial signs with time/temperature or electronic message center capability, and except for subtle lighting changes of low intensity;
3. statuary bearing the likeness or suggestion of any product or logo; projecting signs which extend more than 18 inches away from or above the wall, except as provided by this ordinance;
4. snipe signs;
5. rapidly spinning wind-driven signs;
6. temporary signs, except as specifically allowed in this section;
7. signs on bus benches;
8. any truck, trailer, or other vehicle conspicuously or regularly parked on- or off-premise with an advertising message or logo displayed to attract attention to a business, product or promotion;
9. graffiti.

F. Other Regulations:

1. No person shall paint, mark or write on, post or otherwise affix any hand-bill or sign to or upon any sidewalk, crosswalk, curb, curbstone, park strip, street lamp post, hydrant, tree, shrub, tree stake or guard, railroad trestle, electric light or power or telephone or telegraph or trolley wire pole, or wire appurtenance thereof or upon any lighting system, public bridge, drinking fountain, life saving equipment, street sign or traffic sign.
2. Nothing in this section shall apply to the painting of house numbers upon curbs. Any non-commercial message may be substituted for any commercial message permitted under this section.
3. Illuminated signs not intended for temporary promotional events shall prevent excess light pollution into the night time sky. Externally lit signs must be downward lit or utilize directional hoods on the lights such that excess light will not be cast into the night time sky. (2006)
4. The allowable sign area shall be in accordance to Table C in Chapter 5 of this document. (2012)

G. Permitted Signs:

1. *Primary Signs:* Designed or intended to communicate or advertise to persons outside the property or to attract attention, traffic or business to the property. Rules governing primary signs shall be interpreted, as much as possible, in a content-neutral manner. Additional Rules:
  - i. Sign area is calculated according to frontage toward which the sign is oriented, no other frontage counts toward allowable area.
  - ii. 20% allowable increase in sign area for monument signs - with Planning Commission approval.

- iii. In the C-1 Commercial Zone of Ephraim, each separate building may utilize one projecting sign, subject to the following conditions:
    - a. The maximum size allowed is twenty (20) square feet, or as otherwise determined by the available frontage of the lot; whichever is less.
    - b. The sign may not project out from the plane of the building more than four (4) feet.
    - c. The sign may not exceed the height of the building façade.
    - d. For buildings with multiple tenants, the owner shall decide what portion of the projecting sign will be allotted to each tenant.
    - e. The projecting sign will be included in the total allowable sign area per lot, as defined by this ordinance.
    - f. All other provisions of this ordinance must be met, including lighting requirements, motion/animation requirements, height and clearance requirements, etc.
  - iv. No sign shall overhang the sidewalk or public right-of-way except that in commercial zones, if the building location is less than 20 feet from the property line, the sign may overhang the sidewalk if it has at least 8 and ½ feet of clearance.
  - v. The total square footage allowed is the maximum per lot. For lots with more than one tenant, or needing more than one sign, the proportion allotted to each shall be decided by the tenants or the property owner.
  - vi. Exception to total allowable sign area: On premise awning signs, identification signs, incidental signs, nameplate signs, wall signs, and window signs, as defined by this ordinance, shall not be included in the total allowable sign area as established by this ordinance. Instead these signs are limited only by the area of the front wall of the building on which the sign is located, such that no sign or combination of signs listed in this paragraph shall cover more than 40% of the area of the front wall of the building.
    - a. This exception is only to be applied to on-site, on-premise that are attached to the building. This exception shall not be applied or used for any business or other entity that does not reside in the building on which the sign is located.
    - b. All signs which qualify for the exception to allowable area must meet all the other criteria of this ordinance, including lighting, animation, etc. (2006)
2. *Secondary Signs:* Secondary signs arise out of safety or functional needs of a given piece of property and are intended to address specific issues related to the safe or efficient use of the property. Examples of secondary signs are entrance/exit signs, parking signs, restaurant menu boards, etc (see Table C, part 2).
  3. *Government Signs:* Signs erected by a government agency in the course of official operations are allowed without a permit provided they do not constitute a traffic or safety hazard.
  4. *Historical Signs:* Signs considered being historically significant to the community and meeting the intent of the General Plan may be maintained with Planning

Commission approval, regardless of any non conforming status with this ordinance, so long as the sign does not impose any safety hazard or undue hardship to the public or neighboring properties.

5. *Temporary Signs:* Temporary signs shall not be placed in or over a public right-of-way, may not flash, blink, spin, rotate, block traffic visibility, constitute a vehicular or pedestrian traffic hazard, or cause a public nuisance. They shall not be attached to telephone poles, light poles, or street signs/poles. They must be firmly secured. Temporary signs may be attached to existing permanent signs for the grand opening period, or may cover or obscure an existing permanent sign only if the business has changed hands or changed names.
  - i. Temporary signs announcing the initial opening of a business or the relocation or change of ownership of an existing business are allowed for not more than 60 days and only within the first year of operation. There shall be no more than two such signs allowed per business. A temporary sign permit is required.
  - ii. Signs advertising a business's special promotions require a permit if the promotion will last more than three (3) days. Such promotions shall not exceed four periods during the calendar year. Each period may not exceed ten days in length. The periods may be combined to run consecutively. A temporary sign permit is required for all promotional events lasting more than 3 days.
  - iii. Signs advertising the liquidation of inventory for a failing business require a permit, which shall not exceed 90 days. Such permit will be allowed only once for any business license.
  - iv. Signs advertising the availability of a building or property are allowed provided they are removed within one week of the sale or rental.
  - v. Temporary signs are allowed without a permit for
    - a. the following holidays: Presidents Day - February, 5 days, Easter - March or April, 5 days, Memorial Day - May, 5 days, July 4th and July 24th, 5 days each, Labor Day - September, 5 days, Thanksgiving - November, 7 days, Hanukkah, Christmas, New Year's, 21 days from Dec 15 to Jan 2.
    - b. One sign only is allowed during these periods. The sign must be removed by the end of the first working day after the holiday period ends.
    - c. Historical markers issued or approved by a recognized governmental, nation-wide or state-wide historical society or group are allowed without a permit provided the property owner has given written permission. Other historical markers are allowed with the approval of the Planning Director. No historical marker may be placed in such a manner as to constitute a safety or traffic hazard.
6. Portable signs encroaching into the public right of way: For those businesses located within the C1 zone, which have no space between the building and the right of way, A-Frame signs and/or portable signs as defined herein may be placed in the public right of way or on the sidewalk (but not in the road) so long as no hazard is

created for pedestrian or vehicular traffic and pedestrian access is maintained across the sidewalk. Said signs shall only be allowed during daylight hours only and must be removed every day at the close of business. For those businesses with space between the building and right of way, said portable signs may be used for promotional events but must be placed entirely on private property such that the sign does not encroach into the public right of way and said signs must be removed within 2 days after the promotional event.

#### H. Enforcement:

1. When a sign has been illegally erected, constructed, reconstructed, altered, repaired, converted, or maintained, or in any case where a sign is used in violation of any city ordinance or code, the Planning Director may:
  - a. Issue a written notice of violation to the person having charge, control or benefit of any sign found to be unsafe, dangerous, or in violation of this ordinance;
  - b. remove unsafe signs not repaired or made safe within five working days after the owner has received written notice;
  - c. remove illegal signs not made conforming within 30 days after written notice has been given;
  - d. remove temporary signs posted on private property without a permit or which are otherwise illegal, which, after written notice, have not been made conforming after 72 hours;
  - e. remove any sign or hand-bill posted on public property, but shall not destroy the sign for a period less than 30 days from the date of removal;
  - f. remove abandoned signs, signs identifying a discontinued use or non-maintained signs when such sign has not been repaired or put to use by the owner, person having control or person receiving benefit of such structure within 45 days after receiving written notice from the city.
2. Any person ordered to alter or remove any sign, or any person whose application for a sign permit has been denied because of conflict with regulations stated herein, may appeal to the Appeal Authority by serving a written notice to the city within thirty days of the order or denial. Any person may also appeal to the Appeal Authority for an alleged error by the Planning Director or staff.
3. The person having charge, control, or benefit of or who posted any sign removed by the city shall reimburse the city for the cost of the removal within thirty days of receiving a bill from the city.
4. In no case shall the failure to remove illegal signs constitute approval by the city of their illegal placement.

#### I. Nonconforming Signs:

1. To minimize confusion and unfair competitive disadvantage, Ephraim City intends to regulate existing nonconforming signs with a view to their eventual elimination. This goal shall be achieved by limiting changes, expansions, alterations and by amortization. Excluding normal maintenance and repair, a nonconforming sign shall not be moved, altered or enlarged unless it is brought into complete compliance with this section. The following alterations are exempt from this provision:

- i. face changes in multi-tenant signs; and
  - ii. copy changes in permanent signs which were originally approved with a changeable copy feature.
- 2. Within 45 days after vacation of an existing business, all on-site nonconforming signs must be removed or brought into compliance by the property owner. If removal does not occur, the city may remove the entire nonconforming sign, both face and structure. The property owner shall be liable for the cost of removing the sign, and the city may place a lien against the property to recover its costs if it removes the sign.
- 3. An abandoned sign may not regain any legal nonconforming status later, even if the original business re-occupies the property.
- 4. Exceptions:
  - i. Upon appeal by a sign owner or business, the Appeal Authority may grant a special exception to allow the retention, alteration, movement, or expansion of a nonconforming sign, provided the board determines that:
    - a. the nonconforming sign poses an alternative equivalent means of meeting the intent of this ordinance and the General Plan;
    - b. the action will not impose a burden on other properties beyond that posed by a conforming sign; and
    - c. approval will provide a forum for free expression or other benefits to the public.
  - ii. A new business generally shall not qualify for a special exception to reuse a nonconforming sign left by a previous business. Purely economic factors such as the expense of removing or altering a nonconforming sign or of purchasing a new conforming sign are not to be considered as reasons for granting a special exception by the board.
  - iii. The board may attach reasonable conditions with which the petitioner must comply as a condition of approval of a special exception.
  - iv. The duration of the special exception shall not extend beyond that period allowed by the Appeal Authority from the date the exception is granted.
  - v. The Appeal Authority shall require a bond sufficient to cover the cost of removing the sign as a condition of approving a special exception.
  - vi. The Appeal Authority may attach a reasonable expiration date to a special exception.

**10-3-6. Parking:** At the time any building or structure is erected, enlarged or increased in capacity, use is established or changed, or a change of occupancy takes place, there shall be provided off-street parking spaces on private property for automobiles in accordance with the requirements set forth in this section.

- A. *Dimensions:* The dimensions of each off-street parking space, exclusive of access drives or aisles, shall be:
- 1. At least nine feet by eighteen feet (9' x 18') for diagonal or ninety degree (90°) spaces;
  - 2. At least nine feet by twenty two feet (9' x 22') for parallel spaces.
  - 3. A parking stall may be reduced by two feet (2') lengthwise, if landscaping separated

from the paved area of the parking stall by a curb or tire bumper guard is provided in the remaining two feet (2') of the parking stall.

B. *Landscaping*: All areas within the parking area not paved shall be landscaped.

C. *Driveways and Access*:

1. Except for one and two-family dwellings, access to each parking space shall be from a private driveway and not from a public street.
2. Driveways for residential lots shall not be more than twenty feet wide.
1. Driveways for commercial uses shall be at least twenty feet wide, unless approved otherwise by the city engineer, except uses in the C1A zone may be treated as residential uses.
2. Drives shall be spaced at least twelve feet apart.
3. Limit on number of drives:
  - i. Residential uses shall be limited to two drives per lot.
  - ii. Commercial uses shall be limited to two drives per 100 feet of road frontage.
4. In no case shall the total amount of drive width exceed 50% of the frontage.
5. Drives shall not be more than thirty-six feet wide.
6. Drives shall not be closer than forty feet to an intersection.
7. Drives may be shared by adjoining properties.
8. Standards for width and access in this section do not supersede requirements of the fire code.

D. *Parking Requirements*: See Table D in the Appendix. When a building or lot will contain more than one use, the parking requirements shall be calculated separately for each use and totaled. In the event a use is not listed in Table D, the Planning Director may determine the requirement based on the nearest comparable use standard in the table.

E. *Lighting*: Parking lots shall be lighted by standards not more than 36 feet high using hooded sources. No glare or cast from lights shall fall outside the lot, or be directed into the nighttime sky. (2006)

F. *Paving*: Every parcel of land hereafter used as a parking lot shall be paved with asphalt, concrete or composition of some other all-weather hard surfacing material which meets applicable Fire Code and City Construction Standards Requirements. For the purposes of this ordinance, non-paved surfaces such as gravel and road base in parking lots shall not be considered as meeting the all weather hard surfacing requirement above unless specifically granted by the Planning Commission and City Council due to exceptional circumstances due to terrain or otherwise. Such exemption shall only occur after an acceptable landscaping plan has been approved by the city council.

G. *Storm Drainage*: Applicant must provide a storm drainage plan to contain or reasonably disperse storm water from the parking lot. Storm drainage may not sheet flow across a public walkway. Any storm water discharges from off of the property

shall not exceed pre-development flow rates. Larger multifamily and commercial developments may be required to submit a drainage report prepared by a licensed engineer.

- H. Shared Parking: The Planning Director may approve shared parking arrangements if in his opinion the applicant submits sufficient evidence showing the parking will adequately serve all of the uses at the peak combined times. See also section 10-4-6 regarding parking for mixed use developments.
- I. Other Considerations: some non-complying buildings (i.e., predating any land use enactment), especially buildings in the downtown area, are incapable of complying with these requirements. In such cases, new or expanding uses shall be required to provide as much off-street parking as possible, but shall not be limited by their inability to fully comply with this ordinance unless such non-compliance creates a serious threat to public health and safety (congested on-street parking is not such a threat).

**10-3-7. Conditional Uses:** Certain uses have characteristics that may have a greater impact on the adjoining properties, surrounding neighborhood, or community as a whole than do other permitted uses in the specific zoning district. These uses require a more comprehensive review to determine whether the proposed use at a specific location is appropriate, or whether the use can be made compatible by placing certain conditions on its operation that mitigate or eliminate potential detrimental impacts. The Planning Commission shall review and then recommend to the City Council to grant, to grant with conditions, or to deny each conditional use permit application, subject to the requirements of this section.

- A. Permit required: A conditional use permit shall be required for all uses listed as conditional uses in the zoning district regulations where they are, or will be located, or if the use is specified as conditional use elsewhere in this ordinance. Any change of use to other than a permitted use or any proposed expansion for a previously approved conditional use permit must reapply and secure a new conditional use permit from the City before proceeding with the proposed changes and/or expansions.
- B. No presumption of approval: The listing of a conditional use in any table of permitted and conditional uses found in this ordinance does not constitute an assurance or presumption that such conditional use will be approved. Rather, each proposed conditional use shall be evaluated on an individual basis, in relation to its compliance with the standards and conditions set forth in this ordinance and with the standards for the district in which it is located, in order to determine whether the conditional use is appropriate at the particular location. It is intended that review of conditional uses be site and case specific as well as fact-based.

1. Application:

- i. Application for a conditional use permit shall be made to the Planning Director who, upon confirming that the application is complete, shall present the application to the Planning Commission

for review.

- ii. Each application for a conditional use permit shall be accompanied by maps, drawings, statements or other documents as required by the Planning Commission.
- iii. Applications and submittals must be filed with the Planning Director for staff and public review by noon of the fourteenth day prior to the Planning Commission meeting. This deadline may be waived and/or adjusted at the discretion of the Planning Director.

C. Conditional Use Standards Of Review: The City shall not issue a conditional use permit unless the Planning Director, in the case of an administrative conditional use, or the Planning Commission, for all other conditional uses, concludes that the application fully mitigates all identified adverse impacts and complies with the following general standards applicable to all conditional uses, as well as the specific standards for the use.

1. General Review Criteria: An applicant for a conditional use in the zone must demonstrate:

- i. The application complies with all applicable provisions of this chapter, state and federal law;
- ii. The structures associated with the use are compatible with surrounding structures in terms of use, scale, mass and circulation.
- iii. The use is not detrimental to the public health, safety and welfare;
- iv. The use is consistent with the City General Plan as amended;
- v. Traffic conditions are not adversely affected by the proposed use including the existence or need for dedicated turn lanes, acceleration and deceleration lanes, pedestrian access, and capacity of the existing streets;
- vi. There is sufficient utility capacity;
- vii. There is sufficient emergency vehicle access;
- viii. Off-street parking is of sufficient location and design, as well as compliance with off street parking standards (2012);
- ix. There is a plan for fencing, screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses;
- x. Exterior lighting that complies with the lighting standards of the zone.
- xi. Within and adjoining the site, impacts on the aquifer, slope retention, and flood potential have been fully mitigated and is appropriate to the topography of the site.
- xii. There is sufficient landscaping and landscaped parking
- xiii. There is adequate and appropriate exterior and street lighting

2. Specific Review Criteria For Certain Conditional Uses: In addition to the foregoing, the Planning Commission must evaluate the applicant's compliance with each of the following criteria when considering whether to approve, deny or conditionally approve an application for each of the following conditional uses:

- i. Adult Oriented Businesses. The purpose and objective of this chapter is to establish reasonable and uniform regulations to prevent the concentration of adult-oriented businesses or their location in areas deleterious to the health, safety and welfare of the City, and to prevent inappropriate exposure of such

businesses to the community. This chapter regulates the time, place, and manner of the operation of sexually-oriented businesses, consistent with the United States and Utah State Constitutions. See also section 10-3-12 for additional requirements.

- a. No adult-oriented business may be located within five hundred feet (500') of any: school, day care facility, cemetery, public park, library, religious institution, residential zoning boundary, liquor store, or other adult-oriented business.
  - ii. For the purposes of this section, distance is measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which the adult-oriented business is located and:
    - a. The closest exterior wall of another adult-oriented business;
    - b. The closest property line of any school, day care facility, public park, library, cemetery or religious institution; and
    - c. The nearest property line of any residential zone.
- D. Reasonable Conditions: A conditional use permit cannot be denied if detrimental effects can be mitigated by reasonable conditions, and that conditions are to be imposed in accordance with applicable standards.
- E. Denial: If the reasonably anticipated detrimental effects of a proposed conditional use cannot be mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied. (Utah Code Annot. 10-9a-507)
- F. Public Hearing: A public hearing on the conditional use permit application may be held if the Planning Director, Planning Commission or City Council shall deem a hearing to be necessary and in the public interest.
- G. Substantial Action Required: Unless there is substantial action under a conditional use permit within one year of its issuance, the permit shall expire.
- H. Extension for Good Cause: The Planning Commission may grant an extension for good cause shown. Only one extension may be granted and the maximum extension shall be six (6) months. In order to obtain an extension, the permit holder must apply for an extension in writing before the expiration of the original permit. The application must be submitted to the City Recorder and the application must describe the cause for requesting the extension.
- I. Notification: See Notice Matrix, Table E.
- J. Appeals: Any person aggrieved by a decision of the City Council regarding the issuance, denial or revocation of a conditional use permit may appeal such decision to the Appeal Authority provided such appeal is filed within 30 days of the City Council's decision. The appeal shall be filed with the City Council and with the Appeal Authority.

**K. Revocation:**

1. Any conditional use permit shall be revocable by the City Council at any time due to failure of the permittee to observe any condition specified or failure to observe other requirements of the city code, or state or federal law in regard to the maintenance of improvements or conduct of the use or business as approved. The city shall also have a right of action to compel offending structures or uses to be removed at the cost of the violator or owner.
2. No conditional use permit shall be revoked until a hearing is held by the City Council. Written notice to the permittee shall be postmarked at least fifteen days prior to the date of the scheduled hearing. The notification shall state the grounds for complaint or reasons for revocation, and the time and location at which the hearing is to be held. At the hearing, the permittee shall be given an opportunity to be heard. The permittee may call witnesses and present evidence.

**L. Transfer of Conditional Use Permit:** A Conditional Use Permit granted in accordance with this section shall run with the land and continue to be valid regardless of ownership of the site or structure, as long as it operates within the conditions or stipulations of the Conditional Use Permit approval. If use is discontinued for a period of 1 year, the applicant must re-apply under the zoning ordinances which are current at the time of re-application. (2006)

**10-3-8. Cell Phone Towers:** It is the purpose of this section to regulate personal wireless services antennas, and related electronic equipment and structures, and to provide for the orderly establishment of personal wireless services facilities in the City, as well as to minimize the number of antenna support structures by encouraging the use of stealth facilities, by encouraging the co-location of multiple antennas on a single structure, by encouraging the location of antennas on pre-existing support structures, and by encouraging the use of City-owned property for antenna support structure, as well as to establish siting, appearance, and safety standards that will help mitigate potential impacts related to the construction, use and maintenance of personal wireless services facilities. To comply with the Telecommunications Act of 1996 by establishing regulations that (1) do not prohibit or have the effect of prohibiting the provision of personal wireless services, (2) do not unreasonably discriminate among providers of functionally equivalent services, and (3) are not based on the environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communication Commission's regulations concerning such emissions.

- A. Applicability:** This Article applies to both commercial and private low power radio services and facilities, such as "cellular" or PCS (personal communications system) communications and paging systems. Neither the term "wireless facility" nor the requirements of this Article shall apply to the following types of communications devices, although they may be regulated by other City ordinances and policies:
1. Amateur Radio. Any tower or antenna owned and operated by an amateur radio operator licensed by the Federal Communications Commission.
  2. Satellite. Any device designed for over-the-air reception of television broadcast

- signals, multi-channel multipoint distribution service or direct satellite service.
3. Cable. Any cable television headend or hub towers and antennas used solely for cable
  4. Wireless Internet broadcasting.

B. Application Requirements: Any person desiring to develop, construct or establish a wireless facility in the City shall submit an application for site plan approval to the City in accordance with the requirements of Section C & D of this Chapter regarding Site Plans. Additional application requirements may apply as per this article as well as per 10-3-7 regarding Conditional Uses.

C. Approval Process: The application shall be reviewed by the City in accordance with its standard site plan approval process. An exception to this is when a wireless carrier applies for a facility to be collocated on a monopole or other structure that was specifically designed and approved with room for one or more collocated transmission facilities. In this case, the submission requirements will be the same, but the site plan may be approved administratively by the Planning Director or his designee. If a transmission facility requires a conditional use permit, the review shall be in accordance with the City's standard conditional use permit approval process. The City shall process all applications within a reasonable time and shall not unreasonably discriminate among providers of functionally equivalent services. Any decision to deny a request to place, construct, or modify wireless facilities shall be in writing and supported by substantial evidence contained in a written record.

D. Land Use and Building Permits Required: No wireless facility shall be constructed until the applicant obtains a land use and building permit for the structure from the appropriate authority. No building permit shall be issued for any project for which a site plan, amended site plan or conditional use permit is required, until the site plan, amended site plan or conditional use permit has been approved by the appropriate authority. If the design or engineering of the antenna support structure is beyond the expertise of the City, the City may require third party review by an engineer selected by the City prior to the issuance of a land use permit. The applicant shall pay an additional fee to cover the cost of the third party review.

E. Location and Type Priority:

1. Priority of Antenna Site Locations: Wireless facilities shall be located as unobtrusively as is reasonably possible. To accomplish this goal, the provider shall make a good faith effort to site antennas in the following order of priority:
  - i. Existing Structures or Stealth Facilities. First priority shall be granted to antennas located on existing structures or antennas qualifying as stealth facilities, as follows:
    - a. Existing Structures. Lawfully existing wireless facilities designed for collocation, buildings, structures and antenna support structures, provided that the buildings, structures or support structures are:
      - (1) located on a wireless facility designed and approved for collocation,

- (2) located in a non-residential zone, or
      - (3) located in a residential zone on property that is being used for non-residential uses (e.g. government, school or church), or
      - (4) located in a residential zone on a property that is being used for a multi-family residential building having eight (8) or more dwelling units;
    - b. or Stealth Facilities. Antennas certified as stealth facilities as set forth in this ordinance.
  - ii. On City-owned property. Monopoles or lattice towers constructed on City-owned property. Monopoles or lattice towers on property owned by a non-City public agency.
  - iii. Monopole or lattice towers constructed on property owned by a non-City public agency.
  - iv. Monopoles or lattice towers on non-residential private property. Monopoles or lattice towers constructed on private property or other non-City property owned by a public agency, provided that the private property is (1) located in a non-residential zone, or (2) located in a residential zone on property that is used for a non-residential use (e.g. government, school or church). (3) Located outside of the nationally registered historic district.
  - v. Other: Any combination of antenna type and location other than those listed above.
2. Burden of Proof. If the applicant desires to locate antennas on a site other than the highest priority site, the applicant shall have the burden of demonstrating to the approving authority why it could not locate antennas on sites with a higher priority than the site chosen by the applicant. To do so, the applicant shall provide the following information to the approving authority:
  - i. Higher Priority Sites. The identity and location of any higher priority sites located within the desired service area.
  - ii. Reason for Rejection of Higher Priority Sites. The reason(s) why the higher priority sites are not technologically, legally or economically feasible. The applicant must make a good faith effort to locate antennas on a higher priority site. The City may request information from outside sources to justify or rebut the applicant's reasons for rejecting a higher priority site.
  - iii. Justification for Proposed Site. Why the proposed site is essential to meet the service demands of the geographic service area and the citywide network.
3. If the applicant desires to construct a monopole, the applicant shall also submit a detailed written description of why the applicant cannot obtain coverage using existing buildings or structures or stealth facilities.

**F. Permitted Uses and Locations:**

- 1. Permitted and Conditional Uses. Permissions are listed in the Land Use Matrix, Table B. In determining whether or not to approve a conditional use permit the Planning Commission shall consider, as a minimum, the following:

- i. Compatibility of the facility with the height, mass and design of buildings, structures and uses in the vicinity of the facility.
  - ii. Whether the facility uses existing or proposed vegetation, topography or structures in a manner that effectively screens the facility.
  - iii. Whether the facility is disguised in a manner that mitigates potential negative impacts on surrounding properties.
  - iv. Whether the facility is located on a parcel of sufficient size to adequately support the facility.
  - v. Location on Parcel. Whether the structure is situated on the parcel in a manner that can best protect the interests of surrounding property owners, but still accommodate other appropriate uses of the parcel.
  - vi. Location in General. Whether location or co-location of the facility on other structures in the same vicinity is practicable, without significantly affecting the antenna transmission or reception capabilities.
  - vii. The willingness of the applicant to allow co-location on its facility by other personal wireless services providers on such terms as are common in the industry.
2. Not Permitted Uses. The following antenna types and antenna locations are not permitted, except upon a showing of necessity (inability to achieve coverage or capacity in the service area) by the applicant, in which case they shall be considered as conditional uses:
- i. Guyed towers are not permitted in any zone. Other poles are excepted, but only as per other sections of this Title.
  - ii. Towers in Residential zones. Any towers other than stealth facilities located on private property in the R1, R1A, R2, or R3 Zones, if the residentially zoned property has a residential use (as opposed to a school, church, or other non-residential use).

G. Specific Regulations by Type: Wireless facilities are characterized by the type or location of the antenna structure. There are four general types of antenna structures contemplated by this ordinance: wall mounted antennas; roof mounted antennas; stealth facilities; and monopoles. If a particular type of antenna structure is allowed by this ordinance as a permitted or conditional use, the minimum standards for that type of antenna are as follows, unless otherwise provided in a conditional use permit:

- 1. Wall Mounted Antennas.
  - i. Wall mounted antennas shall not extend above the roof line of the building or structure or project more than four (4) feet from the face of the building.
  - ii. Wall mounted antennas shall not be located within twenty feet (20') feet of a residential zone unless it is located on a non-residential structure as approved by this title.
  - iii. Antennas mounted directly on existing parapet walls, penthouses, or mechanical equipment rooms are considered to be wall mounted antennas if no portion of the antenna extends above the roof line of the parapet wall, penthouse, or mechanical equipment room.
  - iv. Wall mounted antennas, equipment and supporting structures shall be

painted to match the color of the building or structure or the background against which they are most commonly seen. Antennas and the supporting structure on the building shall be architecturally compatible with the building. Whip antennas are not allowed on a wall mounted antenna structure, but may be camouflaged in a stealth facility as per stealth requirements of this article.

- v. The total area for all wall mounted antennas and supporting structures on any one building shall not exceed five percent (5%) of any exterior wall of the building.

## 2. Roof Mounted Antennas.

- i. Maximum height of a roof mounted antenna shall be eighteen feet (18') above the roof line of the building.
- ii. Roof mounted antennas shall be setback from the exterior wall of the building or structure a distance at least equal to the height of the antenna above the roof.
- iii. Roof mounted antennas may be mounted directly on a roof, or on top of existing penthouses or mechanical equipment rooms if the total height of the antennas do not exceed eighteen feet (18') above the roof line of the building.
- iv. Roof mounted antennas, equipment and supporting structures shall be painted to match the color of the building or structure or the background against which they are most commonly seen. Antennas and supporting structures shall be architecturally compatible with the building.

## 3. Stealth Facilities.

- i. The maximum height of a stealth facility shall be eighteen feet (18') higher than the maximum permitted structure height of the zone in which the stealth facility is located. The applicant may exceed the maximum structure height if otherwise allowed in this Chapter, or pursuant to a conditional use permit.
- ii. Not every disguised or screened wireless facility qualifies as a stealth facility. Whether or not a particular facility qualifies as a stealth facility shall be decided by the Planning Commission as part of the conditional use permit approval process. In making the decision, the Commission shall consider the definition of Stealth Facilities set forth in this Article and shall consider whether the facility is disguised, blended or screened in a manner that eliminates any negative impact to surrounding properties. Each stealth facility certification applies to one location only. Because of differing circumstances specific to each site, an antenna that qualifies as a stealth facility in one location may not qualify as a stealth facility in a different location.

## 4. Towers: If the applicant desires to construct a monopole or lattice tower, the applicant shall first submit a detailed written description of why the applicant cannot obtain coverage using existing buildings or structures or stealth facilities.

- i. The maximum height of the monopole or lattice tower shall be eighty feet (80'), although the approving body may, as a conditional use, allow an antenna or antenna support structure up to 120 feet (120') in height, if

the applicant demonstrates to the satisfaction of the approving body that the additional height is necessary to obtain coverage or to allow co-location, and that the applicant has taken steps to mitigate adverse effects on the surrounding neighborhood. The antenna itself shall not exceed ten feet (10') in height.

- ii. Monopoles and lattice towers shall be set back a minimum of 110% of the height of the monopole from any residential lot line, measured from the base of the monopole to the nearest residential lot line.
- iii. Monopole or lattice towers, antennas, and related support structures may be required to be painted a neutral color, or a color to match the background against which they are most commonly seen.
- iv. Monopoles and lattice towers shall be located at least one half mile from each other. However, a new monopole with co-location space for other future or existing carriers may be permitted closer than a half mile to another legal nonconforming monopole that does not have any collocation space.
- v. Monopoles and lattice towers shall be located as unobtrusively on a parcel as possible, given the location of existing structures, nearby residential areas, and service needs of the applicant. Monopoles or lattice towers shall not be located in a required landscaped area, buffer area or parking area.
- vi. Every new monopole or lattice tower shall be designed and constructed to be of sufficient size and capacity to accommodate at least two additional wireless telecommunications provider on the structure in the future unless otherwise approved by the Planning Commission.

H. Lease Agreement: The City has no implied obligation to lease any particular parcel of City-owned property to an applicant. The City shall enter into a standard lease agreement with the applicant for any facility built on City property. The City Manager or designee is hereby authorized to execute the standard lease agreement on behalf of the City. The lease shall contain the condition that the site plan and/or conditional use permit must first be approved by the approving authority before the lease can take effect, and that failure to obtain such approval renders the lease null and void.

I. Regulation Compliance:

1. Compliance with FCC and FAA regulations. All operators of wireless facilities shall demonstrate compliance with applicable Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) regulations, including FCC radio frequency regulations, at the time of application and periodically thereafter as requested by the City. Failure to comply with the applicable regulations shall be grounds for revoking a site plan or conditional use permit approval.
2. Other licenses and permits. The operator of every personal wireless services facility shall submit copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of the facility to the City, shall maintain such licenses and permits in good standing, and shall provide evidence of renewal or extension thereof upon request by the

City.

J. Safety:

1. Protection Against Climbing. Monopoles and lattice towers shall be protected against unauthorized climbing by removing the climbing pegs from the lower 20 feet of the structure.
2. Fencing. Monopoles and lattice towers may be fully enclosed by a minimum 6-foot tall fence or wall, as directed by the City. The approving authority may determine that a wall or fence is needed or appropriate for a particular site due to conditions specific to the site.
3. Security Lighting Requirements. Monopoles and lattice towers shall not contain lights on the towers unless mandated by FAA requirements for lighting. As part of the conditional use permit consideration, the City may also require security lighting for the site. If security lighting is used, the lighting impact on surrounding residential areas shall be minimized by using indirect lighting, where appropriate such that no light will be directed at the neighboring properties or into the nighttime sky.

K. Abandonment: The City may require the removal of all antennas and towers if the facility has been inoperative or out of service for more than twelve (12) consecutive months.

1. Notice to remove shall be given in writing by personal service, or by certified mail addressed to the operator's last known address.
2. Violation. Failure to remove the antennas and monopoles after receiving written notice to remove is a violation of the terms of this Chapter. The City may initiate criminal and/or civil legal proceeding against any person, firm, entity or corporation, whether acting as principal, agent, property owner, lessee, lessor, tenant, landlord, employee, employer or otherwise, for failure to remove antennas and monopoles in accordance with this Chapter. The City may seek a civil injunction requiring the removal of any structures on the site in accordance with this Chapter. The City may also remove such structures itself, and may bill its costs in removing the structures to the operator. Any lease agreement with the City may also stipulate failure to remove the antennas and monopoles after receiving written notice to do so pursuant to this Chapter automatically transfers ownership of the antennas, monopoles, support buildings and all other structures on the site to the City.
3. Emergency. The City shall have authority to move or alter a wireless facility in case of emergency. Before taking any such action, the City shall first notify the owner of the facility, if feasible.

L. Additional Requirements:

1. Storage Areas and Solid Waste Receptacles. No outside storage or solid waste receptacles shall be permitted on the site unless in an enclosed area to provide visual screening.
2. Equipment Enclosures. All electronic and other related equipment and appurtenances necessary for the operation of any wireless facility shall, whenever possible, be located within a lawfully pre-existing structure. When a new

structure is required to house such equipment, the structure shall be harmonious with, and blend with, the natural features, buildings and structures surrounding such structure.

3. **Accessory Buildings.** No more than three accessory structures are permitted for each wireless facility's support equipment. A freestanding accessory buildings used with a wireless facility shall not exceed 240 square feet and shall comply with the setback requirements for structures in the zone in which the facility is located.
4. **Parking.** The City may require a minimum of one (1) parking stall for sites containing a monopole, tower, and/or accessory buildings, if there is insufficient parking available on the site.
5. **Maintenance Requirements.** All wireless facilities shall be maintained in a safe, neat and attractive manner.
  - i. **Landscaping.** Freestanding wireless facilities that are not stealthed shall be landscaped on all sides visible from the street and from neighboring properties.
    - a. **Accessory Buildings** are to be landscaped on all sides visible from the street and from neighboring properties with a row of evergreen trees at least 6 feet in height spaced to create a continuous screen and spaced as per approval of the Planning Commission. Additionally a row of shrubs must be added around the structure in front of the trees at five (5) per twenty (20) linear feet and shall reach a height of 3 feet within three years of planting.
    - b. All other freestanding facilities and support structures are, at a minimum, to be enclosed with an architecturally solid fence six (6) feet in height, unless approved otherwise by the Planning Commission, due to specific conditions on the property. Additionally a row of shrubs must be added around the structure in front of the fence at five (5) per linear twenty (20) feet and shall reach a height of 3 feet within three years of planting.
    - c. **Exception:** The landscaping and improvement requirements above may be waived or modified by the Planning Commission if water services are not reasonably available to maintain the landscaping, or if the above requirements are not compatible with the surrounding uses.

### **10-3-9. Storm Water and Flood Damage Prevention:**

#### **10-3-9.1 Definitions:**

**Alluvial Fan Flooding** - means flooding occurring on the surface of an alluvial fan or similar landform, which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

**Apex** - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

**Area Of Shallow Flooding** - means a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Area Of Special Flood Hazard** - is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

**Base Flood** - means the flood having a one percent chance of being equaled or exceeded in any given year.

**Basement** - means any area of the building having its floor sub-grade (below ground level) on all sides.

**Critical Feature** - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

**Development** - means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**Elevated Building** - means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

**Existing Construction** - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

**Existing Manufactured Home Park Or Subdivision** - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the

manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**Expansion To An Existing Manufactured Home Park Or Subdivision**-means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Flood Or Flooding** - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Insurance Rate Map (Firm)** - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Flood Insurance Study** - is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

**Floodplain Or Flood-Prone Area** - means any land area susceptible to being inundated by water from any source (see definition of flooding).

**Floodplain Management** - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

**Floodplain Management Regulations** - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**Flood Protection System** - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

**Flood Proofing** - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate

or improved real property, water and sanitary facilities, structures and their contents.

**Floodway (Regulatory Floodway)** - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**Functionally Dependent Use** - means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**Highest Adjacent Grade** - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Historic Structure** - means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
  - a. by an approved state program as determined by the Secretary of the Interior or;
  - b. directly by the Secretary of the Interior in states without approved programs.

**Levee** - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

**Levee System** - means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**Lowest Floor** - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood insurance Program regulations.

**Manufactured Home** - means a structure transportable in one or more sections, which is

built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**Manufactured Home Park Or Subdivision** - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Mean Sea Level** - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**New Construction** - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**New Manufactured Home Park Or Subdivision** - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

**Recreational Vehicle** - means a vehicle which is:

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. designed to be self-propelled or permanently towable by a light duty truck; and
4. designed primarily not for use as a permanent dwelling but as temporary living Quarters for recreational, camping, travel, or seasonal use.

**Start Of Construction** - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement,

the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure** - means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

**Substantial Damage** - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Improvement** - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or Local health, sanitary, or safety code specifications, which have been identified by the local code enforcement official and which are the minimum necessary conditions or,
2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**Variance** - is a grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

**Violation** - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

**Water Surface Elevation** - means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

#### *10-3-8.2 Special Flood Hazard Provisions*

*A. Lands To Which This Ordinance Applies:* The ordinance shall apply to all areas of special flood hazard within the jurisdiction of Ephraim City.

*B. Basis For Establishing The Areas Of Special Flood Hazard:* The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Ephraim City dated May 2,

2012, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

C. Establishment Of Development Permit: Development Permit shall be required to ensure conformance with the provisions of this ordinance.

D. Compliance: No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

E. Abrogation And Greater Restrictions: This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

F. Interpretation: In the interpretation and application of this ordinance, all provisions shall be:

1. considered as minimum requirements;
2. liberally construed in favor of the governing body; and
3. deemed neither to limit nor repeal any other powers granted under State statutes.

G. Warning And Disclaimer Or Liability: The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

### 10-3-8.3 Administration

A. Designation Of The Floodplain Administrator: The Planning Director or his Designee is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

B. Duties & Responsibilities Of The Floodplain Administrator: Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.
2. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
3. Review, approve or deny all applications for development permits required by

- adoption of this ordinance.
4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
  5. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
  6. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the State NFIP Coordinator, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
  7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
  8. When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article 5.

*C. Permit Procedures:* Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
2. Elevation in relation to mean sea level to which any nonresidential structure shall be flood proofed;
3. A certificate from a registered professional engineer or architect that the nonresidential Flood proofed structure shall meet the flood proofing criteria of Article 5, Section B(2);
4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
5. Maintain a record of all such information in accordance with Article 4, Section (B)(1).
6. Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:
  - i. The danger to life and property due to flooding or erosion damage
  - ii. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - iii. The danger that materials may be swept onto other lands to the injury of others;

- iv. The compatibility of the proposed use with existing and anticipated development; The safety of access to the property in times of flood for ordinary and emergency vehicles;
- v. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
- vi. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
- vii. The necessity to the facility of a waterfront location, where applicable; The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- viii. The relationship of the proposed use to the comprehensive plan for that area.

**D. Variance Procedures**

1. The appeal authority as established by the legislative body shall hear and render judgment on requests for variances from the requirements of this ordinance.
2. The Appeal Authority shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain Administrator in the enforcement or administration of this ordinance.
3. Any person or persons aggrieved by the decision of the Appeal Authority may appeal such decision in the courts of competent jurisdiction.
4. The Floodplain Administrator shall maintain a record of all actions involving an Appeal and shall report variances to the Federal Emergency Management Agency upon request.
5. Variances may be issued for the reconstruction, rehabilitation or restoration of Structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.
6. Variances may be issued for new construction and substantial improvements to be Erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C(2) of this Article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
7. Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Authority may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Article 1, Section C).
8. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
9. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum

necessary to preserve the historic character and design of the structure.

10. Prerequisites for granting variances:

- a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- b) Variances shall only be issued upon:
  - 1) showing a good and sufficient cause;
  - 2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and
  - 3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- c) Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

11. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

- a) the criteria outlined in Article 4, Section D(1)-(9) are met, and
- b) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

10-3-8.4 Provisions For Flood Hazard Reduction

A. General Standards: In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) And adequately anchored to prevent flotation, collapse or lateral movement of the Structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
3. All new construction or substantial improvements shall be constructed with Materials resistant to flood damage;
4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

B. Specific Standards: In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Article 3, Section B, (ii) Article 4, Section B(8), or (iii) Article 5, Section C(3), the following provisions are required:

1. Residential Construction - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C(1)a., is satisfied.
2. Nonresidential Construction - new construction and substantial improvements of Any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are flood proofed shall be maintained by the Floodplain Administrator.
3. Manufactured Homes - Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

C. Standards For Subdivision Proposals

1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of this ordinance.
2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of

Article 5 of this ordinance.

3. Base flood elevation data shall be generated for subdivision proposals and other Proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section B (8) of this ordinance.
4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
5. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

### **10-3-10. Center of Block Development Standards:**

- A. Single-Family Dwellings – Flag Lots: For single-family dwellings, flag lots shall be allowed provided:
1. Flag lots must be accessed by a paved driveway of at least 12 feet in width, whether in separate ownership from the parent lot or by recorded easement.
  2. The parent lot must maintain at least an 8 foot setback between the existing house on the parent lot and the resulting property line. For shared drives and drives accessed by easement, driveways shall be spaced no closer than 4 feet to the existing house on the parent lot to allow space for pedestrian access, unless exempted by the planning commission after consideration of pedestrian and vehicular access, emergency vehicle access, and other applicable safety concerns.
  3. Minimum lot size is met for both the parent lot and the flag lot, according to zoning requirements. Minimum lot size may be exempted by the planning commission if the maximum density is met for the original undivided property in the underlying zone.
  4. Minimum set backs are met for the parent lot. Minimum setbacks must also be met for the child flag lot unless waived by the Planning Commission after consideration for future roads, access, fire codes, safety, etc. In no case shall any setback be reduced to less than 8 feet on the child lot.
  5. Shared drives for flag lots are allowed for driveways at least sixteen (16) feet wide or as otherwise required by applicable Fire Code.
  6. If more than one flag lot is desired to be created from the same parent lot, whether at the same time or at any time after the initial flag lot is created, the applicant shall apply under a Planned Unit Development application.

#### ***Figure 10-3-10-A-1: Flag Lot***

- B. Other Uses: For all uses other than single-family dwellings, center of block development shall be done as part of a Planned Unit Development (P.U.D.) application according to Ephraim City Subdivision Regulations. Regulations specific to each

development shall be reviewed and approved as part of the planned development process.

**10-3-11: Condominium Conversion Projects:**

- A. Purpose: The purpose of this Section is to establish guidelines and minimum requirements relating to the conversion of existing structures to condominium ownership and the maintenance and operation of such projects. These provisions shall be supplemental and in addition to the general requirements for developments contained under other chapters of this ordinance, and also the requirements of the Utah Code Annotated, 1953, as amended.
  
- B. Permitted Uses: Uses permitted within a condominium project shall be limited to those uses specifically permitted within the zone which underlies the area of the project and shall be subject to all conditions and restrictions required within the zone for the use.
  
- C. Layout and Improvement: Each proposed condominium conversion project shall conform to the following minimum standards:
  - 1. Residential Conversion Projects
    - i. Off Street Parking. Not less than two (2) off street parking spaces shall be provided for each dwelling unit, and at least one of the required spaces shall be covered, unless waived by the Planning Commission. All driveways and off street parking areas shall be hard-surfaced.
    - ii. Common Vehicle Storage Area. In addition to any other parking requirements, at least one (1) space per five (5) dwelling units for recreational vehicles and boat storage, and an additional one (1) space per five (5) dwelling units for guest parking shall be provided. These spaces may be owned in common or by the homeowner's association. If conditions within a condominium conversion preclude compliance with this requirement, a provision shall be placed in the bylaws or declaration precluding the parking of recreational vehicles and boats within the condominium development, and such preclusion shall be strictly enforced by the management (*Ord ECO 09-05, 8/19/09*)
    - iii. Common Open Space. Common space shall be provided and shall not be less than twenty (20) percent of the total site area. The required open space shall be landscaped areas that are not occupied by buildings, structures, parking areas, streets, or alleys. Said open space shall be devoted to landscaping, preservation of natural features, patios, and recreational areas and facilities.
  - 2. Commercial and Industrial Conversion Projects: Each project shall conform to the minimum City standards with regard to location, parking, landscaping, access and similar issues which existed at the time the structure was established.
  
- D. Utility and Facility Requirements:
  - 1. All units shall be separately metered for water, gas, and electricity unless the covenants, conditions and restrictions provide for the Association to pay the costs of services.

2. Each unit shall be provided with readily accessible individual shut-off valves.
3. All storage and solid waste receptacles outside of units must be housed in a closed structure compatible with the design of the development.

E. Approval Procedure: If no new buildings will be constructed, and the existing apartments to be converted to condominiums are currently permitted in underlying zone of the property, the Planning Commission may approve the application after receiving preliminary review from the Development Review Committee (DRC) and after ensuring that all applicable provisions of this title have been met by the applicant. In all other cases where buildings are to be constructed, in addition to meeting the applicable requirements of this ordinance, the applicant must receive approval for a planned unit development (PUD) in accordance with the requirements for subdivisions found in Chapter 11 of the City's Land Use ordinance.

F. Required Documents:

1. The following documents shall be prepared and submitted by the developer for each condominium conversion project:
  - i. Articles of Incorporation
  - ii. Corporation By-Laws
  - iii. Declaration of Covenants, Conditions, Restrictions and
  - iv. Management Policies/Declaration of Condominium
  - v. Management Agreement
  - vi. Open Space Easement
  - vii. Title Report
  - viii. Record of Survey Map (Prepared by a Licensed Surveyor registered in the State of Utah)
  - ix. Property Report (see special provisions below)
2. Where, in the opinion of the Planning Commission, a particular document required under this Section is inapplicable for the particular project proposed, the Planning Commission may waive the requirement for submitting said document.

G. Special Provisions:

1. Property Report (as required under Section F-1-ix above) The developer shall submit two copies of a property report describing the condition, useful life and capacity of the roof, foundations, mechanical, electrical, plumbing and structural elements of all existing buildings and structures or uses, and identifying existing or latent deficiencies, and estimated costs of any proposed repairs and/or renovations. Said report shall be prepared by a qualified licensed architect, engineer, or building inspector acceptable to the City. The report shall also contain a statement of disclosure identifying those aspects of the building and site area which do not meet the requirements of the zoning ordinance and the life safety provisions of the International Building Code as they currently exist.
2. Notification of Tenants: Developers of a condominium conversion project shall, at the time of submission for final approval, submit to the County the following:
  - i. Certification that the present tenants of the project have been notified of the proposed conversion. All tenants who want to move into the property

after an application for conversion has been filed with the City shall be notified by the developer of his plans to convert the premises to condominiums, prior to occupancy by such tenant.

- ii. The present tenant or tenants of any unit to be converted shall be given a nontransferable right of first refusal to purchase the unit occupied upon at least the same terms and conditions offered to the general public or other individuals. The right shall extend for at least sixty (60) days after beginning sales, providing that the tenant may cancel the purchase agreement if the unit is not conveyed to the tenant within six (6) months, or unless the tenant gives prior written notice of his/her intention not to exercise such right.

H. Fees: The fees for such a project shall be the same as is constituted for a Multi-family land use permit.

I. Enforcement: The Planning Director or his delegate shall have the authority to enforce this chapter against violations thereof by any of the following actions:

1. To serve notice requiring the cessation or correction of any action in violation of this chapter upon any person who commits or assists in such violation.
2. To deny the conversion application.
3. To call upon the City Attorney to initiate an action to restrain or abate or correct the violation.
4. To see any other remedy available at law or in equity to correct such violation.

J. Declaration Of Covenants: Conditions And Restrictions And Project Elements. To achieve the purpose of this section, the Planning Director or his delegate shall review and approve the Declaration of Covenants, Conditions and Restrictions and project elements relating to the management of the common area and facilities be approved prior to final approval. In addition to such covenants, conditions and restrictions that may be required pursuant to the Utah Condominium Ownership Act or other state laws or policies, such declaration shall be subject to recording and shall provide for the following, none of which when approved by the Planning Commission, shall be amended, modified, or changed without first obtaining written consent. The minimum criteria and conditions which are described in this section and any other conditions to be placed in the covenants, conditions and restrictions shall be distributed to the developer at the time of application for preliminary approval.

1. Maintenance. The developer shall retain responsibility for maintenance of the common areas and facilities until at least 75% of the units have been sold and the Planning Director or his designee has determined that the Homeowner's Association has assumed control of the maintenance functions.
2. Enforcement. Techniques to be used in security compliance with the duties and provisions of the covenants, conditions and restrictions shall be specified.
3. Utility Easements Over Private Streets and Other Areas: If the condominium project contains private streets, paths, or roadways, provision shall be made for public utility easements over the entire private street, path or roadway network. The Planning Director or his delegate may also require public utility easements over

other portions of the project to accommodate fire hydrants, water meters, street furniture, storm drainage, sanitary sewers, water and gas mains, electrical lines, irrigation systems, and similar public improvements and utilities. The Planning Director or his delegate may also require access routes necessary to assure that firefighting equipment can reach and operate efficiently in all areas of the project. Each owner and the Association shall have an easement for entry upon any privately-owned unit, where necessary, in connection with construction, maintenance or repair for the benefit of the common area.

- K. Improvement Performance Bonds: Performance bonds or other assurances of performance for the installation of required improvements in a condominium project may be posted in accordance with City bonding standards if weather conditions, acts of God, or other circumstances beyond the control of the developer make it infeasible or impractical to complete the improvements prior to certification or recording. Posting of bonds or other assurances may not be used to guarantee completion of required fire separation or correction of code violations which are deemed to be hazardous to the life or safety of occupants.
- L. Unlawful to Sell or Lease: It shall be unlawful to record any record of survey map or declaration of a condominium project in the office of the County Recorder, unless the same shall bear thereon final approval of the Planning Commission as required by the terms of this Code, and any record of survey map or declaration so recorded without such approval shall be null and void. Any owner, or agent of any owner, of land or units located within a purported condominium conversion project, who transfers or sells any land, structure, or condominium unit in such purported project, before obtaining the final approval by the Planning Commission and City Council on the record of survey map and declaration, and recording the same in the Office of the County Recorder, shall be guilty of a misdemeanor for each lot, parcel of land, structure or condominium unit so transferred or sold.

#### **10-3-12. Sexually Oriented Businesses:**

- A. Purpose: The purpose and objective of this section is to establish reasonable and uniform regulations to prevent the concentration of sexually-oriented businesses or their location in areas deleterious to the City, regulate the signage of such businesses, control the adverse affects of such signage and prevent inappropriate exposure of such businesses to the community. This Ordinance is to be construed as a regulation of time, place and manner of the operation of these businesses, consistent with the United States and Utah Constitutions. See also 10-3-7-C. (Ord., 11-19-1997)
- B. Definitions: Terms involving sexually-oriented businesses which are not defined in this Ordinance shall have the meanings set forth elsewhere in this ordinance. (Ord., 11-19-1997)
- C. Location of Businesses, Restrictions:
1. Outcall Services: Outcall services shall only be permitted in areas zoned I ( Industrial).

2. Sexually-Oriented Businesses: Sexually-oriented businesses shall only be permitted in areas zoned I (Industrial) under this Ordinance, subject to the following additional restrictions:
  - i. No sexually-oriented business shall be located:
    - a. Within one thousand feet (1,000') of any school, public park, library or religious institution.
    - b. Within six hundred feet (600') of any residential use or any agricultural or residential zoning boundary.
    - c. Within six hundred feet (600') of any other sexually-oriented business, except outcall services.
    - d. Within three hundred fifty feet (350') of any gateway corridor. The distance shall be measured from the right-of-way boundary.
  - ii. Measuring Distance Requirements:
    - a. Distance requirements between structures and uses specified in this Section shall be measured in a straight line, without regard to intervening structures or zoning districts, from the property boundaries of the school, public park, religious or cultural activity, residential use or other sexually-oriented business, or from the right-of-way line of a gateway to the structure of the sexually-oriented business.
    - b. Distance requirements from zoning districts for this section shall be measured in a straight line, without regard to intervening structures or zoning districts, from the closest zoning boundary of a residential or agricultural district to the sexually-oriented business structure. (Ord., 11-19-1997)
1. Effect on non-conforming businesses: All existing legal, nonconforming sexually-oriented businesses, as of the effective date hereof, or any amendment hereto, shall comply with the provisions of this section within nine months from the effective date hereof. (Ord., 11-19-1997)
2. Signs: Notwithstanding anything other provision of this ordinance, the more restrictive requirements for signs shall prevail. Signs for sexually-oriented businesses shall be limited as follows:
  - i. No more than one exterior sign shall be allowed.
  - ii. No sign shall be allowed to exceed eighteen (18) square feet.
  - iii. No animation shall be permitted on or around any sign or on the exterior walls or roof of such premises.
  - iv. No descriptive art or designs depicting any activity related to or inferring the nature of the business shall be allowed on any sign. Said signs shall contain alphanumeric copy only.
  - v. Only flat wall signs and/or awning signs shall be permitted.
  - vi. Painted wall advertising shall not be allowed.
  - vii. Other than the signs specifically allowed by this section, the sexually-oriented business shall not attach, construct or allow to be attached or constructed any temporary sign, banner, light or other device designed to draw attention to the business location.

**10-3-13: Nonconforming Uses:** These regulations are designed to regulate and protect the rights of legally existing nonconforming buildings and uses. Any lawful use or activity conducted under county zoning regulations at the effective date of annexation or under previous city zoning regulations in effect at the adoption of this ordinance which no longer complies with the regulations of this ordinance shall be considered a legal nonconforming use. The site, building, or use may be encouraged to convert to a conforming use in the future, although limited expansion or enlargement may be allowed subject to the provisions of this section. The property owner has the burden to establish that use is legally nonconforming. The person or entity claiming that a nonconforming use has been abandoned bears the burden to establish the abandonment. (2006)

- A. Non Complying Structure Maintained: A non-complying building or structure may be maintained.
- B. Occupancy: The occupancy of a building or structure by a non-conforming use, existing at the time this ordinance became effective, may be continued.
  - 1. If a nonconforming use has been discontinued for a period of one year, it shall not thereafter be re-established and all subsequent uses shall conform with the provisions of this ordinance.
  - 2. A nonconforming use may expand to include the entire floor area of the building in which it is conducted.
- C. Nonconforming Use: The nonconforming use of land may be continued as follows:
  - 1. No nonconforming use of land shall in any way be expanded or extended either on the same or on adjoining property; and
  - 2. if a nonconforming use of land is abandoned for a period of one year or more, any future use of such land shall conform with the provisions of this ordinance.
- D. Repairs and Structural Alterations: Repairs and structural alterations may be made to a non-complying building or to a building housing a non-conforming use. In the event that a non-complying building or structure is damaged or destroyed by involuntary fire, flood, or other calamity, it may be restored and the occupancy or use which existed at the time of the damage or destruction may be maintained, provided that such restoration is started within a period of one year and is diligently pursued to completion. The reestablishment of a non-conforming use or non-complying structure after loss by fire or other casualty, can be denied by the City if abandoned for a period of at least one year or allowed to become uninhabitable or demolished. (2006)
- E. Additions, Enlargements, and Moving: A nonconforming use, building or structure may not be reconstructed, expanded, enlarged or moved to a new location on the same lot if the total of such activities over its life is more than 50% of its fair market value unless the City Council issues a conditional use permit. Before issuing a conditional use, the Planning Commission and City Council shall find:
  - 1. The addition, enlargement of, or moving of the building will be in harmony with one or more of the purposes of this ordinance.
  - 2. That the proposed change does not impose any unreasonable burden upon the lands

located in the vicinity of the nonconforming use or structure.

- F. *Conditional Use Process for Nonconforming Use:* The nonconforming use of a building or structure may not be changed except to a conforming use, unless approval of a conditional use permit is given by the City Council. The approval process for the conditional use permit shall follow the requirements as defined in the City Land Use Ordinance Section 10-3-7, except that a public hearing must be held and the proposed use need not be listed in Table B as a permitted or conditional use. In granting a conditional use permit, the approving body shall consider the well-being of the surrounding residents, and may impose reasonable conditionals of approval that will protect the health, safety and property values of the neighboring properties. (Amended May, 2005)

**10-3-14: Development Sequence: (Section Reserved.)**

**10-3-15: Enforcement And Responsibility:** Ephraim City will not authorize the building inspector, nor will the city land use administrative officer or any administrative official of Ephraim City issue any permit for the proposed erection, construction, reconstruction, alteration, or use until proof of full compliance with all the provisions of this title has been provided. Any license or permit issued in conflict with the provisions of this title shall be null and void.

**10-3-16: Guarantee Of Improvements Required:** In lieu of the actual completion and acceptance by the city engineer or designee of the improvements required by this title the developer shall guarantee, by written agreement in a form approved by Ephraim City, and by one or more of the following methods, the installation and construction of the required improvements within one year from the date of approval of the final plat unless granted an extension by the city. Said agreement and guarantee must state "In favor of Ephraim City". In addition the developer shall guarantee by one or more of the following methods that the improvements shall be maintained in a state of good repair free from defective material or workmanship during the one year warranty period.

**10-3-17: Option 1: Deposit With City (Preferred):** The developer shall deposit with the city a sum equal to one hundred fifteen percent (115%) of the costs of the required improvements not installed, constructed, and accepted by the city. The city shall deposit this amount in a separate interest bearing account. The developer shall have the right to draw against the account with the city all sums to one hundred percent (100%) of the cost of the improvements not installed which shall be paid to the order of persons installing, constructing, or maintaining the improvements. The city shall hold the additional fifteen percent (15%) to guarantee that the improvements are maintained in a state of good repair free from defects of material or workmanship throughout the one year warranty period following approval of the improvements. The city may, at least 30 days after making written demand on the developer, install or cause to be installed, constructed, or repaired the improvements and pay such costs from the developer's account. The city shall refund

any sums remaining in the developer's account after the city engineer or appointee accepts the improvements and the one year warranty period expires.

**10-3-18: Option 2: Bond:**

- A. The developer shall furnish and file with the city recorder a bond with corporate surety in an amount equal to one hundred fifteen percent (115%) of the cost of the improvements not previously installed and accepted plus fifteen percent (15%) of the cost of previously installed improvements within the one year warranty period immediately following the approval of the subdivision plat by the legislative body and a statement that the improvements shall be maintained in a state of good repair free from defects of material or workmanship for the entire warranty period following the date of final approval for the improvements, which bond shall be approved by the city attorney.
- B. Upon completion of the improvements for which a surety or cash bond has been filed, the developer shall call for inspection by the city engineer. If inspection shows city standards and specifications have been met in completion of such improvements, the portion of the bond corresponding to the completion to the improvements shall be released within seven (7) days from the time of inspection. The portion of the bond corresponding to the warranty improvements will be released following inspection and verification of the condition of the improvements after the warranty period has expired and following final approval.

**10-3-19: Option 3: Escrow:** The developer shall deposit with a city approved insurance company, bank, or savings and loan institution in an escrow account an amount of money equal to at least one hundred fifteen percent (115%) of the costs of the improvements required by this title not previously accepted by the city and fifteen percent (15%) of the cost of the improvements already installed and approved. The costs of the improvements shall be determined by the city engineer. The escrow agreement shall be subject to approval by the city attorney and shall be signed by the developer, the city, and the escrow holder.

**10-3-20: Legal Remedies For Violation:** In accordance with 10-9a-803 of the Utah code, any applicant that violates this title may be charged with a class C misdemeanor and subject to all fines and imprisonment associated with such penalty.

- A. Because it is impractical to expect that all grading, infrastructure, and other improvements can be adequately inspected by Ephraim City, Ephraim City expects applicants to complete all development improvements in accordance with the approved plans. If an applicant installs improvements that are inconsistent with the development approval granted by the city council, the improvements will be corrected to satisfy the approval granted by the city council at the applicant's expense even if discovery of the inconsistency occurs after an initial acceptance of the development improvements. Failure to correct the inconsistencies may result in any legal action necessary to correct the inconsistencies.

**10-3-21: Prohibited Travel Of Heavy Vehicles On City Streets:**

1. No heavy vehicle shall be allowed to travel upon City streets posted by Ephraim City indicating that such travel and use is prohibited except for vehicles making deliveries or servicing the posted streets. These vehicles may include, but not be limited to public works, public safety, utility, or other vehicles making deliveries or providing services to or from destinations on said posted streets.
  - a. For purposes of this ordinance heavy vehicles shall be defined as any vehicle having a Gross Vehicle Weight Rating (GVWR) of 20,000 pounds or greater. The GVWR shall be measured by the manufactures placard located on the vehicle.

## CHAPTER 4

### ZONING DISTRICT REGULATIONS

#### SECTION:

- 10-4-1. Purpose.
- 10-4-2. Boundaries
- 10-4-3. Area, Size, Width, Height and Yard Requirements.
- 10-4-4. Residential Zones.
- 10-4-5. Agricultural Zones.
- 10-4-6. Commercial Zones.
- 10-4-7. Industrial Zone.
- 10-4-8. Planned Development Zone.

**10-4-1. Purpose:** This section establishes zoning districts and corresponding specific regulations that shall be applied as necessary to regulate the use and development of the land in the city.

#### **10-4-2. Boundaries:**

- A. *Boundaries:* Where uncertainty exists as to the boundaries of zones as shown on city maps, the following shall apply:
1. Boundaries as approximately following the center lines of streets, highways or alleys shall be construed as moving with the center line.
  2. Boundaries indicated as approximately following the right-of-way lines of streets, highways or alleys shall be construed to follow such right-of-way lines, and in the event of a change in the right-of-way lines, shall be construed as moving with the right-of-way line.
  3. Boundaries indicated as approximately following the center lines of streams, rivers, canals or other bodies of water, or flood control channels, shall be construed to follow such center lines and in the event of the change of the center line, it shall be construed as moving with the center line.
  4. Boundaries indicated as approximately following platted or lot lines shall be construed to follow such lot lines.
  5. In case of any further uncertainty exists, the Planning Director shall interpret the map and determine the boundary location.
  6. Boundaries of each of said zones are hereby established as described herein and shown on the map entitled Zoning Map of Ephraim as amended from time to time, to conform to the actions of the City Council, which Map is on file in the City office, and all boundaries shown thereon are made by the reference as much a part of this Ordinance as fully described and detailed.

**10-4-3. Area, Size, Width, Setback, Height and Yard Requirements:** See Table A in the appendix.

#### **10-4-4. Residential Zones:**

A. Single-family residential zone (R1): Provides appropriate locations where low density residential neighborhoods may be established, maintained and protected. The regulations permit the establishment of 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 single-family neighborhoods.

1. Uses: see Table B for list of permitted and conditional uses.
  - i. Special regulations concerning accessory apartments: A conditional use permit for an attached accessory apartment (see definition) in the R1 zone may only be approved subject to the following minimum conditions;
    - a. The apartment may be occupied by one family of related persons or not more than two unrelated persons.
    - b. A minimum of two off-street parking spaces each shall be provided for the apartment and the primary residence.
    - c. The use of the accessory apartment is conditional upon the primary residence being owner-occupied; the apartment may not be rented or occupied if the property owner is not living in the home as a primary residence.
    - d. So long as above items are met, accessory apartments may be allowed as attached to the main house on lots at least 8,000 square feet in size.
2. Density regulations: A minimum lot size of 8,000 square feet shall be required for a single-family dwelling.
3. Minimum floor area: The ground floor area of any one-family dwelling shall not be less than 750 square feet exclusive of open porches, garages and carports.
  - i. The Land Use Authority may grant exceptions for studio and accessory apartments smaller than 750 Square feet. Primary dwelling residences smaller than 750 Square feet are allowed by Conditional Use Permit, with special considerations taking into account the character of the surrounding neighborhood.
4. Animals: Any combination of dogs and cats, up to four (4) total such animals are allowed, and no more than twenty poultry or rabbits on any lot (20 total small animals) may be kept; provided, that:
  - i. the animals must be set back no less than ten feet from all property lines;
  - ii. the animals are kept in rear yard areas; and
  - iii. the animals are kept within a solid fenced area or building to establish visual and auditory screening.
  - iv. No pigs may be kept in the R1 Zone.
5. Minimum Green Space or Landscaping: a minimum of 20 percent of lot area shall be maintained in open green space or landscaped area.

B. Single-family residential zone (RIA): Provides appropriate locations where low density

residential neighborhoods may be established, maintained and protected. The regulations permit the establishment, with proper controls, of 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 and the historic nature of the area.

1. Uses: see Table B for list of permitted and conditional uses.
  - i. Special regulations concerning accessory apartments: A conditional use permit for an accessory apartment in the R1A zone may only be approved subject to the following minimum conditions;
    - a. The apartment may be occupied by one family of related persons or not more than two unrelated persons.
    - b. A minimum of two off-street parking spaces each shall be provided for the apartment and the primary residence.
    - c. The use of the accessory apartment is conditional upon the primary residence being owner-occupied; the apartment may not be rented or occupied if the property owner is not living in the home as a primary residence
    - d. So long as above items are met, accessory apartments may be allowed as attached to the main house on lots at least 8,000 square feet in size.
2. Density regulations: A minimum lot size of 8,000 square feet shall be required for a single-family dwelling.
3. Minimum floor area: The ground floor area of any one-family dwelling shall not be less than 750 square feet exclusive of open porches, garages and carports.
  - i. The Land Use Authority may grant exceptions for studio and accessory apartments smaller than 750 Square feet. Primary dwelling residences smaller than 750 Square feet are allowed by Conditional Use Permit, with special considerations taking into account the character of the surrounding neighborhood.
4. Animals: Any combination of dogs and cats, up to four (4) total such animals, and no more than twenty poultry or rabbits (on any lot (20 total small animals) may be kept; provided, that:
  - i. the animals must be set back no less than ten feet from all property lines;
  - ii. the animals are kept in rear yard areas; and
  - iii. the animals are kept within a solid fenced area or building to establish visual and auditory screening.
  - iv. No pigs may be kept in the R1A Zone
5. Minimum Green Space or Landscaping: a minimum of 20 percent of lot area shall be maintained in open green space or landscaped area.

C. Two-family residential zone (R2): Provides appropriate locations where medium density residential neighborhoods on lots of not less than 8,000 square feet 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, etc., which serve the requirements of families. The regulations are intended to prohibit those uses that would be harmful to a medium-density residential

neighborhood.

1. Uses: see Table B for list of permitted and conditional uses.
2. Special regulations concerning accessory apartments: A conditional use permit for an attached accessory apartment (see definition) in the R2 zone may only be approved subject to the following minimum conditions;
  - i. The apartment may be occupied by one family of related persons or not more than two unrelated persons.
  - ii. A minimum of two off-street parking spaces each shall be provided for the apartment and the primary residence.
  - iii. The use of the accessory apartment is conditional upon the primary residence being owner-occupied; the apartment may not be rented or occupied if the property owner is not living in the home as a primary residence.
  - iv. So long as above items are met, accessory apartments may be allowed as attached to the main house on lots at least 8,000 square feet in size.
- 3.
4. Density regulations: A minimum lot size of 8,000 square feet shall be required for a single-family dwelling or the first unit of a multiple-family dwelling. Additional units may be added according to the following schedule:

<b>Units</b>	<b>Lot size required (in square feet)</b>
First unit	8,000
Second unit	2,000 additional
Additional units	none allowed

5. Minimum floor area: The ground floor area of any one-family dwelling shall not be less than 750 square feet and 650 square feet for each additional dwelling unit.
  - i. The Land Use Authority may grant exceptions for studio and accessory apartments smaller than 750 Square feet. Primary dwelling residences smaller than 750 Square feet are allowed by Conditional Use Permit, with special considerations taking into account the character of the surrounding neighborhood.
6. Animals: Any combination of dogs and cats, up to four (4) total such animals and no more than twenty poultry or rabbits on any lot (20 total small animals) may be kept; provided, that:
  - i. the animals must be set back no less than ten feet from all property lines;
  - ii. the animals are kept in rear yard areas; and
  - iii. the animals are kept within a solid fenced area or building to establish visual and auditory screening.

- iv. No pigs may be kept in the R2 Zone
- 7. Minimum Green Space Or Landscaping: A minimum of 20% of the lot area shall be maintained in open green space or landscaped area.
- 8. Adjoining a residential zone fencing requirements: where a multi-family or multi-unit development adjoins any lot or parcel of ground in any residential zone, there shall be provided along the adjoining property line a decorative, sight-obscuring fence or any combination of fencing and landscaping which, in the opinion of the Planning Director, adequately protects the adjoining residential property and is properly maintained. (2006) Where no existing trees are present along the boundary of the development, the Planning Commission may require that approved trees and/or other appropriate sight obscuring measures be incorporated into the necessary landscaping. See also fencing requirements, section 10-3-4.

D. Medium density residential zone (R3): Provides appropriate locations where medium to high density residential neighborhoods on lots of not less than 6,000 square feet 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, etc., which serve the requirements of families. The regulations are intended to prohibit those uses that would be harmful to a medium to high density residential neighborhood.

- 1. Uses: see Table B for list of permitted and conditional uses.
- 2. Special regulations concerning accessory apartments: A conditional use permit for an attached accessory apartment (see definition) in the R3 zone may only be approved subject to the following minimum conditions;
  - i. The apartment may be occupied by one family of related persons or not more than two unrelated persons.
  - ii. A minimum of two off-street parking spaces each shall be provided for the apartment and the primary residence.
  - iii. The use of the accessory apartment is conditional upon the primary residence being owner-occupied; the apartment may not be rented or occupied if the property owner is not living in the home as a primary residence.
  - iv. So long as above items are met, accessory apartments may be allowed as attached to the main house on lots at least 6,000 square feet in size.
- 3. Density regulations: A minimum lot size of 6,000 square feet shall be required for a single-family dwelling or the first unit of a multiple-family dwelling. Additional units may be added according to the following schedule:

<b>Units</b>	<b>Lot size required (in square feet)</b>
First unit	6,000
Second unit	2,000 additional

Third unit	2,000 additional
Fourth unit	2,000 additional
Additional units	none allowed

4. Minimum floor area: The ground floor area of any one-family dwelling shall not be less than 750 square feet and 650 square feet for each additional dwelling unit.
  - a. The Land Use Authority may grant exceptions for studio and accessory apartments smaller than 750 Square feet. Primary dwelling residences smaller than 750 Square feet are allowed by Conditional Use Permit, with special considerations taking into account the character of the surrounding neighborhood.
5. Animals: Any combination of dogs and cats, up to four (4) total such animals are allowed, and no more than twenty poultry or rabbits on any lot (20 total small animals) may be kept; provided, that:
  - i. the animals must be set back no less than ten feet from all property lines;
  - ii. the animals are kept in rear yard areas; and
  - iii. the animals are kept within a solid fenced area or building to establish visual and auditory screening.
  - iv. No pigs may be kept in the R3 Zone
6. Minimum Green Space Or Landscaping: A minimum of 20% of the lot area shall be maintained in open green space or landscaped area.
7. Adjoining a residential zone fencing requirements: where a multi-family or multi-unit development adjoins any lot or parcel of ground in any residential zone, there shall be provided along the adjoining property line a decorative, sight-obscuring fence, or any combination of fencing and landscaping which, in the opinion of the Planning Director, adequately protects the adjoining residential property and is properly maintained. (2006) Where no existing trees are present along the boundary of the development, the Planning Commission may require that approved trees and/or other appropriate sight obscuring measures be incorporated into the necessary landscaping. See also fencing requirements, section 10-3-4.

E. *High Density Residential Zone (R4)*: Provides appropriate locations where medium to high density residential neighborhoods on lots of not less than 6,000 square feet 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, etc., which serve the requirements of families. The regulations are intended to prohibit those uses that would be harmful to a medium to high density residential neighborhood.

1. Uses: see Table B for list of permitted and conditional uses.
2. Special regulations concerning accessory apartments: A conditional use permit for an attached accessory apartment (see definition) in the R4 zone may only be approved subject to the following minimum conditions;
  - i. The apartment may be occupied by one family of related persons or not

- more than four unrelated persons.
  - ii. A minimum of two off-street parking spaces each shall be provided for the apartment and the primary residence.
  - iii. The use of the accessory apartment is conditional upon the primary residence being owner-occupied; the apartment may not be rented or occupied if the property owner is not living in the home as a primary residence.
  - iv. So long as above items are met, accessory apartments may be allowed as attached to the main house on lots at least 6,000 square feet in size.
- 3.
- 4. Density regulations: A minimum lot size of 6,000 square feet shall be required for a single-family dwelling or the first unit of a multiple-family dwelling. Additional units may be added according to the following schedule:

<b>Units</b>	<b>Lot size required (in square feet)</b>
First unit	6,000
Each additional unit	2,000 additional

- 5. Minimum floor area: The ground floor area of any one-family dwelling shall not be less than 750 square feet and 650 square feet for each additional dwelling unit exclusive of open porches, garages and carports.
  - i. The Land Use Authority may grant exceptions for studio and accessory apartments smaller than 750 Square feet. Primary dwelling residences smaller than 750 Square feet are allowed by Conditional Use Permit, with special considerations taking into account the character of the surrounding neighborhood.
- 6. Animals: Any combination of dogs and cats, up to four (4) total such animals are allowed, and no more than twenty poultry or rabbits on any lot (20 total small animals) may be kept; provided, that:
  - i. the animals must be set back no less than ten feet from all property lines;
  - ii. the animals are kept in rear yard areas; and
  - iii. the animals are kept within a solid fenced area or building to establish visual and auditory screening.
  - iv. No pigs may be kept in the R4 Zone
- 7. Minimum Green Space Or Landscaping: A minimum of 20% of the lot area shall be maintained in open green space or landscaped area.
- 8. Adjoining a residential zone fencing requirements: where a multi-family or multi-unit development adjoins any lot or parcel of ground in any residential zone, there shall be provided along the adjoining property line a decorative, sight-obscuring fence, or any combination of fencing and landscaping which, in the opinion of the Planning Director, adequately protects the adjoining residential property and is properly maintained. (2006) Where no existing trees are present along the

boundary of the development, the Planning Commission may require that approved trees and/or other appropriate sight obscuring measures be incorporated into the necessary landscaping. See also fencing requirements, section 10-3-4.

#### **10-4-5. Agricultural Zones:**

A. *Agricultural Zone (A)*: The agricultural zone protects agricultural uses and sensitive lands within the city by controlling density and land coverage and providing for compatible land uses. It is further intended to protect nearby uses from objectionable effects of certain agricultural operations.

1. Uses: see Table B for list of permitted and conditional uses.
  - i. Livestock Use: In the A zone, livestock use shall be limited for each acre to the following:
    - a. Five large animals which include horses, cattle, goats, sheep or other animals judged by the Planning Commission to be compatible with this category of livestock animal.
    - b. No more than thirty poultry or rabbits or other small animals (20 total small animals) per acre.
    - c. No pigs may be kept in the A Zone.
    - d. No enclosure, pen or structure for raising of poultry, rabbits or livestock shall be located within fifty feet of any dwelling or property line.
2. Density regulations: A minimum lot size of twenty acres shall be required for a single-family dwelling.
3. Minimum floor area: The ground floor area of any one-family dwelling shall not be less than 750 square feet exclusive of open porches, garages and carports.

The Land Use Authority may grant exceptions for studio and accessory apartments smaller than 750 Square feet. Primary dwelling residences smaller than 750 Square feet are allowed by Conditional Use Permit, with special considerations taking into account the character of the surrounding neighborhood.

B. *Residential Agricultural Zone (RA)*: The residential-agricultural zone allows for and protects certain residential/agricultural use mixes within the city by controlling density and land coverage and providing for compatible land uses. It is further intended to protect nearby uses from objectionable effects of certain agricultural operations.

1. Uses: see Table B for list of permitted and conditional uses.
  - a. Special regulations concerning accessory apartments: A conditional use permit for an attached accessory apartment (see definition) in the RA zone may only be approved subject to the following minimum conditions;
    - i. The apartment may be occupied by one family of related persons or not more than two unrelated persons.
    - ii. A minimum of two off-street parking spaces each shall be provided for the apartment and the primary residence.
    - iii. The use of the accessory apartment is conditional upon the primary residence being owner-occupied; the apartment may not be rented or occupied if the property owner is not living in the home as a primary

- residence.
- iv. So long as above items are met, accessory apartments may be allowed as attached to the main house on lots at least 0.3 acres in size.
2. Livestock and Animal Use: In the RA zone, livestock use shall be limited to the following:
    - i. Two large animals which include horses, cattle, goats, sheep or other animals judged by the Planning Commission to be compatible with this category of livestock for the first two-thirds acre and one additional large animal for each one-third acre thereafter. No large animals are allowed on lots less than two-thirds acre.
    - ii. No more than thirty poultry or rabbits or other small animals on any lot (30 total small animals) provided that:
      - a. the animals must be set back no less than ten feet from all property lines;
      - b. The animals are kept in rear yard areas; and
      - c. The animals are kept within a solid fenced area or building to establish visual and auditory screening.
    - iii. Any combination of dogs and cats, up to four (4) total such animals are allowed, unless a Kennel License is issued for the property.
    - iv. No pigs may be kept in the RA Zone.
  3. Density regulations: A minimum lot size of one-third acre (0.33 acres) shall be required for a single-family dwelling.
  4. Minimum floor area: The ground floor area of any one-family dwelling shall not be less than 750 square feet exclusive of open porches, garages and carports.
    - a. The Land Use Authority may grant exceptions for studio and accessory apartments smaller than 750 Square feet. Primary dwelling residences smaller than 750 Square feet are allowed by Conditional Use Permit, with special considerations taking into account the character of the surrounding neighborhood.
  5. Minimum Green Space or Landscaping: a minimum of 20 percent of lot area shall be maintained in open green space or landscaped area.

#### **10-4-6. Commercial Zones:**

- A. *Central Business District Commercial Zone (C1)*: The objective in establishing the C-1 central business district commercial zone is to identify a principal shopping and financial center within the city.
  1. Character: It is characterized by the commingling of commercial uses and dwellings. However, primacy is given to commercial uses within the zone. Existing structures will be allowed to continue with their designed intent such as apartments, homes, student housing, etc.
  2. Uses: see Table B for list of permitted and conditional uses.
  3. Storage: All materials and merchandise, except vehicles in running order, shall be stored in an enclosed building or within an enclosure surrounded by a solid sight-obscuring fence or wall of not less than six feet in height, of a neutral color

and no material or merchandise shall be stored to a height of more than the height of the enclosing fence or wall.

4. **Trash And Combustible Materials:** No trash, rubbish, weeds or other combustible material shall be allowed to remain on any lot outside of approved containers in any commercial zone. No junk, debris, abandoned or dismantled automobile or automobile parts or similar material shall be stored or allowed to remain on any lot in any commercial zone.
5. **Solid Waste Storage Facilities:** All solid waste storage facilities shall be located at the rear of the main building or else behind a sight-obscuring fence or wall which will prevent the facility from being seen from a public street.
6. **Adjoining Residential Zone; Fencing Requirements:** Where a commercial development adjoins any residential lot or parcel of ground in any residential zone, there shall be provided along the adjoining property line a decorative, sight-obscuring fence, or any combination of fencing and landscaping which, in the opinion of the Planning Director, adequately protects the adjoining residential property and is properly maintained.
7. **Landscaping:**
  - i. In all commercial zones, at least 5% of the lot area shall be maintained as landscaped area. Where feasible, a landscaped area adjacent to the public street shall be provided and planted with trees.
  - ii. In addition to the 5% landscaping required on the private lot area, all road rights of way not utilized for pavement, curb or sidewalk shall be planted and maintained as landscaped area.
8. Residences in the C-1 zone shall conform to all requirements under the R-4 designation including rules for the keeping of animals.
9. Canopies, awnings, and related outdoor eating facilities within the front setback and within the right of way are allowed as long as pedestrian walkways, safety, and visibility are preserved, and upon permission being granted by the City.
10. Driveways for commercial uses may be at least twenty feet wide, unless approved otherwise by the city engineer.

B. *Commercial Overlay Zone (C1A):* The objective in establishing the C1A overlay zone is to establish areas around Snow College in which certain campus-specific or college-related businesses may locate.

1. All permitted uses under the C1A Zone are limited to a maximum of 1,500 square feet for customer service and a maximum of 1,500 square feet for storage and office space relating to the business.
2. Uses: see Table B for list of permitted and conditional uses.
3. No outside storage of material or merchandise is permitted in the C1A zone.
4. **Trash And Combustible Materials:** No trash, rubbish, weeds or other combustible material shall be allowed to remain on any lot outside of approved containers in any commercial zone. No junk, debris, abandoned or dismantled automobile or automobile parts or similar material shall be stored or allowed to remain on any lot in any commercial zone.
5. **Solid Waste Storage Facilities:** All solid waste storage facilities shall be located at the rear of the main building or else behind a sight-obscuring fence or wall which

will prevent the facility from being seen from a public street.

6. Fencing Requirements: Commercial uses in the C1A zone shall provide a decorative, sight-obscuring fence, or any combination of fencing and landscaping which, in the opinion of the Planning Director, adequately protects the adjoining residential property and is properly maintained.
7. Landscaping:
  - i. In all commercial zones, at least 5% of the lot area shall be maintained as landscaped area. Where feasible, a landscaped area adjacent to the public street shall be provided and planted with trees.
  - ii. In addition to the 5% landscaping required on the private lot area, all road rights of way not utilized for pavement, curb or sidewalk shall be planted and maintained as landscaped area.
8. Canopies, awnings, and related outdoor eating facilities within the front setback and within the right of way are allowed as long as pedestrian walkways, safety, and visibility are preserved, and upon permission being granted by the City.
9. Driveways within the C1A zone may be treated as residential uses.

C. *General Commercial Zone (C2)*: The objective in establishing the C2 zone is to provide areas wherein the general commercial activity of the city may take place.

1. Character: It is characterized by the commingling of commercial uses and dwellings. However, primacy is given to commercial uses within the zone. Existing structures will be allowed to continue with their designed intent such as apartments, homes, student housing, etc.
2. Uses: see Table B for list of permitted and conditional uses.
3. Storage: All materials and merchandise, except vehicles in running order, shall be stored in an enclosed building or within an enclosure surrounded by a solid sight-obscuring fence or wall of not less than six feet in height, of a neutral color and no material or merchandise shall be stored to a height of more than the height of the enclosing fence or wall.
4. Trash And Combustible Materials: No trash, rubbish, weeds or other combustible material shall be allowed to remain on any lot outside of approved containers in any commercial zone. No junk, debris, abandoned or dismantled automobile or automobile parts or similar material shall be stored or allowed to remain on any lot in any commercial zone.
5. Solid Waste Storage Facilities: All solid waste storage facilities shall be located at the rear of the main building or else behind a sight-obscuring fence or wall which will prevent the facility from being seen from a public street.
6. Adjoining Residential lots; Fencing Requirements: Where a commercial development adjoins any residential lot or parcel of ground in any residential zone, there shall be provided along the adjoining property line a decorative, sight-obscuring fence, or any combination of fencing and landscaping which, in the opinion of the Planning Director, adequately protects the adjoining residential property and is properly maintained.
7. Landscaping:
  - i. In all commercial zones, at least 5% of the lot area shall be maintained as landscaped area. Where feasible, a landscaped area adjacent to the

- public street shall be provided and planted with trees.
  - ii. In addition to the 5% landscaping required on the private lot area, all road rights of way not utilized for pavement, curb or sidewalk shall be planted and maintained as landscaped area.
- 8. Residences in the C-2 zone shall conform to all requirements under the R-4 designation including rules for the keeping of animals.
- 9. In the case of mixed use containing both multiple residential units and commercial elements in a given development, the following standards shall apply:
  - i. Parking: the total combined parking shall be calculated in accordance with Table D: Parking Requirements. The total combined parking may then be reduced by up to 25% if it can be shown that the parking demand for the commercial portion of the development will be significantly reduced after normal business hours.
  - ii. Landscaping: the amount of required landscaping shall be based on a weighted average of commercial to residential ratios which shall vary between 5% (for a completely commercial development) to 20% (for a completely residential development) of the total land area of the development. This prorated percentage of landscaping shall be calculated by multiplying 5% (0.05) by the total commercial floor space and 20% (0.2) by the total residential floor space, then summing the two figures and dividing by the total floor space. This prorated percentage of landscaping shall then be multiplied by the total lot size to give the needed landscaping for the lot.
- 10. Canopies, awnings, and related outdoor eating facilities within the front setback in all commercial zones and within the right of way as long as pedestrian walkways are allowed as long as safety, and visibility are preserved, and permission granted by the City.
- 11. Driveways for commercial uses in the C2 Zone may be at least twenty feet wide, unless approved otherwise by the city engineer.

**10-4-7. Industrial Zone:**

- A. *Industrial Zone (I-1)*: The objective in establishing the I-1 Industrial Zone is to provide areas in appropriate locations where light manufacturing, industrial processes and warehousing not producing objectionable effects may be established, maintained and protected. Associated office and support commercial uses are allowed. The regulations of this district are designed to protect environmental quality of the district and adjacent areas. To provide areas for the promotion of new industry for the city and to accommodate basic industries which tend to increase the employment and economic base and which may market their products primarily outside of the local economy.
  - 1. Uses: see Table B for list of permitted and conditional uses.
  - 2. Excluded uses: animal by-products plants; blast furnaces, garbage, offal and animal reduction, incineration or processing refuse dumps, hog farm, compounding or processing of chlorine gas, acid, cement, lime, gypsum, plaster of paris, creosote, fertilizer from animal by-products, propylene, rubber reduction; processing or

treatment of fish; smelters and ore reduction; and similar uses which give rise to excessive or offensive odor, noise, fumes, dust, radiation or danger of explosion.

- i. Livestock Use: In the Industrial zone, livestock use shall be limited to the following:
  - a. Two large animals which include horses, cattle, goats, sheep or other animals judged by the Planning Commission to be compatible with this category of livestock for the first two-thirds acre and one additional large animal for each one-third acre thereafter. No large animals are allowed on lots less than two-thirds acre.
  - b. No more than thirty poultry or rabbits or other small animals on any lot (30 total small animals).
  - c. No pigs may be kept in the Industrial Zone.
  - d. Any combination of dogs and cats, up to four (4) total such animals are allowed.
  - e. No enclosure, pen or structure for raising of poultry, rabbits or livestock shall be located within ten feet of any dwelling or property line. (2008)
3. Adjoining Residential Zone; Fencing Requirements: Where any industrial zone adjoins any residential lot in a residential zone, there shall be provided and maintained along such property line a six foot or ornamental masonry or other decorative solid fence or wall of a neutral color, and/or landscaping which, in the opinion of the City, will adequately protect the adjoining residential property.
4. Outside Parking Area; Lighting: All outside parking area shall be lighted during the evening business hours. All lights shall be directed away from adjacent residential areas.

#### **10-4-8. Planned Unit Development Zone (PUD):**

A. *Planned Unit Development Zone (PUD)*: The PUD zone is a designation applied to land that has been developed according to the Ephraim City Subdivision Ordinance. A planned unit development is a distinct category of conditional use. As such, it is intended to encourage the efficient use of land and resources, promote greater efficiency in public and utility services, preservation of open space, efficient use of alternative transportation and encouraging innovation in the planning and building of all types of development.

1. Uses and other regulations: Use and other regulations governing Planned Developments are established on a case-by-case basis by the Planning Commission's review and the City Council's approval of planned development applications. Copies of such regulations should be appended to this ordinance or kept on file with the Planning Director for reference.
2. Residential parks dedicated exclusively to manufactured homes and recreational vehicle parks shall be developed as planned developments.
3. Flag lots for uses other than single family dwellings shall be developed as planned development.

## CHAPTER 5

### TABLES

#### SECTION:

**10-5-1. Use and Interpretation.**

**10-5-2. Table A: Setbacks.**

**10-5-3. Table B: Land Use Matrix.**

**10-5-4. Table C: Sign Regulations.**

**10-5-5. Table D: Off-street Parking Requirements.10-5-6.**

**10-5-6. Table E: Notice Matrix for Land Use Decisions and Appeal Process.**

**10-5-7. Figure 1: Ephraim City Land Use (Zoning) Map**

**10-5-1. Use and Interpretation:** These tables are to make reference to the standards and regulations of this ordinance as user-friendly as possible. The official interpretation of these tables shall be given by the Planning Director as provided in this ordinance.

**10-5-2. Table A:** This table provides setback and other development standards governing lots in the city in an easy to read format. It is not the complete set of regulations governing property development and should not be used except in conjunction with the rest of this ordinance.

**10-5-3. Table B:** This table provides a listing of permitted and conditionally permitted uses for all zones within the city. The list is not comprehensive and, in the event a sought-after use is not listed, the Planning Director is empowered to interpret the list and determine if the unlisted use is materially like a listed use. In making this determination, the Planning Director may, at his sole discretion, ask the planning commission for its review and interpretation.

**10-5-4. Table C:** This table lists the standards for signs and is in two parts:

Part 1: Lists standards for primary signs.

Part 2: Lists standards for secondary signs.

**10-5-5. Table D:** This table lists the off-street parking requirements for different uses.

**10-5-6. Table E:** This table lists the notification requirements for the different types of land use applications.

**10-5-7. Figure 1:** This map identifies the different zones in the City.

**Table A: Setbacks and Density**

Zone	Min. Lot Size	Max. Density	Min. Width	Front Yard	Side Yards	Rear Yard	Maximum Height of Main Bldgs.
R1	8,000 sq. ft (0.184 acres).	1 unit per parcel	75'	20'	8'	20'	two and one-half stories or 35'
R1A	8,000 sq. ft. (0.184 acres)	1 unit per parcel	75'	20' *	8'	20'	two and one-half stories or 35'
R2	8,000 sq. ft. (0.184 acres)	17.8	70'	20'	8'	20'	two and one-half stories or 35'
R3	6,000 sq. ft. (0.138 acres)	18.8	70'	20'	8'	20'	45'
R4	6,000 sq. ft. (0.138 acres)	18.8	70'	20'	8'	20'	45'
A	20 acres	0.05	120'	20'	8'	20'	two and one-half stories or 35'
RA	0.33 acres	3.0	75'	20'	8'	20'	two and one-half stories or 35'
C1	none	18.8	none	10'***	0'	0'	45' (8' minimum)
C1A	none	18.8	none	20' *	0'	0'	45' (8' minimum)
C2	none	18.8	none	20'	0'	0'	45' (8' minimum)
C3	none	0	none	20'	0'	0'	45' (8' minimum)
I	none	0	none	20'	10' ***	0'	35' unless waived by city council.

\* May be less if adjacent property is less, but never less than fifteen feet. \*\* For property located in the C1 Zone between 100 South and 100 North, a five foot setback may be applied to the front setback. (2010) \*\*\* May be 0' if a 4-hour firewall.

**Table B: Land Use Matrix**

P= Permitted, C= Permitted by Conditional Use, Blank=Not Allowed

Use	Residential					Agricultural		Commercial				Industrial
	R1	R1 A	R2	R3	R4	A	RA	C1	C1A	C2		I
Accessory uses buildings customarily incidental to permitted uses	P	P	P	P	P	P	P	P	P	P		P
Accessory buildings and uses customarily incidental to conditional uses	C	C	C	C	C	C	C	C	C	C		C
Agricultural industry or related business						C	C			P		C
Animal hospital							C			C		C
Apiary - beehives (Up to 5 beehives)	P	P	P	P	P	P	P	P	P	P	P	P
Apiary-beehives (More than 5 beehives)						P	C					C
Art needlework shop; art shop; art supply								P	C	P		
Automatic car wash								P		P		P
Automobile or recreation vehicle sales, service, lease, rental and repair, new or used.								C		P		P
Automobile service station								C		P		P
Awning sales/repair								P		P		P

Use	Residential					Agricultural		Commercial			Industrial
	R1	R1 A	R2	R3	R4	A	RA	C1	C1A	C 2	I
Bakery, retail sales								P	P	P	P
Bank								P	C	P	
Barber shop								P	C	P	P
Bath and massage (not part of medical or health spa)								C		P	P
Beauty shop								P	C	P	P
Beauty shop for pets, dog grooming								P		P	P
Bed and Breakfast (2006)			C	C	C		C	P	P	P	
Beer outlet, Class A, Class B										C	
Blacksmith shop											P
Body and fender shop; tire recapping; motor vehicle, bicycle, and recreation vehicle assembling, painting, upholstering and rebuilding.								C		C	P
Boiler works											P
Bookbinding										C	P
Bookstore								P	P	P	<u>P</u>
Bottling works											P

Use	Residential					Agricultural		Commercial				Industrial
	R1	R1 A	R2	R3	R4	A	RA	C1	C1A	C 2		I
Breweries												C
Building material sales yard, outside, with sale of rock, sand, gravel and the like as an incidental part of the main business, but excluding concrete mixing										C		P
Building material sales in an enclosed building								P		P		P
Buildings and structures on slopes greater than 20%	C	C	C	C	C	C	C	C	C	C	C	C
Café, cafeteria, catering establishment, restaurant (not a drive-thru)								P	P	P		C
Candy, confectionery, nut shop								P	P	P		P
Carbonated and purified water sales										P		P
Carpet and/or rug cleaning										P		P
Cell Phone Towers – see Radio, TV and Cell Towers				C	C	C	C	C	C	C		P
Cemetery						P	P	P		P		
Central mixing plant, related to construction industry for cement, mortar, plaster, or paving materials												C

Use	Residential					Agricultural		Commercial			Industrial
	R1	R1 A	R2	R3	R4	A	RA	C1	C1A	C 2	I
Child day care or nursery	C	C	C	C	C	C	C	P		P	
China and/or silver shop								P		P	P
Church	C	C	C	P	P	C	C	P		P	
Clothes cleaning, dyeing, pressing, dry cleaners								C		P	P
Clothing store								P	C	P	P
Coal/fuel sales office										C	P
Construction of buildings to be sold and moved off the premise											P
Convenience store with gasoline sales								P		P	P
Copy store, blueprinting, Photostatting, duplicating								P	C	P	P
Costume rental								P		P	
Dairy						P	C				P
Dams and reservoirs						C	C				C
Dance Clubs/Hall (2006)								C	C	C	C
Dance Studio (2006)				C	C			P	P	P	P

Use	Residential					Agricultural		Commercial			Industrial
	R1	R1 A	R2	R3	R4	A	RA	C1	C1A	C 2	I
Delicatessen								P	P	P	P
Department store								P	C	P	P
Dramatics school	C	C	C	C	C	C	C	P		P	P
Drapery-curtain store								P		P	P
Dressmaking								P		P	P
Drive-ins; refreshment stand, eating place								P	P	P	P
Drugstore								P	C	P	P
Dry goods store								P	C	P	P
Dude ranch, family vacation ranch						P	C				
Dwelling, Accessory Apartment (see definition)	C	C	P	P	P		C	P	P	P	
Dwelling, Congregate Residence. Multiple tenant dwelling (more than four individuals) in an existing structure, subject to current parking requirements; Table D, with an occupancy of up to the lesser of two people per bedroom or 10 people per building (see definitions.) (2006)			C	P	P			P	P	P	
Dwelling, two-family (duplex)			C	C	C			C	C	C	
Dwelling, multiple-family (more than 4 units)					C			C	C	C	
Dwelling, four-family (fourplex)				C	C			C	C	C	

Use	Residential					Agricultural		Commercial			Industrial
	R1	R1 A	R2	R3	R4	A	RA	C1	C1A	C 2	I
Dwelling, single-family	P	P	P	P	P	P	P	P	P	C	
Dwelling, three-family (triplex)				C	C			C	C	C	
Egg candling, sales, or processing						P	C				P
Elderly Facilities as defined and articulated by State Code 10-9a-103, 10-9a-516, 10-9a-517, 10-9a-518, 10-9a-519.	P	P	P	P	P			P	P	P	
Electrical, appliances and fixtures, electronic instruments sales, repair and/or service								P		P	P
Employment agency or employment office								P	C	P	P
Farm or ranch housing						C	C				C
Farms devoted to raising and marketing of livestock, chickens, turkeys or other fowl or poultry, fish or frogs; including wholesale and retail sales; pigs and hogs excluded.						P	C				C
Fix-it shop, repair shop, for household items								P		P	P
Flooring, carpet repair and sales								P		P	P
Florist shop							C	P	P	P	P

Use	Residential					Agricultural		Commercial			Industrial	
	R1	R1 A	R2	R3	R4	A	RA	C1	C1A	C 2	I	
Food processing or packaging												P
Forest industry, such as a saw mill, wood products plant, etc.								C		C		P
Forestry, except forest industry	P	P	P	P	P	P	P	P	P	P		P
Foundry												P
Frozen food lockers										P		P
Fruit or vegetable stand						P	P	P	P	P		P
Fruit/fruit juice store;								P	P	P		P
Furniture sales, and/or repair								P		P		P
Garage Repair Shops (see definition)								C		P		P
Gift shop; hobby or crafts shop								P	C	P		P
Golf Course	C	C	C	C	C	P	P			C		
Greenhouse, nursery; plant materials; soil & lawn service						P	C	P		P		P
Grocery; meat sales								P		P		P
Group Homes, to include youth care facilities, rehabilitation and treatment centers. (as per state	P	P	P	P	P	P	P	C	C	C		

Use	Residential					Agricultural		Commercial			Industrial
	R1	R1 A	R2	R3	R4	A	RA	C1	C1A	C 2	I
and federal laws)											
Gunsmith								P		P	P
Hardware store, not including the sale of lumber								P		P	P
Hatchery						P	C				P
Health Club/Spa/Gym					C			P	C	P	P
Heating, ventilating, air conditioning; equipment (HVAC), sales/repair								C		P	P
Home occupations (Uncontested -see definition and section 10-3-2.G)	P	P	P	P	P	P	P	P		P	P
Honey extraction						P	C			P	P
Hospital supplies								C		P	P
Hospital; medical or dental clinic								P		P	C
Hotel, motel, inn								P		P	C
Household cleaning/repair, house equipment displays								P		P	P
Ice cream shop								P	P	P	C
Ice manufacture, storage, and sales								C		P	P

Use	Residential					Agricultural		Commercial			Industrial	
	R1	R1 A	R2	R3	R4	A	RA	C1	C1A	C 2	I	
Ice cream making, and/or candy making								C		C		P
Incinerator, excluding hazardous materials												C
Indoor auto parts sales								P		P		P
Insulation sales, manufacturing, installation and service								C		P		P
Interior decorating store								P		P		P
Jewelry store								P		P		P
Kennel						C	C	C		C		P
Knitting mill												P
Laboratories										P		P
Laundry, automatic self-help			C	C	C			P	P	P		P
Laundry agency								P	P	P		P
Leather goods								P		P		P
Linen shop								P		P		P
Liquor and beer sales; places for drinking liquor or beer								C		P		C

Use	Residential					Agricultural		Commercial			Industrial	
	R1	R1 A	R2	R3	R4	A	RA	C1	C1A	C 2	I	
Lithographing, including engraving, photo engraving								P		P		P
Luggage sales								P		P		P
Machine shop/Manufacturing								C		C		P
Manufactured home sales and storage										C		P
Manufacturing (Heavy).												C
Manufacturing (Light)										C		P
Medical/dental clinic, and related laboratories								P		P		P
Milk distributing station; sale of dairy products, excluding processing/bottling						P	C	P		P		P
Mobile lunch service								P		P		P
Monument sales, retail								P		P		P
Mortuary	C	C	C	C	C			P		P		C
Motion picture studio								C		C		P
Motorboat sales								P		P		P
Music store								P	C	P		P

Use	Residential					Agricultural		Commercial			Industrial
	R1	R1 A	R2	R3	R4	A	RA	C1	C1A	C 2	I
Notions, variety store								P		P	
Novelty shop, variety store								P		P	
Office, business or professional								P		P	P
Office, supply; office machines sales, repair								P		P	P
Oil burner shop											C
Optometrist; oculist								P		P	
Ornamental iron manufacturing and sales											P
Package agency								P		P	P
Painter/paint store								P		P	P
Parking lot	P	P	P	P	P	P	P	P	P	P	P
Personal agriculture, gardening, tilling of the soil; for personal consumption or resale	P	P	P	P	P	P	P	P	P	P	P
Personal agriculture, including grazing and pasturing of animals						P	P				P
Pest extermination and control office								P		P	P
Pet shop								P		P	P

Use	Residential					Agricultural		Commercial			Industrial	
	R1	R1 A	R2	R3	R4	A	RA	C1	C1A	C 2	I	
Photographer or photography shop, sales and service								P	C	P		P
Planeing mill										C		P
Plumbing shop								P		P		P
Popcorn and/or nut shop								P	P	P		P
Printing, including engraving, photo engraving								C		P		P
Private educational institution having a curriculum similar to that ordinarily given in public schools	C	C	C	C	C	C	C	C		C		C
Privately owned utility transmission lines which serve inter-regional areas.				C	C	C	C	C		C		C
Public owned parks and recreational facilities	P	P	P	P	P	P	P	P	P	P		P
Public stable, riding academy or riding ring, horse show barns or facilities						P	P	C		C		P
Public use, essential services	P	P	P	P	P	P	P	P	P	P		P
Radio and television station										C		P
Radio, Television, and Cell phone towers (2006)				C	C	C	C	C	C	C		P
Radio and television sales and repair								P		P		P

Use	Residential					Agricultural		Commercial			Industrial	
	R1	R1 A	R2	R3	R4	A	RA	C1	C1A	C 2	I	
Reception center and/or wedding chapel		C						P	C	P		P
Recreation vehicles, rentals, leases, sales and service, outdoor and indoor								P		P		P
Residences for persons with a disability (see State code 10-9a-5120)	P	P	P	P	P	P	P	C	C	C		
Restaurant supply								P		P		P
Retail buildings: less than 20,000 square feet in total floor space								P		P		P
Retail Buildings: floor space greater than or equal to 20,000 square feet								C		C		C
Roofing sales										P		P
Sandblasting												P
Saw mill												P
Second-hand shop, antiques, conducted within a building or enclosure		C						P	C	P		P
Seed/feed store						P	C	P		P		P
Sewing machine shop								P		P		P
Sexually oriented businesses												C
Shoe shop; shoeshine; shoe repair								P		P		P

Use	Residential					Agricultural		Commercial			Industrial	
	R1	R1 A	R2	R3	R4	A	RA	C1	C1A	C 2	I	
Sign shop, sign painting shop								P		P		P
Solar Panels: Single Family Consumption	P	C	P	P	P	P	P	P	P	P		P
Solar Panel: All other uses besides single family use								C		C		C
State store										C		C
Stationary and greeting card sales								P	C	P		P
Storage, placement, keeping, locating, parking, maintaining, and keeping of agricultural equipment						P				C		P
Storage, placement, keeping, locating, parking, maintaining, keeping of commercial, construction, military surplus, or specialized equipment										C		P
Storage rental units								C		P		P
Tailor shop								P		P		P
Taxidermist						C	C	P		P		P
Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work	C	C	C	C	C	C	C	C	C	C		P

Use	Residential					Agricultural		Commercial			Industrial	
	R1	R1 A	R2	R3	R4	A	RA	C1	C1A	C 2	I	
Tire shop, sales and repair								C		P		P
Tire, recycling into fuels and useable products												C
Tire retreading, or vulcanizing												C
Tobacco shop										C		C
Towel and linen supply service								C		P		P
Travel bureau								P		P		P
Treatment of materials from sand and grease interceptors, resulting in inert materials												C
Truck wash										C		P
Truck and heavy equipment service station and repair facility										C		P
Upholstering, including mattress manufacture rebuilding or renovating										C		P
Upholstery shop								P		P		P
Veterinary						P	C	C		P		P
Wallpaper store								P		P		P

Use	Residential					Agricultural		Commercial			Industrial
	R1	R1 A	R2	R3	R4	A	RA	C1	C1A	C 2	I
Weaving										P	P
Welding shop										C	P
Wholesale business										C	P
Windmills (self standing towers) (not including windmills integrated into typical building equipment and/or accessories)										C	P

**Table C: Sign Regulations**

Part 1: Primary Signs

Location	Total allowable sign area	Maximum Size	Height Limits
Fronting Highway 89	1 sq. ft. per 2' of property frontage.	240 sq. ft. per lot, 120 sq. ft. per sign face.	20'
Commercial and Industrial not fronting Hwy. 89	1 sq. ft. per 2' of property frontage.	120 sq. ft. per lot, 60 sq. ft per sign face.	20'
Residential and C1A not fronting Hwy. 89	1 sq. ft. per 5' of property frontage.	64sq. ft. per lot, 32 sq. ft. per sign face.	12'

Part 2: Secondary Signs

Location	Total allowable sign area	Maximum size	Height limits
Directional, instructional and ingress/egress signs	1 sq. ft. per 500 sq. ft. of property. 32 sq. ft. max.	8 sq. ft.	4'
restaurant menu boards	two per lot, 48 sq. ft. max.	24 sq. ft.	8'
safety signs	as needed, with Planning Director approval	4 sq. ft.	as approved

Please refer to section 10-3-5 for further information and regulations concerning signs in Ephraim City.

**Table D: Parking Requirements**

Use	Minimum # of spaces
One and two family dwellings	2/unit
Condominiums (New construction and conversions)	2 spaces per unit, (1 of which shall be covered) plus 1 space per 5 units for guests, plus 1 space per 5 units for RV and boat storage unless otherwise approved. (see 10-3-11:C.11)
All other dwellings*	1.5 spaces per bedroom (2006)
Offices	1/300 sq. ft.: 3 minimum
Mixed Use Commercial and Residential	Total of office and residential. May be reduced by up to 25% if commercial use will be significantly reduced after normal business hours.
Assembly hall	1/4 persons allowed at maximum occupancy.
Church	1/4 permanent seats + 1/40 sq. ft. without permanent seats in the largest seating area.
Stadium, arena, rodeo, etc.	1/4 seats + 1/75 sq. ft. seating area without permanent seats.
Stores, supermarkets, etc.	1/250 sq. ft. sales area.
Clinic	1/300 sq. ft.: 3 minimum
Hospital	1/ 2 beds + 1/doctor and nurse on staff + 2/3 other employees on maximum shift
Nursing home	1/4 beds + 2/3 employees on maximum shift
Hotel, motel, inn, etc.	1/unit + 2 additional spaces
Mortuary, funeral home	1/250 sq. ft. + 1/3 seats
Auto repair	4/bay

Bowling alley	5/alley
Billiard halls	1/table
Golf driving range	1/tee
Golf course	1/2 holes
Library**	3/1000 sq. ft. public area
Restaurant, tavern, eatery, etc.	1/3 seats: 3 spaces minimum.
Child care	1/10 children + 2/3 employees on maximum shift + 1 loading space
Skating rink	1/250 sq. ft. useable area
Swimming pool	1/3 persons at maximum occupancy
Recreational facility	1/5 persons at maximum occupancy
Tennis, handball, racquetball, etc.	2/court; 5 minimum
Health club, spa, gym, etc.	1/400 sq. ft.: 10 spaces minimum
Elementary school	1/classroom + 1/teacher + 2/3 other employees on maximum shift
Junior and senior high schools	1/4 students + 1/teacher + 2/3 other employees on maximum shift
College, university, trade school, etc.***	5/classroom + 2/3 employees on maximum shift + 1/3 seats in largest auditorium
Veterinary hospitals	1/300 sq. ft.
Manufacturing plant	Greater of 1/employee for sum of two largest consecutive shifts, plus 1 space per vehicle used in the conduct of business, or 1/600 sq. ft. of floor area (2006)

Service commercial (cabinet shop, printing shop, etc.)	3/1000 sq. ft.
Outdoor sales lots	1/2500 sq. ft.

\* 10% reduction in required parking is allowed if 1 bicycle parking space per unit is provided.

\*\* 10% reduction in required parking is allowed if 1 bicycle parking space per 500 square feet of public area is provided.

\*\*\* 10 % reduction in required parking is allowed if bicycle parking spaces equal to 30% of the required number of automobile spaces are provided.

**TABLE E:  
NOTICE MATRIX FOR LAND USE DECISIONS AND APPEAL PROCESS**

*Land Use Action	*Timeline for Notice	*Method and Content Required for Notice
<p><b>Preparation, Adoption, or Amendments of General Plan</b> Utah Code Ann. 10-9a-203</p>	<ul style="list-style-type: none"> <li>• 10 Calendar Days before preparation or amendment</li> </ul>	<ul style="list-style-type: none"> <li>• Provide date, time, and place of the first public hearing</li> <li>• Notice of each public meeting</li> <li>• Mailed to each affected entity</li> <li>• Posted in three locations within the city or on the city website</li> <li>• Published in a newspaper and on Utah Public Notice Website 10 calendar days before the hearing Or mailed 10 days before to each property owner who is directly affected and the each adjacent property owner</li> </ul>
<p><b>Adoption or Modification of Land Use Ordinance</b> Utah Code Ann. 10-9a-205 <i>(See Utah Code Ann. 10-9a-205(4) for additional notice requirements regarding zoning map adoption or amendments.)</i></p>	<ul style="list-style-type: none"> <li>• 10 Calendar days before the public hearing with Planning Commission</li> <li>• 24 Hours before public meeting</li> </ul>	<ul style="list-style-type: none"> <li>• Provide date, time, and place of the first public hearing</li> <li>• Notice of each public meeting</li> <li>• Mailed to each affected entity</li> <li>• Posted in three locations within the city or on the city website</li> <li>• Published in a newspaper and on Utah Public Notice Website 10 calendar days before the hearing Or mailed 10 days before to each property owner who is directly affected and the each adjacent property owner</li> <li>• Posted in three locations within the city or on the city website</li> <li>• Published in a newspaper and on Utah Public Notice Website 10 calendar days before the hearing Or mailed 10 days before to each property owner who is directly affected and the each adjacent property owner</li> </ul>
<p><b>Annexation Policy Plan</b> Utah Code Ann 10-2-401.5</p>	<ul style="list-style-type: none"> <li>• 14 Days before public meeting</li> <li>• 14 Days before public hearing w/ planning commission</li> <li>• 14 Days before public hearing w/ city council</li> </ul>	<ul style="list-style-type: none"> <li>• Reasonable Notice</li> <li>• Notice provided to each affected entity</li> <li>• Allow 10 Days for comments from affected entities after public meeting</li> </ul>
<p><b>Appeal of Permit Decision</b> Utah Code Ann. 10-9a-704</p>	<ul style="list-style-type: none"> <li>• Allow 10 Days to appeal</li> </ul>	

<b>Acquisition/Disposition of Public Property</b> Utah Code Ann. 10-8-2	<ul style="list-style-type: none"> <li>• 14 Days before public hearing with Legislative Body</li> </ul>	Acquiring Property: <ul style="list-style-type: none"> <li>• Published in a newspaper</li> <li>• Published on the Utah Public Notice Website</li> <li>• Make pre-hearing study available for review by interested parties</li> </ul> Disposing of Property: <ul style="list-style-type: none"> <li>• Reasonable notice</li> </ul>
<b>Conditional Use Permit</b> Utah Code Ann. 10-9a-507	Set by Municipality	Set by Municipality
<b>Land Use Applicant</b> Utah Code Ann. 10-9a-202	<ul style="list-style-type: none"> <li>• Notify Applicant 3 Business Days prior to public meeting</li> </ul>	<ul style="list-style-type: none"> <li>• Date, time, and place of each public hearing and public meeting to consider the application.</li> <li>• Provide Staff Report</li> <li>• Notify of any final action on a pending application</li> <li>• Applicant may waive these requirements if they are not met by the city so that application may remain on the agenda</li> </ul>
<b>Nonconforming Uses/Noncomplying Structures</b> Utah Code Ann. 10-9a-511	<ul style="list-style-type: none"> <li>• 6 Months</li> </ul>	<ul style="list-style-type: none"> <li>• Written notice</li> <li>• States that the structure is uninhabitable</li> <li>• States that the noncomplying structure or nonconforming use will be lost if the structure is not restored or repaired within 6 months</li> </ul>
<b>Subdivision Plat Amendment</b> Utah Code Ann. 10-9a-207	<ul style="list-style-type: none"> <li>• 10 Calendar Days before Public Meeting</li> </ul>	<ul style="list-style-type: none"> <li>• Mailed and addressed to the record owner of each parcel within specified parameters; or</li> <li>• Posted on the property proposed for subdivision</li> </ul>
<b>Vacation, Alteration or Amendment to Platted Street</b> Utah Code Ann. 10-9a-208	<ul style="list-style-type: none"> <li>• 10 Days before the public hearing with Legislative Body</li> </ul>	<ul style="list-style-type: none"> <li>• Provide the date, place, and time of the hearing</li> <li>• Mailed to the record owner of each parcel that is accessed by the right-of-way</li> <li>• Mailed to each affected entity</li> <li>• Posted on or near the right-of-way in a manner that is calculated to alert the public; and</li> <li>• Published in a newspaper and on the Utah Public Notice Website</li> </ul>

\*Or as superseded by State Law

Notes: Challenge to proper notice must be taken within 30 days of the meeting or action, otherwise notice is considered adequate and proper.

1. The Planning Commission may increase the notification area required if they feel it is warranted by a particular application.
2. If Ephraim City fails to provide a copy of the staff report/recommendation to the applicant within the required time frame listed here, an applicant may waive this requirement so that the application may stay on the public hearing or public meeting agenda and be considered as if the requirements had been met.
3. Subdivision plat amendments which adjust common lot lines between lots by metes and bounds may be approved by the Planning Director in accordance with the provisions of Section 10-1-6-E and UCA 9a-606-5a

**PART TWO Repealer:** All former Codes or parts thereof conflicting or inconsistent with provisions of this Ordinance or of the Code hereby adopted are hereby repealed.

**PART THREE Severability:** The provisions of this Code shall be severable, and if any provision thereof, of the application of such provision under any circumstance is held invalid, it shall not affect any other provisions of this Code or the application in a different circumstance.

**PART FOUR Effective Date:** This ordinance shall be effective after November 4, 2015.

BY

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Richard Squire, Mayor

ATTEST:

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Leigh Ann Warnock, Recorder

COUNCIL VOTE:

Margie Anderson	Aye ___	Nay ___
Tyler Alder	Aye ___	Nay ___
Alma Lund	Aye ___	Nay ___
Terry Lund	Aye ___	Nay ___
John Scott	Aye ___	Nay ___