

5-8: NC-1 NEIGHBORHOOD COMMERCIAL ZONE

A. DECLARATION OF LEGISLATIVE INTENT

The NC-1 Neighborhood Commercial Zone is found in the midst of existing unincorporated residential communities or historically agricultural areas which have been developing into residential use. The areas so zoned are characterized by attractive stores and businesses that provide the frequently used services of a residential neighborhood, but which do not conflict with the atmosphere of the surrounding or future residential area by noxious activities or by needlessly drawing traffic from outside the neighborhood. It is anticipated that commercial needs not met in this zone are met in the commercial districts of incorporated municipalities where water for fire protection, central sewers, nearby police stations and other supporting services provide the base for a complete range of commercial establishments. It is hereby declared that the specific purposes and intent of the County Commission in establishing the NC-1 Neighborhood Commercial Zone are:

1. To take advantage of the powers and more fully implement the basic purposes for planning and zoning set forth in Section 17-27-102 Utah Code Annotated 1953, and to implement the plans provided for in Section 17-27-301 of the said Code.
2. To provide, without supplanting the existing commercial districts of the incorporated cities and towns, convenient locations in outlying areas wherein essential commercial services are available to the residents.
3. To provide a functional setting with adequate roads, utilities, and other public facilities where day-to-day shopping needs of the neighborhood are safely met.
4. To protect the surrounding residences from noise, light, fumes, pests, overcrowding, heavy traffic, and other problems which may arise from an inharmonious mix of commercial and residential uses.
5. To secure economy in governmental expenditures.
6. To ensure the development of adequate public facilities to match private development. The specific regulations necessary for the accomplishment of the purposes outlined above are hereinafter set forth.

B. PERMITTED USES

The following buildings, structures, and uses of land shall be permitted in the NC-1 zone upon compliance with the standards and requirements as set forth in this ordinance:

1. Restaurants and drive-in eating places.
2. Grocery stores.
3. Retail, retail variety stores and convenience establishments.
4. Apparel stores.

5. Drug stores.
6. Barber shops and beauty shops.
7. Shoe repair shops.
8. Apparel cleaners and coin-operated laundromats.
9. Medical, dental, chiropractic, optical, and other professional health care offices.
10. Nursing homes.
11. Preschools.
12. Commercial day care centers.
13. Gasoline service stations; automobile repair facilities; and car wash establishments.
14. Buildings and yards for the display and sale of agricultural and utility trailers (but not trailers for sleeping, human occupancy, or commercial trucking).
15. Churches and other structures for religious worship, and churches with a parsonage.
16. Parking facilities, subject to the provisions of zoning section 3-14.
17. Signs, subject to the provisions of zoning section 3-37.
18. Accessory storage buildings, loading docks, outdoor lighting fixtures and other accessory structures when appurtenant to buildings and uses permitted in the zone.
19. Public parks and historical monuments.
20. Landscape parks.
21. Fences, walls, and landscaping, subject to the provisions set forth in zoning sections 3-20 and 3-21.
22. Covered water storage tanks and reservoirs which do not extend over two (2) feet above grade, water wells and appurtenant pumps and pumphouses.
23. Buildings and appurtenant grounds and facilities, when such are owned and occupied by a governmental agency and used for one or more of the following:
 - a. Fire and police stations, plus buildings housing ambulance and similar emergency service vehicles and equipment.
 - b. Buildings and yards for the storage and upkeep of vehicles and equipment required for the maintenance and operation of roads, utility systems and other functions of the governmental entity.

c. Office buildings housing the administrative and governmental activities of the agency; group assembly rooms; and post offices.

24. Commercial storage units.

25. Business Office.

26. Seasonal sales and services, when permitted by the property owner, not to exceed six (6) months in any calendar year and subject to a site plan reviewed and approved by the Zoning Administrator for adequate road access, off-road parking [minimum of three (3) spaces per seasonal use], and other minimum requirements found in the particular zone district, zoning ordinance and other adopted county codes; and the obtaining of a Utah County Business License. All stands, booths and structures associated with the seasonal sales and services use shall be temporary and removable, not for public occupancy, and must be removed from the property at the completion of each year's seasonal use. All signs shall conform to the U.C.Z.O. Section 3-37.

27. Off Highway Vehicles (OHV) sales and repair.

28. Fish Hatcheries and the raising of fish indoors.

29. The pasturing of domestic livestock and the keeping of fowl for personal use, and the barns sheds, pens and coops connected with pasturing of said domestic livestock and fowl, subject to the requirements of zoning sections 3-19, and the requirement that the total floor area of such structures shall not exceed 1,000 square feet per lot, unless lot exceeds one (1) acre in area, which would allow a maximum floor area of 2,000 square feet per lot.

C. PERMITTED CONDITIONAL USES

In the NC-1 Zone the following buildings, structures, and uses of land shall not be permitted by the Zoning Administrator unless approval of a conditional use permit has been authorized in accordance with the zoning ordinance by the designated reviewing agency:

1. A covered water tank or reservoir which extends over two (2) feet above natural grade, when such is found to be compatible with the surrounding neighborhood and approved by the Board of Adjustment as a special exception according to the provisions of zoning section 7-21.

2. A primary or secondary school, which the Board of Adjustment has approved as a special exception according to the provisions of zoning section 7-21.

3. A nursing home or residential treatment center which the Board of Adjustment has approved as a special exception according to the provisions of section 7-21, and which meets the supplemental requirements of zoning section 3-57.

4. A one-family caretaker dwelling, which the Board of Adjustment has approved as a special exception according to the provisions of zoning sections 3-33 and 7-21.

5. A public park facility which the Planning Commission has approved in a public park and issued a conditional use permit according to the provisions of zoning sections 3-48 and 7-24-D.

6. A landscape park recreational facility which the Planning Commission has approved in a landscape park and issued a conditional use permit according to the provisions of zoning sections 3-49 and 7-24-D.

7. An electric power transmission line over 69 kv, but less than 138 kv capacity (and rights-of-way and substations) when granted a conditional use permit by the County Commission according to the provisions of zoning section 3-45.

8. A gas transmission line having a design pressure of 600 psi or more, or a pipe diameter of 16" or more (and rights-of-way and regulating stations) when granted a conditional use permit by the County Commission according to the provisions of zoning section 3-45.

9. A planned subdivision which has been granted a conditional use permit and plat approval by the County Commission according to the procedures and conditions set forth in zoning sections 6-1 and 6-3.

D. AREA REQUIREMENTS

The minimum area of a zoning lot within the NC-1 Zone shall be as follows:

1. Each individual NC-1 Neighborhood Commercial Zone shall contain at least five (5) acres of land.
2. Each gasoline service station or automobile repair facility shall be located on a lot that contains at least one (1) acre.
3. Each preschool or commercial day-care center, or nursing home shall be located on a lot that contains at least one (1) acre.
4. Each caretaker dwelling shall be located on a lot that contains at least one (1) acre of land in addition to the required parking area and building area of the use to which such dwelling is appurtenant.
5. Each church or other structure for religious worship shall be located on a lot containing at least two and one-half (2 ½) acres of land; each church with a parsonage shall be on a lot containing at least three and one-half (3 ½) acres of land.
6. Each primary or secondary school shall be located on a lot containing at least two and one half (2.5) acres of land.
7. Each residential treatment center home shall be located on a lot containing at least five (5) acres of land.
8. Each planned subdivision shall contain at least one (1) acre of land.
9. Each landscape park containing approved recreational facilities and each public park containing approved concessions or facilities shall be located on a lot containing at least five (5) acres of land.
10. Each governmental building and facility permitted according to the provisions of zoning section 5-8-B-23 shall be located on a lot containing at least five (5) acres of land.

11. For other permitted structures and uses, there shall be no minimum area requirements except as may be required under other provisions of this ordinance.

E. WIDTH REQUIREMENTS

The minimum width of a zoning lot within the NC-1 zone shall be as follows:

1. For each caretaker dwelling, preschool, commercial day-care center, nursing home, church, church with parsonage, primary or secondary school, or residential treatment center, the minimum width of the lot at any point between the frontage and the structure shall be one hundred (100) feet.
2. For each public park containing approved concessions or facilities, and each landscape park containing approved recreational facilities, the minimum width of the lot along the road frontage shall be two hundred fifty (250) feet.
3. For each governmental building and facility permitted under zoning section 5-8-B-23, the minimum width of the lot along the road frontage shall be one hundred (100) feet.
4. For other permitted structures and uses, there shall be no minimum width requirements except as may be required under other provisions of this ordinance.

F. LOCATION REQUIREMENTS

The minimum location requirements within the NC-1 zone shall be as follows:

1. Major Street Location

All individual NC-1 Neighborhood Commercial Zones shall abut and gain access from a state road, or a county road that has been designated as a major street by the Utah County Master Plan 1980 and constructed to meet the standards of that plan for a collector or arterial road.

2. Front Setback

All buildings and structures, other than certain public facilities, landscaping features and fences which meet the standards of zoning sections 3-20, 3-21 and 3-44, shall have a front setback of at least thirty (30) feet, unless a greater setback is required by zoning section 3-16.

3. Side-and Rear Setbacks

All buildings and structures, other than certain public facilities, landscaping features and fences which meet the standards of zoning sections 3-20, 3-21 and 3-44, shall have a side and rear setback of at least fourteen (14) feet from any property line unless a greater setback is required by zoning section 3-16.

4. Dwelling Separation

Each caretaker dwelling, nursing home, church with parsonage, or youth group home, shall be located at least 28 feet from any other building and at least 100 feet from gasoline pumps or storage tanks.

G. HEIGHT AND BUILDING SIZE REQUIREMENTS

The height and building size requirements within the NC-1 zone shall be as follows:

1. The maximum permissible height of any structure shall be forty (40) feet as measured from the currently adopted building construction codes of Utah County or by any future edition of these codes that may be adopted.

Exception 1: An antenna of a “stealth telecommunications transmission facility” which is attached to an existing pole of an electrical (or other utility) line (or placed on a replacement pole therein) may exceed the initial elevation of such pole by no more than 10 feet.

Exception 2: For large scale utility line structures, there shall be no maximum height.

Exception 3: Otherwise, a height in excess of 40 feet, if for unoccupied structures, may be approved by the Board of Adjustment as a special exception granted according to the terms of zoning section 7-21.

Note: The provisions of the APO Airport Overlay Zone, setback standards, or other provisions of the ordinance may result in a lesser height than that stated above.

2. The minimum height of any dwelling shall be eight (8) feet above natural grade.

3. The floor area of a retail variety store (medium size) shall not exceed eight thousand (8,000) square feet.

4. The floor area of an accessory storage structure (or the total floor area of a group of accessory structures) shall not exceed fifty (50) percent of the floor area of the main building on the lot.

H. SPECIAL PROVISIONS

1. Junk- and Weed-free Grounds

The yards around buildings shall be kept free of junk, debris, refuse, weeds, and other flammable material.

2. Parking

Paved parking shall be required for all permitted uses according to the regulations of zoning section 3-14.

3. Screened Loading Areas

All off-street loading shall be provided according to the standards of zoning section 3-15 and aligned and landscaped in such a way that light, noise, and fumes of the loading operation are screened from the property of any adjoining residential zone.

4. Sight-obscuring Wall

Where permitted, all outside storage areas, except parking facilities limited to licensed vehicles in

running order, shall be enclosed within a well-maintained sight-obscuring masonry or metal fence or wall which is at least eight (8) feet in height and is sufficient to obscure all items from view from any adjacent parcel of land or public street.

5. Landscaping

At least two (2) times the floor area of all main and accessory buildings in any zoning district shall be planted and maintained in lawn, trees and shrubs, in accordance with the provisions of zoning section 3-21.

Landscaping shall be installed before a zoning compliance permit may be issued.

6. Maximum Slope for Disposal of Sewage in Soil

No occupied building for which the sewage or septic waste is disposed of in the soil shall be approved if the sewage disposal site has a slope exceeding thirty (30) percent.

7. Protection of Slopes

No building site, street, driveway, or other cut or fill shall be made so the side slopes exceed the critical angle of repose of the soil or where the side slopes are too steep to become re-vegetated.

8. Grade of Roads and Driveways

The grade of roads and driveways which serve a dwelling unit or other occupied structure shall not exceed twelve (12) percent, and the road shall be maintained so as to be readily accessible to emergency vehicles.

9. Re-vegetation

All land surface from which topsoil is removed and all land surface on which subsoil is deposited shall be covered by buildings, hard surfacing, or a layer of topsoil of at least one inch in depth. In order to prevent disturbed soil from eroding, it shall be re-seeded with plant material having a sufficient concentration to screen at least twenty-five (25) percent of the exposed surface from view.

I. SITE PLAN REVIEW

In lieu of a plot plan required under zoning section 7-6, any applicant for a building permit in the NC-1 zone shall submit a site plan to the Zoning Administrator with the contents listed below.

The Zoning Administrator shall review the plan and shall issue a building permit pursuant thereto only if the standards of this and the other sections the zoning ordinance are met.

Exception: Applications for permits for public facilities permitted under zoning section 3-44 shall be exempt from filing such site plan (the provisions of zoning section 7-6 shall still be met, however).

1. Contents

Such site plan shall be carefully drafted, drawn to a scale that is not smaller than one inch to two

hundred feet (1"=200'), and show:

- a. The names, addresses, and telephone numbers of the owner of the lot to be built on (subject lot), the developer of the project, and the architect or other designer.
- b. The property boundary lines, legal description and dimensions of the subject lot; the property lines of all adjoining lots (but only extending for a distance of two hundred feet away from the boundaries of the subject lot); and an identification on each lot of the name of the property owner.
- c. The location and use of all existing and proposed structures on the subject lot.
- d. The location and an identification of each use of land and each building lying within 200 feet of the boundaries of the subject lot.
- e. The location and names of all public and private streets.
- f. The location of all canals, power lines, gas lines and other utility lines on the subject lot and the boundaries of all recorded easements located on the lot.
- g. The location of the proposed landscaping, parking areas, access points, lighting, and loading areas that are needed to meet the requirements of zoning sections 3-14, 3-15 and 3-21.
- h. The location and cross sectional drawing of proposed walls and fences, including those needed to meet the provisions of zoning section 5-8-H-4.
- i. An identification of any areas where the subject lot has been graded by past cuts or fills; also contour lines, if the land has more than a five percent (5%) slope, and a grading plan if cuts or fills will be undertaken to prepare the site.
- j. An identification of any contaminated soils, fill material types, wet or boggy soils, fault lines or other natural hazards affecting the subject property.
- k. North point.

2. Limitation

Upon approval of the site plan (or any amendment thereof) by the Zoning Administrator, no buildings or uses of land other than those depicted on such plan shall be permitted on the subject lot.

J. SUPPLEMENTARY REGULATIONS

Uses within this zone shall also comply with the applicable requirements set forth in Chapter 3, entitled Supplementary Requirements and Procedures Applicable Within Zones and all other provisions of the zoning ordinance.