

ORDINANCE ECO 06-04

AN ORDINANCE AMENDING THE CITY CODE OF EPHRAIM CITY, UTAH, TITLE 10, ENTITLED “ZONING REGULATIONS” AND HERETO REFERRED TO AS “LAND USE REGULATIONS.”

WHEREAS: Ephraim City has determined a need to amend the Zoning 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
- 10-1-5. Enforcement and Penalties
- 10-1-6. Amendments
- 10-1-7. Annexations.
- 10-1-8. Planning Director
- 10-1-9. Board of Adjustment.

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

10-1-2. Authority and Purpose: This ordinance is adopted pursuant to the authority contained in Utah Code Annotated §10-9-401 (1953 as amended) to promote the public health, safety, and general welfare of the community. The purpose of this ordinance is to:

- A. Establish land use classifications dividing the City into various zoning districts;
- B. Govern the use of land for residential, commercial, office, industrial, and all other uses;
- C. Regulate and limit the height and bulk of buildings and other structures;
- D. Limit the occupancy and size of yards and open spaces;
- E. Establish boards and commissions and define powers and duties for each;
- F. 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;
- G. 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.

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 Ordinances: 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. The City Council may adopt a moratorium or “temporary land use regulation” without a prior recommendation from the planning commission (State Code Annot. 10-9a-504(1) and (3). (2006)

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.

B. Building Permit Required: Erection, alteration, repair, removal or relocation of any building shall not commence or proceed without a written building permit issued

by the Building Official according to the requirements of the adopted building code. Other improvements such as pools, courts, etc. also require a 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. 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 (State Code Annot. 10-9a-509) (2006)
- E. Applications are not vested if not pursued with reasonable diligence. (State Code Annot. 10-9a-509) (2006)

10-1-5. Enforcement and Penalties:

- A. The Planning Director shall administer and enforce this ordinance. The Planning Director, by assignment or resolution, 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. 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.

A. 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 on the amendment.
2. The planning commission shall provide reasonable notice of the public hearing as specified in the Notice Matrix, Table E. (2006)
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:
 - a. adopt the land use ordinance as proposed;
 - b. amend the land use ordinance and adopt or reject the land use ordinance as amended; or
 - c. reject the ordinance.

C. The area within a zone need not be of a minimum size or include a minimum number of landowners. (Spot Zoning, State Code Annot. 10-9a-503) (2006)

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.

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. (2006)
- 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. Planning Director: The Planning Director shall be responsible for:

- A. Administration and interpretation of this ordinance, including clarification of the intent, and review of land uses described and included in a land use district.
- B. Enforcement of this ordinance.
- C. Preparing application guidelines, forms, and administrative procedures.

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.

10-1-9. Board of Adjustment: 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 a Board of Adjustment to act as the appeal authority to exercise the powers and duties provided in this section. The Board of Adjustment is a quasi-judicial body created to hear requests for relief from the terms of this ordinance and to hear and decide appeals from the decisions of the Planning Director or Land Use Authority

- A. Organization: The Board of Adjustment shall consist of five (5) members, each to be appointed by the mayor with the consent of the city council from among qualified residents of the city. Members shall be selected without respect to political affiliations, and shall serve without compensation. Each member shall be appointed for a term of five (5) years or until his/her successor is appointed. Alternate members to the Board of Adjustment may be appointed in the same manner as described for regular members.

- B. Policies and Procedures: The Board of Adjustment shall adopt rules for its own organization for the transaction of business, conduct of meetings, voting, etc. Such rules shall not be in conflict with any ordinances or laws.
- C. Powers and Duties: The Board of Adjustment 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.
- D. D. 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.(a) The Board of Adjustment 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: and
 - (v) the spirit of the land use ordinance is observed and substantial justice done.
 - (b) (i) In determining whether or not enforcement of this ordinance would cause unreasonable hardship under Subsection (2)(a), the Board of Adjustments may not find an unreasonable hardship unless the alleged hardship:
 - (A) is located on or associated with the property for which the variance is sought; and
 - (B) comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
 - (ii) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (2)(a), the Board of Adjustment may not find an unreasonable hardship if the hardship is self-imposed or economic.
 - (c) In determining whether or not there are special circumstances attached to the property under Subsection (2)(a), 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.

2. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
 3. Variances run with the land.
 4. The Board of Adjustment may not grant a use variance; ie, change allowance uses for that particular zone, such as changing the use from residential to commercial, etc.
 5. In granting a variance, the Board of Adjustment may impose additional requirements on the applicant that will:
 - (a) mitigate any harmful affects of the variance; or
 - (b) serve the purpose of the standard or requirement that is waived or modified. (10-9a-702 State Code Annot.) (2006)
- E. 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 Board of Adjustment 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 an appeal authority. (10-9a-703; 705; 706 (2); 707 (4) State Code Annot.) (2006)
- F. 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 Board of Adjustment for approval, approval with conditions, or denial based upon consideration and evaluation of the "Findings." The Board of Adjustment shall hold at least one (1) public meeting on the application. Prior to the hearing, notice shall be given as specified in the Notice Matrix, Table E. (2006)
1. 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. (2006)
 2. 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.

3. The Board of Adjustment 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 hearing both for and against the application. The Board may approve, approve with conditions, or deny the application.

- G. 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.) (2006)

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.

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:

- (a) the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
- (b) the entity has filed with the municipality a copy of the entity's general or long-range plan; or
- (c) 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. (2006)

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:

- a. Naturally Energized - 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.
- b. Mechanically Energized - 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.
- c. 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:
- d. **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.
 - e. **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.

Appeal Authority - A person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance. (2006)

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")

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 non-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.

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 - A dwelling where, for compensation, meals are provided for at least three but not more than fifteen persons for a minimum consecutive period of not less than one month.

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 sanitarian as required by the planning commission.

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.

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.

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:

- a. Manually Activated - Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered by manual means.
- b. Electrically Activated - 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:
 1. 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.
 2. Computer Controlled Variable Message Electronic Signs - Signs whose informational content can be changed or altered by means of computer-driven electronic impulses.
- c. 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.

Clearview Zone - 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.

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.

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 use of land for which a conditional use permit is required, pursuant to this Ordinance.

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. (2006)

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 located within the areas of special flood hazard.

Diagonal Tie - Any tiedown 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 - Any building or portion thereof which contains not more than two dwelling units, designed or used as the more or less permanent residence or sleeping place of one persons or family, but not including a tent, recreational vehicle, hotel, motel, hospital, or nursing home.

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 in a dwelling, apartment hotel or apartment motel, which contains not more than one kitchen or set of fixed cooking facilities, other than hot plates or other portable cooking units. It is designed for occupancy of not more than one family, or four individual people. A unit may be attached or

detached. (2006)

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 building, electrical sub-station or transmission line of fifty KV or greater capacity, requires a conditional use permit.

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:

- a. The overflow of inland or tidal waters; and/or
- b. 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: 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 by conditional use permit. 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 for traffic direction, or designation to any school, hospital, historical site, or public service, property, or facility.

Ground Anchor - Any device at the mobile home stand designed for the purpose of securing a mobile home 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.

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

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

Hotel - A building designed for or occupied on a temporary basis by sixteen or more individuals who are, for compensation, lodged, with or without meals.

Household Pets - Animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, and canaries, but no more than two dogs shall be kept on a residence as house hold pets. 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, can not 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 - Poned 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 Administrator - The local official designated by the City council to enforce the regulations of the Ordinance. (2006)

Land Use Application - An application required by a any Ephraim City Land Use Ordinance. (2006)

Land Use Authority - A person, board commission agency or other body designated by the City Council to act upon a land use application. (2006)

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.

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, pneumatic, 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.

Lodging House - A dwelling with not more than ten guest rooms where, for compensation, lodging is provided for at least three but not more than fifteen persons, but not including motels or hotels.

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 mobile home.

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 the purposes of this ordinance, corner lots are considered to have 2 front setbacks and 2 side setbacks, when

considering the placement of a structure on the lot.

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.

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 form 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.

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 with out a permanent foundation, and originally constructed as a complete package which includes major appliances, plumbing, and electrical facilities prepared for appropriate connections.

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.

Monument Sign - (see "Low Profile Sign")

Motel - A building or group of buildings for the drive-in accommodation of transient guests, comprising individual sleeping or living units, and designed and located to serve the motoring 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; (a) legally existed before its current land use designation; and (b) 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 -

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

Nonconforming Use -A use of land that; (a) legally existed before its current land use designation; (b) has been maintained continuously since the time the land use ordinance regulation governing the land changed; and (c) 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 Administrator 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:

- a. The space shall be open to the sky or shall be open to view in at least two sides.
- b. The space shall be readily accessible by foot traffic from the building to which it is accessory.
- c. 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.

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 Street - A private owned way or lane which affords principal means of access

to abutting individual 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. (2006)

Public Meeting. A meeting that is required to be open to the public under Utah Title 52, Chapter 4, Open and Public Meetings. (2006)

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.

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.

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 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 – See: Front Yard Setback, Rear Yard Setback, and Side Yard Setback. (2006)

Sewer Connection - A connection consisting of all pipes, fittings, and appurtenances

from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe of the sewage system serving the mobile home 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.

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 -

- a. Projecting and Freestanding - 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:
 1. 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.
- b. 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.

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.

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.

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, Minor, Mini or Small - The division of a track of parcel of land into four or fewer building sites, tracks, or lots, each accessible by an existing public road and meeting all other requirements of a minor subdivision herein.

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 to ground anchors.

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 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.

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. Floodwater and Stormwater

10-3-9. Center of Block Development Standards

10-3-10. Sexually Oriented Businesses

10-3-11. 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 (See attached map, Figure 1). This map shall be located in the department of Planning and Zoning and maintained by the Planning Director or his designee, according to the director 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: Except for planned unit developments or as otherwise provided in this ordinance, every lot shall have such area, width and depth as required for the zoning district in which it is located. Lots shall have frontage upon a dedicated or publicly-approved street 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, and will not be allowed to be used by other than a single dwelling unit unless approved under a P.U.D. Development. Flag Lots and center

of block developments shall be developed in accordance with Section 10-3-9 of this Chapter. (2006)

- D. 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.
- E. 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.
- F. Yards Unobstructed – Exceptions:
 - 1. Every part of a required yard shall be unobstructed and open to the sky, except for:
 - a. accessory buildings in a rear yard;
 - b. 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
 - c. 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.
- G. Area of Accessory Buildings: No accessory building or group of accessory buildings in any residential district shall cover more than 30% of the rear yard.
- H. 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.
- I. 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 Director.
- J. Accessory Buildings: All detached buildings or structures must be located behind

the front wall plane of the principal structure. Accessory buildings, structures, or satellite earth stations must also meet the following additional regulations:

1. Accessory buildings shall not be constructed upon a lot until the building permit has been issued for the principal building.
 2. Accessory buildings shall not contain more than one story unless the city council issues a conditional use permit authorizing more than one story.
 3. Accessory buildings or structures **not** over seven feet high or over 200 square feet in area must meet the following requirements:
 - a. must be located behind the front wall plane of the principal structure;
 - b. be a minimum of six feet from the principal building;
 - c. meet fire and building code requirements;
 4. 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.
 5. No building which is accessory to any residential dwelling shall be erected to a height greater than twenty-five feet.
 6. Private garages and accessory buildings located at least ten feet behind the main dwelling may be built to within 3 feet of the rear property line; provided, that:
 - a. the roof shall not project across the property line;
 - b. storm water runoff from the building shall not flow onto adjacent property; and
 - c. regular side-yard setbacks shall be maintained.
 - d. If the accessory building is fifteen feet high or less, it may be built to within 3 feet of the side property line provided a and b above are met.
 - e. Exception: Buildings may be built to the rear and side property lines if fire and building codes and a & b above are met. (2006)
 7. Accessory buildings shall not be located within six feet of any dwelling or main building located upon an adjoining lot.
- K. Curb, Gutter and Sidewalk: The installation of curb, gutter and sidewalk of a type approved by the city is required on any existing street where such improvements are not already in existence or where existing improvements are not in good repair. If curb, gutter and sidewalk are not installed at the time of application, the owner must agree to pay full cost of these improvements by written agreement with the City prior to obtaining a building permit. Without said agreement, curb, gutter and sidewalk shall be completed as a part of the building contract prior to occupancy.
- L. Utility Requirements: In all areas of the City, connection shall be made to public water, electrical and sewer facilities unless waived by the City. 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.

- M. 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.
- N. 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:
 - a. Mobile homes (see definition) are hereby banned from placement in the city.
 - b. No manufactured home shall be located, placed, used or occupied in any zoning district other than where allowed by this ordinance.
 - c. 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:
 - a. 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;
 - b. a building permit has been issued for the unit;
 - c. the unit is being placed on a buildable lot in accordance with city ordinances and regulations; and
 - d. the unit complies with all local land use, subdivision requirements and pertinent building codes applicable to single-family residential uses within that zone.

- O. 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.
- P. 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:
 - a. that the ground surface is in a condition suitable for other use permitted in the zone; and
 - b. such fill does not increase the susceptibility of the ground 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.
- Q. 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.
- R. 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.
- S. 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.

10-3-3. Nuisance and Abatement:

- A. 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. 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. The remedies provided herein may be cumulative and not exclusive.

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

- A. Fences, walls, and hedges may not exceed seven feet in height. The city council may waive this height requirement at its sole discretion.
- B. Notwithstanding any other provisions herein, no view-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. Substantially open fences such as chain link or wrought iron may be four feet high.
- C. 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.
- D. 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.
- E. Where sidewalk improvements have been made, fence lines may be adjacent to the sidewalk(s) in accordance with the provisions of this Ordinance.
- F. All multi-family dwelling units must include a sight obscuring fence that meets the requirements of the Planning Commission. (2006)
- G. Exception: the following fences are exempt from these requirements:
1. Fences needed for safety purposes, such as utility areas, 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
5. Others as approved by the Planning Director and Planning Commission. (2006)

10-3-5. Signs:

A. GENERAL REGULATIONS:

1. 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.
2. 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.
3. Interpretation: The regulations of this section are declared to be the maximum allowable. If the Planning Director determines that an application warrants it, he may refer the application to the planning commission for review and decision.
4. 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.

B. Prohibited signs:

1. The following sign devices are prohibited in any zone:
 - a. hot or cold air balloons or inflatables, except as specifically allowed by this section for temporary signs;
 - b. 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;

- c. statuary bearing the likeness or suggestion of any product or logo;
- d. projecting signs which extend more than 18 inches away from the wall, except as provided by this ordinance; (2006)
- e. snipe signs;
- f. rapidly spinning wind-driven signs;
- g. temporary signs, except as specifically allowed in this section;
- h. signs on bus benches;
- i. 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;
- j. graffiti; and

2. Other regulations:

- a. No person shall paint, mark or write on, post or otherwise affix any handbill 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.
- b. Nothing in this section shall apply to the painting of house numbers upon curbs.
- c. Any non-commercial message may be substituted for any commercial message permitted under this section.
- d. 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)

C. 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 (see Table C, part 1).

Additional rules:

- a. Sign area is calculated according to frontage toward which the sign is oriented, no other frontage counts toward allowable area.
- b. 20% allowable increase in sign area for monument signs - with planning commission approval.
- c. In the C-1 Commercial Zone of Ephraim, each separate building may utilize one projecting sign, subject to the following conditions:
 - 1. The maximum size allowed is twenty (20) square feet, or as otherwise determined by the available frontage of the lot; whichever is less.
 - 2. The sign may not project out from the plane of the building more

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. (2006)

- b. 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.
 - (1). 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.
 - (2). Signs advertising a business's special promotions require a permit if the promotion will last more than 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. (2006)
 - (3). 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.
 - (4). Signs advertising the availability of a building or property are allowed provided they are removed within one week of the sale or rental.
 - (5). 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 December 15 to January 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: 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

D. 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 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 board of adjustment by serving a written notice to the city within thirty days of the order or denial. Any person may also appeal to the board of adjustment 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.

E. 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:

- a. face changes in multi-tenant signs; and
 - b. 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.
 - a. Upon appeal by a sign owner or business, the board of adjustment may grant a special exception to allow the retention, alteration, movement, or expansion of a nonconforming sign, provided the board determines that:
 - (1).the nonconforming sign poses an alternative equivalent means of meeting the intent of this ordinance and the General Plan;
 - (2).the action will not impose a burden on other properties beyond that posed by a conforming sign; and
 - (3).approval will provide a forum for free expression or other benefits to the public.
 - b. 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.
 - c. The board may attach reasonable conditions with which the petitioner must comply as a condition of approval of a special exception.
 - d. The duration of the special exception shall not extend beyond that period allowed by the board of adjustment from the date the exception is granted.
 - e. The board of adjustment shall require a bond sufficient to cover the cost of removing the sign as a condition of approving a special exception.
 - f. The board of adjustment 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.

F. **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.
- G. Landscaping: All areas within the parking area not paved shall be landscaped.
- H. 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.
 3. Driveways for commercial uses shall be at least twenty feet wide, except uses in the C1A zone shall be treated as residential uses.
 4. Drives shall be spaced at least twelve feet apart.
 5. Limit on number of drives:
 - a. Residential uses shall be limited to two drives per lot.
 - b. Commercial uses shall be limited to two drives per 100 feet of road frontage.
 6. In no case shall the total amount of drive width exceed 50% of the frontage.
 7. Drives shall not be more than thirty-six feet wide.
 8. Drives shall not be closer than forty feet to an intersection.
 9. Drives may be shared by adjoining properties.
 10. Standards for width and access in this section do not supercede requirements of the fire code.
- I. Parking Requirements: see Table D. 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.
- J. 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)
- K. 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.
- L. 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.

- M. 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.
- N. 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.
- 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.
- C. Application:
 - 1. 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.
 - 2. Each application for a conditional use permit shall be accompanied by maps,

drawings, statements or other documents as required by the planning commission.

3. 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.
- D. Review and recommendation: The planning commission shall review the application for conditional use permit and make a recommendation to the city council to approve the permit, approve it with conditions, or deny the permit. In authorizing any conditional use, the city council shall impose such requirements and conditions as are necessary for protection of adjacent properties and the public welfare. A conditional use permit shall not be authorized unless sufficient evidence is presented to establish that:
1. such use will not, under the circumstances of the particular case, be detrimental to the health, safety, comfort, order or general welfare of persons residing or working in the vicinity;
 2. the conditions for the use will:
 - a. comply with the intent, spirit and regulations of this ordinance and the zoning district where the use is to be located;
 - b. make the use harmonious with the neighboring uses in the zoning district;
 3. nuisances that would not be in harmony with neighboring uses will be abated by the conditions imposed;
 4. protection of property values, the environment and the tax base for Ephraim City will be assured;
 5. the conditions are consistent with the general plan;
 6. some form of a guarantee is made assuring compliance to all conditions that are imposed; and
 7. the conditions imposed are not capricious, arbitrary or contrary to any precedent set by the city on prior permits, which are similar in use and district, unless prior approvals were not in accordance with this ordinance or any other applicable law.
- E. 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. (State Code Annot. 10-9a-507) (2006)
- 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. The planning commission may grant one extension up to six months, when deemed in the public interest.

- H. Notification: See Notice Matrix, Table E. (2006)
- I. 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 district court 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 clerk of the district court.
- J. 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.
- K. 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. Floodwater and stormwater: The flood hazard areas of the City are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. These flood losses are caused in part by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

- L. Purpose: It is the purpose of this Section to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:
 - 1. To protect human life and health;
 - 2. To minimize expenditure of public money for costly flood control projects;
 - 3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - 4. To minimize prolonged business interruptions;
 - 5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
 - 6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard in order to minimize future flood blight areas;
 - 7. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
 - 8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

- M. Methods of reducing flood losses: In order to accomplish its purposes, this section includes methods and provisions for:
 - 1. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
 - 2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 - 3. Controlling the alteration of natural flood plain, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
 - 4. Controlling filling, grading, dredging and other development which may increase flood damage; and
 - 5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

- N. Application: This Section shall apply to all areas of special flood hazard within the jurisdiction of the City.

- O. Basis for establishing areas of special flood hazard: The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Rate Map (FIRM), dated April 3, 1987, is adopted by reference and declared to be part of this Section. The FIRM is on file at Sanpete County Courthouse, 160 N. Main, Manti, Utah 84642.

- P. Compliance: No structure or land shall hereafter be constructed, located, extended or altered without full compliance with the terms of this Section and other applicable regulations.
- Q. Abrogation and greater restrictions: This Section is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Section and another ordinance, easement, covenant or deed restriction conflicts or overlaps, whichever imposes the more stringent restrictions shall prevail.
- R. Interpretation: In the interpretation of this Section, all provisions shall be:
1. Considered as minimum requirements;
 2. Liberally construed in favor of the City Council; and
 3. Deemed neither to limit nor repeal any other powers granted under State statutes.
- S. Warning and disclaimer of liability: The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This Section does not imply that land outside the areas of special flood hazard or uses permitted within such areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Section shall not create liability on the part of the City, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this Section or any administrative decision lawfully made thereunder.
- T. Establishment of development permit: A development permit shall be obtained before construction or development begins within any area of special flood hazard established in this Section. Application for a development permit shall be made on forms furnished by the Mayor and may include, but not be limited to: plans in duplicate drawn to scale, showing the nature, location, dimensions and elevations of the areas in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:
1. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
 2. Elevation in relation to mean sea level to which any structure has been flood proofed;
 3. Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in this Section.

4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

U. Designation of Mayor:

1. The Mayor, or the Mayor's designee, is hereby appointed to administer and implement this Section by granting or denying development permit applications in accordance with its provisions. The duties of the Mayor, or designee, shall include, but not be limited to:
 - a. Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
 - b. Review all development permits to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For the purposes of this Section, "adversely affects" means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas.
2. If it is determined that there is no adverse effect and the development is not a building, then the permit shall be granted without further consideration.
3. If it is determined that there is an adverse effect, then technical justification (i.e., a registered professional engineer's certification) for the proposed development shall be required.
4. If the proposed development is a building, then the provisions of this Section shall apply.

- V. Use of other base flood data: When base flood elevation data has not been provided in accordance with this Section, the Mayor shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source in order to administer this Section.

W. Information obtained and maintained:

1. Actual Elevation: Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.
2. New Or Substantially Improved Structures: For all new or substantially improved flood proofed structures:
 - a. Verify and record the actual elevation (in relation to mean sea level) to which the structure has been flood proofed; and
 - b. Maintain the flood proofing certifications required in this Section.
3. Public Inspection: Maintain for public inspection all records pertaining to the provisions of this Section.

X. Alteration of watercourses:

1. Notification: Notify adjacent communities and the Utah State Division of

Comprehensive Emergency Management prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

2. Maintenance: Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- Y. Interpretation of FIRM boundaries: Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).
- Z. Provisions for flood hazard reduction: In all areas of special flood hazard, the following standards are required:
1. Anchoring:
 - a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads.
 - b. All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. 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. Specific requirements may be:
 - (1). Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than fifty feet long requiring one additional tie per side.
 - (2). Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty feet long requiring four additional ties per side;
 - (3). All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
 - (4). Any additions to the manufactured home be similarly anchored.
 2. Construction Material And Methods:
 - a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - c. All new construction and 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.
3. Utilities:
 - a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 - b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
 - c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
 4. Subdivision Proposals:
 - a. All subdivision proposals shall be consistent with the need to minimize flood damage;
 - b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
 - c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
 - d. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty lots or five acres.
 5. Encroachments: Including fill, new construction, substantial improvements and other development shall be prohibited in any floodway unless a technical evaluation demonstrates that the encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge.
- AA. Specific standards: In all areas of special flood hazard where base flood elevation data has been provided as set forth in this Section, the following standards 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.
 2. Nonresidential Construction: New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities; shall:
 - a. Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to passage of water. 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 methods of construction are in accordance with accepted standards of practice.
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - c. Be certified by a registered professional engineer or architect that the

standards of this subsection are satisfied. Such certifications shall be provided to the Mayor and the building inspector.

10-3-9. Center of Block Development Standards:

A. For single-family dwellings, flag lots shall be allowed provided:

- (1) Flag lots must have at least 16' of frontage for the driveway/access, in separate ownership from the parent lot.
- (2) Parent lot must have minimum width/frontage according to zoning Requirements
- (3) Minimum lot size is met for both the parent lot and the flag lot, according to zoning requirements.
- (4) Minimum set backs are met for both parent and flag lot including all existing structures on either lot.
- (5) Shared drives for flag lots are not permitted, unless the drive is at least twenty-four (24) feet wide. (2006)

B. 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.

10-3-10. 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. (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 be permitted in areas zoned C-3 (Transitional/Commercial).
2. Sexually-Oriented Businesses: Sexually-oriented businesses, except outcall services, shall only be permitted in areas zoned C-3 (Transitional/Commercial) under this Ordinance, subject to the following additional restrictions:
 - a. No sexually-oriented business shall be located:

- (1). Within one thousand feet (1,000') of any school, public park, library or religious institution.
 - (2). Within six hundred feet (600') of any residential use or any agricultural or residential zoning boundary.
 - (3). Within six hundred feet (600') of any other sexually-oriented business, except outcall services.
 - (4). Within three hundred fifty feet (350') of any gateway corridor. The distance shall be measured from the right-of-way boundary.
- b. Measuring Distance Requirements:
- (1). 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.
 - (2). 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)
3. 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)
 4. 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:
 - a. No more than one exterior sign shall be allowed.
 - b. No sign shall be allowed to exceed eighteen (18) square feet.
 - c. No animation shall be permitted on or around any sign or on the exterior walls or roof of such premises.
 - d. 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.
 - e. Only flat wall signs and/or awning signs shall be permitted.
 - f. Painted wall advertising shall not be allowed.
 - g. 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.

10-3-11. 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. A non-complying building or structure may be maintained.

B. 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.

A. 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.

B. 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)

C. 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.
- D. 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)

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 chapter established 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: Where uncertainty exists as to the boundaries of zones as shown on city maps, the following shall apply:

- A. Boundaries as approximately following the center lines of streets, highways or alleys shall be construed as moving with the center line.
- B. 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.
- C. 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.
- D. Boundaries indicated as approximately following platted or lot lines shall be construed to follow such lot lines.
- E. In case of any further uncertainty exists, the Planning Director shall interpret the map and determine the boundary location.

- F. Boundaries of each of said zones are hereby established as described herein and shown on the map entitled Zoning Map of Ephraim, as attached to this document as Figure 1 in the appendix, and 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.

10-4-4. Residential Zones:

- G. **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.
 - a. Special regulations concerning accessory apartments: A conditional use permit for an accessory apartment in the R1 zone may only be approved subject to the following minimum conditions;
 - (1). The apartment may be occupied by one of related persons or not more than two unrelated persons.
 - (2). A minimum of two off-street parking spaces each shall be provided for the apartment and the primary residence.
 - (3). 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.
 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.
 4. Animals: Up to two (2) dogs and two (2) cats are allowed, and no more than thirty poultry or rabbits on any lot (30 total small animals) may be kept; provided, that:
 - a. the animals must be set back no less than ten feet from all property lines;
 - b. the animals (up to 30 small animals) are kept in rear yard areas; and
 - c. the animals (up to 30 small animals) are kept within a solid fenced area or building to establish visual and auditory screening.
- H. **Single-family residential zone (R1A):** 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.
 - a. 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;
 - (1). The apartment may be occupied by one family of related persons or not more than two unrelated persons.
 - (2). A minimum of two off-street parking spaces each shall be provided for the apartment and the primary residence.
 - (3). 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
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.
4. Animals: No more than thirty poultry or rabbits on any lot (30 total small animals) may be kept; 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.

I. **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. 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:
- 3.

| Units | Lot size required (in square feet) |
|-------|------------------------------------|
| | |

| | |
|------------------|------------------|
| First unit | 8,000 |
| Second 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.
5. Minimum Green Space Or Landscaping: A minimum of 20% of the lot area shall be maintained in open green space or landscaped area.
6. Animals: Up to two (2) dogs and two (2) cats are allowed, and no more than thirty poultry or rabbits on any lot (30 total small animals) may be kept; 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.
6. 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, a ten foot wide planting strip 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)

J. **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. 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:

| Units | Lot size required (in square feet) |
|-------------|------------------------------------|
| First unit | 6,000 |
| Second unit | 2,000 additional |
| Third unit | 2,000 additional |
| | |

| | |
|------------------|------------------|
| Fourth unit | 2,000 additional |
| Additional units | none allowed |

3. 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.
4. Minimum Green Space Or Landscaping: A minimum of 20% of the lot area shall be maintained in open green space or landscaped area.
5. Animals: Up to two (2) dogs and two (2) cats are allowed, and no more than thirty poultry or rabbits on any lot (30 total small animals) may be kept; 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.
6. 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, a ten foot wide planting strip 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)

K. 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. 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:

| Units | Lot size required (in square feet) |
|----------------------|------------------------------------|
| First unit | 6,000 |
| Each additional unit | 2,000 additional |

3. 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.
4. Minimum Green Space Or Landscaping: A minimum of 20% of the lot area

shall be maintained in open green space or landscaped area.

5. Animals: Up to two (2) dogs and two (2) cats are allowed, and no more than thirty poultry or rabbits on any lot (30 total small animals) may be kept; 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.
6. 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, a ten foot wide planting strip 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)

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.
 - a. Livestock Use: In the A zone, livestock use shall be limited for each acre to the following:
 - (1). 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.
 - (2). No more than thirty poultry or rabbits or other small animals (30 total small animals) per acre.
 - (3). No pigs may be kept in the A Zone.
 - (4). 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.

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. Livestock Use: In the RA zone, livestock use shall be limited to the following:
 - (1). 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.
 - (2). No more than thirty poultry or rabbits or other small animals on any lot (30 total small animals).
 - (3). No pigs may be kept in the RA Zone.
 - (4). 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 14,520 square feet (one-third acre) 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.

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 lot or parcel of ground in any residential zone, there shall be provided along the adjoining property line a decorative, sight-obscuring fence, a ten foot wide planting strip 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:**
 - a. 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.
 - b. 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. **Parking:**
 - a. All off-street parking in the C1 zone shall be located behind the front plane of the principle structure on the lot. Parking is not allowed in the front setback areas of the lot.
9. Residences in the C-1 zone shall conform to all requirements under the R-2 designation including rules for the keeping of animals.

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, a ten foot wide planting strip 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:

- a. 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.
- b. 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.

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 Zone; Fencing Requirements:** Where a commercial 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, a ten foot wide planting strip 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:
 - a. 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.
 - b. 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-2 designation including rules for the keeping of animals.

D. Transition Commercial Zone (C-3): This zone is designed to allow certain commercial activities which are not necessarily appropriate to the other commercial zones especially as it relates to frontage on Main Street or proximity to residential (and residentially compatible) uses.

1. Uses: see Table B for list of permitted and conditional uses.
2. 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.
3. 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.
4. 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.
5. Adjoining Residential Zone; Fencing Requirements: Where a commercial 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, a ten foot wide planting strip 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.
6. Landscaping:
 - a. 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.
 - b. 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.

10-4-7. Industrial Zone: 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.

- A. Uses: see Table B for list of permitted and conditional uses.
 - 1. 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.
- B. Adjoining Residential Zone; Fencing Requirements: Where any industrial zone adjoins any 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.
- C. 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: 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.

- A. 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.
- B. Residential parks dedicated exclusively to manufactured homes and recreational vehicle parks shall be developed as planned developments.
- C. Flag lots for uses other than single family dwellings shall be developed as planned developments.

CHAPTER 5

TABLES

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:

- A. Part 1: Lists standards for primary signs.
- B. 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

| Zone | Min. Area | Min. Width | Front Yard | Side Yards | Rear Yard | Maximum Height of Main Bldgs. |
|-------------|------------------|-------------------|-------------------|-------------------|------------------|--------------------------------------|
| R1 | 8,000 sq. ft. | 75' | 20' | 8' | 20' | two and one-half stories or 35' |
| R1A | 8,000 sq. ft. | 75' | 20' * | 8' | 20' | two and one-half stories or 35' |
| R2 | 8,000 sq. ft. | 70' | 20' | 8' | 20' | two and one-half stories or 35' |
| R3 | 6,000 sq. ft. | 70' | 20' | 8' | 20' | 45' |
| R4 | 6,000 sq. ft. | 70' | 20' | 8' | 20' | 45' |
| A | 20 acres | 120' | 20' | 8' | 20' | two and one-half stories or 35' |
| RA | 0.33 acres | 75' | 20' | 8' | 20' | two and one-half stories or 35' |
| C1 | none | none | 10' ** | 0' | 0' | 45' (8' minimum) |
| C1A | none | none | 20' * | 0' | 0' | 45' (8' minimum) |
| C2 | none | none | 20' | 0' | 0' | 45' (8' minimum) |
| C3 | none | none | 20' | 0' | 0' | 45' (8' minimum) |
| I | none | 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 “zero” foot setback may be applied to the front setback. (2006)

*** 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 | R1A | R2 | R3 | R4 | A | RA | C1 | C1A | C2 | C3 | I |
| | Accessory uses buildings customarily incidental to conditional uses | P | P | P | P | P | P | P | P | P | P | P |
| Accessory buildings and uses customarily incidental to permitted uses | C | C | C | C | C | C | C | C | C | C | C | C |
| Agricultural industry or business | | | | | | | | | | | | C |
| Animal hospital | | | | | | | | | | | C | C |
| Apiary (beehives) | | | | | | P | C | | | | | |
| Art needlework shop; art shop; art supply | | | | | | | | P | | P | P | |
| Automatic car wash | | | | | | | | P | | P | P | |
| Automobile or recreation vehicle sales, service, lease, rental and repair, new or used, conducted entirely within an enclosed building | | | | | | | | | | | | |
| Automobile service station | | | | | | | | C | | P | P | P |
| Awning sales/repair | | | | | | | | P | | P | P | P |
| Bakery, retail sales | | | | | | | | P | P | P | P | |
| Bank | | | | | | | | P | C | P | P | |

| Use | Residential | | | | | Agricultural | | | Commercial | | | Industrial |
|---|-------------|-----|----|----|----|--------------|----|----|------------|----|----|------------|
| | R1 | R1A | R2 | R3 | R4 | A | RA | C1 | C1A | C2 | C3 | |
| | | | | | | | | | | | | |
| Barber shop | | | | | | | | P | C | P | P | |
| Bath and massage (not part of medical or health spa) | | | | | | | | C | | C | C | |
| Beauty shop | | | | | | | | P | | 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 | C | |
| Blacksmith shop | | | | | | | | | | | | P |
| Body and fender shop; tire recapping; motor vehicle, bicycle, and recreation vehicle assembling, painting, upholstering and rebuilding. | | | | | | | | | | | | |
| Boiler works | | | | | | | | | | | | P |
| Bookbinding | | | | | | | | | | | | P |
| Bookstore | | | | | | | | P | P | P | P | |
| Bottling works | | | | | | | | | | | | P |
| 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 | P |
| Café, cafeteria, catering establishment, restaurant (not a | | | | | | | | | | | | |

| Use | Residential | | | | | Agricultural | | | Commercial | | | | Industrial |
|---|-------------|-----|----|----|----|--------------|----|----|------------|----|----|---|------------|
| | R1 | R1A | R2 | R3 | R4 | A | RA | C1 | C1A | C2 | C3 | I | |
| | | | | | | | | | | | | | |
| drive-thru) | | | | | | | | P | P | P | P | C | |
| Candy, confectionery, nut shop | | | | | | | | P | P | P | P | | |
| Carbonated and purified water sales | | | | | | | | | | P | P | P | |
| Carpet and/or rug cleaning | | | | | | | | | | P | P | P | |
| Cemetery | | | | | | | P | P | | P | | | |
| Central mixing plant, related to construction industry for cement, mortar, plaster, or paving materials | | | | | | | | | | | | C | |
| 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 | P | |
| Clothing store | | | | | | | | P | | P | P | | |
| Coal/fuel sales office | | | | | | | | | | | C | P | |
| Congregate Residence (2006) | | | C | P | P | | | C | C | C | | | |
| 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 | | |

| Use | Residential | | | | | Agricultural | | | Commercial | | | Industrial |
|---|-------------|-----|----|----|----|--------------|----|----|------------|----|----|------------|
| | R1 | R1A | R2 | R3 | R4 | A | RA | C1 | C1A | C2 | C3 | |
| | | | | | | | | | | | | |
| Costume rental | | | | | | | | P | | P | P | |
| Dairy | | | | | | P | C | | | | | |
| Dams and reservoirs | | | | | | C | C | | | | | C |
| Dance Clubs/Hall (2006) | | | | | | | | C | C | C | C | |
| Dance Studio (2006) | C | C | C | C | C | | | P | P | P | P | |
| Delicatessen | | | | | | | | P | P | P | P | |
| Department store | | | | | | | | P | 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 | | |
| Drugstore | | | | | | | | P | | P | P | |
| Dry goods store | | | | | | | | P | | P | P | |
| Dude ranch, family vacation ranch | | | | | | P | C | | | | | |
| Dwelling, two-family (duplex) | | | P | P | P | | | P | P | P | | |
| Dwelling, multiple-family (more than 4 units) | | | | | P | | | C | C | C | | |
| Dwelling, four-family (fourplex) | | | | P | P | | | C | C | C | | |
| Dwelling, single-family | P | P | P | P | P | P | P | P | P | P | | |

| Use | Residential | | | | | Agricultural | | | Commercial | | | Industrial |
|--|-------------|-----|----|----|----|--------------|----|----|------------|----|----|------------|
| | R1 | R1A | R2 | R3 | R4 | A | RA | C1 | C1A | C2 | C3 | I |
| Dwelling, three-family (triplex) | | | | P | P | | | C | C | C | | |
| Dwelling, student boarding house in an existing structure, subject to current parking requirements from Ordinance 10-3-6 and Table D with a max occupancy of 2 individuals per bedroom, which room must be at least 100 square feet. (11-2004) | | | C | P | P | | | C | C | C | | |
| Egg candling, sales, or processing | | | | | | P | C | | | | | P |
| Electrical, appliances and fixtures, electronic instruments sales, repair and/or service | | | | | | | | P | | P | P | |
| Employment agency or employment office | | | | | | | | P | | P | P | |
| Farm or ranch housing | | | | | | 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 | P | | | | | C |
| Fix-it shop, repair shop, for household items | | | | | | | | P | | P | P | P |
| Flooring, carpet repair and sales | | | | | | | | P | | P | P | |
| Florist shop | | | | | | | | P | | P | P | |
| Food processing or packaging | | | | | | | | | | | | P |
| Forest industry, such as a saw mill, wood products plant, etc. | | | | | | | | C | | C | C | P |

| Use | Residential | | | | | Agricultural | | | Commercial | | | | Industrial |
|--|-------------|-----|----|----|----|--------------|----|----|------------|----|----|---|------------|
| | R1 | R1A | R2 | R3 | R4 | A | RA | C1 | C1A | C2 | C3 | I | |
| | P | P | P | P | P | P | P | P | P | P | P | P | |
| Forestry, except forest industry | | | | | | | | | | | | | |
| Foundry | | | | | | | | | | | | P | |
| Frozen food lockers | | | | | | | | | | P | P | P | |
| Fruit or vegetable stand | | | | | | P | P | P | P | P | | | |
| Fruit/fruit juice store; | | | | | | | | P | P | P | | | |
| Furniture sales, and/or repair | | | | | | | | P | | P | P | | |
| Gift shop; hobby or crafts shop | | | | | | | | P | | P | P | | |
| Golf Course | C | C | C | C | C | P | P | | | C | | | |
| Greenhouse, nursery; plant materials; soil & lawn service | | | | | | P | C | P | | P | P | P | |
| Grocery; meat sales | | | | | | | | P | | P | P | | |
| Gunsmith | | | | | | | | P | | P | P | | |
| Hardware store, not including the sale of lumber | | | | | | | | P | | P | P | | |
| Hatchery | | | | | | P | C | | | | | P | |
| Heating, ventilating, air conditioning; equipment (HVAC), sales/repair | | | | | | | | C | | P | P | P | |
| Home occupations | C | C | C | C | C | C | C | P | | P | | P | |
| Honey extraction | | | | | | P | C | | | | | P | |
| Hospital supplies | | | | | | | | | | P | P | | |

| Use | Residential | | | | | Agricultural | | | Commercial | | | Industrial |
|--|-------------|-----|----|----|----|--------------|----|----|------------|----|----|------------|
| | R1 | R1A | R2 | R3 | R4 | A | RA | C1 | C1A | C2 | C3 | |
| Hospital; medical or dental clinic accessory to a hospital | | | | | | | | P | | P | P | |
| Hotel, motel, inn | | | | | | | | P | | P | | |
| Household cleaning/repair, house equipment displays | | | | | | | | P | | P | P | P |
| Ice cream shop | | | | | | | | P | P | P | | |
| Ice manufacture, storage, and sales | | | | | | | | | | P | P | P |
| 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 | | | | | | | | | | P | P | P |
| Interior decorating store | | | | | | | | P | | P | P | |
| Jewelry store | | | | | | | | P | | P | P | |
| Kennel | | | | | | | C | C | C | P | P | P |
| Knitting mill | | | | | | | | | | | | P |
| Laboratories | | | | | | | | | | P | P | P |
| Laundry, automatic self-help | | | C | C | C | | | P | P | P | P | |
| Laundry agency | | | | | | | | P | P | P | P | P |
| Leather goods | | | | | | | | P | | P | P | |

| Use | Residential | | | | | Agricultural | | | Commercial | | | Industrial |
|--|-------------|-----|----|----|----|--------------|----|----|------------|----|----|------------|
| | R1 | R1A | R2 | R3 | R4 | A | RA | C1 | C1A | C2 | C3 | |
| | | | | | | | | | | | | |
| Linen shop | | | | | | | | P | | P | P | |
| Liquor and beer sales; places for drinking liquor or beer | | | | | | | | C | | P | P | |
| 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 | C | P |
| Manufacturing. | | | | | | | | | | C | C | P |
| Medical/dental clinic, laboratories | | | | | | | | P | | P | P | |
| Milk distributing station; sale of dairy products, excluding processing/bottling | | | | | | | P | C | | | | |
| Mobile lunch service | | | | | | | | P | | P | P | P |
| Monument sales, retail | | | | | | | | P | | P | P | |
| Mortuary | C | C | C | C | C | | | P | | P | P | |
| Motion picture studio | | | | | | | | | | C | | |
| Motorboat sales | | | | | | | | P | | P | P | |
| Music store | | | | | | | | P | | P | P | |
| Notions, variety store | | | | | | | | P | | P | P | |
| Novelty shop, variety store | | | | | | | | P | | P | P | |

| Use | Residential | | | | | Agricultural | | Commercial | | | Industrial | |
|--|-------------|-----|----|----|----|--------------|----|------------|-----|----|------------|----|
| | R1 | R1A | R2 | R3 | R4 | A | RA | C1 | C1A | C2 | | C3 |
| | | | | | | | | | | | | |
| Office, business or professional | | | | | | | | P | | P | P | P |
| Office, supply; office machines sales, repair | | | | | | | | P | | P | P | |
| Oil burner shop | | | | | | | | | | | C | C |
| Optometrist; oculist | | | | | | | | P | | P | P | |
| Ornamental iron manufacturing and sales | | | | | | | | | | | | P |
| Package agency | | | | | | | | P | | P | P | |
| Painter/paint store | | | | | | | | P | | P | P | P |
| Parking lot | P | 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 | P |
| Personal agriculture, including grazing and pasturing of animals | | | | | | P | P | | | | | |
| Pest extermination and control office | | | | | | | | P | | P | P | |
| Pet shop | | | | | | | | P | | P | P | |
| Photographer or photography shop, sales and service | | | | | | | | P | | P | P | |
| Planing mill | | | | | | | | | | P | P | P |
| Plumbing shop | | | | | | | | P | | P | P | P |
| Popcorn and/or nut shop | | | | | | | | P | P | P | P | P |

| Use | Residential | | | | | Agricultural | | Commercial | | | Industrial | |
|--|-------------|-----|----|----|----|--------------|----|------------|-----|----|------------|---|
| | R1 | R1A | R2 | R3 | R4 | A | RA | C1 | C1A | C2 | C3 | I |
| Printing, including engraving, photo engraving | | | | | | | | C | | P | 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 | |
| Public owned parks and recreational facilities | P | 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 | P | | | C | |
| Public use, essential services | P | P | P | P | P | P | P | P | P | P | P | P |
| Radio and television station | | | | | | | | | | C | C | C |
| Radio, Television, and Cell phone towers (2006) | | | | | | C | C | C | C | C | C | P |
| Radio and television sales and repair | | | | | | | | P | | P | P | |
| Reception center and/or wedding chapel | | C | | | | | | P | C | P | P | |
| Recreation vehicles, rentals, leases, sales and service, outdoor and indoor | | | | | | | | P | | P | P | |
| Restaurant supply | | | | | | | | P | | P | P | |
| Roofing sales | | | | | | | | | | P | P | P |
| Sandblasting | | | | | | | | | | | | P |
| Saw mill | | | | | | | | | | | | P |
| Second-hand shop, antiques, conducted within a building or enclosure | | C | | | | | | P | | P | P | |

| Use | Residential | | | | | Agricultural | | Commercial | | | Industrial | |
|--|-----------------|-----|----|----|----|--------------|----|------------|-----|----|------------|---|
| | R1 | R1A | R2 | R3 | R4 | A | RA | C1 | C1A | C2 | C3 | I |
| | 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 | |
| Sign shop, sign painting shop | | | | | | | | P | | P | P | P |
| State store | | | | | | | | | | C | | |
| Stationary and greeting card sales | | | | | | | | P | | P | P | |
| Storage, placement, keeping, locating, parking, maintaining, and keeping of agricultural equipment | | | | | | P | | | | | | P |
| Storage, placement, keeping, locating, parking, maintaining, keeping of commercial, construction, military surplus, or specialized equipment | | | | | | | | | | C | C | P |
| Storage rental units | | | | | | | | | | P | 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 | C | C |
| Tire shop, sales and repair | | | | | | | | C | | P | P | P |

| Use | Residential | | | | | Agricultural | | | Commercial | | | Industrial | |
|--|---|-----|----|----|----|--------------|----|----|------------|----|----|------------|---|
| | R1 | R1A | R2 | R3 | R4 | A | RA | C1 | C1A | C2 | C3 | | I |
| | Tire, recycling into fuels and useable products | | | | | | | | | | | | |
| Tire retreading, or vulcanizing | | | | | | | | | | | | P | |
| Tobacco shop | | | | | | | | C | | C | C | | |
| Towel and linen supply service | | | | | | | | C | | P | P | P | |
| Travel bureau | | | | | | | | P | | P | P | | |
| Treatment of materials from sand and grease interceptors, resulting in inert materials | | | | | | | | | | | | C | |
| Truck wash | | | | | | | | | | C | P | P | |
| Truck and heavy equipment service station and repair facility | | | | | | | | | | C | P | P | |
| Upholstering, including mattress manufacture rebuilding or renovating | | | | | | | | | | | | P | |
| Upholstery shop | | | | | | | | P | | P | P | P | |
| Veterinary | | | | | | P | C | | | P | P | P | |
| Wallpaper store | | | | | | | | P | | P | P | | |
| Weaving | | | | | | | | | | P | P | P | |
| Welding shop | | | | | | | | | | | C | P | |
| Wholesale business | | | | | | | | | | | | 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 CIA not fronting Hwy. 89 | 1 sq. ft. per 5' of property frontage. | 60 sq. ft. per lot, 30 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 |
| All other dwellings* | 1.5 spaces per bedroom (2006) |
| Offices | 1/300 sq. ft.: 3 minimum |
| 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: 10 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**

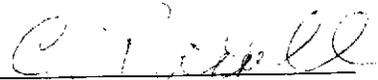
| Land Use Decision | Time | Notice Type |
|--|---|--|
| Preparation, Adoption or Amendments of General Plan | A. Upon inception of the initial process to General Plan or the process for any comprehensive plan amendment B. 10 days prior to first public hearing C. 24 hours notice of each public meeting | A. Notice mailed or e-mailed to: 1. "affected entities" 2. AOG 3. State Planning Coordinator 4. Automated Geographic Reference Center (AGRC) B. Published in paper and posted in 3 public places or on website. C. Posted in 3 public places or on website and submitted to paper. |
| Adoption or Amendments of Land Use Ordinance | A. 10 days prior to first public hearing: or B. 3 days prior to 1 st public hearing C. 24 hours notice of each public meeting | A. Published 10 days in paper and posted in 3 public places or website or B. Written notice mailed to interested persons C. Posted in 3 public places or on website and submitted to paper. |
| Annexation Policy Plan | A. 14 days prior to first public meeting or hearing B. 14 days prior to first public hearing C. 30 days after adoption | A. Notice mailed or e-mailed to "affected entities" B. Notice mailed or e-mailed to: 1. "affected entities" 2. Published in paper 3. Posted in 3 public places or on website C. Copy to County |
| Appeal of Permit Decision | | Notice must be given to applicant |
| Acquisition/Disposition of Public Property | 14 days prior to first public hearing | Notice mailed or e-mailed to "affected entities" and published in paper and posted in 3 public places or on website |
| Conditional Use Permit | A. 7 days notice prior to public meeting B. 24 hours notice of each public mtg | A. Written notice mailed to interested persons/adjoining properties, and "affected entities." (Including Utility companies if applicable. B. Posted in 3 public places or on website and submitted to paper. |
| Land Use Applicant | | Notify the applicant of the date, time, and place of each public hearing and public meeting and of any final action on a pending application. |
| Nonconforming Uses/Non Complying Structures | See Land Use Application | |
| Subdivision Plat Amendment or Approval | 3 days prior to public hearing | Notice mailed or e-mailed to: 1. "Affected entities" 2. (a) to the record owner of all parcels within specified parameters of that property: or (b) posted, on the property to give notice to passers-by. |
| Vacation, Alteration or Amendment to Platted Street | All notice required for subdivision approval, plus, 4 consecutive weeks prior to public hearing | Published in local newspaper once a week for 4 consecutive weeks. |
| Variances | A. 7 days notice prior to public meeting B. 24 hours notice of each public mtg | A. Written notice mailed to interested persons/adjoining properties, and "affected entities." (Including Utility companies if applicable. B. Posted in 3 public places or on website and submitted to paper. |

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

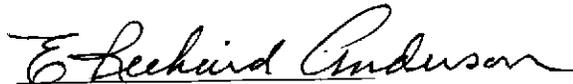
PART TWO Repealer: All former Codes or parts thereof conflicting or inconsistent with provisions of this Ordinance or of the Code hereby adopted are hereby repealed.

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: November 15, 2006.



Mayor Cliff Birrell



Attest:

