

CHAPTER 12-28 LAND USE AND SUPPLEMENTARY REGULATIONS

- 12-28-101. Land Use Table**
- 12-28-102. Supplementary Regulations.**
- 12-28-103. Administrative Review and Approval – Appeals.**
- 12-28-104. Projections Into Yards.**
- 12-28-105. Additional Height Regulations.**
- 12-28-106. Annexation.**
- 12-28-107. Clear View of Intersecting Streets.**
- 12-28-108. Culinary Water and Sewage Disposal.**
- 12-28-109. Fencing Regulations.**
- 12-28-110. Yard, Landscaping, Maintenance and Storage.**
- 12-28-111. Temporary Uses.**
- 12-28-112. Self-Service Storage Facilities.**
- 12-28-113. Flag Lots.**
- 12-28-114. Noise Abatement Requirements.**
- 12-28-115. Sexually Oriented Businesses.**
- 12-28-116. Single-Family Dwelling Regulations.**
- 12-28-117. Urban Chickens.**
- 12-28-118. Apiaries (Beekeeping).**
- 12-28-119. Westwood Mobile Home Subdivision.**
- 12-28-120. Rail Spurs as a Conditional Use.**
- 12-28-121. Development Agreements.**
- 12-28-122. Public Utility Facilities.**
- 12-28-123. Accessory Dwelling Units (ADU’s).**
- 12-28-124. Short-term Rentals.**
- 12-28-125. Revocation Proceedings.**

12-28-101 Land Use Table

P = PERMITTED C = CONDITIONAL BLANK = NOT PERMITTED

	A-1	R-1-8	R-1-15/20	SFRT	R-2	R-4	C-1	C-2	C-2A	C-3	CRT	S-1	AP	I-1	I-1A	I-2
	Residential Uses															
Accessory Dwelling Unit	P	P	P	P							C ¹					
General Residential Use													C ²			
Green Court Home				P							P	C				
Group Homes	P	P			P							C				
Home Occupations	P	C	P		C	C										
Multiple Family						P					P	P				
Patio Home				P							P	C				
Planned Dwelling Group						C						C				
Residential Facility for Persons with a Disability	P	P	P	P	P	P										
Residential Facility for Elderly Persons	C	C	C	C	C	C	C	C	C	C	C	C				

	A-1	R-1-8	R-1-15/20	SFRT	R-2	R-4	C-1	C-2	C-2A	C-3	CRT	S-1	AP	I-1	I-1A	I-2
Short-term Rentals		C	C	C	C	C										
Single-Family Dwelling	P	P	P	P	P	P										
Townhome				P							P	C				
Two-Family Dwelling					P											
Institutional/Public/Utility																
Public Use	C	C	C	C	C	C	C	P	P	P	P	P		P	P	P
Quasi-Public Use	C	C	C	C	C	C	C	P	P		P	P				
Agriculture																
Agriculture	P													C	C	C
Apiaries	C	C	C		C								C	P	P	P
Grazing and Pasturing	C													C	C	C
Urban Chickens	C	C	C		C											
Recreational																
Gymnasium, Fitness Center								P	P	P	P	P		C		
Indoor Recreational Facilities							C	C	C	P	P	C		C	C	C
Outdoor Recreational Facilities								C	C	C	C	C		C	C	C
Movie Theatre								P	P	P	P	P				
Commercial/Retail																
Appliance and Furniture Sales and Repair								C	C					C	C	
Bakeries, Pastries, Donut Shops							P	P	P	P	P	P				
Banking, Credit Unions							P	P	P	P	P	P	C			
Beverage Shops with Drive Up Window								C	C	C	C					
Big Box Retail										C						
Convenience Store with Gasoline Sales							C	C	C	C			C			
Day Care, Nurseries and Similar							C	C	C		C	C				
Electric Charging Station							C	C	C	C	C					
Fast Food							C	C	C	C						
Funeral Establishments, Mortuaries, Wedding Chapels								C	C							
Garden and Nursery Supplies - Indoor								P	P	P		P				
Garden and Nursery Supplies - Outdoor								C				C		C	C	C
Grocery Store								P	P	P		P				
Hardware/Home Improvement								P	P	P						
Hospitals										P						
Hotels, Motels								C	C	P	C	C				
Kennels								C					C	C	C	C
Medical Cannabis Facility							P	P	P	P		P	P	P	P	P

	A-1	R-1-8	R-1-15/20	SFRT	R-2	R-4	C-1	C-2	C-2A	C-3	CRT	S-1	AP	I-1	I-1A	I-2
Medical/Dental Clinic							P	P	P	P	P	P				
Nonresidential Treatment Facility							C	C	C	C		C		C		
Office, General and Professional							P	P	P	P	P	P				
Personal Services							P	P	P		P	P				
Pet Services							C	C	C	C	C	C		C		
Pharmacy								P	P		P	P				
Restaurants							P	P	P	P	P	C				
Retail Sales							P	P	P	P	P	C		C	C	
Sexually Oriented Business								C					C	C	C	C
Veterinary Clinic								C	C			C	C	C	C	
Automotive and Related Uses																
Automotive Oil Change Specialty Store								C	C						C	
Automotive Repair, major								C						C	C	C
Automotive Repair, minor								P						C	C	C
Automotive, Motor Vehicle, Truck, Recreational Vehicle Sales and Service								P	P				C	C	C	
Car Washes, Self-Serve and Automatic								C	C					C		
Salvage Yards																C
Industrial and Related Uses																
Business Parks and Light Industrial Parks													C	C	C	C
Cannabis Cultivation and Production	C												C	C		C
Canning, Processing, and Preserving Food Products													C	C	C	C
Commercial Printing													C	C	C	C
Coating, Plating and Engraving													C	C	C	C
Light Commercial Flex Manufacturing													C	C	C	C
Light Manufacturing, Compounding, Processing, Milling, or Packaging of Products													C	C	C	C
Industrial Hemp Production, Retailing, and Laboratories	C												C	C		C
Lumber, Building Products													C	C	C	C
Manufacturing													C	C	C	C
Office, Warehouse													C	C	C	C
Paint, Glass and Wallpaper Manufacture and Wholesale and Retail Sales of such products													C	C	C	C
Petroleum refining or storage, and gas manufacturing or storage																C
Processing, Packaging, Assembling of Products - Indoor													C	C	C	C

	A-1	R-1-8	R-1-15/20	SFRT	R-2	R-4	C-1	C-2	C-2A	C-3	CRT	S-1	AP	I-1	I-1A	I-2
Rail Spurs														C	C	C
Research and Development Activities													C	C	C	C
Self-Service Storage Facilities													C	C	C	C
Warehousing of goods stored in an enclosed building													C	C	C	C
Airport																
Airport													P			
Airport-related businesses, Aviation Related Uses													C			
Hangars and Shade Hangars													C			

1. Permitted in Green Court or Patio Home Developments only.
2. Residential uses and overnight accommodations shall be prohibited in any structure in this zone unless clear and convincing evidence is provided by the developer that demonstrates that the residential/overnight use is directly related to an airport or aviation purpose, that reasonable alternative residential/overnight accommodations are not available, and the adverse effects thereof may be mitigated by imposition of reasonable conditions.

12-28-102. Supplementary Regulations.

The regulations hereinafter set forth in this Chapter qualify or supplement, as the case may be, the zone regulations appearing elsewhere in this Ordinance.

12-28-103. Administrative Review and Approval – Appeals.

Various reviews and approvals in this Chapter are to be conducted by the Director, e.g., temporary uses, urban chickens, apiaries, accessory dwelling units, etc. In the event the Director determines that the matter is sufficiently complex or presents issues that are novel, the Director may, at his discretion, refer an application to the Planning Commission for review, evaluation and decision.

In the event a person contests a decision of the Director, an appeal may be made to the Planning Commission by filing a written notice of appeal within thirty (30) days of the date of the Director’s written decision. The appeal process shall follow, generally, the process and procedures prescribed in Section 12-4-103 of this Title.

In addition to decisions by the Director, various reviews and approvals in the Chapter are to be conducted by the Planning Commission. Except as otherwise provided in this Title, appeals from a decision of the Planning Commission shall be filed within thirty (30) days of its the written decision, shall be heard by the Hearing Officer, and shall follow the process and procedures of Section 12-4-103.

12-28-104. Projections Into Yards.

- (a) Subject to clear view standards of this Title and compliance with other City

ordinances and State laws, the following improvements or structures may project into or be erected within any required front, side or rear yard setback, provided however that driveways shall remain unobstructed from the ground upwards:

- (1) Fences and walls;
 - (2) Landscaping elements, including trees, shrubs and other plants; and
 - (3) Appurtenances required for utility services.
- (b) The following structural improvements or structural architectural features may project into a front or rear yard not more than 4 feet and into a required side yard not more than 2 feet; provided however, that driveways shall remain unobstructed from the ground upward:
- (1) Cornices, eaves, belt courses, sills, buttresses, or similar structural architectural features.
 - (2) Fireplace structures, bay windows or other similar structural architectural features provided they are not wider than 10 feet and are generally parallel to the wall of which they are a part.
 - (3) Stairways, door stoops, fire escapes and awnings.
- (c) Except as otherwise provided herein or by law, structures such as decks, balconies, porches, patios and similar structures shall be prohibited within front, side and rear yards.
- (1) An uncovered deck or patio that is open on three sides, the surface of which is less than 3 feet in height as measured from the finished grade, may project into the required rear yard not more than 15 feet; provided, a deck or and patio shall not extend into or over a utility easement or within 5 feet of any property line. In the event the main level of a home is higher than 3 feet from the finished grade, a deck or patio shall utilize a connecting stairway to ensure that height limitation of this section is met.
 - (2) A covered porch shall not encroach into the front yard setback more than 4 feet.

12-28-105. Additional Height Regulations.

- (a) Roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless masts, theater lofts, silos or similar structures may be erected above the height limits prescribed in this Title, but no such space above the height limit shall be used for the purpose of providing additional floor space.
- (b) A main building shall be erected to a minimum exterior height as follows: the greater of ten feet from grade or the minimum height required by the then-current standards of the International Building Code, as amended.

12-28-106. Annexation.

Annexed land shall, upon annexation, be classified as designated by the City Council in its Annexation ordinance; provided however that if land is not so designated, the zoning classification shall be consistent with contiguous land within the boundaries of the City.

12-28-107. Clear View of Intersecting Streets.

Clear views shall be maintained at the intersection of all streets in the City. As a general rule, the clear vision area shall be comprised of a triangular area formed by the street property lines and the line connecting them at points not less than 30 feet from the corner of intersecting street lines.

The above triangular area is designed for residential areas of the City in which the speed limit does not exceed 25 miles per hour. In all non-residential zones, and at the intersection of any street where the speed limit exceeds 25 miles per hour, the clear view zone shall be increased as determined by the City Engineer, based on established traffic engineering practice.

Subject to the fencing regulations of this Title, on corner lots and parcels, no visual obstruction exceeding three (3) feet in height shall be maintained in any front or street side yard setback. Trees may be planted in said yards but shall be planted at least fifteen (15) feet from front and side street lines; all such trees shall be pruned and maintained to a height that will ensure unobstructed vision from pedestrian and vehicular traffic.

In the event of a dispute of the interpretation of the requirements of this section or other clear view regulations in this Title, the matter shall be referred to the City Engineer who shall base its decision on established engineering standards.

12-28-108. Culinary Water and Sewage Disposal.

In all Zones, culinary water service and sanitary sewer disposal shall comply with the current ordinances, rules and regulations of the Davis County Health Department, the South Davis Sewer District and the City.

Where allowed under current regulations, all culinary well water service and all septic systems shall comply with the current ordinances, rules and regulations of the Utah Department of Environmental Quality, the Davis County Health Department and the South Davis Sewer District.

12-28-109. Fencing Regulations.

- (a) Definitions: For purposes of this Chapter, and as applicable elsewhere in this Title, the following definitions shall apply:
 - (1) Fence: An artificially constructed enclosure or barrier (including gates) composed of material such as metal, wire, wood, concrete, masonry, vinyl, plastic or other material (or combination of materials) that is used as a boundary, means of protection, privacy or confinement. A fence may not be solely comprised of vegetative materials such as hedges, shrubs, trees or other natural growth.

- (2) **Sight Obscuring Fence:** A fence so constructed that it limits or impairs visibility through and beyond the fence. A fence shall be deemed sight-obscuring if it is entirely opaque.

For purposes of setbacks and sight lines, an open mesh chain link or other similar open type fence that has slats or similar sight obscuring materials placed therein shall be considered to be a “sight obscuring” fence.

- (3) **Non-sight Obscuring Fence.** A fence so constructed that it enables or allows complete visible images to be seen through and beyond such fence.
- (4) **Concertina Wire.** Spiral strands of wire, generally barbed, placed horizontally along the top of a fence.
- (5) **Outriggers.** A fence whereon the upper portion is angled outward from the lower vertical portion.
- (6) **Yard, Front.** An area extending across the full width of a lot or parcel, having at no point a depth of less than the minimum required horizontal distance between the front lot line, or its tangent, and the closest permissible location of the main building. Said distance shall be measured by a line at right angles to the front lot line, or its tangent. Generally, the preferred “front yard” shall be the yard area facing the front or main door to the structure. Where a structure is located on a corner lot, the property owner or developer shall be entitled to designate the “front yard” as long as said yard faces the front or main door to the structure and meets all required setbacks. If required to mitigate adverse effects on traffic flow, sight lines, etc. the Planning Commission may designate a front yard that is different than proposed by the property owner or developer.

- (b) **Residential Zones:** The following restrictions shall apply to all fences located in residential zones, including residential zones where other uses are allowed, e.g., the CRT Zone, and in prior nonconforming residential uses. (see Figure 2):

non-residential lot or zone and a residential lot or zone shall be at least six (6) feet in height and shall not exceed eight (8) feet in height. Where needed to mitigate the adverse effects of a non-residential use, the Planning Commission may allow or require a fence that varies in height from the requirements of this section.

(4) Other Areas and Requirements:

- (A) The maximum height of any fence located on any other portion of the lot shall be six (6) feet. However, a fence may be erected to a height of eight (8) feet along a property line that abuts the rights-of-way of Interstate 15 or Legacy Highway.
- (B) Ranch or Farm Fence: The maximum height of a non-sight obscuring ranch or farm fence within an agricultural zone or on a nonconforming lot where an agricultural use is conducted shall be 8 feet. Ranch or farm fences are only allowed on parcels for which the primary use of the land is ranching or farming. Ranch or farm fences shall not be required to comply with the setback requirements set forth above. However, more restrictive requirements may be imposed if the Director, in consultation with the Police Chief and City Engineer, determines that the fence would create a safety hazard.
- (C) Concertina Wire or Outriggers: prohibited in all Zones except the I-1, I-1A, I-2 and AP Zones.
- (D) Retaining Walls: Where a retaining wall protects a cut below or a fill above the natural grade of property, and is located on a property boundary line, a fence may be installed at the top of the retaining wall at the same height as would otherwise be allowed in the particular Zone.

12-28-110. Yard, Landscaping, Maintenance and Storage.

- (a) Lots and parcels in any zone shall be improved and maintained as follows:
 - (1) Landscaping shall be installed and properly maintained in good condition free from weeds and noxious plants, refuse and debris, and otherwise in compliance with the requirements of this Title.
 - (2) Subject to other requirements of this Title, landscape improvements for single-family and 2-family residential uses shall be completed within 14 months from the date of occupancy; provided however, when demonstrated unique or unforeseen circumstances exist, the Director may grant extensions, the total of which shall not exceed 12 months.
 - (3) Driveways leading from a street to a parking lot, garage, carport or other off-street parking space shall be paved with asphalt or concrete, and shall be completed prior to the issuance of a certificate of occupancy.

- (4) No trash or rubbish shall be allowed to accumulate on any lot in any zone.
 - (5) It shall be unlawful to park, store, leave or to permit the parking, storing, or leaving of any licensed or unlicensed motor vehicle of any kind or part thereof, which is in a wrecked, junked, partially dismantled, inoperative or abandoned condition, whether attended or not, upon any private property within the City limits for a period of time in excess of 15 days; provided however that not more than two (2) such vehicles or parts thereof may be allowed if stored completely within a covered building or placed behind an approved sight obscuring fence. Any such vehicle or parts stored behind a sight obscuring fence shall be placed on an asphaltic, concrete or other hard or semipermeable surface upon which plants, weeds or other vegetative material will not grow; or alternatively the area shall be maintained in a condition where plant materials are maintained at a height not exceeding six (6) inches. This subsection shall not apply to such vehicles and parts that are stored within an approved junk yard or automobile wrecking yard lawfully established pursuant to the provisions of this Title.
 - (6) Where allowed as a permitted or conditional use in the specific zone, the storage of merchandise, partially or completely dismantled automobiles or salvage materials in any zone shall be governed by the regulations of that zone; provided however, if a zone does not have specific regulations governing the outside storage of such materials the same shall be enclosed entirely within an entirely enclosed building or within the perimeter of a sight-obscuring fence of not less than six (6) feet in height, and such materials stored therein shall not be placed at a height greater than the enclosing wall or fence
- (b) Developers of single-family and 2-family residential developments should consider including a water efficient landscape option for such uses and for individual homes as defined in Chapter 12-26 of this Title.

12-28-111. Temporary Uses.

- (a) Purpose and Intent. The purpose and intent of this Section is to provide reasonable regulations for uses that are temporary in nature and are not permitted or conditional uses in the applicable zone. The character of the temporary uses defined in this section requires that proper conditions be imposed to: protect the owners, occupants, and users of adjacent properties; ensure compatibility within the zone district and adjacent zones; and ensure compatibility with existing vehicular, non-motorized and pedestrian traffic patterns. The provisions of this section shall be strictly enforced.
- (b) Scope and Applicability. The provisions of this Chapter shall apply to the temporary uses expressly enumerated herein and to any use determined by the Director to be substantially similar to those uses. This Section is intended to regulate all temporary uses conducted on private property. Uses on public property or in neighborhood parks will be allowed only as provided herein. This Chapter shall not apply to activities lawfully conducted by a government agency.

- (c) Allowed Temporary Uses. Subject to the provisions of this Section, and to other applicable regulations of the zoning district in which the temporary use may be allowed, the following temporary uses are allowed in the zoning district specified.
- (1) Produce Stands: A-1, AP, C-1, C-2, C-2A, C-3, CRT, I-1 and S-1 zones.
 - (2) Farmers Market: A-1, AP, C-2, C2-A, C-3, CRT, S-1 and I-1 zones. Also allowed for approved events at public or neighborhood parks. The site shall have adequate parking, traffic access and sanitary facilities. Requires new temporary use permit annually.
 - (3) Seasonal Product Sales-Christmas trees, fireworks, flower stands, snow cones, and shaved ice stands: AP, C-1, C-2, C2-A, C-3, CRT, I-1, and S-1 zones. Requires new temporary use permit annually.
 - (4) Construction Offices: all zones on the site where construction is being performed.
 - (5) Construction Staging Area: All zones for on-site developments; for off-side developments, allowed only in I-1 and I-2 zones.
 - (6) Festival, Carnival or Circus Events: C-2 and I-1 zones. These uses shall be limited to a period not to exceed five (5) days. The concessionaire responsible for operation of any such festival, carnival or circus shall submit an application that includes, a site layout displaying adequate ingress and egress plan for emergency vehicles with no dead-end aisles, appropriate sanitary facilities for employees and patrons. Said application shall be accompanied by a written description of applicant's provisions for adequate police presence (the level of which will be determined by the City police chief), appropriate fire prevention measures as approved by the South Davis Metro Fire Service Area, assurances for the clean-up of garbage and debris associated with the event. Where required by law, the applicant may be required to submit approvals and permits issued by other government agencies, e.g., the Davis County Health Department. The application shall also be accompanied by a policy of comprehensive general public liability insurance (including participant injury and property damage) with limits of not less than \$1M per occurrence/\$2M aggregate. The complete application and all accompanying materials shall be submitted not less than fifteen (15) days prior to the first date of the proposed use; applications submitted after that date will be rejected. By submitting an application for such uses, the applicant agrees to indemnify and hold harmless the city, its servants, agents and employees, from all claims caused by or arising from the applicant's activities.
 - (7) Food Trucks and Temporary/Mobile Food Vendors: AP, C-1, C-2, C2-A, C-3, CRT, I-1 and S-1 Zones. Said temporary uses are also allowed for approved events in public and neighborhood parks. Any such use may be approved only upon presentation of a permit issued by the Davis County Health Department. Operation of such shall be consistent with the rules, regulations and requirements of the Davis County Health Department and with Utah Administrative Code R.392-102 "Food Truck Sanitation."

- (d) Application for Temporary Use Permit. A completed application for a temporary use permit shall be filed with the Director not less than fifteen (15) days prior to the first date of requested use; an application submitted after that date shall be rejected. Consistent with the standards established by this Chapter, the Director shall have the authority to approve the application, to impose reasonable conditions for the issuance of a permit or deny an application. If the application presents novel or unusual circumstances, the Director may, at its discretion, refer the application to the Planning Commission for its review, in which event the Planning Commission shall consider the requirements of this Section and may impose reasonable conditions as provided herein. The Application shall be accompanied by a fee in the amount described in the City's Consolidated Fee Schedule. An application for a temporary use permit shall be accompanied by the following information:
- (1) A detailed written description of the proposed temporary use, including requested duration of the use and hours of operation.
 - (2) A site plan of the lot or parcel on which the requested use is to be conducted. The site plan shall include the following information:
 - (A) a drawing depicting the entire site and adjacent roads, parking areas, curb, gutter, sidewalk and curb cuts;
 - (B) that provisions have been made for the safe and efficient flow of vehicular, non-vehicular and pedestrian traffic within the site and on adjacent public roads; and
 - (C) provisions for on-site sanitary facilities.
 - (3) Where applicable to the proposed use, and to facilitate the Director's evaluation of the application, the application shall include information described in subparagraph (f), below.
 - (4) If the applicant is not the owner of the property, the application shall include a written document signed by the owner(s) of record, giving the owner's permission for such temporary use to take place.
 - (5) Where required by law, the application shall be accompanied by permits or permissions required of other governmental agencies, including without limitation the County Health Department, the South Davis Metro Fire Service Area, etc.
 - (6) All additional materials required for the particular proposed use as described in subsection (c), above.
- (e) Site and Operational Requirements; Bond Required.
- (1) Parking areas for the proposed use shall be surfaced with asphalt, concrete or other hard surface material that will mitigate any adverse effects of parking on the premises.

- (2) Sufficient space shall be available for any on-street or off-street parking and traffic circulation generated by the use.
 - (3) Where deemed appropriate by the Director based on the extent of the use, the number of patrons anticipated and similar factors, permanent or temporary sanitary facilities shall be provided for personal sanitation and waste disposal.
 - (4) Night lighting, if allowed, shall be compatible with adjacent uses and shall comply with lighting requirements of the zone.
 - (5) Hours of operation shall be compatible with adjacent uses.
 - (6) Signs must be approved by the Director.
 - (7) No temporary use shall be placed or operated within the public right-of-way.
 - (8) Display areas shall be limited to those shown on the site plan.
 - (9) In addition to the standards listed above the following shall apply to construction offices and construction staging areas:
 - (A) Site shall be surrounded with a 6-foot tall fence. Chain link or similar protective material shall be utilized to ensure the protection of the area.
 - (B) The site shall be covered with a hard or gravel surface to prevent dust and mud, to prevent gravel, mud and other debris from leaving the site or tracked onto adjacent streets and shall otherwise comply with all SWPPP plan requirements or other requirements of the City and other governmental agencies.
 - (C) Hazardous material shall not be stored on site.
 - (D) All activities shall comply with other City, County, State and Federal Requirements.
 - (10) Before a permit is issued, and in order to ensure that the site is restored to its original condition, the applicant shall post a cash bond or irrevocable letter of credit in an amount sufficient to meet the purposes of this section; the amount of the bond shall be determined by the Director.
- (f) Approval Standards. The Director shall consider whether the application is complete and whether the application meets all requirements of this Section and of this Title. If deemed appropriate, the Director may require additional information to determine whether the requirements of this Section are met. Upon review, the Director may: approve a completed application; impose such requirements and conditions as are needed to mitigate the anticipated adverse effects of the proposed use and to provide for the protection of adjacent

properties and to provide for public health, safety and welfare; and upon a finding that the requirements of this Section and this Title are not met, reject an application.

- (g) Expiration of Temporary Use. Each temporary use permit shall include an expiration date based upon the nature of the use. The expiration date for the temporary use shall be set forth in the permit, and in any event shall not extend beyond December 31 of the year the application is submitted.

Upon expiration of the temporary use permit, the site shall be restored to its original condition.

Failure to restore a site to its original condition shall disqualify an applicant for a similar use within the subsequent two (2) years.

- (h) Revocation of Temporary Use Permit. If the Director determines that an applicant has violated any condition and requirement of an approved permit, the permit shall be revoked as provided herein.

- (1) If the Director determines that the violation presents an immediate danger to the health, safety or welfare of any individual or the public, the permit shall be revoked without prior notice; whereupon the applicant shall be entitled to a hearing before the Director within ten (10) days. After the hearing, the Director may sustain the revocation, amend the permit to provide appropriate requirements and conditions to ensure danger is eliminated, or may reinstate the permit without further conditions; said determination shall be memorialized in writing.

- (2) If the violation does not present an immediate danger as set forth in subparagraph (1) above, the Director shall give the applicant notice of the violation and notice of his/her intent to revoke the permit; and within ten (10) days of the notice, the applicant shall be entitled to a hearing before the Director. Following the hearing, the Director may sustain the revocation, amend the permit to provide appropriate requirements and conditions to ensure danger is eliminated, or may reinstate the permit without further conditions; said determination shall be memorialized in writing.

- (3) Following the Director's written decision under subparagraph (1) or (2), above, the applicant may appeal the decision to the Planning Commission as provided in Section 12-28-102, above.

- (4) It shall be unlawful for a person to continue to operate a temporary use after the effective date of revocation as set forth in the notice of revocation issued by the Director.

12-28-112. Self-Service Storage Facilities.

- (a) Purpose and Intent. This section is provided for the development of self- service storage facilities in the City. Said uses are allowed as conditional uses only in the I-1, I-1A, I-2 and AP Zones. It is intended that all such facilities shall be planned

in a manner that they will be in harmony with the intended environment of the listed zones.

- (b) Permits Required; Planning Commission; Appeals. Self Service Storage facilities may be allowed as a conditional use as provided in this Title, subject to the development standards set forth in this section. Where this section does not provide specific direction concerning development standards, the provisions in the other applicable chapters of this title shall apply. All applications for uses under this section shall be reviewed and evaluated by the Planning Commission. Any person aggrieved by a decision of the Planning Commission may appeal said decision by filing an appeal within thirty (30) days of the date of a written decision as provided in Section 12-28-102 above. Appeals of decisions under this section will be heard by the Hearing Officer.
- (c) Development Standards.
 - (1) Land Area Standards. The minimum area required for development of a self-service storage facility is two (2) acres; the maximum area is ten (10) acres.
 - (2) Site Plan Review. The requirements of Chapter 23 of this title shall apply.
 - (3) Landscaping and Irrigation. The requirements of Chapter 25 and Chapter 26 shall apply.
 - (4) Site Design. All buildings within a self-service storage facility shall be situated and/or screened that overhead access doors are not visible from off the site.
 - (5) Setbacks and Screening. The setback requirements of the I-1 Zone shall apply to all developments under this this Section. The entire perimeter of the project shall be screened by a decorative block, decorative concrete or decorative masonry wall, the height of which shall be six (6) feet; where setback requirements are met, the façade of a storage unit structure may be used as the wall required hereunder.
 - (6) Off-Street Parking and Loading. Parking shall be provided by parking lanes adjacent to the buildings. These minimum width of parking lanes shall be:
 - (A) 26 feet where individual units open onto only one side of the parking lane; and
 - (B) 30 feet where individual units open onto both sides of the parking lane.
 - (7) Outside Storage. Outside storage shall be prohibited.
 - (8) Signage. Signs shall be limited to one sign for each property line abutting or adjoining a street right-of-way. Signs identifying the storage facility shall not exceed 15 feet in height measured from adjacent grade and

shall not exceed 40 sq. feet in area; signs are prohibited on the roof of any structure. No additional signs will be permitted on the property or buildings.

- (9) Accessibility. Vehicular ingress-egress shall be limited to one (1) access point for each side of property abutting any public street. The width and depth of street access and driveways shall be so designed as to allow ingress and egress simultaneously by no fewer than two (2) automobiles between the security gate and the road right of way. Ingress plans shall also comply with any emergency vehicle access requirements of the South Davis Metro Fire Service Area.
- (10) Building Heights. Building heights shall be limited to one (1) story, not to exceed 16 feet from the adjacent grade to the eaves of the structure.
- (11) Storage Unit Size. Any storage unit, stall or locker shall not exceed 600 square feet size.
- (12) Lighting. All outdoor lights shall be shielded to direct light and glare solely onto the self-service storage facility premises and should be of sufficient intensity to discourage vandalism and theft. The Planning Commission may set conditions and restrictions on lighting so that adverse negative effects on adjacent properties are mitigated.
- (13) All service-storage facility rental contracts shall include clauses that prohibit:
 - (A) The storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals, and
 - (B) The use of the property for uses other than dead storage. On-site operations conducted by owners or employees (other than loading or unloading materials), equipment or parts assembly, job site preparations, retail, manufacturing, service operations and similar uses are prohibited.
- (14) Conformance with all other applicable City regulations and requirements is required.
- (15) Office; Live-in Manager; Manager's Residence. All approved facilities under this section shall provide: an office in which storage unit-related business activities are conducted; a resident manager; and a resident manager's residence. The resident manager shall be required on site and, together with the owner and operator of the approved facility, shall be responsible for maintaining and operating the facility in conformance with the conditions of approval and all applicable ordinances. The residential facilities for the resident manager shall meet all requirements of the International Building Code and other applicable standardized codes adopted by the State of Utah. No fewer than two (2) covered parking spaces shall be provided adjacent to or incorporated within the manager's residence. No fewer than four (4) parking stalls shall be

provided for customer use adjacent to the facility's office.

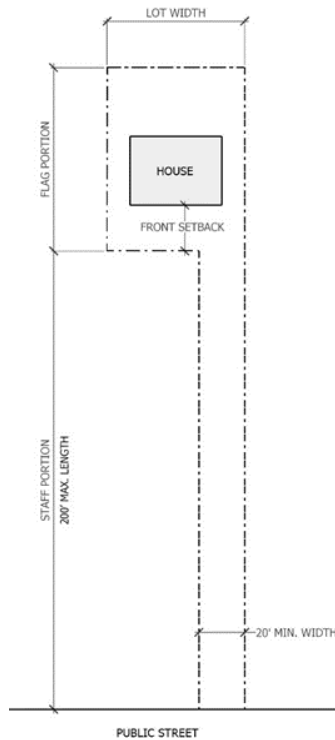
- (d) Use Restrictions. The following uses and activities are prohibited:
- (1) It shall be unlawful for any owner, operator or lessee of any self-service storage facility or portion thereof to offer for sale, or to sell any item of personal property or to conduct any type of commercial activity of any kind whatsoever, other than leasing of the storage units, or to permit same to occur upon any area designated as a self-service storage facility. Provided, however, a self-service storage facility may hold sales or auctions to liquidate property which has been abandoned or to collect unpaid rents; said sales or auctions shall be held no more than four (4) times in a calendar year.
 - (2) It shall be unlawful for any owner, operator or lessee to conduct any business activity other than the self-service storage business.
 - (3) It shall be unlawful to conduct the servicing or repair personal property or equipment including without limitation motor vehicles, boats, trailers, lawnmowers, property maintenance equipment, etc.
 - (4) It shall be unlawful to store flammable liquids, highly combustible or explosive materials or hazardous chemicals, materials or waste on the premises of any self-service storage facility.
- (e) Hours of Operation – Noise. As a condition of approval or of continuing operations, the Director or Planning Commission may restrict the hours of operation if circumstances, including without limitation proximity to residential uses, exist which warrant such a restriction. All operations shall also comply with the noise ordinances and regulations of the City.

12-28-113. Flag Lots.

- (a) Purpose. In order to provide a more efficient use of land and only as a "last resort," flag lots may be approved as a conditional use only when listed as a conditional use within a particular zone. The purpose in allowing flag lots is to accommodate the development of property that otherwise cannot be developed under the regulations contained in the ordinances of the City. The primary purpose of this Section is not to make development of property easier or less costly; rather it is intended to provide a means to evaluate the possible development of property for which there is no other alternative for development.
- (b) Approval Required from Planning Commission; Considerations. The Planning Commission is vested with authority to review and evaluate applications that propose a flag lot. The Planning Commission may approve an application, approve an application subject to conditions or may deny an application for a flag lot. The following items shall be considered by the Planning Commission in determining whether to grant approval of an application for a Flag Lot.
- (1) Under the requirements of the City's Zoning Ordinance and Subdivision Regulations, whether there is sufficient property to provide for a standard

width street and the development of one or more lots meeting the standards of the zone; if there is sufficient property the proposed Flag Lot shall not be allowed.

- (2) Whether the Flag Lot would be adjacent to another Flag Lot; and if so, whether conditions may be imposed that mitigate the adverse effects to two adjacent flag lots.
 - (3) Whether development of the property in question through adherence to the City's zoning and subdivision regulations be impossible under existing ordinances and regulations.
 - (4) Whether creation of a Flag Lot would foreclose the possibility of future development of other interior parcels that are not developable until a street is extended to them across other adjacent properties; if creation of the flag lot would have the potential to foreclose such future development, the application should be denied.
- (c) Flag Lot Requirements. All Flag Lot development shall conform with the following conditions and as illustrated in Figure 2:



*Figure 2
Typical Flag Lot Illustration*

- (1) A Flag Lot shall be comprised of a staff (narrow) portion that is contiguous with a flag (wide) portion.
- (2) The staff portion of the lot shall front on and be contiguous to a public street. For a single lot, the minimum width of the entire length of the staff

portion of the lot shall be twenty (20) feet. For two adjacent flag lots, the lots may share the staff portion of the lots, and the minimum width of the staff portion of the lots shall be thirty (30) feet.

- (3) All driveways shall be paved along their entire length with asphalt or concrete. Such surfaces shall be designed and maintained to support the imposed loads of fire and emergency vehicles. The minimum paved width of a driveway shall be 10 feet. A shared (two-lot) staff shall have a minimum paved width of 18 feet.
- (4) The staff portion of a flag lot shall require a minimum setback from any adjacent permanent structure of eight (8) feet; sheds and detached garage-type structures that do not include any residential facilities shall be exempt from this requirement.
- (5) The length of a Flag Lot staff shall not exceed 200 feet.
- (6) No building or structure shall be located in the staff portion of the lot.
- (7) The flag portion of the Lot shall conform to the minimum lot development standards of the zoning district in which it is located. In addition, all yard setbacks and all other regulations of the zoning district shall apply to the flag portion of the lot.
- (8) For purposes of determining front, side and rear yard setbacks, the Planning Commission shall have discretion to determine the orientation of the house in a manner that will mitigate the negative adverse effects of proposed structure.
- (9) Any portion of a Flag Lot staff that is not hard surfaced for egress/ingress shall be landscaped.
- (10) In order to mitigate the adverse effects of a flag lot, the Planning Commission may require fencing or another suitable barrier to be erected around the staff portion of the Lot.
- (11) The main building on a Flag Lot shall be located no further than 250 feet from the street on which the Lot has frontage. The main building shall be located no further than 250 feet from a fire hydrant measured over a route a fire hose would logically be laid; provided however that the distance and route from a fire hydrant to the main structure shall be subject to the approval from the South Davis Metro Fire Service Area.
- (12) All requests for Flag Lot development shall be submitted to the South Davis Metro Fire Service Area for review and approval prior to Planning Commission review. Approval of the Fire Service Area shall be a condition precedent to the approval of a Flag Lot.
- (13) All Flag Lots shall have the street address displayed in a prominent location where the staff portion fronts on the public street.

- (d) Subdivision Regulations. All flag lot development shall conform to the requirements of the City's Subdivision Ordinance.

12-28-114. Noise Abatement Requirements.

Any proposed development adjacent to a proposed or existing State Highway or Interstate Highway that is to be utilized for a noise sensitive use as defined by the latest Utah Department of Transportation Noise Abatement Policy shall include noise abatement measures consistent with the latest UDOT Noise Abatement Policy and other requirements determined by the Planning Commission to be appropriate and necessary to mitigate the negative effects of the development.

12-28-115. Sexually Oriented Businesses.

- (a) Purpose. The purpose and objective of this Section is to establish reasonable and uniform regulations to limit the concentration of sexually oriented businesses or their location in areas deleterious to the City, regulate the signage of such businesses, and to control the adverse effects of such uses and signage. This Section 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.
- (b) Definitions. Terms involving sexually oriented businesses which are not defined in this Title shall have the meanings set forth in the City Business Regulations regarding sexually-oriented businesses.
- (c) Approval Required from Planning Commission. The Planning Commission is vested with authority to review and evaluate all applications under this section. Upon review and evaluation of a complete application, the Planning Commission may: approve a completed application; may impose such requirements and conditions as are needed to mitigate the anticipated adverse effects of the proposed use and to provide for the protection of adjacent properties and to provide for public health, safety and welfare; and upon a finding that the requirements of this Section and this Title are not met, may reject an application.
- (d) Location of Businesses.
 - (1) Outcall services shall be allowed as a conditional use in areas zoned C-2 and I-1.
 - (2) Sexually oriented businesses, except outcall services, shall only be allowed as a conditional use in areas zoned I-1, I-1A or I-2, provided that no sexually- oriented business shall be located:
 - (A) Within 1,000 feet of any school, public park, library, or religious institution;
 - (B) Within 500 feet of any agricultural or residential zoning boundary within the City; or
 - (C) Within 600 feet of any other sexually oriented business, except

outcall services.

- (3) 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.
 - (4) 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.
- (e) Effect on Non-Conforming Businesses. All existing legal, non-conforming sexually oriented businesses, as of the effective date of the ordinance codified in this Section, or any amendment hereto, shall comply with the provisions of this Section within nine (9) months from the date this ordinance is enacted.
- (f) Signs. In addition to, and notwithstanding anything contrary contained in the City's Sign Ordinance, the following more restrictive requirements for signs shall prevail. Signs for sexually oriented businesses shall be limited as follows:
- (1) No more than one exterior sign shall be allowed.
 - (2) No sign shall exceed 18 square feet in size.
 - (3) No animation shall be permitted on or around any sign or on the exterior walls or roof of such premises.
 - (4) Signs shall contain alphanumeric copy only. No descriptive art or designs that depict any activity related to or inferring the nature of the business are prohibited.
 - (5) Only flat wall signs and/or awning signs shall be permitted.
 - (6) Painted wall advertising shall not be allowed.
 - (7) 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.

12-28-116. Single-Family Dwelling Regulations.

In addition to the requirements set forth elsewhere in this Title and in the Code, all single-family dwellings within Woods Cross City shall comply with the following:

- (a) Building Lot. Except as otherwise provided, every dwelling shall be located and maintained on a separate building lot having no less than the minimum area,

width, setbacks, yard, and frontage requirements for a dwelling in the zone in which the lot is located.

- (b) **Minimum Size.** All primary dwellings erected within the City shall have a minimum of one thousand (1,000) square feet exclusive of a garage
- (c) **Federal Standards and Uniform Codes.** All dwellings must be constructed in accordance with the International Building Codes and other uniform codes, as adopted amended by the State of Utah and the City, or be certified under the Federal Manufactured Housing Construction and Safety Standards Act (HUD Code) and approved and issued an insignia by the U.S. Department of Housing and Urban Development. If the dwelling is certified by the Department of Housing and Urban Development, the dwelling or additional structures may not be modified in violation of the HUD Code or in violation of the International Building Codes and uniform codes, adopted and amended by the State and City.
- (d) **Real Property.** The real property and the dwelling thereon must be held in common ownership and taxed as real property.
- (e) **Permanent Foundation.** All dwellings must be installed and secured to a permanent concrete foundation in accordance with the International Building Codes, as adopted and amended by the State of Utah and the City, or the Installation Standards as defined in Chapter 2 of this Title, whichever is applicable.
- (f) **Utilities.** All dwellings must be permanently connected to and approved for utilities required to serve the premises, including without limitation culinary water, secondary irrigation water, sanitary sewer, gas, electrical, telecommunications, etc.
- (g) **Exterior Siding.** Exterior siding and trim materials shall consist of durable, weather resilient materials approved for dwelling construction in the then current version of the International Building Code and other duly adopted standardized codes. Typical siding would include materials such as masonry, stucco, wood, vinyl, concrete siding products, composite siding products, and steel or aluminum residential siding.
- (h) **Garages.** All dwellings shall include a garage or carport constructed concurrently with the dwelling in accordance with the provision of Chapter 24 of this Title and the International Building Code and other standardized codes adopted and amended by the State of Utah and the City.
- (i) **Model Homes.** No residential occupancy permit shall be issued for a developer's model home until such time as the structure has been fully converted for use as a residence. The conversion shall include but not be limited to restoring a garage used as an office to a fully functional garage, driveway restoration and the removal of promotional signage and lighting. The restoration of all areas with appropriate landscaping shall be completed by the end of the next growing season. The developer or contractor constructing the model home shall provide the City with a performance bond to ensure the residential conversion upon termination of the use of the model home. The City shall determine the amount of

the bond based on the anticipated cost of converting the garage, landscape and other components to their intended residential use.

- (j) Street Parking. All single-family dwellings and developments shall comply with the parking requirements of this Chapter and this title. See Code §14-15-040.¹

12-28-117. Urban Chickens.

- (a) Purpose and Intent: This Section sets forth conditions and regulations for keeping urban chickens for personal use in zones where authorized as a conditional use. Applications, inspections, approvals and other proceedings under this section shall be processed by the Director. Any person who contests a decision of the Director shall follow the process and procedures referred to in Section 12-28-103, above.
- (b) Application and Permit.
 - (1) It is unlawful for any person to keep urban chickens without first making an application for and obtaining a permit. The fee for such permit shall be as set forth in the City's Consolidated Fee Schedule.
 - (2) An application for an urban chicken permit shall be signed by an owner of the property; if an application is submitted by a lessee of property, the application shall be accompanied by a signed statement of the owner giving permission for the proposed urban chickens use.
- (c) Conditions and Regulations. The following shall apply to all urban chickens permitted by this section.
 - (1) Urban chickens may be kept for personal, family or household use only. Urban chickens shall not be kept for the purpose of commercial production, distribution or sale.
 - (2) No more than a combination of ten (10) hen chickens or chicks shall be allowed on a single lot or parcel. Chickens exceeding this number shall immediately be removed. Abandonment of chickens at any off-premise location is strictly prohibited.
 - (3) Mature roosters, defined as male chickens being 4 months of age or older, are prohibited; roosters older than four (4) months shall immediately be removed from the property. Failure to do so shall be a violation of this ordinance and shall be cause for revocation of a permit issued under this Section.
 - (4) One or more partially enclosed and/or roofed structures (e.g. cages, pens, coops, etc.) shall be placed at least three (3) feet behind rear line of

¹ Limits on-street parking of vehicles as follows: Except as otherwise provided herein, no person shall park a trailer, boat, motor vehicle, bus, camping vehicle, truck, vehicle or any other similar contrivance upon any highway within the jurisdiction of Woods Cross City for more than a continuous twenty-four (24) hour period.

the main building on an approved lot or parcel, at least one (1) foot from all property lines, and fifteen (15) feet from dwellings on adjacent lots.

- (5) A chicken coop or structure must provide at least two (2) square feet of space for each chicken kept therein.
 - (6) All structures for housing urban chickens shall be kept and maintained in a clean and sanitary condition for the health and well-being of the chickens and the surrounding neighbors.
 - (7) All coops or structures where chickens are kept shall be painted or sprayed with disinfectant at regular intervals; the maximum interval shall be four months.
 - (8) All droppings under roosts or hutches shall be cleaned out at regular intervals; the maximum interval shall be two (2) weeks.
 - (9) A minimum of 400 square feet of fenced landscaped rear yard area shall be provided.
 - (10) All feed shall be stored within a container that is designed and maintained in a manner that keeps rodents from entering therein.
 - (11) The slaughtering of hen chickens shall be permitted for personal food; all discarded material shall be placed within a secured container and disposed of in a manner that complies with applicable health regulations.
 - (12) It is unlawful for the owner of property on which urban chickens are kept, or for any person in charge of urban chickens, to allow, permit or cause any chicken to trespass upon the premises of another.
 - (13) It shall be unlawful for any person to keep chickens in a manner contrary to provisions of this Section or of applicable City or County animal control regulations.
 - (14) The Director is authorized to require such other conditions for a permit as may be needed to mitigate the negative adverse effects of the use.
- (d) Enforcement; Revocation of Permit. In the event of a violation of this Section, enforcement and revocation proceedings may be commenced as provided in this Chapter.

12-28-118. Apiaries (Beekeeping).

- (a) Purpose and Intent: This Section sets forth conditions and regulations for keeping apiaries in designated zones within the City. Applications, inspections, reviews, approvals and other proceedings under this section shall be processed by the Director. Any person who contests a decision of the Director shall follow the process and procedures referred to in Section 12-28-103, above.

- (b) Application and Permit. It is unlawful for any person to keep within the City any apiary without first making an application for and obtaining a permit. The fee for such permit shall be set forth in the City's consolidated fee schedule. The application shall be accompanied by a site plan that shows the location of any hive(s) on the premises and demonstrates compliance with the requirements of this Section.
- (c) Unhealthy Condition, etc. It shall be unlawful to keep any colony of bees in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal use and enjoyment of human and animal life, or interfere with the normal use enjoyment of any private or public property.
- (d) Flyways. If a hive or colony is located within 25 feet of a property line, as measured from the nearest point on the hive to the property line, the beekeeper and/or property owner shall establish and maintain a flyway barrier of at least 6 feet in height. The flyway shall be composed of a solid wall, fence, dense vegetation, or combination thereof that is parallel to the property line and extends 10 feet beyond the hive or colony in each direction; the purpose of the flyway shall be to ensure that all bees are forced to fly at an elevation of at least 6 feet above the ground level when passing over property lines in the vicinity of the apiary.
- (e) Water. A convenient source of water shall be maintained at all times; the purpose of this requirement is to ensure that bees will not congregate at swimming pools, pet watering bowls, bird baths, or other water sources where they may cause human, bird, or domestic pet contact.
- (f) Number of colonies. The maximum number of hives or colonies on a lot or parcel of land shall be determined by the size or configuration of the lot or parcel of land as follows:
 - (1) One quarter acre or less – 2 colonies/hives;
 - (2) More than one quarter acre but less than one half acre size – 4 colonies/hives;
 - (3) More than one half acre but less than one acre – 6 colonies/hives;
 - (4) One acre or larger – 8 colonies/hives; and
 - (5) Where all colonies or hives are located at least 200 feet in any direction from all property lines there is no limitation on the number of colonies/hives that may be kept on the premises.
- (g) State Registration. All apiaries shall be registered with the Utah Department of Agriculture as required by the laws, rules and regulations of the State; the issuance of an apiary permit shall be conditioned upon, and shall not become effective until, the applicant has presented written proof of registration and licensing with the State.

- (h) Conflicts with Mosquito Abatement Efforts. The issuance of a permit under this Section shall not impose any duty upon the City with respect to mosquito abatement work performed by any governmental agency within the City. The holder of a permit is solely responsible for communicating with mosquito abatement agencies that perform such work within the City.
- (i) Enforcement; Revocation of Permit. In the event of a violation of this Section, enforcement and revocation proceedings may be commenced as provided in this Chapter.

12-28-119. Westwood Mobile Home Subdivision.

Any addition or enlargement of buildings or structures located within the Westwood Mobile Home Subdivision which are approved by the City pursuant to the provisions of Chapter 12-35 Prior Non-conforming Uses shall comply with the following requirements:

- (a) No home, measured from foundation or mobile home structure without add-ons to the property line, shall be located closer than ten (10) feet to the property line.
- (b) Add-ons, consisting of patios, carports, cemented or hard surfaced areas, or other non-enclosed additions to the manufactured mobile home, shall be located not closer than five (5) feet from the property line. All such homes and add-ons shall be set back at least ten (10) feet from the road curbs.
- (c) If the mobile home tongue remains attached to the home, the tongue shall be set back a minimum of six (6) feet from all road curbs or walks.
- (d) Accessory buildings are prohibited in any front yard; all such structures shall be located in a side or rear yard, shall have a side and rear yard setback of not less than one (1) foot and shall be located not closer than ten (10) feet to a mobile home on adjacent property.
- (e) Driveways shall not be considered part of the home or add-ons for the purposes of this Section.

12-28-120. Rail Spurs as a Conditional Use.

- (a) Application and Development Agreement. Rail spurs are allowed as a conditional use in Light Industrial (I-1) and Heavy Industrial (I-2) Zones. No application for a conditional use permit for a rail spur in the City shall be approved until the property owner proposing the rail spur and the City have entered a written development agreement. The development agreement shall not become effective until approved by the Woods Cross City Council. The issues to be addressed in the written development agreement shall include the following:
 - (1) A completed set of design plans showing, in detail, the location and elevation of each rail spur and its size and location, as well as all construction, development and structures associated with the use of the rail spur including facilities to load or unload rail cars and other issues addressed in this Section;

- (2) How the rail spur will improve the safety of the community and other benefits to the community;
 - (3) Impact on at-grade railroad crossings particularly changes that may negatively impact the movement of street traffic throughout the City. This shall include details about the current traffic level of rail cars used at the facility, any increase or decrease in rail traffic that will be generated by the proposed new rail spur, and the effect of such rail traffic upon the movement of street traffic throughout the City;
 - (4) How the proposed rail spur will affect air quality in the City and protect or improve air quality;
 - (5) Impacts on adjacent properties and the surrounding neighborhood such as sound, odor, light, glare and aesthetics, including information about the hours of operation for the rail spur, the purpose of which is to evaluate and ensure there are no negative impacts on adjacent residential uses;
 - (6) Buffering elements shall be required for sound, light, glare, odors and aesthetics on boundaries adjacent to or within 1,500 feet of residential uses;
 - (7) Provisions for handling waste, wastewater and storm waters, including the installation of environmental containment systems at the facility;
 - (8) Compliance with applicable regulations of any governmental agencies having jurisdiction over the business operations of the property owner or user.
 - (9) Details regarding the removal or modification of any existing rail spurs and other structures or facilities;
 - (10) The impacts on any public infrastructure not addressed herein;
 - (11) Compliance with the City Code and the City's General Plan;
 - (12) Any other matters that relate to the protection and promotion of the health, safety and welfare of the City residents and the general public; and
 - (13) The development agreement shall include the legal description of the real property involved and shall be recorded with the office of the Davis County Recorder.
- (b) The Planning Commission is vested with authority to review applications made under this Section; upon completion of its review the Planning Commission shall give its recommendation to the City Council who shall have authority to approve, approve with conditions, or deny the application. A person aggrieved by a written decision of the City Council may file its appeal with the City Recorder within 30 days of the date of decision. Said appeal will be heard by the Hearing Officer and shall follow the rules and procedures set forth in Section 12-4-103.

12-28-121. Development Agreements.

The City is empowered and authorized to utilize development agreements to accomplish the purposes of its land use ordinances. All development agreements entered by the City shall comply with the requirements of the City's ordinances and regulations and with applicable laws of the State.

12-28-122. Public Utility Facilities.

- (a) Definitions. As used herein the terms "Public Utility Facilities," "Facilities" or "Facility" mean an above-ground or at-grade device or group of devices of a culinary water, irrigation, sewer, natural gas, electricity, telecommunications, cable television, or other public, quasi-public or private utility system. For purposes of this Title, Public Utility Facilities are deemed a "quasi-public use." Excluded from this definition are:
- (1) conventional utility poles;
 - (2) features or equipment to be placed on utility poles;
 - (3) features or equipment whose primary benefit is limited to the building or land use where the feature or equipment is located; and
 - (4) facilities for the treatment or storage of solid or hazardous waste.
- (b) Purpose, Scope and Intent. The purpose of this Section is to establish use and development regulations for public utility facilities to ensure they are compatible with adjacent or nearby uses. These requirements shall not be construed to prohibit or limit other applicable provisions of this Title, the Woods Cross City Code, or other laws. By adopting this Section, the City intends to minimize the visual impact of Public Utility Facilities on streets, open spaces and adjoining development, to minimize the impact of Public Utility Facilities on vehicular and pedestrian traffic in the City, to ensure appropriate and safe sight lines, to separate larger Public Utility Facilities from residential uses to the extent reasonably possible, to promote aesthetic values within the City, and otherwise to ensure the health, safety and welfare of the residents of the City.
- (c) Applications; Conditional Uses; Director Review; Planning Commission Review.
- (1) Applications shall be filed with the office of the Director on forms provided by the City and shall be accompanied by the fee required by the Consolidated Fee Schedule.
 - (2) Applications made under subsection (d) below (facilities within public utility easements or on property owned by the public utility; size limitations) shall be processed by the Director, who may approve, approve with conditions, or deny an application.
 - (3) Applications made under subsection (e) shall be reviewed by the Planning Commission, who may approve, approve with conditions, or deny an application.

- (4) All applications under this Section are subject to review under the conditional use provisions (Chapter 12-35) and the site plan provisions (Chapter 12-23) of this Title. The Director or Planning Commission shall ensure that any proposed Public Utility Facility meets the requirements of this Section and that the negative impacts of each such facility are reasonably mitigated.
- (d) Facility Development Standards. A Public Utility Facility that conforms to the development standards of this subsection (d) shall be a conditional use in any zone in the City.
- (1) Location. An allowed Public Utility Facility to be developed on property owned by the public utility or within a dedicated public utility easement, shall be located at least fifteen (15) feet from any habitable structure and shall not be located in the path of any planned street or trail as illustrated on the City's General Plan.
 - (2) Maximum Size. The maximum above-ground or at-grade size, consisting of equipment and any surrounding real property needed for the facilities, of an allowed Public Utility Facility shall be as follows:
 - (A) If located within the park strip of an improved street, five (5) feet horizontally parallel to a street by four (4) feet perpendicular to the street and three (3) feet vertically above existing grade. If the cover for a Facility is at grade level, five (5) feet horizontally parallel to the street by four (4) feet perpendicular to the street.
 - (B) If not located within the park strip of an improved street, six (6) feet in any direction horizontally and six (6) feet vertically above grade.
 - (3) Color and Appearance. An allowed Public Utility Facility shall be painted or constructed of materials with earth-tone colors.
 - (4) Security. An allowed Public Utility Facility shall be made secure by the use of secure permanent materials, design elements that make the facility less obtrusive, permanent fencing, walls or similar features as needed to provide public safety and to protect utility equipment; industry standards may be considered in assessing the security need of such facilities.
 - (5) Visual Obstructions – Clear View Requirements. An allowed Public Utility Facility shall conform to the visual obstruction and clear view regulations of this Title.
- (e) Other Public Utility Facility Development Standards., may be established in any zone where such use is allowed as a permitted, conditional or nonconforming use, and shall be subject to the requirements of this Title, and the following development standards:
- (1) Landscaping. The Public Utility Facilities site shall be landscaped in accordance with a landscaping plan approved by the Planning

Commission and shall comply with applicable landscape requirements of this Title.

- (2) Fencing and Security. Facilities shall be obstructed by a fence constructed of cast concrete, masonry block or material of similar strength and appearance, and shall be secured by locking gates of an appearance that is compatible with the fence and with surrounding development.
- (3) Location, Size and Access Requirements – Residential Zones. Public Utility Facilities that are to be located in the R-1-8, R-1-15/20, R-2, R-4, SFRT and CRT Zones shall be subject to the following requirements:
 - (A) Facilities shall not be located in any park strip or front yard;
 - (B) Facilities shall be at least fifteen (15) feet from a residential use or structure; and
 - (C) Facilities shall not exceed dimensions of twelve (12) feet horizontally in any direction, and ten (10) feet vertically above grade.
- (4) In all other zones where Public Use Facilities are identified as a conditional use (or modifications of a nonconforming use), the development of a Public Utility Facility shall not be subject to maximum size requirements; provided however, that the other factors identified in this Section, including the matters addressed in subparagraph (f) below, are considered, setbacks from property lines and public streets are met, and reasonable size and screening requirements are established that mitigate the adverse effect of such facilities. Facilities are not required to be located adjacent to a dedicated street, in which event, access to Facilities shall be secured by an approved and dedicated easement.
- (f) Other Considerations. The Director or Planning Commission shall consider, and may condition approval upon, the following factors in assessing the mitigation of adverse effects of such facilities:
 - (1) compatibility with the City’s General Plan;
 - (2) parcel size needs in light of the purposes and needs of the Facilities and the activities to be performed thereon;
 - (3) parking needs;
 - (4) access considerations;
 - (5) vehicular and pedestrian traffic adjacent to the Facilities and within the perimeter of the Facilities;
 - (6) equipment to be utilized at the Facilities and its movement onto and within the Facilities; and

- (7) maintenance needs for the Facilities and adjacent improvements including, without limitation, ongoing maintenance of landscaping and fencing.
- (g) Appeals. Any person aggrieved by a decision of the Director may file an appeal with the Planning Commission within thirty (30) days of the Director’s written decision as provided in Section 12-28-103. Any person aggrieved by a decision of the Planning Commission may file an appeal as provided in Section 12-2-103; said appeal is to be heard by the Hearing Officer.

12-28-123. Accessory Dwelling Units (ADUs).

- (a) Purpose and Intent; Director Review. The purposes of this Section are to assist in the creation of new housing units; to support a more efficient use of existing housing stock and infrastructure; to provide housing that responds to changing family needs, smaller households, and increasing housing costs; and to provide reasonable regulations for the construction and use of Accessory Dwelling Units within the City.

The Planning Commission is vested with authority to review and evaluate applications under this Section and to approve, approve with conditions, or deny any such application. Conditions imposed for approval shall be designed to mitigate any adverse effects of an ADU.

- (b) Limitations on Accessory Dwelling Units
 - (1) External Accessory Dwelling Units (“EADU”) are not allowed as a permitted or conditional use in any zone of the City. Mobile homes, recreational vehicles, travel/camp trailers and similar units are prohibited for use as an EADU or for any other dwelling purpose under this Title.
 - (2) Internal Accessory Dwelling Units (IADUs) – Use and Location. Subject to the requirements of this Section, one IADU is allowed as a permitted use in a single-family dwelling in any zone that is primarily for single-family residential uses, e.g., the City’s R-1-8, R-1-15/20 and SFRT Zones; IADUs are also allowed in a single-family dwelling in the A-1 Zone
 - (A) The IADU shall be located within the footprint of the primary dwelling at the time the IADU is created.
 - (B) The IADU shall be used exclusively for the purpose of offering a long-term rental of thirty (30) days or longer.
 - (C) The IADU may house a maximum of four (4) unrelated tenants.
- (c) General Regulations. The following regulations shall apply to all IADUs in the City.
 - (1) Parking. A primary dwelling with an IADU shall provide parking in a manner consistent with the City’s parking ordinances, rules and regulations. In addition to the parking standards of the City and in the

applicable Zone, there shall be at least one (1) off-street parking stall for an IADU. If an IADU is created within a garage or carport, the parking spaces previously contained within the garage or carport shall be replaced with similar facilities.

- (2) The minimum size of the IADU shall be four hundred (400) square feet of living space within the primary dwelling.
- (3) The IADU shall comply with all applicable building, health and fire codes.
- (4) The IADU shall be designed in a manner that minimizes any changes in the appearance of the primary dwelling as a single-family dwelling.
- (5) An IADU is prohibited within any mobile home (as defined by U.C.A. §57-16-3).
- (6) If the primary dwelling is served by a septic tank, written approval shall be required from the Davis County Health Department.
- (7) The lot or parcel on which the primary dwelling is located shall be at least 6,000 square feet in size.
- (8) An IADU shall provide kitchen, sleeping, and sanitary facilities that are separate from those provided within the primary dwelling unit.
- (9) The IADU shall share all utility meters with the primary residence.
- (10) An IADU will not be given a separate address by the City. Residences with IADUs may refer mail to the IADU by the same street address as the residence and refer to the owner-occupant as located in unit "A" and the tenant(s) in the IADU as located in unit "B," or by similar logical distinction.
- (11) An IADU shall not be used as a Short-term Rental, shall not be listed for rental on a short-term rental website or for rental in any other media or publication.

(d) IADU Application and Permit:

- (1) Every owner of an IADU in the City shall obtain a permit before any portion of a single-family residence is used for that purpose. A permit issued under this Section does not run with the land and expires upon the residence failing to be owner-occupied or upon the sale of the residence.
- (2) An application for an IADU permit shall be filed with the Director and accompanied by the fee required by the Consolidated Fee Schedule.
- (3) An applicant shall file a site plan and floor plan with the application. The site plan and floor plan shall demonstrate that all requirements of this section are met, including without limitation requirements related to: compliance with all health, building and fire codes; parking requirements;

size of the IADU; utility services; and kitchen, sleeping and sanitary facilities.

- (4) The site plan and floor plan shall be drawn accurately to scale showing property lines and dimensions, the location of existing buildings or additions, distances from buildings or additions to property lines, the location of parking stalls, utility meters, entrances to the home, and areas within the single-family residence to be used as an IADU.
- (e) Noncompliance; Revocation or Withdrawal of Permit. A permit for an IADU may be revoked or withdrawn in the following circumstances:
 - (1) The conditions upon which the permit has been issued no longer are maintained by the property owner;
 - (2) The requirements of this Section or the permit have been violated; or
 - (3) The property owner applies for a withdrawal by submitting a sworn declaration that the property owner or lawful tenant is not and will not allow any occupant to use the accessory dwelling unit in violation of this section.
- (f) Enforcement; Revocation of Permit. In the event of a violation of this Section, enforcement and revocation proceedings may be commenced as provided in this Chapter.

12-28-124. Short-term Rentals.

- (a) Purpose; Allowed Locations. The purpose of this Section is to establish the process for permitting of short-term rentals whether as a vacation rental or otherwise. The intent is to protect the integrity and characteristics of established land use districts by ensuring that short-term or vacation rentals are operated in a manner that minimizes negative impacts of those uses on neighbors, public services and the surrounding community. A Short-term rental use is allowed as a conditional use in any residential zone.
- (b) Planning Commission Review. The Planning Commission is vested with authority to review and evaluate applications under this Section and to approve, approve with conditions, or deny any such application.
- (c) Definitions:
 - (1) Responsible Party. The owner(s), agent(s) or management company responsible for the operation and maintenance of the Short-term Rental property and for its compliance with all laws, rules and regulations applicable to the same.
 - (2) Occupant(s). The individual(s) renting or residing in a Short-term Rental dwelling unit.

- (3) Pets. Dogs, cats or other domesticated animals allowed under City ordinances that, with permission of the Responsible Party, accompany the occupants of the Short-term Rental.
- (d) Permit Required. A Conditional Use Permit and all licenses and permits required by the Davis County Health Department and the State shall be required for all properties used as Short-term Rentals. The fee required by the consolidated fee schedule shall accompany the conditional use application.
- (e) Application for Permit. The application for a Conditional Use Permit shall be made on forms provided by the City and shall include a phone contact number and email address for the owner and, as applicable the Responsible Party. The application shall be accompanied by a site plan and floor plan that demonstrate that all requirements of this section are met. The plans shall be drawn to scale showing the location of all buildings, property lines, distances from property lines to all buildings, the location of all parking stalls, utility meters, entrances, and such other information as may be required by the application. The drawings shall also demonstrate compliance with all applicable building, health and fire codes. If the application is made by any person other than the owner of the property, or if the property is not owner-occupied or owner-managed, the application shall be accompanied by a signed document demonstrating the owner's permission to use the premises as a Short-term Rental, identifying the Responsible Party, and providing all details about the identity and business operations of the Responsible Party as may be required in the application.
- (f) Prior to operating a Short-term Rental, the owner or Responsible Party shall obtain conditional use approval, and shall meet all requirements of the Conditional Use Permit. At the time of, or prior to, receiving conditional use approval, the Responsible Party shall register the business with the State, and obtain a State Sales Tax ID number; proof of the same shall be filed with the City.
- (g) Review. The Planning Commission shall review complete applications for a Conditional Use Permit under this Section and shall approve, approve with conditions, or deny the application based on the criteria listed in this Section. In addition to the requirements of this Section, the Planning Commission may impose conditions that are necessary to mitigate the potential adverse effects of the Short-term Rental on neighbors and nearby uses.
- (h) Reports and Taxes. The Responsible Party shall comply with all reporting requirements incident to the use as a Short-term Rental property, and shall collect and remit all sales, resort and transient room taxes to the State Tax Commission.
- (i) Noise, Nuisances and Adverse Effects of Use. The Responsible Party shall regulate the occupancy of the Short-term Rental and ensure that:
 - (1) Occupants and their pets do not create noise or other conditions that by reason of time, nature, intensity or duration are out of character with noise and conditions customarily experienced in the surrounding neighborhood;

- (2) Occupants do not disturb the peace of surrounding residents by engaging in outside recreational activities or other activities that adversely affect nearby properties before 7:00 a.m. or after ten o'clock p.m.;
 - (3) Occupants and their pets do not interfere with the privacy of nearby residents or trespass onto nearby properties;
 - (4) Occupants do not engage in disorderly or illegal conduct, including illegal consumption of drugs or alcohol; and
 - (5) The premises, responsible party and all occupants strictly comply with Utah Administrative Code Rule R392-502, Public Lodging Facility Sanitation.
- (j) Parking. On-street parking is prohibited. An off-street parking stall shall be provided for each vehicle, including trailers, an Occupant brings to the premises of the Short-term Rental. The number of Occupants' vehicles shall not exceed the number of bedrooms available in the Short-term Rental.² Vehicles parked at the Short-term Rental shall not impede clear sight distances, create a nuisance or hazard, violate any City laws or winter-restricted parking requirement, or infringe on the property rights of any adjacent or nearby property. Parking of vehicles shall be entirely within a garage or carport, or upon a driveway or other approved paved surface. Parking is prohibited within any landscape area.
 - (k) Camping equipment, facilities and other temporary facilities. All Short-term Rentals shall be conducted entirely within an approved residential dwelling unit. Occupied camp trailers, travel trailers, recreational vehicles, tents, yurts, or any similar structures are prohibited.
 - (l) Signage – Exterior and Interior. Exterior signage other than ordinary street address signage is prohibited.
 - (m) The Responsible Party shall provide a prominent display within the dwelling unit that provides, at minimum, the following information:
 - (1) contact information for the Responsible Party at which it may be contacted at any time (24/7);
 - (2) all local regulations addressing noise, parking, pets, trespassing, illegal activity, and conduct; and
 - (3) any additional rules or regulations imposed by the Responsible Party.
 - (n) Maintenance and Standards. Any property licensed as a Short-term Rental shall conform to the following standards:
 - (1) Structures shall be properly maintained and all facilities such as plumbing, HVAC equipment, appliances, etc. kept in a condition that is fully operational and otherwise in good repair.

² The maximum number of bedrooms in a Short-term rental is four (4). See Definitions; Chapter 12-2.

- (2) Grounds and landscaped areas shall be properly maintained to ensure that the use does not detract from the general appearance of the neighborhood or create any hazard or nuisance to the Occupants or to neighboring properties.
 - (3) Each habitable space shall meet current federal, state and local building and health codes, and shall be equipped with fully functional smoke and carbon monoxide detectors located at places within the dwelling unit that comply with applicable building codes.
 - (4) Garbage shall be placed in City-approved receptacles, shall not be allowed to accumulate on the property and shall be removed on regularly scheduled pick up days.
 - (5) A fully functional fire extinguisher shall be located in an easily accessible location.
 - (6) A fire exit route plan and statement of the maximum occupancy number for the premises shall be prominently posted.
 - (7) The responsible party shall comply with all inspection requirements of the State, Davis County and the City.
- (o) Complaints. Complaints received by the City for any violation of this chapter will be handled as follows:
- (1) A first complaint will result in an investigation and, if warranted, the City will issue a written warning to the Responsible Party; said warning shall provide notice of the complaint, a description of any violation, and actions to be performed to correct a violation. Upon receipt of a second complaint, the City will conduct an investigation, and if warranted, will take one of the following courses of action:
 - (A) issue another warning;
 - (B) issue a citation for violation of City ordinances or rules;
 - (C) initiate show cause proceedings to revoke the Conditional Use Permit and business license; or
 - (D) initiate revocation proceedings as provided in this Section
 - (2) In the event of an order to show cause proceeding, the Responsible Party shall appear before the Planning Commission to demonstrate, by clear and convincing evidence, why the Conditional Use Permit should not immediately be revoked. If the Responsible Party fails to appear, the facts alleged in the notice for the show cause proceeding shall be deemed to be true and the Planning Commission may take such action as it deems appropriate, including revocation of the Conditional Use Permit. Appeals of a decision of the Planning Commission shall be made under the requirements of Section 12-4-103.

- (3) Notwithstanding any other remedy in this section, violations of Federal, State or local laws may be prosecuted in any court or administrative tribunal having jurisdiction over the matter.

12-28-125. Revocation Proceedings.

This Section shall govern revocation proceedings for conditional use permits or other permits issued under this Chapter. If the Director determines that an applicant has violated any condition or requirement of a permit issued under this Chapter, the permit may be revoked as provided herein.

- (a) If the Director determines that the violation presents an immediate danger to the health, safety or welfare of any individual or the public, the permit shall be revoked on an emergency basis without prior notice; notice of the emergency revocation shall be delivered to the owner, applicant, a Responsible Person, or a person of suitable age and discretion at the premises, and/or posted upon the premises. The applicant shall be entitled to an emergency hearing before the Director within ten (10) days.
- (b) If the violation does not present an immediate danger as set forth in subparagraph (1) above, the Director shall give the applicant notice of the violation and notice of his/her intent to revoke the permit. The applicant shall be entitled to a hearing before the Director within fifteen (15) days.
- (c) The applicant shall bear the burden of filing a written request for hearing with the City Recorder; said request shall be filed within three (3) days after the emergency revocation; or if a notice of violation is issued for a non-emergency violation within seven (7) days of the date of the notice of violation. If the applicant fails to file a timely written request for hearing with the City Recorder as provided herein, the permit shall be deemed revoked.
- (d) After the hearing, the Director may: revoke the permit; sustain the emergency revocation; amend the permit to provide appropriate requirements or conditions to ensure any violation is eliminated; or may reinstate the permit without additional conditions. Said determination shall be memorialized in writing and served on the person appearing at the hearing.
- (e) Following the Director's written decision, the applicant may appeal the decision to the Planning Commission as provided in Section 12-28-103, above.
- (f) It shall be unlawful for a person to continue the use described in the permit after the effective date of revocation as set forth in the notice of revocation issued by the Director.
- (g) This Section shall not be the exclusive remedy for enforcement proceedings under this Chapter, but shall be in addition to remedies that may be described herein. This Section shall not preclude the City from seeking any other remedy as may be available at law or in equity including without limitation, the issuance of a criminal or administrative citation, filing of a criminal complaint, or filing civil enforcement proceedings including those seeking injunctive relief.